

CARRYOVER

LEGISLATION

**Bill Titles and Resolutions
Introduced in the
One Hundred Sixth Legislature, First Session, 2019,
and Pending Before the
One Hundred Sixth Legislature, Second Session, 2020**

January 8, 2020

03-01-10-2019

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

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General File (86): 66 85 627 400 142 287 30 381 93 206 230 322 477 477A 68
107 424 9 148 594 305 311 311A 520 396 457 76 236 266 734 345 731 534 379
169 44 231 231A 310 483 483A 550 41 137 137A 518 347 541 312 126 700
540 303 670 670A 643 387 267 337 205 205A 329 607 607A 157 106 219 378
289 289A 110 109 582 448 527 153 288 515 147 132 133 238 131 369 388 577

Select File (5): 188 361 183 720 720A

Final Reading (7): 4 4A 254 323 323A 450 450A

Failed on Final Reading (1): 306

BILLS HELD BY COMMITTEES:

Agriculture (9): 45 201 229 321 344 382 655 729 732

Appropriations (35): 24 100 129 171 174 181 199 202 225 226 232 292 326 327
394 403 404 425 446 480 485 494 531 551 552 558 562 586 587 625 666 669
673 678 703

Bank., Com. & Ins. (11): 228 257 265 274 370 407 453 501 569 602 672

Business & Labor (13): 19 362 363 364 383 408 465 487 526 576 604 644 667

Education (40): 27 73 104 120 161 165 241 251 346 350 351 358 398 416 431
432 488 495 513 537 563 568 588 639 640 647 650 656 662 668 671 674 676
679 695 702 725 727 728 LR5CA

Executive Board (19): 105 253 261 283 313 466 467 572 596 598 599 631 636
681 LR2 LR11CA LR12CA LR15 LR16

General Affairs (5): 591 635 682 722 723

Gov., Mil. & Vet. Affs. (35): 20 21 64 83 99 118 144 150 151 163 175 189 204
210 211 273 336 373 386 412 415 451 543 581 633 687 704 709 711 717 718
736 LR7 LR9 LR118

Hlth. & Human Serv. (29): 37 140 245 255 328 341 402 422 423 439 459 489
498 499 528 554 555 557 567 597 629 645 653 654 692 701 716 730 735

Judiciary (82): 17 28 43 54 58 89 90 91 92 94 108 113 114 143 164 166 167 168
173 176 198 207 213 216 233 240 247 249 262 271 275 277 282 286 324 331
335 343 353 365 376 377 389 391 395 421 426 435 438 455 458 471 474 475
484 490 491 500 502 503 504 510 516 517 539 548 553 578 589 621 646 649
651 652 658 659 684 685 689 708 712 739

Natural Resources (9): 46 53 285 367 368 509 580 606 632

Nebr. Ret. Sys. (5): 35 36 565 683 706

Revenue (68): 5 18 50 69 84 97 134 158 162 170 182 187 242 250 263 272 276
279 290 291 314 338 349 357 393 410 413 417 419 420 429 437 440 441 444
456 473 482 493 497 506 507 508 523 529 530 535 542 545 601 605 613 614
615 623 628 661 664 677 688 705 707 710 714 724 738 LR3CA LR8CA

Trans. & Telecom. (26): 10 38 39 40 51 128 208 215 278 325 366 371 401 461
521 546 549 611 612 617 620 634 665 691 696 697

Urban Affairs (7): 95 136 197 234 317 648 721

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS**LEGISLATIVE BILL 4.** Introducer by Stinner, 48.

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; and to repeal the original sections.

LEGISLATIVE BILL 4A. Introducer by Stinner, 48.

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, First Session, 2019.

LEGISLATIVE BILL 5. Introducer by Blood, 3; Gragert, 40; Hunt, 8.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-5203, 77-5213, and 77-5215, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to tax credit amounts; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 9. Introducer by Blood, 3.

A BILL FOR AN ACT relating to political subdivisions; to prohibit cities, villages, and counties from taxing or otherwise regulating the use of distributed ledger technology; to define a term; and to provide duties for the Revisor of Statutes.

LEGISLATIVE BILL 10. Introducer by Blood, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,230, Revised Statutes Cumulative Supplement, 2018; to authorize the operation of lighted-billboard motor vehicles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 17. Introducer by Briese, 41; McDonnell, 5.

A BILL FOR AN ACT relating to juveniles; to amend section 43-246, Reissue Revised Statutes of Nebraska; to state a right relating to a disabled parent; and to repeal the original section.

LEGISLATIVE BILL 18. Introducer by Briese, 41; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Remote Seller Sales Tax Collection Act; to direct certain sales tax revenue to the Property Tax Credit Cash Fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 19. Introducer by Briese, 41.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to provide for confidentiality of certain reports of injury under the Nebraska Workers' Compensation Act; to provide duties for the Nebraska Workers' Compensation Court; and to repeal the original section.

LEGISLATIVE BILL 20. Introducer by Briese, 41.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-1304 and 13-1306, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds by public building commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 21. Introducer by Kolterman, 24; Wayne, 13.

A BILL FOR AN ACT relating to state government; to amend section 73-504, Reissue Revised Statutes of Nebraska; to provide formal protest procedures for certain contracts for services; to provide duties for the Department of Administrative Services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 24. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 27. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 28. Introducer by Kolterman, 24; Brandt, 32; Dorn, 30.

A BILL FOR AN ACT relating to real property; to authorize damages for property taxes and special assessments paid on property lost through adverse possession.

LEGISLATIVE BILL 30. Introducer by Kolterman, 24.

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.

LEGISLATIVE BILL 35. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320 and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2306 and 84-1307, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reemployment, reinstatement, repayment, and age eligibility regarding certain retirement system members under the County Employees Retirement Act and State Employees Retirement Act; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 36. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-927, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-921, Revised Statutes Cumulative Supplement, 2018; to redefine creditable service for certain member employees; to change a deadline for payment for restoration of relinquished creditable service; to change provisions relating to required forms of payment and service credit computation; and to repeal the original sections.

LEGISLATIVE BILL 37. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Podiatry Practice Act; to amend sections 38-2047 and 38-3001, Reissue Revised Statutes of Nebraska; to provide for a physician assistant to assist a podiatrist as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 38. Introducer by Hilkemann, 4; Morfeld, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1737, 60-380, 60-392, 60-399, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,130.06, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,149, 60-3,150, 60-3,167, 60-3,175, 60-3,183, 60-3,222, 60-653, 60-683, 60-1306, 60-1902, 60-1903, 60-1908, 66-1406.02, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 18-1736, 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-395, 60-396, 60-397, 60-398, 60-3,100, 60-3,101, 60-3,104.01, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,147, 60-3,151, 60-3,157, 60-3,205, 60-3,224, 60-3,227, 60-3,228, 60-3,231, 60-3,233, 60-3,235, 60-501, 60-6,197.01, and 60-1901, Revised Statutes Cumulative Supplement, 2018; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 39. Introducer by Hilkemann, 4; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,268 and 60-6,270, Revised Statutes Cumulative Supplement, 2018; to change passenger restraint system enforcement from a secondary offense to a primary offense; to require the use of occupant protection systems for each vehicle occupant; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 40. Introducer by Hilkemann, 4; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-4,124, and 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 41. Introducer by Hilkemann, 4; Albrecht, 17; Hunt, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-1,101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Charitable Gaming Division and the Nebraska Commission on Problem Gambling, use of the Charitable Gaming Operations Fund, and transfers to the Compulsive Gamblers Assistance Fund and General Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 43. Introducer by Bolz, 29; Hunt, 8.

A BILL FOR AN ACT relating to victims' rights; to adopt the Sexual Assault Survivors' Bill of Rights Act.

LEGISLATIVE BILL 44. Introducer by Chambers, 11; Hunt, 8; Cavanaugh, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-204, 29-742, 29-744, and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 23-3406, 23-3408, 24-1106, 25-1140.09, 28-104, 28-105, 28-201, 28-202, 28-303, 28-1356, 29-1602, 29-1603, 29-1816, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, 83-1,122.01, and 83-4,143, Revised Statutes Cumulative Supplement, 2018; to eliminate the death penalty; to change and eliminate provisions relating to the death penalty and murder in the first degree and related powers, duties, and procedures of courts, the Commission on Public Advocacy, the Department of Correctional Services, the Director of Correctional Services, the Board of Pardons, and the Governor; to eliminate a homicide-case report; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 29-2811, 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 45. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to repeal the Black-Tailed Prairie Dog Management Act; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 46. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to outright repeal section 37-473, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 50. Introducer by Vargas, 7; Hunt, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to impose an additional tax on certain income; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 51. Introducer by Vargas, 7; Lindstrom, 18; Hunt, 8.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, and sections 60-1407 and 60-1438.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

LEGISLATIVE BILL 53. Introducer by Scheer, 19.

A BILL FOR AN ACT relating to water drainage; to amend sections 31-224 and 31-226, Reissue Revised Statutes of Nebraska; to change and provide duties for landowners or their tenants relating to removal of a blockage or an obstruction in a watercourse, slough, or drainage ditch or drainage course; to change provisions relating to failure to clear after notice; to provide for court costs and attorney's fees; and to repeal the original sections.

LEGISLATIVE BILL 54. Introducer by Lowe, 37; Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to firearms; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to change provisions relating to carrying a concealed weapon; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 58. Introducer by Morfeld, 46; Hunt, 8.

A BILL FOR AN ACT relating to relating to firearms; to amend sections 69-2406, 69-2407, and 69-2439, Reissue Revised Statutes of Nebraska, and section 25-2740, Revised Statutes Cumulative Supplement, 2018; to adopt the

Extreme Risk Protection Order Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 64. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend sections 81-1901, 81-1902, 81-1903, 81-1904, 81-1905, 81-1906, 81-1907, 81-1908, 81-1909, 81-1910, 81-1911, 81-1912, 81-1913, 81-1914, 81-1915, 81-1916, 81-1920, 81-1921, 81-1923, 81-1924, 81-1925, 81-1926, 81-1928, 81-1930, 81-1932, 81-1934, 81-1935, and 81-1936, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensing, training, and internships; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1917, 81-1918, 81-1919, and 81-1922, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 66. Introducer by Hansen, M., 26; Hunt, 8; Bolz, 29.

A BILL FOR AN ACT relating to cities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to comprehensive plans for cities to provide for an early childhood element as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 68. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend sections 19-4019, 19-4022, 19-4032, 19-4035, and 19-4036, Reissue Revised Statutes of Nebraska, and sections 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.02, 19-4029.03, 19-4029.04, 19-4029.05, 19-4030, 19-4031, 19-4033, 19-4034, and 19-4037, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Business Improvement District Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 69. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 73. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to schools; to require display of the national motto; to authorize contributions; and to provide duties for the Attorney General.

LEGISLATIVE BILL 76. Introducer by Williams, 36.

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.

LEGISLATIVE BILL 83. Introducer by Wayne, 13; Hunt, 8; Chambers, 11.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to provide for the restoration of voting rights upon completion of a felony sentence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 84. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax deduction for certain wages paid to individuals convicted of a felony; and to repeal the original section.

LEGISLATIVE BILL 85. Introducer by Wayne, 13; McDonnell, 5.

A BILL FOR AN ACT relating to cities; to provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 89. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-416 and 28-1354, Revised Statutes Cumulative Supplement, 2018; to change certain marijuana penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 90. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2204.02, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to make post-release supervision optional for Class IV felonies as prescribed; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to provide for deferred judgments by courts as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 92. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-283, Reissue Revised Statutes of Nebraska; to require application of the Nebraska Evidence Rules at parental termination hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 93. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-328, 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.

LEGISLATIVE BILL 94. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-918, Revised Statutes Cumulative Supplement, 2018; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 95. Introducer by Wayne, 13; Stinner, 48.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to define a term; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 97. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2704, and 66-4,100, Reissue Revised Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative Supplement, 2018; to authorize issuance of highway bonds; to create a fund; to change provisions of the Nebraska Highway Bond Act and the Build Nebraska Act; to pledge revenue for the bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 99. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Prompt Payment Act; to amend sections 81-2402, 81-2403, 81-2404, and 81-2405, Reissue Revised Statutes of Nebraska; to define a term; to change requirements for bills submitted by small businesses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 100. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Nebraska State Historical Society as prescribed; and to declare an emergency.

LEGISLATIVE BILL 104. Introducer by Linehan, 39; Kolterman, 24; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Education Improvement Fund; to amend sections 9-812 and 85-1920, Revised Statutes Cumulative Supplement, 2018; to change the distribution of funds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to the State of Nebraska; to designate a state vegetable.

LEGISLATIVE BILL 106. Introducer by Dorn, 30.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4108, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA records; and to repeal the original section.

LEGISLATIVE BILL 107. Introducer by Dorn, 30.

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.

LEGISLATIVE BILL 108. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-176, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to prescribe requirements for and limitations on placement of Department of Correctional Services inmates in county jails as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 109. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to state employees; to amend sections 81-1307 and 84-1601, Reissue Revised Statutes of Nebraska; to require the position classification plan and salary or pay plan to include certain positions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 110. Introducer by Wishart, 27; Chambers, 11; Hansen, M., 26; Howard, 9; Hunt, 8; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 77-2701.48, 77-2704.09, 77-27,132, 77-27,237, and 77-4303, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Cumulative Supplement, 2018; to adopt the Medical Cannabis Act; to change provisions

relating to controlled substances and taxation; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 113. Introducer by Blood, 3.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-913, Revised Statutes Cumulative Supplement, 2018; to require the Department of Correctional Services to provide access to certain records; to define a term; and to repeal the original section.

LEGISLATIVE BILL 114. Introducer by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,107, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reductions of good time; and to repeal the original section.

LEGISLATIVE BILL 118. Introducer by Arch, 14.

A BILL FOR AN ACT relating to county records; to provide for withholding the residential address of a physician or an osteopathic physician from the public; and to provide an operative date.

LEGISLATIVE BILL 120. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, and section 79-2,144, Revised Statutes Cumulative Supplement, 2018; to require training on mental health as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 126. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to provide for special landowner deer hunting permits as prescribed; to provide a duty for the Game and Parks Commission; and to repeal the original section.

LEGISLATIVE BILL 128. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Wildlife Conservation Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 129. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

LEGISLATIVE BILL 131. Introducer by Pansing Brooks, 28; DeBoer, 10; Lathrop, 12; Wayne, 13.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2204, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to minimum sentences; and to repeal the original section.

LEGISLATIVE BILL 132. Introducer by Pansing Brooks, 28; DeBoer, 10; Howard, 9; Hunt, 8; Quick, 35; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to certain penalties for persons under nineteen years of age; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 133. Introducer by Pansing Brooks, 28; Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-182.01 and 83-1,114, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to structured programming and deferral of parole as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 134. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2018; to provide certain levy authority and duties for natural resources districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 136. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Density Bonus and Inclusionary Housing Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 137. Introducer by Blood, 3; Wayne, 13.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska; to adopt the Fantasy Contests Act; to redefine terms; to provide a gambling exception for conducting or participating in fantasy contests; to change a provision relating to the possession of gambling records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 137A. Introducer by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 140. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to the Indoor Tanning Facility Act; to amend sections 71-3902, 71-3904, 71-3905, 71-3906, and 71-3907, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to age and signed agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 142. Introducer by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, 60-3305, 60-3306, 60-3307, 60-3308, 60-3309, 60-3310, and 60-3311, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to change provisions relating to driving-automation-system-equipped vehicles; to provide powers and duties for the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 143. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit throwing or dropping dangerous instruments on motor vehicles; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 144. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 147. Introducer by Groene, 42; La Grone, 49; Clements, 2; Halloran, 33; Albrecht, 17.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for use of physical contact or physical restraint or removal from a class in response to student behavior; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 148. Introducer by Groene, 42.

A BILL FOR AN ACT relating to state and local government; to amend sections 13-503, 13-506, and 84-1411, Revised Statutes Cumulative Supplement, 2018; 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.

LEGISLATIVE BILL 150. Introducer by Brewer, 43; Blood, 3.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to access to and fees for public records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 151. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

LEGISLATIVE BILL 153. Introducer by Brewer, 43; Blood, 3; Bostelman, 23; Clements, 2; Crawford, 45; Gragert, 40; Linehan, 39; Lowe, 37; Pansing Brooks, 28; Arch, 14; Lindstrom, 18; Hansen, B., 16.; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 157. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections 81-2,165.01 and 81-2,166, Reissue Revised Statutes of Nebraska; to define a term; to provide for voluntary registration of Nebraska apiaries and bee hives; to provide duties for the Department of Agriculture; to prohibit commercial beekeeping operations from locating hives as prescribed; to provide a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 158. Introducer by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessed value of real property; and to repeal the original section.

LEGISLATIVE BILL 161. Introducer by Erdman, 47; Clements, 2; Friesen, 34.

A BILL FOR AN ACT relating to education; to amend sections 11-119, 13-903, 13-2202, 32-546.01, 32-567, 32-604, 32-1203, 68-907, 70-651.04, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1704.01, 77-1708, 77-1736.06, 77-1772, 77-2201, 77-2202, 77-2704.15, 77-3442, 79-201, 79-2,104, 79-433, 79-458.01, 79-467, 79-468, 79-527, 79-549, 79-760.05, 79-777, 79-1007.05, 79-1074, 79-1125.01, 79-1142, 79-1210, 79-2404, and 81-1203, Reissue Revised Statutes of Nebraska, and sections 9-812, 13-503, 13-508, 13-511, 79-102, 79-215, 79-233, 79-235, 79-235.01, 79-237, 79-238, 79-241, 79-407, 79-408, 79-413,

79-415, 79-458, 79-473, 79-528, 79-611, 79-703, 79-760.02, 79-760.03, 79-850, 79-979, 79-1003, 79-1005, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1017.01, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,143, 79-11,155, 79-1241.03, 79-1245, 79-2104, and 79-2605, Revised Statutes Cumulative Supplement, 2018; to provide for termination of learning communities and the learning community coordinating council; to eliminate levy authority; to terminate the Learning Community Reorganization Act; to remove authorization for learning community early childhood education for children in poverty, focus programs, focus schools, and magnet schools; to change provisions and remove obsolete provisions from the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-555.01, 79-4,117, 79-4,118, 79-4,120, 79-4,127, 79-769, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-2101, 79-2102, 79-2102.01, 79-2103, 79-2110.01, 79-2112, 79-2114, 79-2116, 79-2118, 79-2119, and 79-2121, Reissue Revised Statutes of Nebraska, and sections 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,128, 79-4,129, 79-1008.02, 79-1073, 79-10,126.01, 79-10,145, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2104.04, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, 79-2120, 79-2122, and 79-2123, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 162. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 163. Introducer by Hunt, 8; Blood, 3; Quick, 35.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Reissue Revised Statutes of Nebraska; to permit counties to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 164. Introducer by Hunt, 8; Crawford, 45; Howard, 9; McCollister, 20; Morfeld, 46; Walz, 15; Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to prohibit the electronic transmission or online posting of certain photographs or videos as prescribed; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introducer by Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to schools; to amend section 79-265, Reissue Revised Statutes of Nebraska; to adopt the Too Young to Suspend Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 166. Introducer by Hunt, 8; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit a defendant's discovery of a victim's actual or perceived gender or sexual orientation as a defense to criminal offenses; to define terms; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 167. Introducer by Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-178 and 38-2894, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to provide for disciplinary action for providing conversion therapy as prescribed; to prohibit the provision and advertising of conversion therapy as prescribed; to define terms; to prohibit the use of funds for conversion therapy as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 168. Introducer by Hunt, 8; Howard, 9; McCollister, 20; Morfeld, 46; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to state legislative findings; to define a term; to classify subjecting a child to conversion therapy as child abuse; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 169. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 170. Introducer by Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Blood, 3; Chambers, 11.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for feminine hygiene products; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 171. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

LEGISLATIVE BILL 173. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to sexual assault; to amend sections 28-318, 28-319, and 28-320, Reissue Revised Statutes of Nebraska; to define and redefine the terms of coercion and without consent; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introducer by Bolz, 29; Hilkemann, 4; Wayne, 13.

A BILL FOR AN ACT relating to violence prevention; to amend section 81-1451, Reissue Revised Statutes of Nebraska; to state intent relating to appropriations; and to repeal the original section.

LEGISLATIVE BILL 175. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate committees; and to repeal the original sections.

LEGISLATIVE BILL 176. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2018; to eliminate certain mandatory minimum penalties; and to repeal the original section.

LEGISLATIVE BILL 181. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide for a study of long-term care sustainability; to impose a moratorium on changes to long-term care under the Medical Assistance Act; and to state intent to appropriate funds.

LEGISLATIVE BILL 182. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the School District Local Option Income Surtax Act.

LEGISLATIVE BILL 183. Introducer by Briese, 41.

A BILL FOR AN ACT relating to taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska; to change the valuation of agricultural land and horticultural land for purposes of certain school district taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 187. Introducer by Lindstrom, 18; Wishart, 27.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3105, Reissue Revised Statutes of

Nebraska, and sections 13-3102, 13-3103, 13-3104, and 13-3106, Revised Statutes Cumulative Supplement, 2018; to authorize assistance for sports complexes as prescribed; to define and redefine terms; to change provisions relating to limitations on state assistance, applications, notice, and considerations for application approval; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 188. Introducer by Lindstrom, 18; Wishart, 27; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2018; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 189. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to budgets; to amend sections 13-518 and 13-519, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to budget limitations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 197. Introducer by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to provide a procedure for detachment of real property from the corporate limits of a city or village; to eliminate provisions relating to detachment of real property within the corporate limits of a city of the first class, city of the second class, or village; to provide a duty for the Revisor of Statutes; and to outright repeal sections 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 198. Introducer by Halloran, 33; Erdman, 47; Brewer, 43.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1205, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2018; to define terms; to change provisions relating to use of a deadly weapon to commit a felony; to create the offense of use of a facsimile firearm to commit a felony; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 199. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for court appointed special advocate state aid.

LEGISLATIVE BILL 201. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 202. Introducer by Wishart, 27; Walz, 15.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid; and to declare an emergency.

LEGISLATIVE BILL 204. Introducer by Briese, 41.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-808, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of bonds; and to repeal the original section.

LEGISLATIVE BILL 205. Introducer by Kolterman, 24; Erdman, 47; Geist, 25; Howard, 9; Linehan, 39; Williams, 36; Wishart, 27; Hunt, 8; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to medicine and surgery; to amend sections 38-2001 and 38-2025, Revised Statutes Cumulative Supplement, 2018; to adopt the Surgical Technologist Registration Act; to exclude certain persons from the restriction regarding the unauthorized practice of medicine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 205A. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 205, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 206. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to journalism; to define terms; to provide protection for freedom of speech and freedom of the press for student journalists; to provide protection for student media advisers; to provide immunity for schools; and to provide exceptions.

LEGISLATIVE BILL 207. Introducer by Morfeld, 46; Hunt, 8.

A BILL FOR AN ACT relating to the death penalty; to create the Death Penalty Defense Standards Advisory Council; to provide powers and duties for the council; and to require a report.

LEGISLATIVE BILL 208. Introducer by Walz, 15; Blood, 3; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; DeBoer, 10; Kolowski, 31; McCollister, 20; Morfeld, 46.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-577, 86-593, and 86-594, Reissue Revised Statutes of

Nebraska; to provide an exception for leasing dark fiber or providing broadband, Internet, telecommunications, or video services by an agency or political subdivision of the state; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 210. Introducer by Crawford, 45; McCollister, 20; Quick, 35; Cavanaugh, 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1403, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, 49-1467, and 49-1469, Revised Statutes Cumulative Supplement, 2018; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communication; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 211. Introducer by Crawford, 45; Blood, 3; Hansen, M., 26; Hunt, 8; Kolterman, 24; McCollister, 20; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 213. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2264 and 29-3005, Revised Statutes Cumulative Supplement, 2018; to provide a procedure for setting aside convictions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 215. Introducer by Linehan, 39; Blood, 3; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-395, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Prostate Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Revised Statutes Cumulative Supplement, 2018; to prohibit law enforcement releasing a person from custody to avoid the cost of medical services; and to repeal the original section.

LEGISLATIVE BILL 219. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to children; to amend sections 43-1311.03 and 43-4708, Reissue Revised Statutes of Nebraska, and section 43-4704, Revised Statutes Cumulative Supplement, 2018; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a driver's license and provide immunity from liability for caregivers; and to repeal the original sections.

LEGISLATIVE BILL 225. Introducer by Quick, 35; Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 226. Introducer by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva.

LEGISLATIVE BILL 228. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to insurance; to prohibit certain insurance practices relating to a person's status as a living organ donor.

LEGISLATIVE BILL 229. Introducer by Groene, 42.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2018; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 230. Introducer by Pansing Brooks, 28; Hunt, 8.

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

LEGISLATIVE BILL 231. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2709, 43-272, and 43-3102, Reissue Revised Statutes of Nebraska; to create a fund; to provide for grants to offset the cost to counties of providing legal counsel for indigent juveniles; to require reports; to require a juvenile indigent defense filing fee; to change provisions relating to appointment of counsel for juveniles and standards for guardians ad litem and attorneys in juvenile court; to provide for rescission of a waiver of counsel by a juvenile; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 231A. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 231, One Hundred Sixth Legislature, First Session, 2019; and to provide an operative date.

LEGISLATIVE BILL 232. Introducer by Slama, 1.

A BILL FOR AN ACT relating to counties; to amend section 81-8,236, Revised Statutes Cumulative Supplement, 2018; to reduce the threshold amount for claims against the state for prosecution costs; and to repeal the original section.

LEGISLATIVE BILL 233. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 28-913, Reissue Revised Statutes of Nebraska; to prohibit introduction of mobile or cellular telephones into a detention facility; to define terms; to provide for approval of mobile or cellular telephones by the Director of Correctional Services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 234. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-804, 15-840, and 16-726, Reissue Revised Statutes of Nebraska, and section 17-714, Revised Statutes Cumulative Supplement, 2018; to provide requirements for payment of certain claims; and to repeal the original sections.

LEGISLATIVE BILL 236. Introducer by Crawford, 45; Blood, 3; Clements, 2.

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

LEGISLATIVE BILL 238. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to executions; to amend sections 83-969 and 83-970, Revised Statutes Cumulative Supplement, 2018; to require two members of the Legislature to be present for executions as prescribed; to change provisions relating to witnessing executions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 240. Introducer by Hansen, M., 26; Bolz, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to competency to stand trial; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 241. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 79-761 and 79-1035, Revised Statutes Cumulative Supplement, 2018; to state findings; to

change mentor teacher program guidelines; to authorize the awarding of grants for teacher mentoring programs as prescribed; to change the use of income from solar and wind agreements on school lands; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to public utilities; to adopt the Infrastructure Improvement and Replacement Assistance Act; and to declare an emergency.

LEGISLATIVE BILL 245. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to remove an exception from the preferred drug list for certain prescription drugs; and to repeal the original section.

LEGISLATIVE BILL 247. Introducer by Bolz, 29; Linehan, 39.

A BILL FOR AN ACT relating to advance health care directives; to adopt the Advance Mental Health Care Directives Act.

LEGISLATIVE BILL 249. Introducer by Howard, 9; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Wishart, 27; Blood, 3.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Revised Statutes Cumulative Supplement, 2018; to change statutes of limitations on civil actions arising from sexual assault and sexual assault of a child; to clarify requirements for bringing such civil actions; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 250. Introducer by Walz, 15; Albrecht, 17; Briese, 41; Crawford, 45; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1344 and 77-1347, Reissue Revised Statutes of Nebraska; to change provisions relating to agricultural or horticultural land receiving special valuation; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 251. Introducer by Walz, 15; Crawford, 45; Howard, 9; Hunt, 8; Kolowski, 31; Lathrop, 12; Quick, 35; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to schools; to adopt the Child Hunger and Workforce Readiness Act.

LEGISLATIVE BILL 253. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2018; to adopt the Redistricting Act; to require

statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 254. Introducer by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to labor; to adopt the Fair Chance Hiring Act.

LEGISLATIVE BILL 255. Introducer by McCollister, 20; Blood, 3; Chambers, 11; Howard, 9; Hunt, 8; Kolowski, 31; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to state intent and change provisions relating to federal Supplemental Nutrition Assistance Program benefits; and to repeal the original section.

LEGISLATIVE BILL 257. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to change provisions relating to loss payouts and to provide for the addition of certain parties on loss payout checks as prescribed.

LEGISLATIVE BILL 261. Introducer by DeBoer, 10; Blood, 3; Cavanaugh, 6; Crawford, 45; Dorn, 30; Gragert, 40; Hunt, 8; Kolowski, 31; McCollister, 20; McDonnell, 5; Quick, 35; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to redistricting; to require the use of maps drawn using state-issued computer software.

LEGISLATIVE BILL 262. Introducer by DeBoer, 10; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change membership and duties of the long-term restrictive housing work group; to provide a duty for the Director of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 263. Introducer by Clements, 2; Bostelman, 23; Brewer, 43; Briese, 41; Gragert, 40; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 265. Introducer by La Grone, 49.

A BILL FOR AN ACT relating to finance; to amend sections 45-901 and 45-1001, Revised Statutes Cumulative Supplement, 2018; to adopt the Unsecured Consumer Loan Licensing Act; to provide penalties; to create a fund; to clarify licensing provisions under the Delayed Deposit Services Licensing Act and the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 266. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the School Readiness Tax Credit Act; to amend sections 71-1962, 77-3603, and 77-3604, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to a tax credit for child care and education providers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 267. Introducer by Bolz, 29; Dorn, 30.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Reissue Revised Statutes of Nebraska; to provide a duty for the county board relating to deficient bridges and authorize a tax levy; and to repeal the original section.

LEGISLATIVE BILL 271. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,185.11, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of releases, covenants not to sue, or similar agreements on joint and several liability; and to repeal the original section.

LEGISLATIVE BILL 272. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-520, Revised Statutes Cumulative Supplement, 2018; to provide a restricted funds budget limitation exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 274. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 275. Introducer by Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2402, 69-2404, 69-2405, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2427, 69-2429, 69-2430, 69-2436, and 69-2439, Reissue Revised Statutes of Nebraska; to define terms; to require notification when a person prohibited by state or federal law attempts to purchase, lease, rent, or receive transfer of a handgun, apply for a permit or renew a permit to carry a concealed handgun under the Concealed Handgun Permit Act, or has such a permit revoked; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 276. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-2734.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of income from certain small business corporations and limited liability companies; and to repeal the original sections.

LEGISLATIVE BILL 277. Introducer by McCollister, 20; DeBoer, 10; Kolowski, 31; Lathrop, 12; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189 and 83-190, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original sections.

LEGISLATIVE BILL 278. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,189, Revised Statutes Cumulative Supplement, 2018; to provide a veteran notation for certain members of the United States Public Health Service or National Oceanic and Atmospheric Administration; and to repeal the original section.

LEGISLATIVE BILL 279. Introducer by Bostelman, 23; Brewer, 43; Gragert, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt food sold by veterans service organizations from sales and use tax as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 282. Introducer by Hansen, M., 26; Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to bail; to amend section 29-901, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to granting of bail in cases involving certain misdemeanors or violations of city or county ordinances; to require appointment of counsel; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 283. Introducer by Pansing Brooks, 28; Hunt, 8.

A BILL FOR AN ACT relating to climate; to provide duties for the University of Nebraska; to transfer funds; to require reports.

LEGISLATIVE BILL 285. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds to the Nebraska Power Review Board for a study; to state public policy; and to declare an emergency.

LEGISLATIVE BILL 286. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to criminal justice; to create the Coordinated Reentry Council; to provide powers and duties for the council; and to provide a termination date.

LEGISLATIVE BILL 287. Introducer by Quick, 35.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-202, 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1214, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define terms; to change and provide duties for the Game and Parks Commission relating to dissemination of promotional items, reduced rate permits and stamps, replacement permit fees, and adoption and promulgation of rules and regulations and issuance of orders; to change provisions relating to lifetime, multiple-year, and annual stamps and fees; to change annual permit fees and temporary permit fee minimums; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits for random drawings; to change provisions relating to hunter orange display requirements; to change motorboat registration fees as prescribed; to change provisions relating to fees for the Aquatic Invasive Species Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska; to change income tax rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 289. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Reissue Revised Statutes of Nebraska; to change provisions relating to county assessor inspections of real property for property tax purposes; and to repeal the original section.

LEGISLATIVE BILL 289A. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 290. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska; to change the sales and use tax rate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 291. Introducer by Linehan, 39; Gragert, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, 77-2701.16, 77-2701.32, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska; to redefine terms relating to sales and use taxes; to change provisions relating to sales and use tax permits and collection; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 292. Introducer by Vargas, 7; McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

LEGISLATIVE BILL 303. Introducer by Lindstrom, 18; Erdman, 47; at the request of the Governor.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend section 77-4212, Reissue Revised Statutes of Nebraska; to change provisions relating to the amount of relief granted under the act; and to repeal the original section.

LEGISLATIVE BILL 305. Introducer by Crawford, 45; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

LEGISLATIVE BILL 306. Introducer by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to good cause for voluntarily leaving employment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 310. Introducer by Vargas, 7; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2906, Reissue Revised Statutes of

Nebraska; to provide a deadline for the determination of the amount of tax credits; to change provisions relating to appeals; and to repeal the original section.

LEGISLATIVE BILL 311. Introducer by Crawford, 45; Blood, 3; Cavanaugh, 6; Hansen, M., 26; Howard, 9; Hunt, 8; Lathrop, 12; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to employment; to amend section 48-652, Revised Statutes Cumulative Supplement, 2018; to adopt the Paid Family and Medical Leave Insurance Act; to change provisions relating to experience accounts under the Employment Security Law; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 311A. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 312. Introducer by Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Revised Statutes Cumulative Supplement, 2018; to define a term; to change and eliminate provisions related to functions authorized for dental hygienists as prescribed; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 313. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-901, 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-911, 47-912, 47-913, 47-914, 47-915, 47-916, 47-917, 47-918, 47-920, 81-8,241, 81-8,244, 81-8,245, and 83-1,135.04, Revised Statutes Cumulative Supplement, 2018; to rename the Office of Inspector General of the Nebraska Correctional System Act; to restate intent; to define and redefine terms; to provide the Office of Inspector General of the Nebraska Correctional System with authority to investigate regional centers; to provide duties for the Division of Behavioral Health; to change provisions relating to qualifications of the Inspector General; to require a report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 314. Introducer by Briese, 41; Friesen, 34; Brandt, 32; Pansing Brooks, 28; Halloran, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, 77-202, 77-382, 77-693, 77-801, 77-1116, 77-1238, 77-1248, 77-1327, 77-2602, 77-2701, 77-2701.02, 77-2701.16, 77-2704.24, 77-2715, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2717, 77-2734.01, 77-27,132, 77-4001, 77-4002, 77-4007, 77-4025, 79-1142, 79-1145, 81-3706, and 81-3722, Reissue Revised Statutes of Nebraska, and sections 44-1095, 53-160, 53-187, 79-1005.01, and 79-1144, Revised Statutes Cumulative Supplement, 2018; to

adopt the Remote Seller Sales Tax Collection Act; to remove a property tax exemption for fraternal benefit societies; to increase taxes on alcohol; to increase the documentary stamp tax and the cigarette tax; to provide sunset dates for the Personal Property Tax Relief Act and the New Markets Job Growth Investment Act; to impose a surtax on certain individuals; to increase the sales tax rate; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; to change provisions relating to the alternative minimum tax, the earned income tax credit, the tax on certain extraordinary dividends and capital gains, the tax on certain small business corporation and limited liability company income, and itemized deductions; to provide an income tax credit for certain renters; to change the distribution of certain revenue; to tax vapor products under the Tobacco Products Tax Act; to change provisions relating to allocated income tax funds and special education; to create the School Financing Review Commission and provide duties; to change provisions of the Nebraska Visitors Development Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.65 and 77-2704.67, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 317. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to modular housing and manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 71-1559, 71-1566, 71-1569, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01, 71-4605, 71-4606, 71-4608, 71-4609, 71-4610, 71-4611, 71-4614, 71-4615, 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621, 71-6405, 75-109.01, 75-156, 75-159, 76-1463, 81-5,138, and 81-1615, Reissue Revised Statutes of Nebraska, and section 60-1901, Revised Statutes Cumulative Supplement, 2018; to eliminate inspection authority of the Public Service Commission under the Nebraska Uniform Standards for Modular Housing Units Act; to eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and to rename the code; to redefine terms under the Uniform Standard Code for Mobile Home Parks; to change provisions relating to applicability of the Building Construction Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4613, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 321. Introducer by Hansen, B., 16.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-186 and 89-187.01, Reissue Revised Statutes of Nebraska, and sections 89-187 and 89-187.02, Revised Statutes Cumulative Supplement, 2018; to update certain standards and regulations; to change provisions relating to Director of Agriculture duties and Department of Agriculture device inspection fees; to remove obsolete provisions; to eliminate a signature requirement on a permit application; and to repeal the original sections.

LEGISLATIVE BILL 322. Introducer by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1419 and 28-1427, Reissue Revised Statutes of Nebraska; to change provisions relating to enforcement of certain tobacco restriction provisions relating to possession by minors; and to repeal the original sections.

LEGISLATIVE BILL 323. Introducer by Crawford, 45; Linehan, 39; Blood, 3.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427; to change eligibility requirements for certain disabled persons; and to repeal the original section.

LEGISLATIVE BILL 323A. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 324. Introducer by La Grone, 49; Hilgers, 21.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend section 86-1029.02, Revised Statutes Cumulative Supplement, 2018; to change a provision relating to immunity from liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 325. Introducer by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-3,107 and 60-3,108, Reissue Revised Statutes of Nebraska, and sections 60-3,185 and 60-3,189, Revised Statutes Cumulative Supplement, 2018; to provide motor vehicle tax exemptions for one hundred percent service-connected disability compensation rated veterans and dependency and indemnity compensation recipients; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 326. Introducer by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Hunt, 8; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 327. Introducer by Bolz, 29; Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to increase rates paid for certain behavioral health services; and to earmark appropriations as prescribed.

LEGISLATIVE BILL 328. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-713, 28-720, 28-728, 28-729, 43-1301, 43-2201, 43-2203, 43-2204, 43-2205, 43-2209, 68-1207, and 68-1212, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Family First Act; to define and redefine terms; to create, change, and eliminate provisions relating non-court-involved responses to reports of child abuse or neglect, the central registry of child protection cases, and foster care placement; to create the kinship navigator program and the family finding services project; to repeal the original sections; and to outright repeal sections 43-2206, 43-2208, and 81-3136, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 329. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to child care assistance provided as part of the provision of social services; to change provisions relating to licensure under the Child Care Licensing Act; and to repeal the original sections.

LEGISLATIVE BILL 331. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-901, Reissue Revised Statutes of Nebraska, and sections 83-1,107, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2018; to require reports from the Board of Parole and the Office of Probation Administration; to change provisions relating to release or reentry plans and obtaining state identification cards or renewing motor vehicle operator's licenses for inmates; to transfer responsibility for the reentry program and the Vocational and Life Skills Program from the Department of Correctional Services to the Board of Parole; to state intent regarding appropriations; to require the Department of Correctional Services and the Board of Parole to develop a plan to transition responsibility for community corrections from the department to the board; to require the Board of Parole to develop a plan to transition responsibility for post-release supervision from the Office of Probation Administration to the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 335. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to bail; to amend sections 29-901, 60-480, 60-498.01, 60-4,115, 60-6,197.05, 60-6,197.06, and 60-6,211.11, Revised Statutes Cumulative Supplement, 2018; to adopt the 24/7 Sobriety Program Act; to authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bond as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 336. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to budget limitations; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and section 13-519, Revised Statutes Cumulative Supplement, 2018; to change the vote required to exceed certain

budget limitations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 337. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to state government; to require submission of a compilation of the federal receipts of state agencies as prescribed.

LEGISLATIVE BILL 338. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the motor vehicle fuel tax; to amend sections 66-489.02 and 66-4,101, Reissue Revised Statutes of Nebraska; to change the calculation of the tax on the average wholesale price of gasoline as prescribed; to provide restrictions on use of tax proceeds as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 341. Introducer by Arch, 14.

A BILL FOR AN ACT relating to social services; to amend sections 68-1206 and 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to transitional child care assistance; and to repeal the original sections.

LEGISLATIVE BILL 343. Introducer by Halloran, 33; Briese, 41; Erdman, 47; Brewer, 43.

A BILL FOR AN ACT relating to firearms; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and section 28-1204.04, Revised Statutes Cumulative Supplement, 2018; to adopt the School Safety Rapid Response Option Act; to authorize schools to allow school employees to carry concealed handguns at school as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introducer by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Blood, 3; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018; to adopt the Animal Health and Disease Control Act; to eliminate and provide general powers and duties of and for the Department of Agriculture; to eliminate the Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act, the Anthrax Control Act, the Animal Importation Act, the Nebraska Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the Pseudorabies Control and Eradication Act, the Scrapie Control and Eradication Act, and the Bureau of Animal Industry; to terminate the Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund, the Brucellosis Control Cash Fund, the Pseudorabies Control Cash Fund, and the Scrapie Control Cash Fund and make fund transfers to and create the Animal Health and Disease Control Cash Fund; to provide for

criminal and administrative penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-744.01, 54-745, 54-746, 54-747, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of Nebraska, and sections 54-701.03, 54-703, 54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 345. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

LEGISLATIVE BILL 346. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursements; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 347. Introducer by Murman, 38; Briese, 41; Erdman, 47; Friesen, 34; Geist, 25; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Slama, 1.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to exempt the practice of reflexology from licensure under the Massage Therapy Practice Act; and to repeal the original section.

LEGISLATIVE BILL 349. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Reissue Revised Statutes of Nebraska; to provide sales and use tax collection duties for certain peer-to-peer rentals of vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028.01, Revised Statutes Cumulative Supplement, 2018; to provide a budget exception for expanded learning opportunity programs; and to repeal the original section.

LEGISLATIVE BILL 351. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to school finance; to amend section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to school district levy and bonding authority for certain projects; to authorize school district levy and bonding authority for violence prevention and cybersecurity as prescribed; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 353. Introducer by Pansing Brooks, 28; Morfeld, 46.

A BILL FOR AN ACT relating to law enforcement; to amend sections 25-21,303, 28-109, 28-359, 28-710, 28-1008, 29-4103, 49-801, 53-1,121, 60-646, 60-683, 69-2429, 71-507, 71-910, and 86-802, Reissue Revised Statutes of Nebraska, and sections 20-502, 20-504, 28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes Cumulative Supplement, 2018; to provide powers and duties for University of Nebraska police departments and police officers as prescribed; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 357. Introducer by Walz, 15; Cavanaugh, 6; McDonnell, 5; Quick, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Direct Support Professional Tax Credit Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 358. Introducer by Walz, 15; Cavanaugh, 6; Quick, 35.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.11, and 79-1017.01,

Revised Statutes Cumulative Supplement, 2018; to change provisions related to early childhood education aid; to provide a new allowance; to provide aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to employment; to amend sections 48-1205, 48-1206, 48-1207, 48-1208, and 48-1209, Reissue Revised Statutes of Nebraska, and section 48-1228, Revised Statutes Cumulative Supplement, 2018; to prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act as prescribed; to provide for a private right of action; to provide powers for the Commissioner of Labor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 362. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1234, Revised Statutes Cumulative Supplement, 2018; to require payment of unpaid wages as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 363. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to benefits for individuals providing public safety services; to amend sections 81-8,297, 81-8,299, 81-8,300.01, and 81-8,301, Reissue Revised Statutes of Nebraska; to adopt the In the Line of Duty Compensation Act; to change the State Miscellaneous Claims Act as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 364. Introducer by Quick, 35; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-120, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to a limit on certain fees; and to repeal the original section.

LEGISLATIVE BILL 365. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to public health and welfare; to amend section 20-409, Reissue Revised Statutes of Nebraska; to adopt the Health Care Directives Registry Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 366. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,191, Revised Statutes Cumulative Supplement, 2018; to change the registration fee for alternative fuel-powered motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 367. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska, and section 81-1558, Revised Statutes Cumulative Supplement, 2018; to eliminate provisions relating to transfers; to extend a termination date; and to repeal the original sections.

LEGISLATIVE BILL 368. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to water; to amend sections 2-32,115, 46-229.04, 46-703, 46-706, 46-713, 46-714, 46-716, 46-718, 46-720, 46-740, 61-218, and 77-3442, Reissue Revised Statutes of Nebraska, and sections 2-969, 2-3225, 46-290, 46-294, 46-715, 46-753, 46-755, and 81-15,175, Revised Statutes Cumulative Supplement, 2018; to eliminate overappropriated river basins, subbasins, and reaches as prescribed; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 369. Introducer by Vargas, 7; Hunt, 8; Williams, 36.

A BILL FOR AN ACT relating to immigration; to require law enforcement agencies, jails, and the Nebraska State Patrol to provide notice prior to entering into agreements to enforce federal immigration law; to require law enforcement agencies and jails to provide information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide the Auditor of Public Accounts with authority to conduct audits of noncomplying law enforcement agencies, jails, political subdivisions, and the patrol.

LEGISLATIVE BILL 370. Introducer by McCollister, 20; Kolterman, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-501, Revised Statutes Cumulative Supplement, 2018; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 371. Introducer by Erdman, 47; Groene, 42.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,360, Reissue Revised Statutes of Nebraska, and sections 60-305, 60-358.01, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to all-terrain vehicles and utility-type vehicles; to repeal the original sections; and to outright repeal sections 60-6,357 and 60-6,358, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 373. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to zoning restrictions; to amend sections 23-114.01, 66-914, and 72-272, Reissue Revised Statutes of Nebraska; to define a term; to require zoning provisions prior to construction of wind energy projects as prescribed; to provide for fees as prescribed; to eliminate provisions

relating to variances or exceptions from zoning regulations; to provide limitations on agreements relating to school lands; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 376. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-106, 29-1001, and 83-176, Reissue Revised Statutes of Nebraska, and sections 28-105 and 83-171, Revised Statutes Cumulative Supplement, 2018; to provide for the safekeeping of prisoners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 377. Introducer by DeBoer, 10.

A BILL FOR AN ACT relating to contracts; to provide for the voidability of certain releases from liability; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 378. Introducer by Hansen, B., 16; Albrecht, 17; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27; Linehan, 39; Morfeld, 46.

A BILL FOR AN ACT relating to autocycles, motorcycles, and mopeds; to amend section 60-6,279, Revised Statutes Cumulative Supplement, 2018; to change helmet provisions; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 379. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to finance; to amend section 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, and 45-1001, Revised Statutes Cumulative Supplement, 2018; to change licensing and operating provisions, provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance, and define a term under the Delayed Deposit Services Licensing Act; to clarify a licensing provision under the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introducer by Hansen, B., 16.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3405, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901, 2-5003, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2304, 43-1302, 43-1903, 43-3342.05, 43-3401, 43-4001, 43-4202, 45-603, 46-538, 48-1116, 48-2503, 49-233, 50-415, 51-402, 53-112, 53-113, 53-302, 58-228, 66-1335, 68-953, 68-1105, 70-719, 70-1003, 71-219.03, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-3406, 71-4504, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-201, 72-224.03, 72-1239, 72-2007, 72-2103, 75-104, 76-2222, 77-27,157, 77-5004, 77-5206, 79-317, 79-546, 79-808, 79-861, 79-863, 79-1104.04, 79-1816, 80-318,

80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-885.07, 81-8,189, 81-8,267, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1409, 81-1421, 81-1449, 81-1503, 81-1505.03, 81-15,171, 81-15,211, 81-15,245, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 84-931, 84-1204, 84-1502, 85-104, 85-301, 85-1408, 85-1509, 86-461, 86-515, 86-570, and 86-571, Reissue Revised Statutes of Nebraska, and sections 2-3951.01, 3-104, 9-1004, 29-2252, 39-2106, 43-2411, 49-14,120, 50-505, 53-502, 54-191, 55-604, 57-904, 58-819, 79-760.03, 79-760.07, 79-1217, 79-2204, 81-1348, 81-1430, 81-15,175, 81-1603, 83-1212.01, 84-1501, 86-1025.01, and 86-1102, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-1181, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 382. Introducer by Geist, 25; Brewer, 43.

A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act; to amend section 54-644, Reissue Revised Statutes of Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative Supplement, 2018; to define a term; to change a provision relating to a written disclosure statement; to provide a records requirement; to prohibit sales of inbred dogs as prescribed; to provide for preemption of local law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introducer by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2018; to provide for an annual adjustment to the minimum wage; to provide duties for the State Treasurer and Department of Labor; to define a term; and to repeal the original section.

LEGISLATIVE BILL 386. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to cash reserves; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 387. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue Revised Statutes of Nebraska, and sections 25-1635 and

29-2023, Revised Statutes Cumulative Supplement, 2018; to name the Jury Selection Act; to define terms; to change terminology relating to juries; to transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to change penalty provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 388. Introducer by Howard, 9.

A BILL FOR AN ACT relating to children and families; to amend sections 43-292.03, 43-533, 43-1311.01, 43-1312, 43-1312.01, and 43-1313, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-292.02, and 43-1318, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to placement plans; to provide a duty for the Department of Health and Human Services; to require review of certain determinations relating to parental rights termination proceedings as prescribed; to change provisions relating to family policy; to clarify legislative intent; to change and provide procedures and requirements relating to placement of children in guardianships and termination of guardianships; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 389. Introducer by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-292 and 43-292.01, Reissue Revised Statutes of Nebraska, and sections 43-283.01 and 43-292.02, Revised Statutes Cumulative Supplement, 2018; to change and provide grounds for termination of parental rights; to change provisions relating to when reasonable efforts at reunification are required; to change provisions relating to petitions for termination of parental rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 391. Introducer by Hansen, M., 26; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-2,129, Revised Statutes Cumulative Supplement, 2018; to require notification of a juvenile's parent, guardian, custodian, or relative when a juvenile is taken into custody as prescribed; to require an advisement of a juvenile's rights to be given when a juvenile is taken into custody; to require that a juvenile's parent, guardian, custodian, or relative be present when requested; to prohibit the use of certain statements in court proceedings as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introducer by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska; to increase the documentary stamp tax; to distribute certain revenue to the Property Tax Credit Cash Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 394. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Transportation; and to declare an emergency.

LEGISLATIVE BILL 395. Introducer by Hansen, M., 26; Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska; to change provisions relating to power of possession by a landlord as a result of criminal activity on the premises by a tenant; to provide an exception in cases of domestic assault as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 396. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to eliminate continuance provisions that allow for continuances only for extraordinary causes and require deposits of rental payments; and to outright repeal section 76-1443, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 398. Introducer by DeBoer, 10.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2118, Reissue Revised Statutes of Nebraska, and sections 79-2104 and 79-2104.02, Revised Statutes Cumulative Supplement, 2018; to remove a limitation on the use of a levy; to change a reporting deadline; to change provisions relating to diversity plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introducer by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Hansen, M., 26; Howard, 9; Kolowski, 31; Lathrop, 12; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Quick, 35; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; and to repeal the original sections.

LEGISLATIVE BILL 401. Introducer by Quick, 35; Bolz, 29; Cavanaugh, 6; Hansen, M., 26; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 402. Introducer by Hilkemann, 4; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 403. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide a duty for the Department of Health and Human Services.

LEGISLATIVE BILL 404. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to medicaid budgeting.

LEGISLATIVE BILL 407. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Credit Union Act; to amend sections 21-1701 and 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to grant powers of out-of-state credit unions to in-state credit unions as prescribed; to provide powers and duties to the Director of Banking and Finance and the Department of Banking and Finance; to define terms; to eliminate a hearing requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 408. Introducer by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122.01, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation paid upon the death of an employee; and to repeal the original section.

LEGISLATIVE BILL 410. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska; to exempt certain sales of clothing and footwear from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 412. Introducer by Geist, 25; Lowe, 37; Slama, 1.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend sections 13-2501, 13-2504, 13-2509, 13-2510, and 13-2513, Reissue Revised

Statutes of Nebraska; to require an election to approve creation of a joint public agency as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 413. Introducer by Brandt, 32; Blood, 3; Brewer, 43; Briese, 41; Chambers, 11; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Halloran, 33; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application submission deadlines as prescribed; and to repeal the original section.

LEGISLATIVE BILL 415. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to recall elections; to amend sections 32-571, 32-628, 32-1206, 49-1405, and 49-1409, Reissue Revised Statutes of Nebraska; to eliminate recall provisions for political subdivisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 31-786, 31-787, 31-788, 31-789, 31-790, 31-791, 31-792, 31-793, 32-1205, 32-1301, 32-1302, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308, and 32-1309, Reissue Revised Statutes of Nebraska, and section 32-1303, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 416. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-1037, Reissue Revised Statutes of Nebraska, and section 79-1035, Revised Statutes Cumulative Supplement, 2018; to change the apportionment of funds from the temporary school fund; to change the distribution of county funds to school districts; and to repeal the original sections.

LEGISLATIVE BILL 417. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-27,187.02, 77-2912, 77-5208, and 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Advantage Rural Development Act, the Nebraska Job Creation and Mainstreet Revitalization Act, the Beginning Farmer Tax Credit Act, and the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 419. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5701, 77-5702, 77-5714, 77-5723, 77-5725, 77-5726, and 77-5735, Reissue Revised Statutes of Nebraska; to change the Nebraska Advantage Act as prescribed; to create a fund and a grant program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 420. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Circuit Breaker Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 421. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to asbestos; to adopt the Asbestos Trust Claims Transparency Act.

LEGISLATIVE BILL 422. Introducer by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-167, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2018; to adopt the Art Therapy Practice Act; to create a board; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 423. Introducer by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-907, Reissue Revised Statutes of Nebraska; to change and eliminate definitions; to eliminate School Health Center Advisory Councils for school-based health centers; to repeal the original section; and to outright repeal section 68-968, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 424. Introducer by Quick, 35; Blood, 3; Bolz, 29; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; Dorn, 30; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Pansing Brooks, 28; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36; Wishart, 27; Morfeld, 46; Gragert, 40; DeBoer, 10.

A BILL FOR AN ACT relating to municipalities; to amend sections 77-1736.06, 77-1807, and 77-1810, Reissue Revised Statutes of Nebraska, and sections 19-5201, 19-5202, 19-5203, 19-5204, 19-5205, 19-5206, 19-5207, 19-5208, 19-5209, 19-5210, 19-5211, 19-5212, 19-5213, 19-5214, 19-5215, 19-5216, 19-5217, and 19-5218, Revised Statutes Cumulative Supplement, 2018; to transfer and change provisions of the Nebraska Municipal Land Bank Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 425. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 426. Introducer by DeBoer, 10; Bolz, 29; Cavanaugh, 6; Howard, 9; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, 43-108, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to update terminology; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 429. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 431. Introducer by Groene, 42; Erdman, 47.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and sections 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change the base limitation; to change the local effort rate; 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 harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 432. Introducer by Groene, 42; Erdman, 47.

A BILL FOR AN ACT relating to school finance; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and sections 79-1003 and 79-1016, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to levy authority; to define and redefine terms; to change the calculation of adjusted valuation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1439, Reissue Revised Statutes of Nebraska; to change provisions relating to retaliatory conduct by a landlord; and to repeal the original section.

LEGISLATIVE BILL 437. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Reissue Revised Statutes of Nebraska; to change application deadlines; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 438. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-908 and 47-918, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Nebraska State Patrol; to require a report by the Inspector General

of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services and the Lincoln Regional Center as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 439. Introducer by Crawford, 45; Kolowski, 31; Blood, 3; Hilkemann, 4; Groene, 42.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to require certain coverage for chiropractic services; and to repeal the original section.

LEGISLATIVE BILL 440. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the State Aeronautics Act; to amend section 3-148, Revised Statutes Cumulative Supplement, 2018; to increase a tax on aviation jet fuel; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 441. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change provisions relating to certain refund deductions and applicability to municipalities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 444. Introducer by McDonnell, 5; Arch, 14; Blood, 3; Brewer, 43; Clements, 2; Crawford, 45; La Grone, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3502, 77-3503, and 77-3506, Reissue Revised Statutes of Nebraska; to redefine terms; to provide a homestead exemption for certain dwelling complexes located on military installations as prescribed; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 446. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the County Justice Reinvestment Grant Program.

LEGISLATIVE BILL 448. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to compensation paid for burial expenses; and to repeal the original section.

LEGISLATIVE BILL 450. Introducer by Wishart, 27; Brewer, 43; Lowe, 37; Hunt, 8.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 450A. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 451. Introducer by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Groene, 42; Hansen, B., 16; Kolterman, 24; Lowe, 37; Murman, 38; Williams, 36; Linehan, 39.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

LEGISLATIVE BILL 453. Introducer by Clements, 2; Stinner, 48.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1725.01, Revised Statutes Cumulative Supplement, 2018; to provide for hearings on membership expansion applications as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 455. Introducer by Arch, 14.

A BILL FOR AN ACT relating to jails; to amend sections 47-701 and 47-703, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to apportionment of costs of medical services of certain inmates; and to repeal the original sections.

LEGISLATIVE BILL 456. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.47, Reissue Revised Statutes of Nebraska; to redefine a term; to provide a sales and use tax exemption for certain machinery and equipment used to produce electricity; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 457. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms relating to industrial hemp; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 458. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska; to define and redefine terms; to restate legislative intent; to change and provide duties of the Department of Health and Human Services and law enforcement agencies relating to reports of child abuse or neglect; to provide duties for child advocacy centers; to state legislative intent regarding appropriations; to provide for access to certain confidential information by child advocacy centers; to change child abuse and neglect investigation teams and child abuse and neglect treatment teams to multidisciplinary investigation teams and multidisciplinary treatment teams; to change and provide duties for county attorneys, multidisciplinary teams, and child advocacy centers; to change training requirements for multidisciplinary team members; to require reports; to require the department, the juvenile courts, and the Nebraska Commission on Law Enforcement and Criminal Justice to provide child advocacy centers with access to certain records as prescribed; to change and provide duties relating to monthly reports by service area administrators and the department to child advocacy centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 459. Introducer 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 child care; to amend section 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to the Child Care Licensing Act; to provide powers and duties for the Department of Health and Human Services and the Nebraska State Patrol and change requirements regarding national criminal history record information checks; to define terms; and to repeal the original section.

LEGISLATIVE BILL 461. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-301, 75-302, 75-303.01, 75-303.02, 75-303.03, 75-304, 75-304.01, 75-305, 75-307, 75-309, 75-309.01, 75-310, 75-311, 75-315, 75-316, 75-318, 75-319, 75-320, 75-321, 75-322, and 75-324, Reissue Revised Statutes of Nebraska; to change legislative policy relating to motor carrier regulation; to redefine terms; to eliminate certificates of public convenience and necessity and permits for common and contract carriage; to provide a permit application process for regulated motor carriers; to change provisions relating to rates, insurance and bonding requirements, and permit suspension and revocation; to change a sale, transfer, lease, merger, or consolidation application process; to eliminate provisions relating to household goods mover authority and route authority; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 75-304.02, 75-313, and 75-314, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 465. Introducer by Hansen, M., 26.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 466. Introducer by Howard, 9; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 467. Introducer by Vargas, 7; Howard, 9.

A BILL FOR AN ACT relating to the Legislature; to prohibit consideration of certain factors for the purpose of drawing district boundaries as prescribed.

LEGISLATIVE BILL 471. Introducer by La Grone, 49.

A BILL FOR AN ACT relating to civil procedure; to provide a procedure for consolidation of related civil actions in multiple judicial districts.

LEGISLATIVE BILL 473. Introducer by Dorn, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1619 and 77-1620, Reissue Revised Statutes of Nebraska; to change provisions relating to judgments against public corporations or political subdivisions; to authorize loans as prescribed; to provide powers and duties for the State Treasurer; and to repeal the original sections.

LEGISLATIVE BILL 474. Introducer by Dorn, 30.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 29-4601, 29-4602, 29-4603, 29-4604, 29-4605, 29-4606, 29-4607, 29-4608, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to rename the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to provide for claims against the state by persons wrongfully incarcerated; to change provisions relating to the effect of recovery on a claim under such act; to provide a procedure to seek reimbursement from the State Claims Board for certain judgments against political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introducer by Geist, 25; Slama, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-367.01 and 29-4003, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2018; to create the offense of sexual extortion; to define terms; to redefine sexual exploitation; to provide for a registrable offense under the Sex Offender Registration Act; to provide penalties; to harmonize a provision; and to repeal the original sections.

LEGISLATIVE BILL 477. Introducer by Vargas, 7; Dorn, 30; McCollister, 20; Quick, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax exemption for Segal AmeriCorps Education Awards; and to repeal the original section.

LEGISLATIVE BILL 477A. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 480. Introducer by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to state findings; and to state intent relating to appropriations to local public health departments with respect to preventive health programs.

LEGISLATIVE BILL 482. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-101, Reissue Revised Statutes of Nebraska; to define a term; to provide for an adjustment to the assessed value of destroyed real property; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 483. Introducer by Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-103.01, 77-201, 77-1343, 77-1359, 77-1371, 77-1502, 77-1507.01, 77-5022, 77-5023, and 77-6203, Reissue Revised Statutes of Nebraska, and sections 79-1016 and 79-1036, Revised Statutes Cumulative Supplement, 2018; to change the valuation of agricultural land and horticultural land as prescribed; to create the Agricultural Land Valuation Board; to eliminate provisions relating to land classifications; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1363, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 483A. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 483, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

LEGISLATIVE BILL 484. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-929, 28-929.01, 28-930, 28-931, and 28-931.01, Reissue Revised Statutes of Nebraska, and sections 28-1351 and 28-1354, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to assault on an officer, emergency responder, certain employees, or a health care professional in the first, second, and third degree and assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human

Services employee, or a health care professional using a motor vehicle; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 485. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation for the Youth Rehabilitation and Treatment Center-Kearney.

LEGISLATIVE BILL 487. Introducer by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2018; to require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary as prescribed; and to repeal the original section.

LEGISLATIVE BILL 488. Introducer by Howard, 9.

A BILL FOR AN ACT relating to schools; to amend section 79-712, Reissue Revised Statutes of Nebraska; to require mental health education as prescribed; to change drug awareness and prevention requirements as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 489. Introducer by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2454, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2018; to require certain credential holders to register for the prescription drug monitoring system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 490. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to courts; to amend sections 11-119, 11-125, 11-126, 22-417, 23-120, 23-121, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 24-228, 24-507, 24-508, 32-524, 32-567, 33-106.02, 43-2,123, and 43-512.05, Reissue Revised Statutes of Nebraska, and section 23-2504, Revised Statutes Cumulative Supplement, 2018; to provide for judicial reform; to transition the office of the clerk of the district court from an elected county-reimbursed position to an appointed state-reimbursed position; to consolidate the positions of clerk magistrate and clerk of the district court into the clerk of the courts; to transfer employees of such positions from county to state employees; to require judges and clerks to develop consolidation plans; to change provisions relating to courts, clerks, clerk magistrates, court fees, and court facilities; to provide duties for the State Court Administrator; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 491. Introducer by Wayne, 13; Brandt, 32.

A BILL FOR AN ACT relating to courts; to state findings; to define terms; to authorize punitive damages as prescribed; and to require punitive damages to be appropriated for the use of the common schools.

LEGISLATIVE BILL 493. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax exemptions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 494. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation.

LEGISLATIVE BILL 495. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to schools; to provide for a statewide system of data collection on school discipline and law enforcement referrals as prescribed; and to provide duties for the State Board of Education and school districts.

LEGISLATIVE BILL 497. Introducer by Friesen, 34; Albrecht, 17; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Dorn, 30; Erdman, 47; Gragert, 40; Halloran, 33; Hughes, 44; Murman, 38; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-202, 77-382, 77-693, 77-801, 77-1238, 77-1248, 77-1601.02, 77-2602, 77-2701.16, 77-2704.24, 77-2704.67, 77-27,132, 77-3442, and 77-5023, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1003, 79-1015.01, 79-1016, and 79-1022, Revised Statutes Cumulative Supplement, 2018; to adopt the School District Property Tax Authority Act; to increase alcohol taxes; to change the valuation of agricultural land and horticultural land for school district taxation purposes; to terminate the exemptions provided under the Personal Property Tax Relief Act and certain sales tax exemptions; to increase the cigarette tax; to impose sales and use taxes on certain services; to transfer certain revenue to the Cash Reserve Fund; to change the levy limit for school districts as prescribed; to change the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 498. Introducer by Wishart, 27; Cavanaugh, 6; Chambers, 11; Howard, 9; Hunt, 8; McCollister, 20; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a state plan amendment relating to coverage for family planning services; and to repeal the original section.

LEGISLATIVE BILL 499. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-3105 and 38-3129, Reissue Revised Statutes of Nebraska; to

redefine a term; to provide requirements for psychological services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 500. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to pretrial diversion; to amend sections 29-3604 and 29-3605, Reissue Revised Statutes of Nebraska; to prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license revocation violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 501. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for in vitro fertilization procedures as prescribed; and to provide for rules and regulations by the Department of Insurance.

LEGISLATIVE BILL 502. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to immigration; to adopt the Limited Immigration Inquiry Act.

LEGISLATIVE BILL 503. Introducer by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to abortion; to amend section 28-335, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to physicians' physical presence; and to repeal the original section.

LEGISLATIVE BILL 504. Introducer by Hunt, 8; Cavanaugh, 6; DeBoer, 10; Howard, 9; Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-109, 28-110, 28-111, 28-112, 28-113, and 28-114, Reissue Revised Statutes of Nebraska; to define a term; to provide for enhanced penalties for commission of a crime because of a victim's gender identity or association with a person of a certain gender identity; to include strangulation in the offenses to which enhanced penalties apply; to change provisions relating to legislative intent, civil actions, and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original sections.

LEGISLATIVE BILL 506. Introducer by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Request Limitation Act; and to provide an operative date.

LEGISLATIVE BILL 507. Introducer by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to a tax expenditure report;

to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of the net increase in tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08, 77-2704.14, 77-2704.38, 77-2704.52, 77-2704.55, 77-2704.56, 77-2704.65, 77-2704.66, and 77-2704.67, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 508. Introducer by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska; to impose sales and use taxes on certain services; to change and eliminate certain sales and use tax exemptions; to provide for the use of certain sales and use tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.08 and 77-2704.52, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 509. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine net metering and qualified facility; to change a provision relating to powers and duties of a local distribution utility; and to repeal the original sections.

LEGISLATIVE BILL 510. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4003, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the act to certain juvenile adjudications; and to repeal the original section.

LEGISLATIVE BILL 513. Introducer by Briese, 41.

A BILL FOR AN ACT relating to bonds; to amend section 10-702, Reissue Revised Statutes of Nebraska, and section 79-10,110.02, Revised Statutes Cumulative Supplement, 2018; to change requirements for the issuance of certain bonds; and to repeal the original sections.

LEGISLATIVE BILL 515. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-271, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 516. Introducer by Pansing Brooks, 28; Linehan, 39; Slama, 1; Bostelman, 23.

A BILL FOR AN ACT relating to children and families; to amend sections 28-707, 28-710, 28-713, 28-720.01, and 29-110, Reissue Revised Statutes of Nebraska, and sections 28-101 and 43-4406, Revised Statutes Cumulative Supplement, 2018; to redefine a term; to change provisions relating to child abuse, the Child Protection and Family Safety Act, human trafficking, and child welfare services; to provide duties for the Department of Health and Human Services; to change statutes of limitations with respect to human trafficking offenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 517. Introducer by Pansing Brooks, 28; Linehan, 39; Slama, 1; Bostelman, 23; Hunt, 8.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,299, Reissue Revised Statutes of Nebraska; to change human trafficking damage provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 518. Introducer by Linehan, 39; Pansing Brooks, 28; Slama, 1; Cavanaugh, 6.

A BILL FOR AN ACT relating to health and human services; to amend section 81-1429.02, Revised Statutes Cumulative Supplement, 2018; to adopt the Support for Trafficking Survivors Act; to create an office, a board, and a fund; to state intent regarding appropriations; and to repeal the original section.

LEGISLATIVE BILL 520. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to require cities of the metropolitan class to annually update their safety standards and operating procedures for road construction and maintenance; to provide requirements for such standards and procedures; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 521. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301, 60-3302, 60-3303, 60-3304, and 60-3308, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to automated vehicles; to repeal the original sections; and to outright repeal section 60-3306, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 523. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to taxation; to amend sections 76-902, 77-123, 77-202, 77-202.01, 77-202.03, and 77-202.09, Reissue Revised Statutes of Nebraska, and section 60-3,185, Revised Statutes Cumulative Supplement, 2018; to provide a documentary stamp tax exemption for certain deeds and a property tax exemption to educational, religious, charitable, or cemetery limited liability companies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 526. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation for temporary disability; and to repeal the original section.

LEGISLATIVE BILL 527. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to economic development; to amend section 48-622.01, Revised Statutes Cumulative Supplement, 2018; to adopt the Customized Job Training Act; and to repeal the original section.

LEGISLATIVE BILL 528. Introducer by Hilkemann, 4; Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, and 38-2605, Reissue Revised Statutes of Nebraska; to redefine terms; to provide for use of pharmaceutical agents and routes of administration as prescribed; to authorize treatment and procedures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 529. Introducer by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change provisions relating to a property tax exemption for hospitals; and to repeal the original section.

LEGISLATIVE BILL 530. Introducer by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2018; to change the valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 531. Introducer by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Election Administration Fund; to amend section 32-204, Revised Statutes Cumulative Supplement, 2018; to provide for a transfer; to create a fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 534. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to postsecondary education; to require a sexual assault campus climate survey, a report, and training.

LEGISLATIVE BILL 535. Introducer by Cavanaugh, 6; DeBoer, 10; Hansen, M., 26; Hunt, 8; McCollister, 20; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5735, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for applicability of changes; and to repeal the original sections.

LEGISLATIVE BILL 537. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to school districts; to amend section 79-826, Reissue Revised Statutes of Nebraska; to change provisions relating to a certificated employee's performance or conduct; and to repeal the original section.

LEGISLATIVE BILL 539. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend section 28-351, Reissue Revised Statutes of Nebraska; to redefine abuse to include assaults; and to repeal the original section.

LEGISLATIVE BILL 540. Introducer by Walz, 15.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216.02, Revised Statutes Cumulative Supplement, 2018; to eliminate a termination date; and to repeal the original section.

LEGISLATIVE BILL 541. Introducer by Walz, 15.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4819, Reissue Revised Statutes of Nebraska; to change provisions relating to public education regarding bone marrow donors; and to repeal the original section.

LEGISLATIVE BILL 542. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Firearm Safety Act; to provide for a tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 543. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to government; to amend sections 52-118, 73-306, and 81-1016, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to payment bonds for construction contracts for public buildings; to change powers and duties related to rules and regulations of the Department of Administrative Services; to exempt all state agency deputy directors and attorneys from the State Personnel System as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 545. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2701, 77-2716, 85-1802, 85-1806, 85-1807, 85-1808, 85-1809, 85-1810, and 85-1812, Reissue Revised Statutes of Nebraska; to authorize and provide an income tax deduction for employer contributions as prescribed; to provide for contributions of income tax refunds; to define a term; to require that employer contributions not be recognized as income for certain purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 546. Introducer by Wishart, 27; Howard, 9.

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 Cumulative Supplement, 2018; to provide for a low-income spay and neuter grant program and for Spay and Neuter Awareness Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 548. Introducer by Howard, 9; Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to prohibit restraining animals in the event of certain natural or manmade disasters or severe weather events as prescribed; and to provide a penalty.

LEGISLATIVE BILL 549. Introducer by Brandt, 32; Briese, 41; Dorn, 30; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Reissue Revised Statutes of Nebraska; to define terms; to provide duties for certain telecommunications companies and the Public Service Commission; to provide for creation and maintenance of a geographic information system map as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introducer by Vargas, 7; Hilgers, 21.

A BILL FOR AN ACT relating to wireless telecommunications services; to amend sections 86-313 and 86-457, Reissue Revised Statutes of Nebraska, and sections 86-328 and 86-1028, Revised Statutes Cumulative Supplement, 2018; to require voter approval for taxes and fees on wireless services; to change and eliminate certain surcharges; to eliminate the Prepaid Wireless Surcharge Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-901, Reissue Revised Statutes of Nebraska, and sections 86-320.02, 86-902, 86-903, 86-904, and 86-905, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 551. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for development districts.

LEGISLATIVE BILL 552. Introducer by McDonnell, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend sections 72-1901, 72-1902, and 72-1904, Reissue Revised Statutes of Nebraska; to change legislative findings, intent relating to appropriations, and application deadlines; and to repeal the original sections.

LEGISLATIVE BILL 553. Introducer by Clements, 2.

A BILL FOR AN ACT relating to civil rights; to require reasonable accommodation for a person with a disability to have an assistance animal in a dwelling as prescribed; to define terms; and to provide a written verification process.

LEGISLATIVE BILL 554. Introducer by Wishart, 27; Kolterman, 24; Linehan, 39; Morfeld, 46; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs not on the preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 555. Introducer by Hunt, 8; Cavanaugh, 6; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to hospitals; to amend section 71-448, Reissue Revised Statutes of Nebraska; to adopt the Sexual Assault Emergency Care Act; to provide for disciplinary action against a hospital's license; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 557. Introducer by Lindstrom, 18; Howard, 9.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-473, 28-474, and 38-101, Revised Statutes Cumulative Supplement, 2018; to change duties for practitioners related to certain prescriptions; to exempt certain prescriptions from requirements; to transfer provisions to the Uniform Credentialing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 558. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 562. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to University of Nebraska facilities and appropriations.

LEGISLATIVE BILL 563. Introducer by Bolz, 29; Quick, 35.

A BILL FOR AN ACT relating to education; to amend section 85-1539, Reissue Revised Statutes of Nebraska, and sections 85-1412 and 85-2104, Revised

Statutes Cumulative Supplement, 2018; to adopt the Access College Early Tech Promise Program Act; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 565. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2331, 79-901, and 84-1331, Reissue Revised Statutes of Nebraska, and sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to state legislative intent relating to a designated beneficiary determination under the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, any school employees retirement system established under the Class V School Employees Retirement Act, and the State Employees Retirement System of the State of Nebraska; to provide a duty for the Public Employees Retirement Board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Prescription Drug Cost Transparency Act.

LEGISLATIVE BILL 568. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1054, Revised Statutes Cumulative Supplement, 2018; to provide for mental health first aid training; to change provisions relating to the use of lottery funds; to change provisions relating to innovation grants as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introducer by Morfeld, 46; Groene, 42.

A BILL FOR AN ACT relating to health care benefits; to adopt the Out-of-Network Consumer Protection, Transparency, and Accountability Act.

LEGISLATIVE BILL 572. Introducer by Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the office of Public Counsel; to amend section 81-8,244, Revised Statutes Cumulative Supplement, 2018; to provide authority for the deputy public counsel over assisted-living facilities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 576. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to emergency responders; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding causes of death or disability of firefighters and firefighter-paramedics as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 577. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend section 48-2906, Reissue Revised Statutes of Nebraska, and section 48-2907, Revised Statutes Cumulative Supplement, 2018; to provide for expediting investigations under the act; to authorize the Commissioner of Labor to cause contractors to cease performance of services for a violation of the act; and to repeal the original sections.

LEGISLATIVE BILL 578. Introducer by La Grone, 49.

A BILL FOR AN ACT relating to redistricting; to provide for venue of legal proceedings challenging laws regarding redistricting; and to provide procedures.

LEGISLATIVE BILL 580. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2042 and 13-2042.01, Reissue Revised Statutes of Nebraska; to change a landfill disposal fee; to change provisions relating to a rebate to a municipality or a county; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 581. Introducer by Albrecht, 17; Linehan, 39.

A BILL FOR AN ACT relating to budgets; to amend section 84-304.01, Reissue Revised Statutes of Nebraska, and section 13-504, Revised Statutes Cumulative Supplement, 2018; to require the use of generally accepted accounting principles in preparing budgets; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 582. Introducer by Brewer, 43; McDonnell, 5; Halloran, 33.

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 possession of a stolen firearm; and to repeal the original section.

LEGISLATIVE BILL 586. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, section 22; to change an appropriation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 587. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide for transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 588. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Cumulative Supplement, 2018; to change the local effort rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 589. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to public safety; to prohibit peace officers from serving or working as school resource officers as prescribed.

LEGISLATIVE BILL 591. Introducer by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for alcohol impact zones; to provide duties for the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introducer by Blood, 3; Williams, 36; Briese, 41; Brandt, 32; Dorn, 30; Walz, 15; Murman, 38.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-301 and 87-302, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for a deceptive trade practice relating to meat as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introducer by Quick, 35.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,240, Reissue Revised Statutes of Nebraska, and sections 81-8,241, 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement, 2018; to adopt the Office of Inspector General of Nebraska Public Health Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 597. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5901, Reissue Revised Statutes of Nebraska; to require reporting of incidents and implementation of policies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 598. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 28-376, Reissue Revised Statutes of Nebraska; to provide access to the Adult Protective Services Central Registry as prescribed; and to repeal the original section.

LEGISLATIVE BILL 599. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-3110, Reissue Revised Statutes of Nebraska; to provide access to data of the

Division of Children and Family Services of the Department of Health and Human Services as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 601. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska; to change a property tax exemption relating to educational, religious, charitable, and cemetery organizations; and to repeal the original section.

LEGISLATIVE BILL 602. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to relating to insurance; to amend section 44-224.04, Revised Statutes Cumulative Supplement, 2018; to adopt the Domestic Stock Insurance Company Division Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 604. Introducer by Lindstrom, 18; Kolterman, 24.

A BILL FOR AN ACT relating to workforce development; to authorize High-Wage Jobs and Capital Investment Creation Fund entities; to define terms; to provide grants, loans, and economic assistance to such entities; to create a fund; and to provide duties for the Director of Economic Development and State Treasurer.

LEGISLATIVE BILL 605. Introducer by Lindstrom, 18; Kolterman, 24; Lowe, 37; Stinner, 48; Albrecht, 17; Moser, 22; Wishart, 27; Brewer, 43; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Renewable Chemical Production Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 606. Introducer by Groene, 42.

A BILL FOR AN ACT relating to natural resources districts; to provide for water augmentation projects and retention of water rights as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 607. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1008, 38-1033, 38-1035, 38-1037, 38-1040, 38-1041, 38-1044, 38-1053, 38-1054, 38-1055, 38-1060, 38-1064, 38-10,167, and 38-10,169, Reissue Revised Statutes of Nebraska, and sections 38-1001, 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069, 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to change provisions relating to permanent color technology and licensure by examination; to provide for

registration of a guest body artist and licensure of a temporary body art facility and a nail technology apprentice salon; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 607A. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 611. Introducer by Brandt, 32; Brewer, 43; Cavanaugh, 6; DeBoer, 10; Erdman, 47; Gragert, 40; Groene, 42; Hansen, M., 26; Kolowski, 31; McDonnell, 5; Morfeld, 46; Quick, 35; Vargas, 7; Walz, 15; Blood, 3; Howard, 9; Lathrop, 12; Hunt, 8; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

LEGISLATIVE BILL 612. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to highways; to amend section 39-201.01, Reissue Revised Statutes of Nebraska, and sections 39-202 and 39-206, Revised Statutes Cumulative Supplement, 2018; to authorize the display of signs along roadways memorializing persons killed on Nebraska roadways as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 613. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-2912, and 77-5208, Reissue Revised Statutes of Nebraska, and section 81-12,146, Revised Statutes Cumulative Supplement, 2018; to change application deadlines under the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Beginning Farmer Tax Credit Act; to state intent relating to appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 614. Introducer by Crawford, 45; Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-693, 77-801, 77-1238, 77-1248, 77-2602, 77-2704.24, 77-2715.07, 77-2715.09, 77-2716, 77-2716.01, 77-2734.01, 79-1142, and 79-1145, Reissue Revised Statutes of Nebraska, and sections 53-160, 53-187, 79-1001, 79-1003, 79-1005.01, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to increase an alcohol tax; to eliminate exemptions provided under the Personal Property Tax Relief Act; to increase the cigarette tax; to impose sales and use taxes on candy, soft drinks, and bottled water; to increase the earned income tax credit; to change provisions relating to certain extraordinary dividends and capital gains, certain small business corporation and limited liability company income, and itemized deductions; to provide for supplemental state aid, a property tax relief allowance, and increased allocated

income tax funds under the Tax Equity and Educational Opportunities Support Act; to change provisions relating to reimbursement for special education; to require budget summaries as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 615. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-2715.03, 77-2716, and 77-2734.02, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2018; to provide duties for the Tax Rate Review Committee; to reduce income tax rates as prescribed; to provide for certain transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 617. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101, 86-103, 86-123, 86-124, 86-143, and 86-144, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to quality and rate regulation, nonregulated activities, local competition determination, and rate-list filing requirements; to eliminate rate-review provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 620. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2018; to provide for enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original section.

LEGISLATIVE BILL 621. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to solar energy; to amend sections 66-901, 66-913, and 66-914, Reissue Revised Statutes of Nebraska; to restate findings; to change provisions relating to considerations for zoning regulations, ordinances, and comprehensive development plans; to prohibit certain restrictions relating to solar energy collection and use; to provide a cause of action; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 623. Introducer by Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-5203, 77-5209, 77-5209.01, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska; to change provisions relating to tax credits under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 625. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 627. Introducer by Pansing Brooks, 28; Hunt, 8; McCollister, 20; Morfeld, 46; Cavanaugh, 6.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1113, 48-1115, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 48-628.13, 48-1111, 48-1117, and 48-1119, Revised Statutes Cumulative Supplement, 2018; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 628. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to increase the earned income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 629. Introducer by Pansing Brooks, 28; Hansen, M., 26; Howard, 9; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require conditions for certain grant funding; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 631. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427, and section 2, Initiative Law 2018, No. 427; to state intent; to create the Medicaid Expansion Implementation Task Force; to provide powers and duties; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 632. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to regulation of water; to amend section 46-1011, Reissue Revised Statutes of Nebraska; to clarify a statutory reference relating to rural water districts; and to repeal the original section.

LEGISLATIVE BILL 633. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to county government; to amend sections 23-348.01, 23-1503, 23-1513, and 23-1517.02, Reissue Revised Statutes of Nebraska, and section 23-1911, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to real property owner information available to the public; to repeal the original sections; and to outright repeal section 23-3211, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 634. Introducer by Hilkemann, 4; Blood, 3; Briese, 41; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, B., 16; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Pansing Brooks, 28; Quick, 35; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27; McDonnell, 5.

A BILL FOR AN ACT relating to school buses; to require three-point safety belt systems as prescribed; and to state intent regarding liability.

LEGISLATIVE BILL 635. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Liquor Control Commission; and to repeal the original sections.

LEGISLATIVE BILL 636. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to political subdivisions; to create the Financial Condition of Counties and Municipalities Task Force; and to provide powers and duties.

LEGISLATIVE BILL 639. Introducer by Stinner, 48; Linehan, 39.

A BILL FOR AN ACT relating to workforce development; to adopt the H3 Careers Scholarship Act.

LEGISLATIVE BILL 640. Introducer by Howard, 9; Slama, 1; La Grone, 49.

A BILL FOR AN ACT relating to education; to amend section 79-719, Reissue Revised Statutes of Nebraska; to include studies relative to the Holocaust and other acts of genocide in multicultural education provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 643. Introducer by McDonnell, 5; Hilkemann, 4.

A BILL FOR AN ACT relating to emergency response personnel; to amend section 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic as prescribed; and to repeal the original section.

LEGISLATIVE BILL 644. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to workforce diplomas; to amend section 48-611, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Workforce Diploma Act; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 645. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 44-32,180, 44-4726, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, 68-986, 68-987, 68-988, and 71-8506, Reissue Revised Statutes of Nebraska; to define and eliminate terms; to change references to intergovernmental transfer program and capitation payments and provide for a certified public expenditure program; to change department duties and powers as prescribed; to decrease an administration fee; to update federal references; to change a provision relating to managed care contracts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 646. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to bail; to amend sections 14-603, 23-1808, 24-519, 25-1023, 25-10,101, 25-2730, 27-1101, 28-311.09, 29-428, 29-506, 29-901.02, 29-901.03, 29-901.04, 29-901.06, 29-902.01, 29-903, 29-904, 29-908, 29-909, 29-1201, 29-1605, 29-1606, 29-1811, 33-117, 42-929, 43-255, 44-3707, and 60-1307, Reissue Revised Statutes of Nebraska, and sections 25-1912, 28-311.11, 29-422, 29-901, 29-901.01, and 43-253, Revised Statutes Cumulative Supplement, 2018; to eliminate cash bail, appearance bonds, and related provisions; to change provisions relating to conditions of release and pretrial release agencies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-901.05, 29-902, 29-905, 29-906, 29-907, 29-1105, 29-1106, 29-1107, 29-1108, 29-1109, 29-1110, and 60-686, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 647. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2018; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, and sections 18-2101, 18-2115.01, 18-2117.01, 18-2117.04, and 18-2147, Revised Statutes Cumulative Supplement, 2018; to provide requirements for certain redevelopment plans; to change provisions relating to notices, record retention, and tax-increment financing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 649. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Cannabidiol Pilot Study; to eliminate a termination date; and to outright repeal section 28-469, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 650. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-8,137.05, Revised Statutes Cumulative Supplement, 2018; to adopt the Teach for Nebraska Program Act; to change provisions relating to the Nebraska Education Improvement Fund and the Excellence in Teach Cash Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 651. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Community-based Juvenile Services Aid Program; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to funding; and to repeal the original section.

LEGISLATIVE BILL 652. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2018; to change a penalty for possession as prescribed; and to repeal the original section.

LEGISLATIVE BILL 653. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to public health; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to adopt the Healthy Kids Act; to require tests for lead-based hazards in housing; to require disclosures to buyers and tenants; to provide a duty for the State Real Estate Commission; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 654. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to provide for a type 1 diabetes pilot study; and to repeal the original section.

LEGISLATIVE BILL 655. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to real property; to amend sections 34-101, 34-102, 34-103, 34-112, 34-112.01, and 34-301, Reissue Revised Statutes of Nebraska, and section 34-112.02, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to division fences and disputed corners and boundaries; and to repeal the original sections.

LEGISLATIVE BILL 656. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to school funding; to amend sections 43-2515, 70-651.04, 77-913, 77-1736.06, 77-3442, 77-3444, 77-3446, 77-5007, 79-213, 79-236, 79-240, 79-246, 79-266.01, 79-2,127, 79-2,134, 79-498, 79-769, 79-855, 79-856, 79-1007.05, 79-1007.10, 79-1007.15, 79-1007.16, 79-1007.21, 79-1009.01, 79-1021, 79-1025, 79-1031, 79-1103, 79-1125.01, 79-1142, 79-1241.01, 79-2102, 79-2103, and 79-2404, Reissue Revised Statutes of

Nebraska, and sections 9-812, 13-508, 48-818.01, 79-101, 79-215, 79-234, 79-235, 79-235.01, 79-237, 79-241, 79-458, 79-479, 79-499, 79-4,123, 79-528, 79-605, 79-611, 79-8,137, 79-8,137.04, 79-8,142, 79-1001, 79-1003, 79-1003.01, 79-1005, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1023, 79-1027, 79-1028.01, 79-1030, 79-1031.01, 79-1065, 79-1065.01, 79-1089, 79-1090, 79-10,143, 79-1108.02, 79-1140, 79-1241.03, 79-1337, 79-2104, and 79-2110, Revised Statutes Cumulative Supplement, 2018; to adopt the Nebraska Education Formula; to change levy limitations for school districts; to change the base limitation rate for school districts; to change procedures to override levy limitations for school districts; to limit the applicability of and terminate the enrollment option program; to limit the applicability of and terminate the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 43-2513, 79-977, 79-1083.01, and 79-2110.01, Reissue Revised Statutes of Nebraska, and sections 79-245, 79-529, 79-1041, 79-1065.02, 79-1073, 79-10,126.01, and 79-10,145, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 658. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1425, Revised Statutes Cumulative Supplement, 2018; to prohibit the executive director of the commission from taking certain disciplinary actions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 659. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-467, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2018; to define a term; to remove cannabidiol from the definition of marijuana; to remove cannabidiol from the list of controlled substances; to eliminate an affirmative defense to unlawful possession of marijuana; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03, 77-2716, 77-2716.01, 77-2716.03, and 77-27,132, Reissue Revised Statutes of Nebraska; to eliminate an inflation adjustment for income tax brackets; to change provisions relating to personal exemptions, an additional tax liability, and the distribution of certain income tax revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 662. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative

Supplement, 2018; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 664. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2716, Reissue Revised Statutes of Nebraska; to provide for certain income tax deductions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 665. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-109, 39-101, 60-121, 60-337, 60-478, 60-636, 60-676, 60-678, 60-6,142, 60-6,241, 60-6,351, 60-6,375, and 60-6,377, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-123, 60-301, 60-339, 60-471, 60-4,182, 60-501, 60-601, 60-638, 60-639, 60-640, 60-680, 60-6,133, 60-6,144, 60-6,226, 60-6,349, and 60-6,376, Revised Statutes Cumulative Supplement, 2018; to authorize the use of electric foot scooters as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide regulatory powers to local authorities; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 666. Introducer by Dorn, 30.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 667. Introducer by Vargas, 7; McDonnell, 5.

A BILL FOR AN ACT relating to employment training; to adopt the Youth Opportunities in Learning and Occupations Act.

LEGISLATIVE BILL 668. Introducer by Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to teachers; to adopt the Alternative Certification for Quality Teachers Act.

LEGISLATIVE BILL 669. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.

LEGISLATIVE BILL 670. Introducer by Linehan, 39; Albrecht, 17; Halloran, 33; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize

provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 670A. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 670, One Hundred Sixth Legislature, First Session, 2019.

LEGISLATIVE BILL 671. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1017.01, Revised Statutes Cumulative Supplement, 2018; to provide for sparsity aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 672. Introducer by Clements, 2; Halloran, 33.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-387, Reissue Revised Statutes of Nebraska; to change provisions relating to proof of financial responsibility; and to repeal the original section.

LEGISLATIVE BILL 673. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a transfer of funds; to state intent; and to repeal the original section.

LEGISLATIVE BILL 674. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend section 77-3446, Reissue Revised Statutes of Nebraska; to change the base limitation for school districts; and to repeal the original section.

LEGISLATIVE BILL 676. Introducer by Groene, 42.

A BILL FOR AN ACT relating to school districts; to amend sections 77-27,119, 79-421, 79-432, 79-433, 79-435, 79-436, 79-439, 79-441, 79-442, 79-444, 79-445, 79-446, 79-448, 79-449, 79-450, 79-480, 79-613, 79-848, 79-1074, 79-10,119, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 79-413, 79-443, 79-447, 79-451, 79-479, 79-499, 79-4,119, 79-611, 79-850, 79-1003, 79-1007.11, 79-1065.02, 79-1075, and 79-10,145, Revised Statutes Cumulative Supplement, 2018; to change provisions and terminology relating to school districts and the reorganization of school districts as prescribed; to change the membership and provisions relating to the State Committee for the Reorganization of School Districts; to define and redefine terms; to change terminology relating to student transportation; to eliminate obsolete provisions relating to the Tax Equity and Educational Opportunities Support Act; to eliminate provisions relating to the reorganization of school districts, depopulated school districts, and contracting for instruction as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal

sections 79-414, 79-422, 79-471, and 79-498, Reissue Revised Statutes of Nebraska, and sections 79-415, 79-418, 79-419, 79-420, 79-434, 79-470, and 79-598, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 677. Introducer by Groene, 42; Halloran, 33; Brewer, 43.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-4209, 77-4210, and 77-4212, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative Supplement, 2018; to change provisions of the Property Tax Credit Act; to provide for school district property tax relief; to change the levy limitations for school districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 678. Introducer by Vargas, 7; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to create a fund; and to provide duties for the Department of Environmental Quality.

LEGISLATIVE BILL 679. Introducer by DeBoer, 10; Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 681. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-406 and 50-407, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to legislative subpoenas; and to repeal the original sections.

LEGISLATIVE BILL 682. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-103, and 53-160, Revised Statutes Cumulative Supplement, 2018; to define a term; to provide for taxing spirits by proof gallon; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 683. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978.01 and 84-1503, Revised Statutes Cumulative Supplement, 2018; to provide for a work plan for terminated members to receive a lump sum payment in lieu of the deferred retirement allowance under the Class V School Employees Retirement Act; to require a report; to provide duties for the Public Employees Retirement Board; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 684. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2268, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to sentences of post-release supervision for Class IV felonies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 685. Introducer by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to prohibit denying or delaying a remedy by due course of law as prescribed.

LEGISLATIVE BILL 687. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-307, 32-308, 32-315, 32-1002, 32-1506, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-312, 60-484, 60-484.02, 60-4,130, and 60-4,144, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to registering to vote; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 688. Introducer by Cavanaugh, 6; Blood, 3; Dorn, 30; Geist, 25; Howard, 9; Hunt, 8; Kolterman, 24; Linehan, 39; McDonnell, 5; Murman, 38; Slama, 1; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 85-1806, Reissue Revised Statutes of Nebraska; to provide for contributions to the Nebraska educational savings plan trust from income tax refunds as prescribed; to provide powers and duties for the Tax Commissioner and State Treasurer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to real estate; to amend sections 20-317, 20-318, 20-320, 20-321, and 76-1495, Reissue Revised Statutes of Nebraska; to prohibit discrimination by a seller or landlord on the basis of sexual orientation, gender identity, and citizenship status in any real estate transaction or lease; and to repeal the original sections.

LEGISLATIVE BILL 691. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Ornate Box Turtle Conservation Plates; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 692. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-607, Reissue Revised Statutes of Nebraska; to change provisions relating to commemorative certificates for nonviable birth as prescribed; and to repeal the original section.

LEGISLATIVE BILL 695. Introducer by Groene, 42; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Geist, 25; Linehan, 39; Erdman, 47.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 77-3446, 77-4209, 77-4212, and 79-1025, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1005.01, 79-1007.11, 79-1007.18, 79-1008.01, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2018; to change levy limits as prescribed; to change the base limitation rate as prescribed; to change the use of funds under the Property Tax Credit Act as prescribed; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to define and redefine terms; to provide for the calculation of an inflation rate; to terminate allocated income tax funds as prescribed; to provide for foundation aid; to terminate the averaging adjustment as prescribed; to change net option funding as prescribed; to change provisions relating to the local effort rate and local effort rate yield as prescribed; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations, and duties of the Appropriations Committee of the Legislature as prescribed; to harmonize provisions; to eliminate obsolete provisions relating to the minimum levy adjustment; to repeal the original sections; to outright repeal section 79-1008.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

LEGISLATIVE BILL 696. Introducer by Bostelman, 23; Blood, 3; Brewer, 43; Gragert, 40; McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,122.03, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Military Honor Plates; and to repeal the original section.

LEGISLATIVE BILL 697. Introducer by Bostelman, 23; Briese, 41; Gragert, 40; Halloran, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,102, Reissue Revised Statutes of Nebraska, and sections 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to fees for Pearl Harbor plates, Gold Star Family plates, Military Honor plates, prisoner-of-war plates, disabled veteran plates, and Purple Heart plates; and to repeal the original sections.

LEGISLATIVE BILL 700. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901, 66-902, and 72-272, Reissue Revised Statutes of Nebraska; to provide

decommissioning and reclamation requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 701. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend section 38-1201, Revised Statutes Cumulative Supplement, 2018; to require transmission of a request for payment; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 702. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to education; to adopt the Campus Safety Act.

LEGISLATIVE BILL 703. Introducer by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 704. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to state government; to state findings and intent; to define a term; to provide requirements regarding energy purchases for state-owned buildings; to initiate a request for proposals for renewable energy; to provide for a study relating to state vehicles; to require reports; and to declare an emergency.

LEGISLATIVE BILL 705. Introducer by Murman, 38.

A BILL FOR AN ACT relating to the achieving a better life experience program; to amend section 77-1403, Reissue Revised Statutes of Nebraska; to provide for distribution of accounts upon death; and to repeal the original section.

LEGISLATIVE BILL 706. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-9,103, Revised Statutes Cumulative Supplement, 2018; to authorize a freeze of cost-of-living adjustments for one year as prescribed; and to repeal the original section.

LEGISLATIVE BILL 707. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5015.02, Reissue Revised Statutes of Nebraska; to authorize the commission to hold certain hearings by videoconference and telephone conference; and to repeal the original section.

LEGISLATIVE BILL 708. Introducer by Brandt, 32.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Partition of Heirs Property Act; and to provide for applicability and construction.

LEGISLATIVE BILL 709. Introducer by Cavanaugh, 6; Albrecht, 17; Blood, 3; Bolz, 29; Crawford, 45; DeBoer, 10; Geist, 25; Howard, 9; Hunt, 8; Linehan, 39; Slama, 1; Walz, 15; Wishart, 27; Pansing Brooks, 28; Morfeld, 46; Hansen, M., 26; Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2201, Reissue Revised Statutes of Nebraska; to provide for a place to express breast milk in the State Capitol; and to repeal the original section.

LEGISLATIVE BILL 710. Introducer by Cavanaugh, 6.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1420, 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, 28-1429.03, 71-801, 71-7611, 77-2601, 77-2602, 77-4001, 77-4007, and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of tobacco under the Nebraska Criminal Code; to increase and change tobacco taxes as prescribed; to provide for and change the distribution of certain funds; to create a fund and provide for its use; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 711. Introducer by Cavanaugh, 6; Chambers, 11; Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to voting qualifications for any person convicted of a felony; and to repeal the original sections.

LEGISLATIVE BILL 712. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to government; to amend sections 13-801 and 13-2501, Reissue Revised Statutes of Nebraska; to prohibit joint entities formed under the Interlocal Cooperation Act and joint public agencies formed under the Joint Public Agency Act from taking action against members or representatives for engaging in free speech as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 714. Introducer by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to job training; to amend section 77-2756, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Industrial New Job-training Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 716. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to public health; to amend section 81-666, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2017, as amended by section 1, Initiative Law 2018, No. 427; to create the Medicaid Cost and Quality Data and Analysis Center of Nebraska; to provide duties relating to funding; to provide for an approved researcher; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 73-501, 73-502, and 73-506, Reissue Revised Statutes of Nebraska; to restate intent; to redefine a term; to provide requirements for use of computers under certain contracts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 718. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Revised Statutes Cumulative Supplement, 2018; to provide for additional polling places prior to an election in certain counties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 720. Introducer by Kolterman, 24; Albrecht, 17; Arch, 14; Geist, 25; Hilgers, 21; Hilkemann, 4; La Grone, 49; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1344, 77-202, 77-1229, 77-2711, 77-27,119, 77-27,144, 77-5725, 77-5905, and 81-125, Reissue Revised Statutes of Nebraska, and sections 18-2119, 18-2710.03, 49-801.01, 50-1209, 84-602.03, and 84-612, Revised Statutes Cumulative Supplement, 2018; to adopt the ImagiNE Nebraska Act; to change provisions relating to sales and use tax refunds; to stop accepting applications under the Nebraska Advantage Act; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 720A. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

LEGISLATIVE BILL 721. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to firefighters; to amend section 16-1031, Reissue Revised Statutes of Nebraska; to provide for eligibility for group health insurance or other insurance coverage to disabled firefighters and surviving spouses and dependents of deceased firefighters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 722. Introducer by Albrecht, 17; Clements, 2.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-607 and 9-649, Reissue Revised Statutes of Nebraska, and sections 9-601 and 9-603, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to authorize seizure of gray devices; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 723. Introducer by Vargas, 7; Blood, 3; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Revised Statutes Cumulative Supplement, 2018; to change taxes on manufacturers and wholesalers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 724. Introducer by Vargas, 7; Cavanaugh, 6; Pansing Brooks, 28; Wayne, 13; Wishart, 27; Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5731, Reissue Revised Statutes of Nebraska; to state findings; to provide requirements for boards of directors in order to qualify for incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introducer by Walz, 15; Cavanaugh, 6; Crawford, 45; Kolowski, 31; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Wishart, 27.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.13 and 79-1018.01, Revised Statutes Cumulative Supplement, 2018; to state findings; to provide for reimbursements for mental health expenditures; to state intent for appropriations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introducer by Walz, 15; Hilkemann, 4; Kolowski, 31; Linehan, 39; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to schools; to provide duties for school districts, the State Department of Education, and the Department of Health and Human Services with respect to mental health services.

LEGISLATIVE BILL 728. Introducer by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to provide duties for the State Department of Education and school districts relating to school meals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 729. Introducer by Walz, 15; Brandt, 32.

A BILL FOR AN ACT relating to agriculture; to adopt the Soil Health and Productivity Incentive Act; and to provide an operative date.

LEGISLATIVE BILL 730. Introducer by Walz, 15.

A BILL FOR AN ACT relating to advanced practice registered nurses; to amend sections 38-201, 38-203, 38-205, 38-206, 38-207, 38-209, 38-210, 38-212, 38-606, 38-611, 38-613, 38-617, 38-704, 38-706, 38-710, 38-711, 38-905, 38-906, 38-910, 38-1915, 38-2214, 38-2303, 38-2304, 38-2308, 38-2309, 38-2311, 38-2312, 38-2314, 38-2315, 38-2319, 38-2320, 38-2321, 38-2323, 38-2324, 38-3214, and 38-3215, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-186, 38-208, 38-2025, 38-2216, 38-2305, 38-2314.01, 38-2316, 38-2318, and 38-2322, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate definitions; to provide, change, transfer, and eliminate provisions relating to advanced practice registered nurses; to eliminate the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 38-601, 38-602, 38-603, 38-604, 38-605, 38-607, 38-608, 38-609, 38-610, 38-612, 38-614, 38-616, 38-618, 38-701, 38-702, 38-703, 38-705, 38-707, 38-709, 38-901, 38-902, 38-903, 38-904, 38-907, 38-908, 38-909, 38-2301, 38-2302, 38-2306, 38-2307, and 38-2313, Reissue Revised Statutes of Nebraska, and sections 38-615, 38-708, and 38-2317, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 731. Introducer by Hunt, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to new or updated comprehensive plans; and to repeal the original sections.

LEGISLATIVE BILL 732. Introducer by Vargas, 7; Blood, 3.

A BILL FOR AN ACT relating to food; to amend section 81-2,270, Revised Statutes Cumulative Supplement, 2018; to adopt the Mobile Food Unit Act; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 734. Introducer by Hunt, 8; Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control act; to amend sections 53-101, 53-117, 53-117.07, 53-123, 53-124, 53-124.01, 53-125, and 53-130, Revised Statutes Cumulative Supplement, 2018; to provide for licensure for charter bus services; to provide for procedures and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 735. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to provide a duty.

LEGISLATIVE BILL 736. Introducer by Murman, 38; Halloran, 33.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-1208 and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 14-109, 15-203, 16-205, and 17-525, Revised Statutes Cumulative Supplement, 2018; to provide restrictions on occupation taxes, license fees, and regulation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 738. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Reissue Revised Statutes of Nebraska; to change individual income tax brackets and rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 739. Introducer by Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-4,109, 83-4,110, 83-4,111, 83-4,113, 83-4,115, and 83-4,123, Reissue Revised Statutes of Nebraska, and sections 25-3401, 83-170, 83-173.03, 83-4,114, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2018; to name the Adult Institutions Disciplinary Procedures Act; to define terms; to change and eliminate provisions relating to solitary confinement, restrictive housing, and disciplinary segregation; to prohibit placement of members of vulnerable populations in restrictive housing as prescribed; to provide procedures and requirements for decisions regarding placement in restrictive housing and for appeals of such decisions; to require the Department of Correctional Services to adopt rules and regulations; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2. Introducer by Blood, 3.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the contested presidential elections of 1800, 1876, and 2000, the Civil War, and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during the course of its two-hundred-thirty-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 2010, the Legislature passed Legislative Resolution 538 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, nearly all the members of the Legislature who voted for the foregoing resolutions are deceased and over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on any of the foregoing resolutions, indeed may not even be aware of their contents; and

WHEREAS, a litany of such resolutions have been passed by the legislatures of the several states and are currently pending, awaiting in some cases only the action of a few states;

WHEREAS, action by the current legislature of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened, perhaps concurrently, without the concurrence of two-thirds of the current legislatures; and

WHEREAS, the powers and limitations on a convention of the states or multiple conventions being held simultaneously or jointly are unclear and uncertain; and

WHEREAS, a constitutional convention convened by Congress could make sweeping changes to the Constitution and threaten the liberty of future generations of Nebraskans; and

WHEREAS, the Legislature is aware that other state legislatures have made applications requesting that Congress convene a constitutional convention; and

WHEREAS, the issues raised and contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, the Legislature no longer supports its previous resolutions which requested that Congress convene a constitutional convention, most of which were adopted over three decades ago, and does not wish for these resolutions to be included with similar applications which were made by other state legislatures.

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

1. That each resolution passed by the Legislature described in this resolution and any additional resolutions previously passed by the Legislature petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States shall be rescinded upon passage of this resolution.

2. That the members of the Legislature urge each state legislature which has previously requested Congress to convene a constitutional convention to withdraw such applications.

3. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

LEGISLATIVE RESOLUTION 3CA. Introducer by Erdman, 47; Briese, 41.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 (1) Notwithstanding any other provision of this Constitution, the Legislature shall provide by law for a refundable credit against the income tax imposed by the State of Nebraska in an amount equal to thirty-five percent of the property taxes that were:

(a) Levied on real property located in this state; and

(b) Paid by the taxpayer during the taxable year.

(2) The Legislature shall make the credit available for taxable years beginning on or after January 1, 2021.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require the Legislature to provide a refundable state income tax credit in an amount equal to thirty-five percent of the property taxes that were levied on real property located in this state and paid by the taxpayer during the taxable year.

For

Against.

LEGISLATIVE RESOLUTION 5CA. Introducer by Brewer, 43; Briese, 41; Halloran, 33; Erdman, 47.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1:

VII-1 (1) The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. No more than thirty-three percent of the funding for such free instruction in the common schools shall come from property taxes.

(2) The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that no more than thirty-three percent of the funding for the free instruction in the common schools shall come from property taxes.

For

Against.

LEGISLATIVE RESOLUTION 7. Introducer by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Groene, 42; Hilgers, 21; Kolterman, 24; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1; Wayne, 13; Williams, 36; Gragert, 40; Friesen, 34.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

LEGISLATIVE RESOLUTION 8CA. Introducer by Linehan, 39; at the request of the Governor.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 (1) Notwithstanding Article VIII, section 1 or 5, of this Constitution or any other provision of this Constitution to the contrary, the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more than three percent greater than the amount raised in the prior fiscal year, except as provided in subsections (2) and (3) of this section.

(2) The total amount of property tax revenue raised by a political subdivision in a fiscal year may exceed the limitation in subsection (1) of this section by an amount approved by a majority of legal voters voting on the issue at an election called for such purpose upon the recommendation of a majority of the governing body of the political subdivision. Such recommendation shall include the amount by which the property tax revenue would exceed the limitation in subsection (1) of this section for the fiscal year. All costs of the election shall be paid by the political subdivision seeking to exceed such limitation.

(3) The limitation in subsection (1) of this section shall not apply to the amount of property tax revenue needed to pay the principal and interest on bonded indebtedness that has been approved according to law.

(4) For purposes of this section, property tax revenue means revenue raised from a tax that is assessed annually upon the value of real and personal property.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that the total amount of property tax revenue raised by a political subdivision in any fiscal year shall not be more

than three percent greater than the amount raised in the prior fiscal year, except for amounts approved by voters and amounts needed to pay bonded indebtedness.

For

Against.

LEGISLATIVE RESOLUTION 9. Introducer by Wayne, 13.

WHEREAS, the framers of the Constitution of the United States of America intended that Congress be "dependent on the people alone" (The Federalist No. 52, Alexander Hamilton or James Madison); and

WHEREAS, what was a dependency on the people alone has transformed into a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportionate influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, overreaching decisions such as *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) and its progeny have frustrated or prevented reasonable campaign laws. This includes decisions such as *American Tradition Partnership, Inc. v. Bullock*, 567 U.S. 516 (2012), which summarily overturned the Montana Supreme Court without oral argument, throwing out a century of effective campaign laws in that state, and *McCutcheon v. Federal Election Commission*, 572 U.S. 185 (2014), which removed the individual spending limit, allowing for the unprecedented funneling of campaign contributions from all over the nation; and

WHEREAS, the Constitution of Nebraska states that "governments are instituted among people, deriving their just powers from the consent of the governed." (Article I, section 1); and

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, in order to restore balance and integrity to our nation's elections, the Nebraska Unicameral Legislature perceives the need for an Article V convention limited to proposing an amendment to the Constitution of the United States that would permanently protect free and fair elections in America; and

WHEREAS, the State of Nebraska desires that delegates to the convention be comprised equally of individuals currently elected to state and local office or that such delegates be selected by election in each congressional district for the purpose of serving as delegates, and further desires that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention; and

WHEREAS, the State of Nebraska intends this resolution to be a continuing application for an Article V convention to be considered together with the applications calling for a convention passed in the 2013-2014 Vermont General Assembly as J.R.S. 27 (Act R-454), the 2013-2014 California State Legislature as AJR 1 (res. ch. 77), the 2013-2014 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, and the 2016 Rhode Island General Assembly as HR 7670 and SR 2589, and with all other passed, pending,

and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by Congress.

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

1. That the people of the State of Nebraska, speaking through their Nebraska Unicameral Legislature, and pursuant to Article V of the Constitution of the United States, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that would restore free and fair elections as described in this resolution, as soon as two-thirds of the several states have applied for a convention for a similar purpose.

2. That the Nebraska delegates to such convention shall have no discretion beyond that granted by the Nebraska Unicameral Legislature and that the Legislature retains its authority to restrict or expand the power of Nebraska's delegates within the limits expressed in this resolution.

3. That the Nebraska Unicameral Legislature shall not ratify and the Nebraska delegates to a convention authorized by this resolution shall not vote to propose any amendment unless it allows each state to determine the campaign finance laws that will apply to its local and federal officials.

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the minority leader of the United States House of Representatives, the president pro tempore of the United States Senate, the members of the Senate and House of Representatives from this state, the Archivist of the United States, and the respective clerks of the United States House of Representatives and the United States Senate, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record and recorded in the published tally of state applications for an Article V convention.

5. That the Clerk of the Legislature transmit copies of this resolution to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call an Article V convention to propose an amendment to the Constitution of the United States to restore free and fair elections as described in this resolution.

LEGISLATIVE RESOLUTION 11CA. Introducer by Hansen, M., 26; Hunt, 8; La Grone, 49; Slama, 1.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he or she is elected, or on the date of his or her appointment, the person ~~he~~ is a registered voter, has attained

the age of ~~nineteen twenty-one~~ years, and has resided within the district from which ~~he is~~ elected for the term of one year next before his or her election, unless ~~the person has he shall have~~ been absent on the public business of the United States or of this State. ~~No And no~~ person elected as a member of the Legislature aforesaid shall hold such his office after he or she shall have removed from such district.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the age of eligibility for the office of member of the Legislature to nineteen years of age.

For

Against.

LEGISLATIVE RESOLUTION 12CA. Introducer by Vargas, 7; Brandt, 32; Cavanaugh, 6; Clements, 2; DeBoer, 10; Dorn, 30; Erdman, 47; Groene, 42; Halloran, 33; Hansen, M., 26; Hunt, 8; Wishart, 27.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

Each member of the Legislature shall receive an annual ~~a salary of not to exceed one thousand dollars per month~~ during the term of his or her office equal to fifty percent of the median household income for the State of Nebraska as defined by the most recent report of such income published by the United States Bureau of the Census prior to the first Wednesday after the first Monday of January in each odd-numbered year. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the annual salary of members of the Legislature to fifty percent of the most recent report of the median household

income for the State of Nebraska as published by the United States Bureau of the Census prior to January of odd-numbered years.

For
Against.

LEGISLATIVE RESOLUTION 15. Introducer by Pansing Brooks, 28.

WHEREAS, according to the Nebraska Chamber of Commerce and local chambers of commerce across the state, workforce development is the top concern of business leaders today; and

WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled workers.

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

1. That the Executive Board of the Legislative Council appoint a special committee of the Legislature to be known as the Workforce Development Committee of the Legislature. The committee shall consist of ten members of the Legislature appointed by the Executive Board with two members from the Appropriations Committee, two members from the Revenue Committee, two members from the Business and Labor Committee, two members from the Education Committee, and two members from the Government, Military and Veterans Affairs Committee. The committee members shall elect a chairperson and meet at the call of the chairperson. The Executive Board shall provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.

2. The Workforce Development Committee of the Legislature is hereby authorized to study (a) incentives to promote the creation and retention of workers in the state, including, but not limited to, transportation, housing, and civic vitality, (b) initiatives necessary for the recruitment and retention of people in specific communities, including veterans and college graduates, (c) college loan forgiveness as a tool to recruit and retain young people, and (d) the role workforce issues play in incentivizing employers to create and keep jobs in Nebraska. The committee shall issue a report electronically with its findings and recommendations to the Executive Board of the Legislative Council on or before December 31, 2019. The Workforce Development Committee of the Legislature shall terminate on December 31, 2019.

LEGISLATIVE RESOLUTION 16. Introducer by Hunt, 8; Blood, 3; Bolz, 29; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Lathrop, 12; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Vargas, 7; Wayne, 13; Wishart, 27.

WHEREAS, the federal government has been partially shut down since December 22, 2018, the longest government shutdown in this country's history; and

WHEREAS, on January 25, 2019, approximately eight hundred thousand federal workers will miss their second paycheck since the shutdown began; and

WHEREAS, the shutdown of the federal government has weakened national and state security; and

WHEREAS, the shutdown of the federal government has negatively impacted Nebraska's economy and small business community.

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

1. That the Legislature recognizes the contributions and applauds the generosity of Nebraska businesses that are supporting federal workers through donations of goods and services.
2. That the Legislature urges the President of the United States and members of Congress to reopen the federal government immediately.
3. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's congressional delegation.

LEGISLATIVE RESOLUTION 118. Introducer by Hunt, 8; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Geist, 25; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27; Lowe, 37; Vargas, 7; Arch, 14.

WHEREAS, a 2006 Federal Bureau of Investigation assessment defined a white supremacist as a pro-white person who believes that the white race is superior to all other races and was created to rule them. White supremacists view non-whites as subhuman and usually refer to them in derogatory terms; and

WHEREAS, the same 2006 intelligence assessment describes the domestic white-nationalist movement as seeking to promote, honor, and defend the white race. A white nationalist believes the white race is under attack from Jewish interests that dominate the media, banking, entertainment industries, and the government, which white nationalists refer to as the Zionist Occupied Government or ZOG, and that such interests act to the detriment of the white race. White nationalists view multiculturalism, diversity, and illegal immigration as direct assaults on the white race and race-mixing as akin to white genocide. White nationalists hope to appeal to mainstream whites, believing that the majority of white people do not understand the imminent or long-term threat to their race. Many white nationalists contend that a race war, often referred to as RAHOWA, or Racial Holy War, is a certainty; and

WHEREAS, white supremacy and white nationalism are contrary to the ideals of the United States of America, which was established according to the principle stated in the Declaration of Independence that all men are created equal, a principle that was updated in 1848 in Seneca Falls, New York, to include all people; and

WHEREAS, while our country has often fallen short of these ideals, patriotic Americans have sought to embody the founding values of our country by rejecting white nationalism and white supremacy, embracing inclusive patriotism, and welcoming immigrants from across the globe who have continuously enriched our nation; and

WHEREAS, on April 27, 2019, a domestic terrorist armed with an assault rifle opened fire on worshipers in Chabad of Poway, a synagogue in Poway, near San Diego, California, killing Lori Kaye, 60, and injuring three others; and

WHEREAS, the perpetrator of this act of terrorism has also been linked to an arson blaze that blackened the walls of the Islamic Center of Escondido, a mosque in San Diego; and

WHEREAS, the perpetrator was motivated by white supremacy and white nationalism ideologies and inspired by the white-nationalist terrorist who killed fifty people in attacks on mosques in Christchurch, New Zealand at Friday prayer on March 15, 2019; and

WHEREAS, according to FBI statistics, hate crimes nationwide, including those in places of worship, increased in 2015, in 2016, and in 2017, the three most recent years for which data is available.

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

1. That the Legislature condemns racist violence and domestic terrorist attacks motivated by white supremacy and white nationalism.
2. That the Legislature recognizes Lori Kaye of Poway, California, who was killed in the domestic terrorist attack in San Diego, California, and the three other individuals injured in such attack, and offers condolences to the family and friends of Lori Kaye and sympathy to those individuals recovering from injuries sustained during such attacks.
3. That the Legislature recognizes the hundreds of other individuals killed and injured in attacks motivated by religious hatred.
4. That the Legislature offers support for communities victimized by demonstrations of violent bigotry.
5. That the Legislature rejects groups that espouse racism, extremism, xenophobia, anti-Semitism, Islamophobia, white supremacy, and white nationalism as hateful groups of intolerance contrary to the values of Nebraskans.
6. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

FIRST DAY - JANUARY 8, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 2020

PRAYER

The prayer was offered by Senator Williams.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Sixth Legislature, Second Session of the Legislature of Nebraska assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 8, 2020, and was called to order by President Foley.

The roll was called and the following members were present:

Albrecht, Joni	Gragert, Tim	Lowe, John S.
Arch, John	Groene, Michael	McCollister, John S.
Blood, Carol	Halloran, Steve	McDonnell, Mike
Bolz, Kate	Hansen, Ben	Morfeld, Adam
Bostelman, Bruce	Hansen, Matt	Moser, Mike
Brandt, Tom	Hilgers, Mike	Murman, Dave
Brewer, Tom	Hilkemann, Robert	Pansing Brooks, Patty
Briese, Tom	Howard, Sara	Quick, Dan
Cavanaugh, Machaela	Hughes, Dan	Scheer, Jim
Chambers, Ernie	Hunt, Megan	Slama, Julie
Clements, Robert	Kolowski, Rick	Stinner, John P.
Crawford, Sue	Kolterman, Mark A.	Vargas, Tony
DeBoer, Wendy	La Grone, Andrew	Walz, Lynne
Dorn, Myron	Lathrop, Steve	Wayne, Justin
Erdman, Steve	Lindstrom, Brett	Williams, Matt
Friesen, Curt	Linehan, Lou Ann	Wishart, Anna
Geist, Suzanne		

CERTIFICATE

State of Nebraska

United States of America,) ss.
 State of Nebraska)

Secretary of State
 State Capitol
 Lincoln, Nebraska

I, Robert B. Evnen, Secretary of State of the State of Nebraska, do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Sixth Legislature, Second Session, 2020.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Sixth Legislature, Second Session, 2020.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 8, 2020.

(SEAL)

(Signed) Robert B. Evnen
 Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama - Appointed	January 9, 2019
2 Robert Clements	November 6, 2018
3 Carol Blood	November 8, 2016
4 Robert Hilkemann	November 6, 2018
5 Mike McDonnell	November 8, 2016
6 Machaela Cavanaugh	November 6, 2018
7 Tony Vargas	November 8, 2016
8 Megan Hunt	November 6, 2018
9 Sara Howard	November 8, 2016
10 Wendy DeBoer	November 6, 2018
11 Ernie Chambers	November 8, 2016
12 Steve Lathrop	November 6, 2018
13 Justin Wayne	November 8, 2016
14 John Arch	November 6, 2018
15 Lynne M. Walz	November 8, 2016
16 Ben Hansen	November 6, 2018
17 Joni Albrecht	November 8, 2016
18 Brett Lindstrom	November 6, 2018
19 Jim Scheer	November 8, 2016

20	John S. McCollister	November 6, 2018
21	Mike Hilgers	November 8, 2016
22	Mike Moser	November 6, 2018
23	Bruce Bostelman	November 8, 2016
24	Mark A. Kolterman	November 6, 2018
25	Suzanne Geist	November 8, 2016
26	Matt Hansen	November 6, 2018
27	Anna Wishart	November 8, 2016
28	Patty Pansing Brooks	November 6, 2018
29	Kate Bolz	November 8, 2016
30	Myron Dorn	November 6, 2018
31	Rick Kolowski	November 8, 2016
32	Tom Brandt	November 6, 2018
33	Steve Halloran	November 8, 2016
34	Curt Friesen	November 6, 2018
35	Dan Quick	November 8, 2016
36	Matt Williams	November 6, 2018
37	John S. Lowe Sr.	November 8, 2016
38	Dave Murman	November 6, 2018
39	Lou Ann Linehan	November 8, 2016
40	Tim Gragert	November 6, 2018
41	Tom Briese	November 8, 2016
42	Michael Groene	November 6, 2018
43	Tom Brewer	November 8, 2016
44	Dan Hughes	November 6, 2018
45	Sue Crawford	November 8, 2016
46	Adam Morfeld	November 6, 2018
47	Steve Erdman	November 8, 2016
48	John P. Stinner Sr.	November 6, 2018
49	Andrew La Grone - Appointed	January 9, 2019

MESSAGE(S) FROM THE GOVERNOR

June 5, 2019

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 individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Dorothy C. Anderson, 3210 Van Dorn Street, Lincoln, NE 68502
Jacque Carter, 535 Boswell Avenue, Crete, NE 68333

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 25, 2019

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 individuals are being appointed to the State Emergency Response Commission:

Kyle Keeling, 1420 2nd Street, Sutherland, NE 69165
Tonya Ngotel, 1929 Washington Street, Lincoln, NE 68502

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 25, 2019

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 individuals are being appointed to the Nebraska Child Abuse Prevention Fund Board:

David J. Hansen, Ph.D., 7510 Cantrell Circle, Lincoln, NE 68523
Jillian Chance, 3625 Old Dominion Road, Lincoln, NE 68516

Contingent upon your approval, the following individual is being reappointed to the Nebraska Child Abuse Prevention Fund Board:

Shelly K. McQuillan, 1106 East G Street, Ogallala, NE 69153

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 26, 2019

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 Nebraska Commission on Problem Gambling:

Kelly Lambert, 239 Courtland Street, Turnbull, NE 68980

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

June 26, 2019

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 Nebraska Tourism Commission:

Robert Phillip Sabin Jr., 7818 Shirley Street, Omaha, NE 68124

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

June 26, 2019

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 individuals are being appointed to the Environmental Quality Council:

Karl Barfuss, 3205 Gold View Drive, Norfolk, NE 68701
Norris Marshall, 186 W Road, Kearney, NE 68845

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Douglas Anderson, 1407 West 10 Road, Aurora, NE 68818
Dennis D. Grams, 8701 S. 64 Street, Lincoln, NE 68516
James W. Hawks, 3121 West Phillip, North Platte, NE 69101

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

July 31, 2019

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 Board of Parole:

Mark T. Langan, 3514 N. 12th Avenue, Omaha, NE 68164

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

July 31, 2019

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 as the Director of the Department of Economic Development:

Anthony Goins, 3224 Sheridan Court, Lincoln, NE 68506

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

August 6, 2019

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 individuals are being reappointed to the Nebraska Ethanol Board:

Timothy L. Else, 6171 Road U, Belvidere, NE 68315
Jan K. tenBensel, 703 Nasby Street, Cambridge, NE 69022

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

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

August 28, 2019

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 as the Chief Medical Officer and Director of the Nebraska Department of Health and Human Services - Division of Public Health:

Gary J. Anthone, M.D., F.A.C.S., 10506 Burt Circle, Omaha, NE 68114

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

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

September 17, 2019

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 Nebraska Motor Vehicle Industry Licensing Board:

Curt Prohaska, 18977 SW 66th Street, Crete, NE 68333

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Motor Vehicle Industry Licensing Board:

Joseph Kosiski, 5808 M Street, Omaha, NE 68117
Stephan Budke, 920 Dillon Circle, North Platte, NE 69101
Dennis R. Schworer, 417 Ridgewood Drive, Bellevue, NE 68005

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 19, 2019

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 individuals are being appointed to the Coordinating Commission for Postsecondary Education:

Timothy Daniels, 9214 Crown Point Avenue, Omaha, NE 68134
Charles Garman, 16859 Saratoga Circle, Omaha, NE 68116

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 19, 2019

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 Nebraska Power Review Board:

Elizabeth A. Hilyard, 210038 Pinecone Drive, Gering, NE 69341

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

September 19, 2019

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 reappointed to the State Racing Commission:

Janelle Beveridge, 411 West 2nd Street, Paxton, NE 69155

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

September 24, 2019

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 Environmental Quality Council:

Seth B. Harder, 54011 Highway 20, Plainview, NE 68769

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

September 25, 2019

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 individuals are being reappointed to the Technical Advisory Committee on Statewide Assessment:

Chad W. Buckendahl, Ph.D., 2467 Cordoba Bluff Court, Las Vegas, NV,
89135
Cindy Gray, 3861 S. 182 Street, Omaha, NE 68130

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 25, 2019

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 Crime Victim's Reparations Committee:

Anne C. Boatright, 12323 Westover Road, Omaha, NE 68154

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

September 30, 2019

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 individuals are being reappointed to the State Emergency Response Commission:

Polly Ann Jordening, 4032 Buckingham Drive, Grand Island, NE 68803
Kimberly K. Plouzek, 1417 County Road D, Dorchester, NE 68343

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 30, 2019

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 reappointed to the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044

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

November 4, 2019

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 individuals are being appointed to the Beginning Farmer Board:

Wade E. Thornburg, 608 27th Circle, Beatrice, NE 68310
Dave W. Nielsen, 7100 Raymond Road, Lincoln, NE 68517

Contingent upon your approval, the following individual is being reappointed to the Beginning Farmer Board:

Bradley D. Lubben, Ph.D., 20508 Maple Circle, Eagle, NE 68347

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 4, 2019

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 Electrical Board:

David Hunter Jr., 63809 730 Road, Auburn, NE 68305

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

James S. Brummer, 1823 Imperial Road, Norfolk, NE 68701

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 4, 2019

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 individuals are being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Brad Jacobs, 1404 Kendall Street, St. Paul, NE 68873
Thomas R. McCaslin, 1749 N. D Street, Broken Bow, NE 68822
Dennis Cloninger, 832 N Nebraska 7, York, NE 68467
Clint Jones, 46341 N. 400 Avenue, Genoa, NE 68640
Matthew O'Daniel, 2843 Dale Lane, Arlington, NE 68002

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 4, 2019

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 Nebraska Environmental Trust Board:

Jeff T. Kanger, 4316 S. 49th Street, Lincoln, NE 68516

Contingent upon your approval, the following individual is being reappointed to the Nebraska Environmental Trust Board:

Sherry Vinton, 80687 Haney Lane, Whitman, NE 69366

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2019

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 individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Sandra Torres, M.D., 2223 Dodge Street, Apt. 403, Omaha, NE 68102
Michael Allen Christopher Green, M.D., CHI Health University Campus,
2415 Cuming Street, Omaha, NE 68131

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 6, 2019

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 reappointed to the Board of Educational Lands and Funds:

Glenn R. Wilson Jr., 3103 Brentwood Circle, Grand Island, NE 68801

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

November 6, 2019

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 individuals are being reappointed to the State Highway Commission:

Jerome A. Fagerland, 501 North Madison, Atkinson, NE 68713
James W. Hawks, 3121 West Phillip, North Platte, NE 69101
Douglas Leafgreen, 1625 Aspen, Gering, NE 69341

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 18, 2019

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 individuals are being appointed to the Commission for the Blind and Visually Impaired:

Kimberly Scherbarth, 3810 L Avenue, Kearney, NE 68847
Brent Heyen, 3001 R Street, Lincoln, NE 68503

Contingent upon your approval, the following individual is being reappointed to the Commission for the Blind and Visually Impaired:

Mark M. Bulger, 7520 S. 135 Street, Omaha, NE 68138

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 18, 2019

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 individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Jonathan Scherling, 5112 Mason Street, Omaha, NE 68106
Robert J. Feit, 2510 Norman Circle, Lincoln, NE 68512

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Candice Arteaga, 629 Oak Street, Greenwood, NE 68366

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 18, 2019

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 Nebraska Child Abuse Prevention Fund Board:

Jillian Chance, 3625 Old Dominion Road, Lincoln, NE 68516

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

December 18, 2019

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 reappointed to the Nebraska Investment Council:

John M. Dinkel, 4800 N. Deer Run Drive, Norfolk, NE 68701

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

December 18, 2019

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
reappointed to the Tax Equalization and Review Commission:

James D. Kuhn, 4511 E. Bismark, Grand Island, NE 68801

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

December 18, 2019

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
reappointed to the Nebraska State Fair Board:

Beth Smith, 2310 Woodsdale Blvd., Lincoln, NE 68502

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

December 18, 2019

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 Emergency Response Commission:

Rod Buethe, 20304 Westridge Road, Gretna, NE 68028

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

December 18, 2019

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 Nebraska Commission on Problem Gambling:

Claudia Louise Barthold, M.D., 200 S. 31st Avenue, #4709, Omaha, NE 68131

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Mark R. Canada, 5301 Sky Loch Drive, Hastings, NE 68901
Cameron J. Arch, 7204 S. 160th Street, Omaha, NE 68136
Kelly J. Lambert, 239 Courtland Street, Trumbull, NE 68980

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 20, 2019

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 individuals are being
reappointed to the Public Employees Retirement Board:

Allen Simpson, 2401 Ryons Street, Lincoln, NE 68502
Michael D. Jahnke, 4002 Sunset Drive, North Platte, NE 69101
Kelli M. Ackerman, 2557 Wilderness Ridge Circle, Lincoln, NE 68512

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

ATTORNEY GENERAL'S OPINIONS

Opinion 19-010

SUBJECT: Constitutionality of LB 110 – Adoption of the
 Medical Cannabis Act

REQUESTED BY: Senator Andrew La Grone
 Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
 David A. Lopez, Deputy Solicitor General

INTRODUCTION

You have requested an opinion from this office regarding the
constitutionality of LB 110, which would create the Medical Cannabis Act

("MCA"). Committee Amendment 1680 to LB 110 ("AM1680"), currently pending on General File, would authorize the cultivation, processing, wholesale distribution, and retail sale of cannabis (marijuana) and cannabis products for medical uses under Nebraska law. It would establish a regulatory framework to govern these activities and a wholly new government agency—the "Cannabis Enforcement Department"—to enforce this regulatory scheme through producer and patient registration, inspections, licensure, fee collection, and related rulemaking.

Your specific question asks whether the MCA, if enacted, would be preempted by the federal Controlled Substances Act ("CSA"), the money laundering statutes, the unlicensed money transmitter statute, or the Bank Secrecy Act. To the extent the latter three categories of statutes govern this question, it is primarily based on the underlying CSA provisions. *See, e.g.*, 18 U.S.C. §§ 1956(c)(7)(B)(i), 1957 (money laundering); 18 U.S.C. § 1960(b)(1)(C) (unlicensed money transmitting); 31 U.S.C. § 5318; 31 C.F.R. § 1020.320 (Bank Secrecy Act regulation requiring financial institutions to file suspicious activity reports for transactions involving funds derived from federally illegal activities). The following analysis will thus focus on preemption under the CSA. As explained below, it is the opinion of this office that the MCA would be preempted.

ANALYSIS

I. The Controlled Substances Act

The CSA establishes a comprehensive federal scheme to regulate the market in controlled substances. This "closed regulatory system mak[es] it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA." *Gonzales v. Raich*, 545 U.S. 1, 13 (2005) (citing 21 U.S.C. §§ 841(a)(1), 844(a)).

To effectuate that "closed" system, the CSA "authorizes transactions within 'the legitimate distribution chain' and makes all others illegal." *United States v. Moore*, 423 U.S. 122, 141 (1975) (quoting H.R. Rep. No. 1444, *supra*, Pt. 1, at 3). Violators of the CSA are subject to criminal and civil penalties, and ongoing or anticipated violations may be enjoined. 21 U.S.C. §§ 841-863, 882(a).

The CSA categorizes all controlled substances into five schedules. *Id.* at § 812. The CSA's restrictions on the manufacture, distribution, and possession of a controlled substance depend upon the schedule in which the drug has been placed. *Id.* at §§ 821-829. The drugs are grouped together based on their accepted medical uses, the potential for abuse, and their psychological and physical effects on the body. *Id.* at §§ 811, 812. Each schedule is associated with a distinct set of controls regarding the manufacture, distribution, and use of the substances listed therein. *Id.* at §§ 821-830.

Since Congress enacted the CSA in 1970, marijuana and tetrahydrocannabinols have been classified as Schedule I controlled substances. See Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. No. 91-513, § 202, 84 Stat. 1249 (Schedule I(c)(10) and (17)); 21 U.S.C. § 812(c) (Schedule I(c)(10) and (17)).

A drug is listed in Schedule I if it has "a high potential for abuse," "no currently accepted medical use in treatment in the United States," and "a lack of accepted safety for use . . . under medical supervision." 21 U.S.C. § 812(b)(1)(A)-(C). By classifying marijuana as a Schedule I drug, Congress mandated that the manufacture, distribution, or possession of marijuana be a criminal offense, with the sole exception being use of the drug as part of a Food and Drug Administration preapproved research study. 21 U.S.C. §§ 823, 841(a)(1), 844(a); *United States v. Oakland Cannabis Buyers' Coop.*, 532 U.S. 483, 489-490, 492 (2001).

In the CSA, Congress included findings and declarations regarding the effects of drug distribution and use on the public health and welfare and the effects of intrastate drug activity on interstate commerce. Congress found, for example, that "[t]he illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people." 21 U.S.C. § 801(2). Congress also found:

A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.

Id. at § 801(3). Congress further found that "[l]ocal distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances," *id.* at § 801(4); that "[c]ontrolled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate" and "[t]hus, it is not feasible to distinguish" between such substances "in terms of controls," *id.* at § 801(5); and that "[f]ederal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic," *id.* at § 801(6). The federal

executive branch confirmed this understanding of the intent and purpose of the CSA in 2004. Brief for the Petitioners, *Ashcroft v. Raich*, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 1799022, at *11.

Congress has not amended the CSA to remove marijuana from Schedule I, nor have considerable efforts to administratively reschedule marijuana been successful.¹

II. LB 110—the Medical Cannabis Act

The MCA (under AM1680 to LB 110) would authorize the production, distribution, sale, and consumption of medical marijuana in Nebraska and establish an elaborate, state-run regulatory system to govern those activities. There is no material dispute that its text is intended to establish as comprehensive a regime as possible to place the state itself in the position of authorizing, licensing, inspecting, and monitoring these activities, and to collect fees from entities permitted by the state to produce, process, and dispense marijuana and marijuana products. Several of the MCA's provisions are worth specifically highlighting.

The MCA would permit certified patients and designated caregivers to apply to a newly-created "Cannabis Enforcement Department" for enrollment in a registry program, after which they would be permitted to purchase and consume marijuana and marijuana products. AM1680, §§ 8-10, 31. Non-Nebraska residents would be permitted to participate subject to certain conditions. §§ 17, 32. Patients would qualify for participation after a diagnosis of a "qualifying medical condition," which the MCA defines by enumerating seventeen specific health conditions. § 24.

The new Cannabis Enforcement Department would be charged with developing an application for patient enrollment in the registry program, § 34, registration of designated caregivers, § 35, permitting non-patient "caregivers" to possess marijuana and distribute it to patients, § 36, and for creating a written certification form to be used by participating health care practitioners. § 39(1). The new agency is also required to develop requirements for a medical necessity waiver to allow a patient to possess a greater quantity of cannabis than otherwise allowed, § 39(3), and to provide for classification and regulation of commercial producers based on size. § 39(4).

The MCA would require that "[a] producer of cannabis *shall provide a reliable and ongoing supply* of cannabis needed for the registry program." § 41(1) (emphasis added). It would direct the Cannabis Enforcement Department to register and regulate a limited number of producers and all qualifying processors for the production and processing of all cannabis within Nebraska. § 40. The Department would also be required to register a limited number of dispensaries for the dispensing and sale of all cannabis for medical use in the state. § 43. The MCA would direct the Nebraska State

Patrol to assist in executing the MCA by conducting criminal background checks of industry participants. § 47.

Additionally, the MCA would provide for the collection of fees by the Cannabis Enforcement Department, directing the new agency to collect an application fee of \$25,000 for dispensaries, an application fee of up to \$5,000 for producers or processors or, for producers or processors in the tier allowed to cultivate the largest number of plants, an application fee of not more than \$25,000. § 61. The Department shall establish an annual fee for producers in the tier allowed to cultivate the largest number of plants of not more than \$40,000, and an annual fee of not more than \$5,000 for producers not in such tier. *Id.* Processors not licensed to perform solvent-based extractions on cannabis are subject to an annual fee of not more than \$5,000, while processors permitted to perform additional solvent-based extractions are subject to an annual fee of not more than \$40,000. *Id.* The Department shall establish an annual fee for dispensaries of not more than \$25,000. *Id.* Laboratories are to be assessed an annual fee not to exceed \$15,000. *Id.*

In sum, the MCA would, through its extensive licensure and regulatory scheme, place the state in the position of affirmatively facilitating the cultivation, processing, wholesale distribution, and retail sale of marijuana and marijuana products.

III. The U.S. Supreme Court's decision in *Gonzales v. Raich* establishes that state-level marijuana schemes like the Medical Cannabis Act are preempted by the CSA and therefore unconstitutional.

The Supremacy Clause of the United States Constitution provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Art. VI, cl. 2. As a consequence of this constitutional command, "a state statute is void to the extent it conflicts with a federal statute – if, for example, 'compliance with both federal and state regulations is a physical impossibility' . . . or where the law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'" *Maryland v. Louisiana*, 451 U.S. 725, 747 (1981) (citations omitted).

In 1996, California voters passed Proposition 215, known as the "Compassionate Use Act." Under this Act, "seriously ill" California residents were allowed access to marijuana for medical purposes. *Gonzales v. Raich*, 545 U.S. 1, 7 (2005). The Act exempted from criminal prosecution patients and their "primary caregivers" who possessed or cultivated marijuana for medicinal purposes with the recommendation or approval of a physician. *Id.* at 6. The Act required that the marijuana that was being grown by the patient or caregiver be used *only* for the patient's personal use.

Id. The California scheme was thus a purely noncommercial, compassionate use-based regime.

After DEA agents raided the homes of two seriously ill Californians who were in full compliance with the California Act, those Californians brought suit, seeking injunctive and declaratory relief prohibiting the enforcement of the federal CSA to the extent it prevents them from possessing, obtaining, or manufacturing cannabis for their personal medical use. *Id.* at 7.

The case made its way to the Supreme Court, where the federal government argued that marijuana was a drug with "significant potential for abuse and dependence," and was a "fungible commodity that is regularly bought and sold in an interstate market." Reply Brief for Petitioners, *Ashcroft v. Raich*, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 2652615, at *1. "That market," the federal government explained, "like the market for numerous other drugs having a significant potential for abuse and dependence, is *comprehensively regulated by the [CSA]*." *Id.* (emphasis added). Because Congress explicitly found that marijuana has "no currently accepted medical use in treatment in the United States" and had categorized marijuana as a "Schedule I" drug, the CSA was enacted "[i]n order to eradicate the market for such drugs." *Id.* As such, the federal government argued, "the CSA makes it unlawful to manufacture, distribute, dispense, or possess *any* Schedule I drug for *any* purpose, medical or otherwise, except as part of a strictly controlled research project." *Id.* (emphasis in original).

Nor, argued the federal government, was it "relevant that respondents' conduct may be lawful under state law" because "[u]nder the Supremacy Clause, state law cannot insulate conduct from the exercise of Congress's enumerated powers." *Id.* "Here," argued the government, "regulation of intrastate activities is an *essential* part of Congress's regulation of the interstate drug market and Congress's goal of achieving a comprehensive and uniform system that guards against drug abuse and diversion and permits manufacturing and distribution for legitimate medical uses only under carefully prescribed safeguards in the CSA itself." *Id.*

The Supreme Court agreed, having "no difficulty concluding that Congress had a rational basis for believing that failure to regulate the intrastate manufacture and possession of marijuana would leave a *gaping hole in the CSA*." *Raich*, 545 U.S. at 22 (emphasis added).

"First," the Court said, "the fact that marijuana is used 'for personal medical purposes on the advice of a physician'" is irrelevant, because "the CSA designates marijuana as contraband for *any* purpose." *Id.* at 27 (emphasis in original). "Moreover," said the Court, "the CSA is a comprehensive regulatory regime specifically designed to regulate which controlled substances can be utilized for medicinal purposes, and in what manner." *Id.* "Thus, even if respondents are correct that marijuana does have accepted medical uses . . . the CSA would still impose controls beyond what is required by California law" because "[t]he CSA requires manufacturers,

physicians, pharmacies, and other handlers of controlled substances to comply with statutory and regulatory provisions mandating registration with the DEA, compliance with specific production quotas, security controls to guard against diversion, recordkeeping and reporting obligations, and prescription requirements." *Id.* "Accordingly," the Court concluded, "the mere fact that marijuana – like virtually every other controlled substance regulated by the CSA – is used for medicinal purposes cannot possibly serve to distinguish it from the core activities regulated by the CSA." *Id.*

"One need not have a degree in economics to understand why . . . an exemption [from the CSA] for the vast quantity of marijuana (or other drugs) locally cultivated for personal use . . . [would] have a substantial impact on the interstate market for [marijuana]." *Id.* at 28. Thus, the policy judgment Congress made in the CSA "that an exemption for such a significant segment of the total market would undermine the orderly enforcement of the entire regulatory scheme is entitled to a strong presumption of validity." *Id.* Nor, said the Court, can "limiting the activity to marijuana possession and cultivation 'in accordance with state law' . . . serve to place [California's law] beyond congressional reach." *Id.* at 29.

The Court thus soundly rejected the notion that the marijuana production and use at issue "were not 'an essential part of a larger regulatory scheme' because they had been 'isolated by the State of California, and [are] policed by the State of California,' and thus remain 'entirely separated from the market.'" *Id.* at 30. "The notion that California law has surgically excised a discrete activity that is hermetically sealed off from the larger interstate marijuana market is a dubious proposition," concluded the Court, and one that Congress rationally rejected when it enacted the CSA. *Id.*

In the end, concluded the Court, if California wished to legalize the growing, possession, and use of marijuana, it would have to seek permission to do so "in the halls of Congress." *Id.* at 33.

It is the opinion of this office that the MCA would suffer from the same legal infirmities as the California scheme in *Raich*. Notwithstanding the fact that state-level marijuana legalization schemes have spread in the recent (and discretionary) unwillingness by the federal government to civilly enforce the CSA against states, that exercise of discretion simply does not change the federal law that remains on the books and which Congress has steadfastly maintained.

That is evident from the text of the various administrative memoranda that have been issued to guide the federal government's present posture of nonenforcement. In the most recent of these, issued in early 2018, even as the U.S. Attorney General directed federal prosecutors to follow well-established principles in determining which marijuana activities merited prosecution within their jurisdiction, he premised his guidance with a reaffirmation of the CSA's prohibition of the cultivation, distribution, and possession of marijuana. Memorandum from Jefferson B. Sessions,

Attorney General, U.S. Department of Justice, to All United States Attorneys (Jan. 4, 2018). Intra-bureaucratic guidance memoranda simply do not change federal law.

Given *Gonzales v. Raich*, and given the text and legislative history of the CSA, there is no doubt that *Congress* intended the CSA to serve the purpose of making *all* manufacture, sale, and possession of regulated drugs illegal, except to the extent explicitly authorized by the CSA. Nothing about the federal government's relaxed view of its enforcement obligations under the CSA changes the fact that *Congress* intended the CSA to prohibit the type of legalization proposed by the MCA.

Indeed, in the briefing it filed with the Supreme Court in *Gonzales v. Raich*, the federal government confirmed that it shares this understanding of the intent and purpose of the CSA. Brief for the Petitioners, *Ashcroft v. Raich*, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 1799022, at *11 ("Congress has concluded that regulation of *all* intrastate drug activity 'is *essential* to the effective control' of interstate drug trafficking.") (emphasis added). Congress has taken no action in the decade-plus since to indicate a different intent and purpose. And, if "excepting drug activity for personal use or free distribution from the sweep of the CSA would discourage the consumption of lawful controlled substances and would undermine Congress's intent to regulate the drug market comprehensively to protect public health and safety" (Brief for the Petitioners, *Ashcroft v. Raich*, 545 U.S. 1 (2005) (No. 03-1454), 2004 WL 1799022, at *11), then the comprehensive commercial distribution scheme proposed by the MCA undoubtedly would do the same.

This is particularly so given the CSA's provision at 21 U.S.C. § 903 that a state law is preempted when a "positive conflict" exists such that a CSA provision and the state law in question "cannot consistently stand together." Such a positive conflict clearly exists between the CSA and the MCA.

CONCLUSION

In sum, we conclude that the MCA, by creating a state regulatory scheme that would affirmatively facilitate the cultivation, processing, wholesale distribution, and retail sale of federal contraband on an industrial scale, would frustrate and conflict with the purpose and intent of the CSA. Accordingly, we conclude that the MCA would be preempted by the CSA and would be, therefore, unconstitutional.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) David A. Lopez
Deputy Solicitor General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

¹ Notably, even the recent farm bill, legislation which legalized the commercial production of hemp (defined as cannabis or cannabis derivatives with a tetrahydrocannabinol concentration ("THC") of 0.3 percent or less), stopped well short of removing marijuana from Schedule I. Agriculture Improvement Act of 2018, Pub. L. No. 115-334, §§ 10113, 12619 (2018). Likewise, continuing federal appropriations provisions which prohibit the U.S. Department of Justice from using funds to interfere with state medical marijuana laws in no way modify the CSA, much less remove marijuana from Schedule I. *See, e.g.*, Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, § 538 (2018). Any argument that such provisions substantively change the underlying CSA marijuana prohibition misapprehends the state of the controlled substances laws, generally, and the function of appropriations riders, specifically.

Opinion 19-012

SUBJECT: Constitutionality of the Appointment of County
 Election Commissioners and their Chief Deputies

REQUESTED BY: Senator Matt Hansen
 Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
 Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office concerning the appointment of county election commissioners and their chief deputies. You note that Neb. Const. art. IX, § 4 states that "[t]he Legislature shall provide by law for the election of such county and township officers as may be necessary. . . ." Your two questions are as follows:

1. Whether the election commissioners provided for under Neb. Rev. Stat. §§ 32-207 and 32-211 are county officers under Nebraska Article IX, Section 4 of the Nebraska Constitution.
2. If election commissioners are county officers, whether the appointment of election commissioners and their deputies violates Article IX, Section 4 of the Nebraska Constitution.

You explain that you are "considering legislation that would make the offices of election commissioner and deputy election commissioner subject to popular vote rather than appointment by the Governor and county boards." Therefore, we will also discuss whether chief deputy election commissioners are county officers who must be elected pursuant to Neb. Const. art. IX, § 4.

ARTICLE IX, § 4 AND APPLICABLE STATUTES

Neb. Const. art. IX, § 4 provides: "The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; *Provided*, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties."

Turning to the statutes most relevant to your questions, Neb. Rev. Stat. § 32-207 (2016) provides that "[t]he office of election commissioner shall be created for each county having a population of more than one hundred thousand inhabitants. The election commissioner shall be appointed by the Governor and shall serve for a term of four years or until a successor has been appointed and qualified." Currently, Douglas, Lancaster, and Sarpy counties have election commissioners appointed by the Governor.

In those counties having a population of more than one hundred thousand inhabitants, the election commissioner must appoint a chief deputy election commissioner who is a member of a different political party than the election commissioner. Neb. Rev. Stat. § 32-209 (2016).

Neb. Rev. Stat. § 32-211 (2016) provides that the county board of each county with not less than twenty thousand nor more than one hundred thousand inhabitants "may" create the office of election commissioner and shall appoint that election commissioner. It is our understanding that, currently, four counties have election commissioners appointed by their county boards.

Section 32-211 further provides that, if an election commissioner is appointed by a county board, the board also has the option of appointing a chief deputy election commissioner of a different political party than the election commissioner.

Neb. Rev. Stat. § 32-218 (2016) provides that the county clerk will perform the duties assigned to the election commissioner, except in those counties which have an election commissioner pursuant to § 32-207 or § 32-211.

ANALYSIS**I. Whether Election Commissioners Are County Officers.**

Your first question is whether election commissioners (and chief deputy election commissioners) are county officers. The Nebraska Supreme Court has discussed the indicia of public office on multiple occasions. Characteristics of a public office include the creation of the position by constitution or a statute, a definite or fixed term of office, a required oath of office and the ability to exercise an independence beyond that of employees.

"When a position based upon a provision of law carries with it continuing duties of public concern which involve some exercise of the sovereign power in their proper performance, the position may be said to be an office public in character." *Eason v. Majors*, 111 Neb. 288, 291, 196 N.W. 133, 134 (1923) (holding that a department head at the state normal school was a public officer). "[A] public officer is an incumbent of a public office, which is the right, duty and authority conferred by law, by which, for a given period, an individual is invested with some portion of the sovereign functions of government for the benefit of the public." *Home Savings & Loan Ass'n v. Carrico*, 123 Neb. 25, 30, 241 N.W. 763, 765 (1932) (holding that an attorney appointed to represent an indigent defendant was neither an officer nor an employee).

In *State ex rel. O'Connor v. Tusa*, 130 Neb. 528, 535, 265 N.W. 524, 528 (1936) ["*Tusa*"], the Nebraska Supreme Court noted the following definition of "office": "An office is a public station or employment, conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument, and duties." (quoting *United States v. Hartwell*, 73 U.S. 385, 393 (1867)). "It may be said that the almost universal rule is that, in order to indicate office, the duties must partake in some degree of the sovereign powers of the state." *Tusa* at 535, 265 N.W. at 528. After examining the statutory duties of a county manager, the Court determined that a county manager was a county officer. As we will discuss in greater detail in our response to your second question, the Court held that, because the county managers under those statutes were appointed to office, rather than elected, the statutes violated Neb. Const. art. IX, § 4.

Applying this analysis to your inquiry, we find that county election commissioners and chief deputy election commissioners in Nebraska are county officers. The "office of election commissioner" for each county with more than one hundred thousand inhabitants is created by statute, Neb. Rev. Stat. § 32-207 (2016). The election commissioner is appointed by the Governor for a term of four years. *Id.* Counties with a population of not less than twenty thousand nor more than one hundred thousand may create the "office of election commissioner." Neb. Rev. Stat. § 32-211 (2016). The election commissioner is appointed by the county board for a term of four years. *Id.*

All election commissioners are authorized to appoint other deputies, clerks and employees. Neb. Rev. Stat. § 32-212 (2016). Election commissioners must take an oath and give a bond before taking office. Neb. Rev. Stat. § 32-213 (2016). An election commissioner is responsible for the enforcement of the Election Act as it relates to his or her office and must adopt and promulgate rules and regulations in regard to elections and the registration of voters in his or her county. Neb. Rev. Stat. §§ 32-214 and 32-215 (2016).

The chief deputy election commissioner in a county with more than one hundred thousand inhabitants is also a position created by statute and has

the same term of office as the election commissioner. Neb. Rev. Stat. § 32-209 (2016). The chief deputy election commissioner takes a required oath of office and furnishes a bond. Further, the chief deputy election commissioner performs duties assigned by the election commissioner and, in the absence of the election commissioner, the chief deputy "shall perform all the duties of the election commissioner. . . ." *Id.* In a county with a population of not less than twenty thousand nor more than one hundred thousand, the county board has the option of appointing a chief deputy election commissioner, who serves for a term of four years. Neb. Rev. Stat. § 32-211 (2016).

Our conclusion that the election commissioners and chief deputy election commissioners are county officers is consistent with our 1994 opinion concerning the status and authority of election commissioners under LB 76, a substantial revision of the election laws pending before the Legislature at that time. Op. Att'y Gen. No. 94008 (February 7, 1994). The questions we addressed were: (1) if the election commissioner was appointed by the Governor, to whom the election commissioner would be responsible; and (2) whether a county board would have authority to require the election commissioner to comply with county personnel policies and procedures. In addressing those questions we stated:

It appears to us that the election commissioner for counties over 50,000 in population created by LB 76 would be a county officer because the bill provides that the election commissioner is employed by the county, and because the position created by the bill entails many of the indicia of public office, e.g., the election commissioner is appointed for a specific term, the position is created by statute and the position has duties and authority beyond that of a mere employee. *See Eason v. Majors*, 111 Neb. 288, 196 N.W. 133 (1923).

Op. Att'y Gen. No. 94008 at 3-4.

There are two other cases which are consistent with our conclusion. The Nebraska Supreme Court stated that the election commissioner and deputy election commissioner of Douglas County were "public officers" of Douglas County in *State ex rel. Meissner v. McHugh*, 120 Neb. 356, 233 N.W. 1 (1930). This case did not concern article IX, § 4. Instead, the Court determined, in the context of a special proceeding to contest whether a nomination for the office of county attorney must be accepted, that a single justice of the Court sitting in Lancaster County lacked jurisdiction over public officers in another county.

In *Dwyer v. Omaha-Douglas Public Bldg. Comm.*, 188 Neb. 30, 195 N.W.2d 236 (1972), the Court upheld the constitutionality of a statute authorizing certain cities and counties to establish a joint public building commission. The Court found that the Omaha-Douglas County Public Building Commission was a separate governmental subdivision and not an arm of the county. Therefore, the levy by the Commission was not a county

tax. The Court also briefly considered an argument that appointment of the Commission members violated article IX, § 4, and found that the Commission members were not county officers as the Commission was a separate governmental subdivision.

II. Whether Election Commissioners Must Be Elected.

Your second question is whether the appointment of election commissioners and chief deputy election commissioners violates Neb. Const. art. IX, § 4. This constitutional provision was incorporated into the Constitution in 1875. While text was added following the 1968 general election which authorized the consolidation of county offices, the original provision requiring the election of county officers remains unaltered.

Our current statutes which provide for the appointment of election commissioners and chief deputy election commissioners, as discussed above, are Neb. Rev. Stat. §§ 32-207, 32-209, and 32-211. Nebraska has had a statute requiring the Governor to appoint an election commissioner in a county of a certain population since 1913. Despite this long history, we are not aware of any Nebraska cases which directly address your questions. As a preliminary matter, we note that "[s]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." *Gourley v. Nebraska Methodist Health System, Inc.*, 25 Neb. 918, 942, 663 N.W.2d 43, 67 (2003). "[A] statute is presumed to be constitutional, and all reasonable doubts are resolved in favor of its constitutionality." *State v. McCumber*, 295 Neb. 941, 948, 893 N.W.2d 411, 417 (2017). However, in this instance, it is our view that the statutes providing for the appointment of election commissioners and chief deputy election commissioners would, if challenged, be held unconstitutional by the Nebraska Supreme Court.

Our office previously discussed similar issues concerning article IX, § 4 in some detail in Op. Att'y Gen. No. 96024 (March 14, 1996). That opinion addressed whether a constitutional amendment was necessary to alter Nebraska's form of county governance and institute an optional county administrator system. In the opinion we began by discussing several canons of constitutional construction.

First, we are bound by the cardinal rule that the state Constitution must be applied and enforced as it is written. *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991). Next, the provisions of the Constitution must be read as a whole. *Jaksha v. State*, 222 Neb. 690, 385 N.W.2d 922 (1986). "Moreover, constitutional provisions are not open to construction as a matter of course; construction of a constitutional provision is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary." 238 Neb. at 774-775, 472 N.W.2d at 408-409.

* * *

Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." *State ex rel. Stenberg v. Douglas Racing Corp.*, 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994) (citations omitted). In so acting, however, the court has established that "[t]he people of the state, by adopting a Constitution, have put it beyond the power of the [L]egislature to pass laws in violation thereof." *State ex rel. Randall v. Hall*, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933).

Op. Att'y Gen. No. 96024 at 2-3.

With regard to article IX, § 4, we noted that the Nebraska Supreme Court "has long held that, pursuant to the Article IX, § 4 provision, '[t]he number and character of county offices that may be created rests in the discretion of the [Legislature].'" *Dinsmore v. State*, 61 Neb. 418, 429, 85 N.W. 445, 448 (1901). Op. Att'y Gen. No. 96024 at 4. However, we concluded that "[w]hile the Legislature is vested with broad authority to determine which county offices will exist, once those offices have been established, the people have retained the right to elect the individuals who will occupy those offices." Op. Att'y Gen. No. 96024 at 6.

Our analysis in that opinion relied extensively on *State ex rel. O'Connor v. Tusa*, 130 Neb. 528, 265 N.W.524 (1936), which we discussed in answer to your first question. In *Tusa*, Douglas County voters had exercised their statutory option to adopt a county manager form of government. When an individual attempted to file as a candidate for the office of county register of deeds, a controversy arose whether the office of register of deeds had been abolished by adoption of the county manager form of government. In deciding that issue, the Nebraska Supreme Court held that a county manager was a county officer as that term is used in article IX, § 4 and that a Nebraska statute authorizing the appointment of a county manager was unconstitutional.

Moreover, in that opinion we noted that the Court's *Tusa* decision was consistent with the ruling in an earlier case. In *State ex rel. Harte v. Moorhead*, 99 Neb. 527, 156 N.W. 1067 (1916), the Court concluded a districting plan was unconstitutional. Citing the predecessor of article IX, § 4, the Court reasoned that county governments are local in their nature and that the Constitution protects them in their right of local self-government. "The Constitution makers had something definite in mind when they provided that county officers should be elected." *Id.* at 534, 156 N.W. at 1069. For these reasons, we concluded the language of article IX, § 4 would need to be amended before adopting a county administrator system in which county officers would be appointed. Op. Att'y Gen. No. 96024 at 6.

Our office also considered whether county officers may be appointed in 1977-78 Rep. Att'y Gen. 20 (Opinion No. 13, dated February 1, 1977), in which we pointed out that a "potential problem" could be raised by article IX, § 4 if, under pending legislation, county officers were appointed rather than elected. And, in Op. Att'y Gen. No. 88014 (February 25, 1988), we concluded that the appointment of county superintendents, under proposed legislation, would violate article IX, § 4. In the latter opinion, we considered that the county superintendent was referred to as an "office" and that individuals appointed to that position would exercise sovereign functions of government. "Under our system of government, the people of our state cannot be denied the opportunity to elect county officers." *Id.* at 2.

Finally, our conclusion is supported by decisions of other jurisdictions and authorities. *See State ex rel. Johnston v. Melton*, 192 Wash. 379, 73 P.2d 1334 (1937) (holding that a state constitutional provision requiring the election of county officers was mandatory); *State ex rel. Armstrong v. Halliday*, 61 Ohio St. 171, 55 N.E. 175 (1899) (holding that a state constitutional provision required county officers to be elected so that a county fish and game warden could not be appointed); 3 Eugene McQuillin, *The Law of Municipal Corporations* § 12:117 (3d ed.) ("The constitutional method for filling offices must be observed. Neither the legislature of the state, nor that of the municipality, can change such method.").

CONCLUSION

For the reasons discussed above, it is our opinion that the positions of election commissioner and chief deputy election commissioner created by Nebraska statutes are county officers. The Nebraska Supreme Court has not yet addressed the specific question whether the appointment of election commissioners by either the Governor or a county board violates Neb. Const. art. IX, § 4. However, in our view, the Nebraska statutes requiring or authorizing the appointment of an election commissioner or a chief deputy election commissioner are constitutionally suspect and would, if challenged, be found unconstitutional by the Court.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-633-29

Opinion 19-013

SUBJECT: Constitutionality of Legislation Reducing the Percentage of Actual Value of Real Property Subject to Taxation by K-12 Public Education Entities.

REQUESTED BY: Senator Mike Groene
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

You are considering legislation that would reduce the percentage of actual value of real property subject to taxation by Nebraska K-12 public education entities. In two prior opinions, we concluded it would be constitutional to reduce the percentage of valuation of agricultural and horticultural land used in determining state aid value under the Tax Equity and Educational Opportunities Support Act ["TEEOSA"]. Neb. Rev. Stat. §§ 79-1001 to 79-1033 (2014, Cum. Supp. 2018, and Supp. 2019); Op. Att'y Gen. No. 15-002 (Feb. 17, 2015); Op. Att'y Gen. No. 19-007 (May 6, 2019). You are now contemplating introducing legislation to provide a percentage reduction in the valuation of real property subject to taxation by K-12 public education entities. The reduction would apply to commercial and residential real property as well as agricultural and horticultural real property. One option would be to apply a ten percent reduction to all real property. A second option would be to apply a different percentage reduction to commercial and residential real property (i.e. ten percent) than is applied to agricultural and horticultural real property (i.e. twenty percent). The percentage applied would mirror the percentage reduction utilized in the TEEOSA formula. Your question is whether the proposed reduction to the percentage of actual value of real property subject to taxation by K-12 public education entities would violate the requirement that "[t]axes shall be levied by valuation uniformly and proportionately upon all real property . . ." in Neb. Const. art. VIII, § 1.

ANALYSIS**I. Constitutional and Statutory Provisions.**

Neb. Const. art. VIII, § 1(1) provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; . . ." Subsection (4) of art. VIII, § 1, provides:

[T]he Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural and horticultural land which results in values that are not uniform and proportionate with all other real property

and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; . . . Neb. Const. art. VIII, § 1(4).²

In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

The standard the Legislature has adopted to value real property for taxation is "actual value." Neb. Rev. Stat. § 77-201(1) (2018) (Except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, "all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value."). Agricultural land and horticultural land, as well as agricultural land and horticultural land qualifying for special valuation, is "subject to taxation, and shall be valued at seventy-five percent" of its actual or special value. Neb. Rev. Stat. § 77-202(2) and (3) (2018). "Actual value" is defined in Neb. Rev. Stat. § 77-112 (2018), which provides:

Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade. Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach. Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. In analyzing the uses and restrictions applicable to real property, the analysis shall include a consideration of the full description of the physical characteristics of the real property and an identification of the property rights being valued.

II. Nebraska Case Law Discussing the Constitutional Requirement of Uniform and Proportionate Taxation.

"The object of Nebraska's uniformity clause is accomplished if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value." *Sarpy County Farm Bureau v. Learning Community of Douglas and Sarpy Counties*, 283 Neb. 212, 246, 808 N.W.2d 598, 622 (2012) [*Sarpy County Farm Bureau*]. "The uniform method for valuing property which the Legislature has provided is to tax property at its 'actual value.'" *Xerox Corp. v. Karnes*, 217 Neb. 728, 732, 350 N.W.2d 566, 569 (1984) (citing Neb. Rev. Stat. §§ 77-201 and 77-112). "There is no longer a constitutional requirement for the value of agricultural and horticultural land to be uniform and proportionate with the value of other real property." *Krings v. Garfield Cty. Bd. of Equal.*, 286 Neb. 352, 362, 835 N.W.2d 750,

757 (2013). The Constitution, however, "still requires uniformity within" the class of agricultural and horticultural land. *Id.* at 361, 835 N.W.2d at 756.

III. Validity of "Fractional" Valuation of Property for Taxation Under the Uniformity Clause.

The uniform standard of value adopted by the Legislature for property taxation is "actual value." "For purposes of taxation, the terms actual value, market value, and fair market value mean the same thing." *Richards v. Thayer Cty. Bd. of Equal.*, 178 Neb. 537, 540, 134 N.W.2d 56, 58 (1965). *Accord Xerox Corp. v. Karnes*, 217 Neb. 728, 732-33, 350 N.W.2d 566, 569 (1984); *Gage Cty. v. State Bd. of Equal.*, 185 Neb. 749, 751, 178 N.W.2d 759, 762 (1970). Currently, all real property, other than agricultural and horticultural land or agricultural and horticultural land subject to special valuation, is assessed at 100 percent of its actual value. Agricultural and horticultural land, including agricultural and horticultural land subject to special valuation, is assessed at 75 percent of its actual or special value.

Your proposal would reduce the actual value of all real property subject to assessment, non-agricultural as well as agricultural, by a percentage, solely for taxation by K-12 public education entities. The percentage may be the same, i.e., a ten percent reduction for all real property, or different, i.e., a ten percent reduction of the valuation of non-agricultural real property and a twenty percent reduction of the valuation of agricultural real property. In either scenario, the reduced assessed value would apply only to taxes levied by K-12 public education entities; property taxes imposed by all other taxing entities would be levied on the full actual value of non-agricultural real property, and 75 percent of the actual or special value of agricultural and horticultural land.

"There are two main types of real-property assessments for tax purposes: actual value assessments, under which real property is assessed at full value; and fractional or percentage assessments, under which real property is assessed at a fraction or percentage of full value. . . ." Annot., *Requirement of Full-Value Real Property Taxation Assessments*, 42 A.L.R.4th 676, 682 (1985). "[U]niform fractional assessments have been held valid under state constitutional/statutory provisions for assessment of real property at its just value . . . , at a uniform value . . . , at uniform and proportionate valuations . . . , or . . . in proportion to its true value." *Id.* at 683.

Article IX, § 1 of the Nebraska Constitution of 1875 provided, in part: "The Legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property and franchises the value to be ascertained in such manner as the Legislature shall direct." In *Beadle v. Sanders*, 104 Neb. 427, 428, 177 N.W. 789, 789 (1920), the Nebraska Supreme Court noted that the "state assesses property at a fraction of its actual value." The Court cited the above constitutional provision, and the statute "mak[ing] the taxable value [of property] one-fifth of the actual or

market value." *Id.* at 428-29, 177 N.W. at 789-90 (citing Rev. Stat. § 6300 (1913)).

The Nebraska Constitution, as amended in 1920, provided in Article XIII, § 1, that "taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises . . ." Following adoption of this amendment, the Legislature provided for the taxation of property at its "actual value." Comp. Stat. § 5820 (1922). This basis for taxation continued until 1953, when legislation was enacted providing for the valuation of property at its "actual value" and the assessment of property "at fifty per cent of such actual value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1953). For a short time, the standard was changed to valuation of property at its "basic value," and assessment "at fifty percent of such basic value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1955). The Legislature then returned to providing for valuation of property at its "actual value," and assessment "at thirty-five percent of such actual value." Neb. Rev. Stat. § 77-201 (Cum. Supp. 1957). "Actual value" was later made the basis for both the valuation and assessment of property by the enactment of 1979 Neb. Laws LB 187, § 191 (codified at Neb. Rev. Stat. § 77-201 (Cum. Supp. 1980)).

The Nebraska Constitution currently requires that "[t]axes be levied by valuation uniformly and proportionately upon all real property. . ." Neb. Const. art. VIII, § 1(1). There is no language expressing an intent to require taxation of real property at its "full" or "actual value." While the Legislature has used full "actual value" as the basis for taxation in the past, and does so presently for nonagricultural real property, it has also provided for assessment real property at a percentage of full actual value. And, it currently provides for the taxation of agricultural and horticultural land (including land subject to special valuation) at a percentage of full actual value. Thus, the Legislature may provide for the assessment of real property at a uniform fraction or percentage of its actual value.

While assessment at a uniform percentage of actual value is constitutionally permissible, your proposed legislation would provide only for assessment of real property by K-12 public education entities at a reduced percentage of value. All other taxing entities would assess real property at full actual value, in the case of non-agricultural real property, or at seventy-five percent of actual or special value, in the case of agricultural and horticultural land. For example, you indicate the assessed value of all real property could be reduced by 10 percent, or that the assessed value of non-agricultural real property could be reduced by 10 percent, and agricultural and horticultural land could be reduced by 20 percent.

"The object of the uniformity clause is satisfied if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value." *Sarpy County Farm Bureau*, 283 Neb. at 246, 808 N.W.2d at 622. The "taxing jurisdiction" or jurisdictions relevant to your proposed legislation are those included in the undefined term "K-12 public education entities." Presumably, the intent is to utilize the same reduced valuation

percentage throughout the relevant taxing jurisdiction or jurisdictions encompassed by this term. Under your first scenario, the assessed value providing the basis for taxation for K-12 education entities is reduced by a uniform percentage for all real property subject to assessment within the taxing jurisdiction. Under your second scenario, which applies a greater percentage reduction to agricultural and horticultural land than other real property, the reduced percentages again are uniform within the taxing jurisdiction. While the percentage reduction of actual value for agricultural and horticultural land is greater than that applied to other real property, that is permissible, as agricultural and horticultural land is a separate class of real property that is not required to be valued uniformly in relation to non-agricultural real property; only uniformity within the class of agricultural and horticultural land is required. Accordingly, the reduced valuations you propose, if applied uniformly, do not appear to contravene art. VIII, § 1.

The remaining question is whether it is permissible to establish an assessed level of value for taxation by K-12 public education entities that is different than the level of assessed value for all other taxing entities. While we have not found any Nebraska case law on point, the Supreme Court of Texas has considered whether a statute providing for assessment of property at a greater percentage of value in one subdivision than the level of value subject to assessment by other taxing subdivisions violated the Texas Constitution's uniformity clause and the Equal Protection Clause of the U. S. Constitution. *Smith v. Davis*, 426 S.W.2d 827 (Tex. 1968) ["*Smith*"]. The challenged statute allowed hospital district tax assessments to be made "at a greater percentage of fair cash market value than that used in assessing the property for state and county purposes." *Id.* at 830. Art. VIII, § 1, of the Texas Constitution provided that "taxes shall be equal and uniform, and all property * * * shall be taxed in proportion to its value, which shall be ascertained as may be provided by law." *Smith*, 426 S.W.2d at 833. While noting that the state and federal constitutions "do require that taxation be uniform, equal, and in proportion to the value of the property being taxed . . .," the court found the assessments were "uniform and equal," as "[t]here is no constitutional requirement that different taxing bodies use the same proportion of fair market value in assessing property for tax purposes." *Id.* at 834.

While assessment at disparate levels of value by different taxing entities is permissible provided they are uniform within the taxing jurisdiction, a question could arise as to whether the creation of two classes of taxing entities results in impermissible special legislation in violation of Neb. Const. art. III, § 18.³ A legislative act violates the prohibition against special legislation if it "creat[es] a totally arbitrary and unreasonable method of classification. . . ." *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 845 (1991). "A special legislation analysis focuses on a legislative body's purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *J.M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489

(2014). "A legislative body's distinctive treatment of a class is proper if the class has some reasonable distinction from other subjects of a like general character." *Big John's Billards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014). "[T]hat distinction must bear some reasonable relation to the legitimate objective and purposes of the legislative act." *Id.*

In Att'y Gen. Op. No. 15-002, we concluded that legislation that would reduce the value of agricultural and horticultural land, including land subject to special valuation, but not other real property, for purposes of calculating state aid to schools, did not create an improper classification in violation of the special legislation clause. *Id.* at 5. You indicate the proposed reduction in assessed values for taxation by K-12 public education entities would correspond with reductions in the valuation of real property for purposes of computing available resources under TEEOSA. The stated purpose is "to assure that the amount of reduction of property valuations within the TEEOSA formula will translate into actual property taxes paid by a property owner. . . ." Given this connection and purpose, we cannot say the classifications created are improper and contrary to art. III, § 18.

CONCLUSION

The uniformity clause requires that all real property within a taxing jurisdiction be assessed and taxed at a uniform standard of value. While art. VIII, § 1, requires uniform and proportionate taxation, it does not mandate taxation at full actual value. While the Legislature has used full "actual value" as the basis for taxation in the past, and does so presently for nonagricultural real property, it has also provided for the assessment of real property at a percentage of full actual value. And, it currently provides for valuing and taxing agricultural and horticultural land (including land subject to special valuation) at a percentage of full actual value. Thus, the Legislature may provide for the assessment of real property at a uniform fraction or percentage of its actual value. While there is no Nebraska case law addressing whether it is permissible to establish disparate levels of value subject to assessment by different taxing entities, there is authority indicating that uniformity does not require that different taxing entities use the same proportion of value in assessing property for tax purposes. What is required is uniformity in the percentage of taxable value within each taxing jurisdiction. The reduced valuations of real property for taxation by K-12 public education entities you propose, applied uniformly, do not appear to contravene art. VIII, § 1. Further, the classifications created by the different levels of assessed value proposed do not appear to violate the prohibition against special legislation in Neb. Const. art. III, 18.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General
Chief, Legal Services Bureau

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1316-29

¹ Prior to 1992, art. VIII, § 1, required uniform taxation of "all tangible property and franchises." A constitutional amendment approved by the voters in 1992 replaced this requirement with the current language requiring taxes to be "levied by valuation uniformly and proportionately upon all real property and franchises. . . ." Neb. Const. art. VIII, § 1(1), *as amended by* 1992 Neb. Laws, LR 219 CA, § 1.

² The Legislature also is authorized to "enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses." Neb. Const. art. VIII, § 1(5). Pursuant to this so-called "Greenbelt amendment," the Legislature has exercised this power by providing for the special valuation of certain lands used for agricultural or horticultural purposes. Neb. Rev. Stat. §§ 77-1344 to 77-1347.01 (2018).

³ Article VIII, § 1, states this section applies "[n]otwithstanding" other provisions of the Constitution, including Article III, § 18. The effect of this language has not yet been subject to judicial interpretation. Nevertheless, we will consider the application of the special legislation clause to the proposed classifications.

Opinion 19-014

SUBJECT: Constitutionality of Legislation Distributing Future
Tax Equity and Educational Opportunities Support
Act State Aid Funding Adjustments Proportionately
Across All School Districts

REQUESTED BY: Senator Mike Groene
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office with respect to the constitutionality of proposed legislation which would amend the Tax Equity and Educational Opportunities Support Act, Neb. Rev. Stat. §§ 79-1001 to 79-1033 (2014, Cum. Supp. 2018, Supp. 2019) ("TEEOSA"). You indicate in your request letter that when the Legislature believes it necessary to annually adjust the TEEOSA formula, individual formula variables are "tweaked."¹ You indicate that this process adjusts the formula to generate the total amount of state aid the Legislature will fund.

PROPOSED LEGISLATION

As we understand it, your proposed legislation would amend the TEEOSA formula to provide for "distributions of any future TEEOSA state aid funding adjustments made by the Legislature proportionally across all school districts." The legislation "would alter the TEEOSA formula to increase the amount of state aid to all school districts," resulting in "property tax relief through a lowered local property tax request." One key component of your proposed legislation is "provid[ing] equitable state funding to all school districts, with the greater of a per student foundation aid or 33.3% of a school district's formula needs."² You indicate that specific provisions may be added to TEEOSA to address how the formula works in the event of a legislative adjustment, i.e., the formula will be left intact, while the total amount of the adjustment is divided proportionally across the school districts. By way of example, you indicate that the preliminary calculation of state aid is \$1.5 billion. However, the Legislature determines that \$1.425 billion is "adequate to fund the free instruction in Nebraska's common schools" A new statute would be added to TEEOSA to divide the difference—\$75 million [or 5 percent of \$1.5 billion]—proportionally across all districts by reducing each district's preliminarily calculated state aid by 5 percent. In addition, to ensure that funding is adequate, a new section would be added to allow local school boards, by a supermajority vote, an annual budget exception to their statutory levy and revenue limits to recoup up to 75 percent of any reductions in their state aid due to legislative action.

You have asked for our opinion as to the following questions:

- I. Do these proposed provisions added to Nebraska's public school funding formula . . . adhere to "[t]he Legislature shall provide for the free instruction in our common schools" provision of Neb. Const. art. VII, § 1?
- II. Furthermore, do the proposed provisions comply with the equal protection clauses under Neb. Const. art. I, § 3 and U.S. Const. Amend. XIV, § 1?

Our response to each of your inquiries is set out below.

DISCUSSION

I. Free Instruction Clause

Restated, your proposal would reduce every school district's state aid funding by an amount equal to the percentage of any legislative adjustment to the preliminarily calculated amount of state aid funding. A school district will be able to recover 75% of the reduction by a supermajority vote of its governing body. While you have not expressly articulated in what manner

your proposed legislation might contravene the free instruction clause, it appears to us your concerns relate to the *adequacy* of the funding in those instances when the Legislature adjusts the preliminary calculated amount of state aid.

The free instruction clause provides, in pertinent part, that

[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.

Neb. Const. art. VII, § 1.

Beginning with *Affholder v. State*, 51 Neb. 91, 70 N.W. 544 (1897),³ the Nebraska Supreme Court has on several occasions considered the subject of "free instruction" in Nebraska's common schools. In *Affholder*, the plaintiffs sued the local school board to require the school district to furnish textbooks to the children attending the school in accordance with an 1891 act. The school board argued that the act in question violated the "same subject" rule in Neb. Const. art. III, § 11 [now art. III, § 14], since the title of the act referenced "textbooks," but another section of the act required the provision of all "school supplies." *Id.* at 92, 70 N.W. at 545. The court considered whether school supplies were encompassed by the term "textbooks" in the context of the free instruction clause and concluded that

[s]ection 6, art. 8, [now art. VII, § 1] of the constitution of Nebraska provides that "the legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years." What methods and what means should be adopted in order to furnish free instruction to the children of the state has been left by the constitution to the legislature. Prior to the passage of the act under consideration, instruction in all public schools was gratuitous, and by this act the legislature has seen fit to require the various school districts to purchase text-books necessary to be used in the schools. We do not think the term "text-books" should be given a technical meaning, but that it is comprehensive enough to and does include globes, maps, charts, pens, ink, paper, etc., and all other apparatus and appliances which are proper to be used in the schools in instructing the youth

Id. at 93, 70 N.W. at 545 (emphasis added).

In *State ex rel. Shineman v. Board of Education*, 152 Neb. 644, 42 N.W.2d 168 (1950), parents sued the local board of education to compel the board to establish a kindergarten for children who attained the age of five years of age, but not six years, before October 15. The parents argued that under the constitutional provision, their children were entitled to free public instruction. Because their children did not meet the statutory age limit for first grade, their children were prohibited from securing free instruction there. Accordingly, they contended the board of education was required to

establish a kindergarten so that their five-year old children could receive the free instruction. *Id.* at 647, 42 N.W.2d at 170.

The trial court disagreed, however, and the Nebraska Supreme Court affirmed. The court reiterated the holding in *Affholder* "that the method and means to be adopted in order to furnish free instruction to the children of the state have been left by the Constitution to the Legislature." *Id.* at 648, 42 N.W.2d at 170. Notwithstanding explicit language in the clause requiring free instruction for persons ages five to twenty-one, the court found that "[c]learly legislation is necessary to carry into effect the constitutional provision. It is not a self-executing provision." *Id.* In the absence of a statute implementing the right, the matter of creating a kindergarten program was left to the discretion of the board of education. *Id.* at 649, 42 N.W.2d at 171.

In *Nebraska Coalition for Educational Equity and Adequacy v. Heineman*, 273 Neb. 531, 731 N.W.2d 164 (2007) [*Nebraska Coalition*], the plaintiffs filed a declaratory judgment action claiming that Nebraska's education funding system failed to "provide sufficient funds for an 'adequate' and 'quality' education." *Id.* at 534, 731 N.W.2d at 169. The plaintiffs further alleged that the funding system violated the free instruction and the religious freedom clauses of the Nebraska Constitution. The plaintiffs sought three declarations from the court, including "that the religious freedom and free instruction clauses provide[d] a fundamental right 'to obtain free instruction which enables each student to become an active and productive citizen in our democracy, to find meaningful employment, and to qualify for higher education.'" *Id.* at 536-37, 731 N.W.2d at 170. The plaintiffs also asked the court to declare the school funding system unconstitutional for "fail[ing] to provide adequate resources to provide the free education guaranteed by these sections . . ." *Id.* at 537, 731 N.W.2d at 170. The trial court dismissed the complaint, determining that the plaintiffs' allegations that the Legislature had not provided sufficient funds to provide for an adequate education posed a nonjusticiable political question. *Id.* at 538, 731 N.W.2d at 171.

The Nebraska Supreme Court framed the critical issue in *Nebraska Coalition* as whether it may determine that the Legislature has failed to provide adequate funding for public education without violating the separation of powers clause. *Id.* at 541, 731 N.W.2d at 173. The court acknowledged that it "does not sit as a superlegislature to review the wisdom of legislative acts[.]" *id.* at 545-46, 731 N.W.2d at 176, and "[t]hat restraint reflects the reluctance of the judiciary to set policy in areas constitutionally reserved to the Legislature's plenary power." *Id.*

In its analysis, the court applied the criteria⁴ set out in *Baker v. Carr*, 369 U.S. 186 (1962), to determine whether the issue presented a nonjusticiable political question. The court indicated that it had already determined that the free instruction clause was clearly directed to the Legislature, and "that the duty to adopt the method and means to furnish free instruction has been left by the state Constitution to the Legislature." *Id.* at 549, 731 N.W.2d at 178.

The court found that "there are no qualitative, constitutional standards for public schools that this court could enforce, apart from the requirements that the education in public schools must be free and available to all children." *Id.* at 550, 731 N.W.2d at 179. In this regard, the court examined the state's constitutional history relating to the Legislature's duty to provide free public schools, and "interpret[ed] the paucity of standards in the free instruction clause as the framer's intent to commit the determination of adequate school funding solely to the Legislature's discretion, greater resources, and expertise." *Id.* at 552, 731 N.W.2d at 180. It held that "[a]ny judicial standard effectively imposing constitutional requirements for education would be subjective and unreviewable policymaking by this court." *Id.* at 553, 731 N.W.2d at 180-81. The court noted that under Neb. Const. art. III, § 25, fiscal policy decisions are left to the Legislature. "We could not hold that the Legislature's expenditures were inadequate without invading the legislative branch's exclusive realm of authority. In effect, we would be deciding what spending issues have priority." *Id.* at 554, 731 N.W.2d at 181. The court further observed that "a justiciable issue must be susceptible to immediate resolution and capable of present judicial enforcement." *Id.* at 555, 731 N.W.2d at 182. The court listed jurisdictions (i.e., Arkansas, Kansas, Texas, New Jersey), which had been mired in school funding litigation, and noted that "[t]he landscape is littered with courts that have been bogged down in the legal quicksand of continuous litigation and challenges to their states' school funding systems." *Id.* at 557, 731 N.W.2d at 183. The court, however, assertively "refuse[d] to wade into that Stygian swamp." *Id.*

In concluding that the issue before it presented a nonjusticiable political question, the court stated:

The Nebraska Constitution commits the issue of providing free instruction to the Legislature and fails to provide judicially discernible and manageable standards for determining what level of public education the Legislature must provide. This court could not make that determination without deciding matters of educational policy in disregard of the policy and fiscal choices that the Legislature has already made. . . .

Id. at 557, 731 N.W.2d at 183.

Affholder, Shineman and Nebraska Coalition all stand for the proposition that the Legislature is the sole judge of what amount of money should be spent on education. Consequently, your proposed legislation, which would reduce all school districts' state aid in an amount equal to a percentage of the legislative adjustment to the preliminary calculated state aid funding, does not contravene the constitutional provision discussed above. We would stress, however, that any future amendments to TEEOSA be consistent with other provisions in the act that require the Legislature to fund state aid as calculated under the formula.⁵

II. Equal Protection Clause

Your second question asks us to consider your proposed legislation in the context of the equal protection provisions of both the Nebraska and United States Constitutions. Neb. Const. art. I, § 3 states that "[n]o person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws." The U.S. Const. Amend XIV, § 1, provides, as pertinent, "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"The Nebraska Constitution and the U.S. Constitution have identical requirements for equal protection challenges." *Lingenfelter v. Lower Elkhorn Natural Resources Dis.*, 294 Neb. 46, 77, 881 N.W.2d 892, 914 (2016); *Citizens of Decatur for Equal Education v. Lyons-Decatur School Dist.*, 274 Neb. 278, 302, 739 N.W.2d 742, 762 (2007) [*"Citizens of Decatur"*]. *Accord Kenley v. Neth*, 271 Neb. 402, 712 N.W.2d 251 (2006). The Equal Protection Clause requires the government to treat similarly situated people alike. It does not forbid classifications; it simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike. *Lingenfelter*, 294 Neb. at 77, 881 N.W.2d at 914; *Citizens of Decatur*, 274 Neb. at 302-03, 739 N.W.2d at 762.

In *Citizens of Decatur*, a coalition of parents and taxpayers sued the surviving school district and members of the school board seeking an injunction to stop the district from moving grades four to six to the surviving district. To support its claim that the school board's action violated the equal protection and substantive due process rights of its members, "the Coalition argued that Nebraska's free instruction clause provided a fundamental right to an education equally or proportionally funded compared with other schools in the same district." *Id.* at 285, 739 N.W.2d at 751. The trial court ultimately found for the school district on all claims.

"If a legislative classification involves either a suspect class or a fundamental right, courts will analyze the classification with strict scrutiny. A suspect class is one that has been "saddled with such disabilities, or subjected to such a history of purposeful unequal treatment . . . as to command extraordinary protection from the majoritarian political process."" *Id.* at 303, 739 N.W.2d at 762. The coalition did not allege that the school district discriminated against a "suspect class" nor did it contest that the school board's actions were rationally related to a legitimate state interest. It relied instead on the argument that the Nebraska Constitution provides a fundamental right to equal and adequate educational funding. The court rejected this argument, noting its holding in *Nebraska Coalition*. "The free instruction clause does not mandate equal funding of schools." *Id.* at 301, 739 N.W.2d at 761. Funding decisions are left to the Legislature, which in turn entrusts local budget decisions to school boards.

Where a suspect class or fundamental right is not implicated, "the Equal Protection Clause requires only that the classification rationally further a legitimate state interest." *Id.* at 303, 739 N.W.2d at 763. "[T]he burden is upon the challenging party to eliminate any reasonably conceivable state of facts that could provide a rational basis for the classification." *Id.* The court found that faced with increasing budget deficits, the school board's actions to reduce costs "were rationally related to its goal of providing an education for its students." *Id.* at 302, 739 N.W.2d at 762. It further found that the coalition failed to show that a heightened level of scrutiny applied or that the school board's actions were not rationally related to a legitimate state purpose.

You state that your proposed legislation "would alter the TEEOSA formula to increase the amount of state aid to all school districts and thereby provide property tax relief through a lowered local property tax request. One key component . . . would be to provide equitable state funding to all school districts . . ." It appears to us that the classification at issue, i.e., an across the board reduction in state aid funding, may further a legitimate state interest in lowering property taxes. We fail to see how the proposed legislation would result in an increase in state aid to school districts or would provide equitable funding to all districts. However, since the challenging party has the burden "to eliminate any reasonably conceivable state of facts that could provide a rational basis for the classification," we believe that a court would likely find your legislation, if enacted, constitutional since it rationally relates to your goal of providing property tax relief.⁶

Finally, as we recently pointed out in Op. Att'y Gen. No. 19-007 (May 6, 2019), to the extent the proposed legislation is constitutionally challenged by a county or school district, those entities have no due process or equal protection rights against the state. "U.S. Const. amend. XIV and Neb. Const. art. I, § 3, prohibit the State from depriving any 'person' of life, liberty, or property without due process of law. A county, as a creature and political subdivision of the State, is neither a natural nor an artificial person Accordingly, a county cannot invoke the protection of the 14th amendment against the State." *Rock County v. Spire*, 235 Neb. 434, 447-48, 455 N.W.2d 763, 771 (1990). "[T]he [school] district, as a creature and political subdivision of the state, is neither a natural nor an artificial 'person' and, therefore, cannot invoke due process protection against the state." *Loup City Public Schools v. Nebraska Dep't of Revenue*, 252 Neb. 387, 394, 562 N.W.2d 551, 556 (1997).

CONCLUSION

For more than a century, the Nebraska Supreme Court has held that the Nebraska Constitution leaves all decisions regarding the funding of public education to the Legislature. The Constitution provides no judicially discernible and manageable standards to determine what level of public education the Legislature must provide. Based on the foregoing authorities,

we conclude that your proposed legislation would not contravene the free instruction clause or the equal protection provisions in the Nebraska and U.S. Constitutions.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2318-29

¹ In this regard, you reference 2019 Neb. Laws LB 675, § 1 (base limitation defined in Neb. Rev. Stat. § 77-3346 adjusted to two percent from two and one-half percent); and 2017 Neb. Laws LB 409 (adjustments made to both the base limitation and the local effort rate defined in Neb. Rev. Stat. §79-1015.01).

² We understand that "student foundation aid" is in reference to language found in AM1572 to Legislative Bill 289, currently pending on General File.

³ See also *State ex rel. Baldwin v. Dorsey*, 108 Neb. 134, 187 N.W. 879 (1922) (The court held that a school district receiving nonresident students could charge no more than the tuition fee set by the Legislature, even when the school district offered courses beyond those required by the state.); and *Farrell v. Sch. Dist. No. 54*, 164 Neb. 853, 858, 84 N.W.2d 126, 131 (1957) ("[The free instruction clause] leaves all matters pertaining to schools and school districts, their creation, dissolution, government, and control with the Legislature. In all such matters the State is supreme.").

⁴ The Baker criteria consisted of "six independent tests," as follows:

[(1)] a textually demonstrable constitutional commitment of the issue to a coordinate political department; or [(2)] a lack of judicially discoverable and manageable standards for resolving it; or [(3)] the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or [(4)] the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or [(5)] an unusual need for unquestioning adherence to a political decision already made; or [(6)] the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Id. at 547-48, 731 N.W.2d at 177.

⁵ See, e.g., Neb. Rev. Stat. § 79-1008.01 (Supp. 2019) ("Each local system shall receive equalization aid in the amount that the total formula need, as determined pursuant to section 79-1007.11, exceeds its total formula resources, as determined pursuant to section 79-1017.01.").

⁶ We reach this conclusion solely on the basis of the proposed legislation set out in your request letter, and have not considered other TEEOSA legislation that may be pending in the Legislature.

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

LR87 - Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing committee system.

The members of the Rules Committee, plus Senators Bolz, Hilgers, DeBoer, Hughes, Wayne, and 3rd congressional district is open.

LR241 - Interim study to create a select committee to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies.

The chair of the Agriculture Committee or his or her designee (Senator Brandt);

The chair of the Banking Committee or his or her designee (Senator Kolterman);

The chair of the Natural Resources Committee or his or her designee (Senator Bostelman); and

Four additional members: Senators Brewer, Lowe, McCollister, and Pansing Brooks.

LR104 - State-Licensed Care Facilities Oversight Committee of the Legislature.

Senators Friesen, Halloran, Linehan, Murman, Quick, Walz, Wishart.

LR223 - An interim study to appoint special committee to carry out a comprehensive study of incarceration and mental health services in Nebraska.

Members from each of the following committees:

Judiciary: Senators Lathrop and Pansing Brooks

Appropriations: Senators Bolz and Wishart

Health and Human Services: Senators Howard and Cavanaugh

ANNOUNCEMENT(S)

Priority designation(s) received:

Kolterman - LB720

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB4:

AM1981

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 4. The following section is outright repealed: Section
- 3 77-5015.01, Reissue Revised Statutes of Nebraska.
- 4 Sec. 5. Since an emergency exists, this act takes effect when
- 5 passed and approved according to law.
- 6 2. On page 1, line 4, strike "and" and insert "to eliminate
- 7 provisions relating to notice;"; and in line 5 after "sections" insert ";
- 8 to outright repeal section 77-5015.01, Reissue Revised Statutes of
- 9 Nebraska; and to declare an emergency".
- 10 3. On page 4, line 6, after the period insert "Reimbursements under
- 11 this subsection shall be made from the Tax Equalization and Review
- 12 Commission Cash Fund.".

Senator Groene filed the following amendment to LB147:

AM1803

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 79-254 Sections 79-254 to 79-294 and sections 3 and 4 of this act
- 6 shall be known and may be cited as the Student Discipline Act.
- 7 Sec. 2. Section 79-258, Reissue Revised Statutes of Nebraska, is
- 8 amended to read:
- 9 79-258 Administrative and teaching personnel may take actions
- 10 regarding student behavior, other than those specifically provided in the
- 11 Student Discipline Act, which are reasonably necessary to aid the
- 12 student, further school purposes, or prevent interference with the
- 13 educational process. Such actions may include, but need not be limited
- 14 to, physical intervention, counseling of students, parent conferences,
- 15 rearrangement of schedules, requirements that a student remain in school
- 16 after regular hours to do additional work, restriction of extracurricular
- 17 activity, or requirements that a student receive counseling,
- 18 psychological evaluation, or psychiatric evaluation upon the written
- 19 consent of a parent or guardian to such counseling or evaluation.
- 20 Sec. 3. (1) Teachers and other school personnel may use reasonable
- 21 physical intervention to safely manage the behavior of a student to:
- 22 (a) Protect such student, another student, a teacher or other school
- 23 personnel, or another person from physical injury; or
- 24 (b) Secure property in the possession of such student if the
- 25 possession of such property by such student poses a threat of physical
- 26 injury to such student, another student, a teacher or other school
- 27 personnel, or another person.
- 1 (2) Any physical intervention by a teacher or other school personnel
- 2 pursuant to subdivision (1)(a) or (b) of this section shall not be used
- 3 for the purpose of inflicting bodily pain as a penalty for disapproved
- 4 behavior.
- 5 (3) Following the use of physical intervention pursuant to this
- 6 section, a teacher or other school personnel shall contact and notify the
- 7 parent or guardian of the use of physical intervention.
- 8 (4) No teacher or other school personnel shall be subject to
- 9 professional or administrative discipline and no teacher, other school
- 10 personnel, or school district shall be criminally or civilly liable for

11 the use of physical intervention pursuant to subdivision (1)(a) or (b) of
 12 this section if such physical intervention was reasonable. Nothing in
 13 this section shall be construed to limit any defense that may be
 14 available under any provision of law, including, but not limited to, any
 15 defense relating to self-protection or the protection of others.
 16 Sec. 4. (1) Each school district shall have a policy that describes
 17 the process of removing a student from a class and returning a student to
 18 a class. Such policy shall: (a) Describe how and when a student may be
 19 removed from a class and returned to a class; (b) use a discipline
 20 process that is proactive, instructive, and restorative; (c) require
 21 appropriate communication between administrators, teachers or other
 22 school personnel, students, and parents or guardians. Such policy shall
 23 be made available to the public.
 24 (2) Unless prohibited by the federal Individuals with Disabilities
 25 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
 26 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
 27 acts existed on January 1, 2019, an administrator or administrator's
 28 designee shall immediately remove a student from a class upon request by
 29 a teacher or other school personnel if such teacher or other school
 30 personnel has followed school policy in requesting the removal of such
 31 student.
 1 (3) When a student is removed from a class, the goal must be to
 2 return the student to the class as soon as possible after appropriate
 3 instructional or behavioral interventions or supports have been
 4 implemented to increase the likelihood the student will be successful.
 5 For a student with a pattern of disruptive behavior, the school shall
 6 provide additional interventions or supports.
 7 (4) No teacher or other school personnel shall be subject to
 8 professional or administrative discipline and no teacher, other school
 9 personnel, or school district shall be criminally or civilly liable for
 10 the removal of a student from a class pursuant to this section if such
 11 teacher or other school personnel acted in a reasonable manner and in
 12 accordance with school policy.
 13 Sec. 5. Section 4 of this act becomes operative on August 1, 2020.
 14 The other sections of this act become operative on their effective date.
 15 Sec. 6. Original sections 79-254 and 79-258, Reissue Revised
 16 Statutes of Nebraska, are repealed.

Senator Kolterman filed the following amendment to LB30:
[AM2050](#)

(Amendments to Standing Committee amendments, AM302)

1 1. On page 11, line 10, strike "2020" and insert "2021".

MOTION - Election of Officer

Senator Hilgers moved that the following officer be elected to serve for the
 One Hundred Sixth Legislature, Second Session:

Sergeant at Arms

Doug Donscheski

The motion prevailed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 740. Introduced by Executive Board: Hilgers, 21, Chairperson.

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.

LEGISLATIVE BILL 741. Introduced by Executive Board: Hilgers, 21, Chairperson.

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.

LEGISLATIVE BILL 742. Introduced by Blood, 3.

A BILL FOR AN ACT relating to offences against animals; to amend sections 28-1009, 28-1012.01, and 28-1019, Reissue Revised Statutes of Nebraska; to change penalty and sentencing provisions as prescribed; to change a deadline for filing a hearing application relating to seized animals; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2018; to adopt updated electrical standards; and to repeal the original section.

LEGISLATIVE BILL 744. Introduced by Blood, 3.

A BILL FOR AN ACT relating to county government; to amend section 23-1901, Revised Statutes Cumulative Supplement, 2018; to authorize appointment of the county engineer in certain counties; to change powers and duties of the county engineer and county surveyor; to eliminate provisions related to election of the county engineer; to repeal the original section; and to outright repeal section 32-526, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 745. Introduced by Blood, 3.

A BILL FOR AN ACT relating to government; to provide duties regarding federal immigration forms relating to victims of certain crimes; and to define terms.

LEGISLATIVE BILL 746. Introduced by Blood, 3.

A BILL FOR AN ACT relating to consumer protection; to adopt the Nebraska Consumer Data Privacy Act.

LEGISLATIVE BILL 747. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Reissue Revised Statutes of Nebraska; to include investment adviser representatives within the definition of microbusiness; and to repeal the original section.

LEGISLATIVE BILL 748. Introduced by Blood, 3.

A BILL FOR AN ACT relating to fertility treatment; to amend section 29-110, Revised Statutes Supplement, 2019; to adopt the Fertility Fraud Act; to provide for statutes of limitations; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2019; to adopt the Nebraska Anti-Terrorism Act; to prohibit poisoning as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Blood, 3.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 20-113, 20-132, 20-134, 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531, 23-2541, 25-1601.03, 29-401, 45-1056, 48-215, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1113, 48-1115, 48-1122, 48-1124, 48-1125, 49-801, 58-216, 68-1605, 75-325, and 76-1495, Reissue Revised Statutes of Nebraska, sections 39-210, 48-628.13, 48-1111, 48-1117, 48-1119, 51-211, 58-808, 58-809, 58-810, and 81-885.24, Revised Statutes Cumulative Supplement, 2018, and sections 32-221 and 32-230, Revised Statutes Supplement, 2019; to prohibit discrimination based upon military or veteran status as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by Blood, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2019; to change provisions relating to compulsory attendance; and to repeal the original section.

LEGISLATIVE BILL 752. Introduced by Blood, 3.

A BILL FOR AN ACT relating to veterans and servicemembers; to amend sections 38-201 and 71-601, Reissue Revised Statutes of Nebraska, sections 38-1201, 38-2201, 60-4,149.02, 84-946, and 84-948, Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and 48-203, Revised Statutes Supplement, 2019; to require a review of licensing requirements for certain health professions; to provide duties for, and require submission of reports by, the Board of Advanced Practice Registered Nurses, the Board of Emergency Medical Services, the Board of Medicine and Surgery, the Board of Nursing, and the veterans' program coordinator; to provide duties for the Department of Economic Development and Department of Labor; to provide a duty for the Department of Motor Vehicles relating to an exemption for drivers with military commercial motor vehicle experience; to require a report and the compilation of data concerning veteran suicides; to require a study and report regarding development and implementation of a veteran health care navigator program and a program to end veteran homelessness; to encourage state and local government service providers to inquire regarding military service status as prescribed and provide related duties for the Department of Veterans' Affairs and the Department of Health and Human Services; to require analyses, reports, and programs related to veterans; to change provisions relating to policy and a report under the Occupational Board Reform Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Blood, 3.

A BILL FOR AN ACT relating to audiology and speech-language pathology; to amend sections 38-513 and 38-515, Reissue Revised Statutes of Nebraska, and section 38-1509, Revised Statutes Cumulative Supplement, 2018; to adopt the Audiology and Speech-Language Pathology Interstate Compact; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Blood, 3.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-604.01, Reissue Revised Statutes of Nebraska; to provide for amendment of a birth certificate; and to repeal the original section.

LEGISLATIVE BILL 755. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-10,121, 38-10,160, 71-202.01, and 71-224, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to the home services permit for certain cosmetology services and the nail technology home services permit; to provide for home barber services permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Blood, 3.

A BILL FOR AN ACT relating to age of majority; to amend section 43-2101, Revised Statutes Supplement, 2019; to authorize persons eighteen years of age or older to buy and sell stocks and bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 757. Introduced by Blood, 3.

A BILL FOR AN ACT relating to insurance; to amend sections 28-631 and 44-6604, Reissue Revised Statutes of Nebraska; to prohibit certain acts under the Nebraska Criminal Code and the Insurance Fraud Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the State Capitol; to amend sections 72-2201 and 72-2202, Reissue Revised Statutes of Nebraska; to restate intent; to name the courtyards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to children; to amend sections 43-284, 43-905, 43-1311, 43-1312, and 43-1312.01, Reissue Revised Statutes of Nebraska, and sections 43-285 and 79-215, Revised Statutes Supplement, 2019; to require consultation with school districts regarding placement of children; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 760. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,107, Revised Statutes Cumulative Supplement, 2018; to require certain insurers to provide coverage for certain services delivered through telehealth; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,156, Revised Statutes Cumulative Supplement, 2018; to change a fee; to create a fund; to provide for distribution of funds for the simulation in motion program of the University of Nebraska Medical Center; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Hall of Fame Trust Fund; to amend section 72-729.01, Reissue Revised Statutes of Nebraska; to provide for transfers of funds from the General Fund; to state intent regarding transfers

of funds; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to counties under township organization; to amend sections 23-259 and 23-1601, Reissue Revised Statutes of Nebraska; to change provisions relating to certain payments of funds to townships; and to repeal the original sections.

LEGISLATIVE BILL 764. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to trust companies; to amend sections 8-224.01 and 30-3205, Reissue Revised Statutes of Nebraska; to provide exceptions from certain prohibited investments; to authorize investments in certain securities, shares, and interests; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.04, Reissue Revised Statutes of Nebraska; to eliminate a duty of the Attorney General with respect to prosecution of certain report violations; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-319 and 28-320.01, Reissue Revised Statutes of Nebraska, and sections 27-412, 28-318, and 29-110, Revised Statutes Supplement, 2019; to change provisions relating to sexual assault under the Nebraska Evidence Rules; to define a term; to prohibit sexual assault of a minor by an authority figure as prescribed; to change provisions relating to sexual assault of a child in the second or third degree; to change the statute of limitations for failure to make a report of child abuse or neglect; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to real property; to amend sections 25-223, 76-842, 76-844, 76-854, 76-857, 76-859, 76-860, 76-867, 76-869, 76-870, 76-884, and 76-890, Reissue Revised Statutes of Nebraska, and section 76-861, Revised Statutes Supplement, 2019; to change provisions relating to actions on breach of warranty on improvements to real property; to change provisions under the Nebraska Condominium Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 768. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 38-129 and 75-362, Reissue Revised Statutes of Nebraska,

sections 4-111, 60-192, 60-484.04, 60-484.05, 60-4,138, 60-4,141, and 60-4,168, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to update federal references relating to cabin trailers, low-speed vehicles, access aisles, United States Department of Transportation numbers, handicapped or disabled parking permits, the International Registration Plan, operators' licenses and state identification cards, lawful status, financial transactions, the operation of commercial motor vehicles, hazardous materials, commercial learner's permits, occupant protection systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records, motor carrier regulations and enforcement, and the unified carrier registration plan and agreement; to change provisions relating to odometer readings and lifetime disqualifications from operating a commercial motor vehicle; to provide restrictions for a commercial learner's permit; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Gragert, 40; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-1504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to membership; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Gragert, 40; Brewer, 43.

A BILL FOR AN ACT relating to game and parks; to amend section 37-438, Reissue Revised Statutes of Nebraska; to change the fees for annual and temporary permits for nonresident motor vehicles; to provide for disabled veteran permits; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Gragert, 40.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Supplement, 2019; to change a license plate registration provision relating to the issuance of one license plate; and to repeal the original section.

LEGISLATIVE BILL 772. Introduced by Williams, 36.

A BILL FOR AN ACT relating to physician assistants; to amend sections 38-2008, 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, and 38-2056, Reissue Revised Statutes of Nebraska; to redefine terms; to restate intent; to change the membership of the Board of Medicine and Surgery and the Physician Assistant Committee; to eliminate requirements for delegation and control by supervising

physicians; to require collaboration with health care professionals; to provide, change, and eliminate authorized actions; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Rural Workforce Housing Investment Fund.

LEGISLATIVE BILL 774. Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.09, Revised Statutes Cumulative Supplement, 2018; to change requirements regarding credit for reinsurance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-2202, 76-2204, 76-2205.02, 76-2207.01, 76-2207.17, 76-2207.22, 76-2207.26, 76-2212.03, 76-2215, 76-2216, 76-2216.02, 76-2218.02, 76-2219.01, 76-2219.02, 76-2220, 76-2221, 76-2223, 76-2227, 76-2233, 76-2233.01, 76-2233.02, 76-2233.03, 76-2239, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-3207, and 76-3210, Reissue Revised Statutes of Nebraska, and sections 76-2207.27, 76-2207.30, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, and 76-3203.01, Revised Statutes Supplement, 2019; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2216.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 776. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Reissue Revised Statutes of Nebraska; to provide for the admission of expert testimony on eyewitness identification and memory as prescribed; to correct internal references; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 777. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2264, Revised Statutes Cumulative Supplement, 2018; to provide for set-asides of infractions and violations of city and village ordinances and county resolutions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for the repayment of qualified educational debts owed by eligible health professionals under the Rural Health Systems and Professional Incentive Act.

LEGISLATIVE BILL 779. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services.

LEGISLATIVE BILL 780. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-332, Reissue Revised Statutes of Nebraska; to change provisions relating to expenditures for administrative costs for cultural preservation activities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 781. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to government; to amend sections 14-553, 15-317, and 23-1601, Reissue Revised Statutes of Nebraska, sections 17-605 and 17-606, Revised Statutes Cumulative Supplement, 2018, and sections 16-318 and 84-304, Revised Statutes Supplement, 2019; to provide an annual continuing education requirement for treasurers of certain local governments; to provide a duty for the Auditor of Public Accounts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to accountants; to amend section 1-116, Revised Statutes Cumulative Supplement, 2018; to eliminate obsolete provisions; to change provisions relating to the certified public accountant examination; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-405, Reissue Revised Statutes of Nebraska; to redefine ambulatory surgical center; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-192, Revised Statutes Cumulative Supplement, 2018; to change provisions regarding odometer statements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 785. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,294 and 60-6,297, Revised Statutes Cumulative Supplement, 2018, and section 60-6,290, Revised Statutes Supplement, 2019; to change provisions relating to vehicle size, weight, and load; to provide for stinger-steered automobile transporters, towaway trailer transporter combinations, and emergency vehicles; to provide duties for the Department of Transportation; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-179, Reissue Revised Statutes of Nebraska, sections 83-170 and 83-1,135, Revised Statutes Cumulative Supplement, 2018, and section 83-173.03, Revised Statutes Supplement, 2019; to define terms; to change provisions relating to the use of restrictive housing; to require screening for serious mental illnesses, developmental disabilities, and traumatic brain injuries as prescribed; to require a report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-6408, Reissue Revised Statutes of Nebraska; to construe applicability relating to certain uninsured and underinsured motor vehicle insurance coverages; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by Slama, 1.

A BILL FOR AN ACT relating to labor; to amend section 48-2107, Revised Statutes Cumulative Supplement, 2018, and section 48-622.03, Revised Statutes Supplement, 2019; to change provisions relating to a report by the Department of Labor and a fee under the Contractor Registration Act; to eliminate provisions relating to service letters, overhead high voltage conductors, and private employment agencies; to repeal the original sections; to outright repeal sections 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505, 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515, 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 789. Introduced by Slama, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-601, Revised Statutes Supplement, 2019; to change provisions relating to school bus stop signal arm violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Slama, 1.

A BILL FOR AN ACT relating to state purchasing; to amend sections 73-507, 81-153, and 81-1118.06, Reissue Revised Statutes of Nebraska; to provide exceptions to certain bidding requirements and contract approval procedures; to provide and change powers and duties of the materiel division of the Department of Administrative Services; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Livestock Animal Welfare Act; to amend section 54-909, Reissue Revised Statutes of Nebraska; to change provisions relating to ownership, possession, or seizure of animals after conviction or violation of a court order under the act; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2018; to allow for the combination or aggregation of cocaine, base cocaine, heroin, or amphetamine or methamphetamine amounts for two or more controlled substances violations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Slama, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 68-1017, Reissue Revised Statutes of Nebraska, and section 29-110, Revised Statutes Supplement, 2019; to change penalty and statute of limitation provisions relating to public assistance violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 794. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend sections 14-403 and 15-902, Reissue Revised Statutes of Nebraska, and sections 19-901 and 19-902, Revised Statutes Supplement, 2019; to adopt the Missing Middle Housing Act; to provide zoning regulation requirements for certain cities; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Enterprise Zone Act; to amend section 13-2102, Reissue Revised Statutes of Nebraska; to change provisions relating to enterprise zones; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-840, 15-841, 15-1201, and 15-1205, Reissue Revised Statutes of Nebraska; to change provisions relating to allowance, disallowance, and appeals of claims against a city; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3052, Revised Statutes Supplement, 2019; to change restrictions on annexation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the state lottery; to amend sections 9-823 and 84-712.05, Revised Statutes Supplement, 2019; to provide for the anonymity of winners of certain prizes; to change public records disclosure provisions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-103, 15-104, 15-105, 15-106, 15-106.01, 15-106.02, 15-108, 15-110, 15-111, 15-112, 15-113, 15-115, 15-116, 15-117, 15-118, 15-201, 15-201.01, 15-204, 15-205, 15-207, 15-208, 15-209, 15-210, 15-212, 15-215, 15-216, 15-217, 15-218, 15-219, 15-220, 15-221, 15-222, 15-223, 15-224, 15-225, 15-228, 15-229, 15-229.01, 15-229.02, 15-230, 15-231, 15-234, 15-235, 15-235.01, 15-235.03, 15-236, 15-237, 15-238, 15-239, 15-240, 15-242, 15-243, 15-244, 15-247, 15-250, 15-252, 15-254, 15-255, 15-256, 15-257, 15-258, 15-259, 15-261, 15-262, 15-263, 15-264, 15-265, 15-266, 15-268.01, 15-269, 15-270, 15-271, 15-272, 15-273, 15-274, 15-307, 15-308, 15-309, 15-309.01, 15-310, 15-311, 15-314, 15-315, 15-316, 15-317, 15-322, 15-326, 15-332, 15-401, 15-402, 15-403, 15-406, 15-501, 15-502, 15-701, 15-701.01, 15-701.02, 15-702.01, 15-702.02, 15-702.03, 15-702.04, 15-708, 15-717, 15-720, 15-724, 15-725, 15-726, 15-727, 15-728, 15-729, 15-734, 15-735, 15-751, 15-752, 15-753, 15-754, 15-807, 15-808, 15-809, 15-810, 15-811, 15-812, 15-813, 15-814, 15-816, 15-817, 15-818, 15-819, 15-821, 15-822, 15-823, 15-824, 15-834, 15-835, 15-840, 15-841, 15-842.01, 15-845, 15-848, 15-901, 15-902, 15-1101, 15-1102, 15-1103, 15-1104, 15-1105, 15-1106, 15-1201, 15-1204, 15-1205, and 15-1305, Reissue Revised Statutes of Nebraska, sections 15-102, 15-202, 15-211, 15-241, 15-268, 15-404, 15-709, 15-713, 15-718, 15-905, 15-1017, 15-1202, and 15-1203, Revised Statutes Cumulative Supplement, 2018, and section 84-304, Revised Statutes Supplement, 2019; to change provisions relating to cities of the primary class; to correct and include references as prescribed; to define extraterritorial zoning jurisdiction for

public health and city planning purposes; to restate findings relating to offstreet parking; to change and eliminate certain provisions relating to street railways; to harmonize provisions; to repeal the original sections; and to outright repeal sections 15-730, 15-731, 15-732, and 15-733, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 800. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to building codes; to amend section 71-6405, Reissue Revised Statutes of Nebraska, and section 71-6406, Revised Statutes Supplement, 2019; to provide for the applicability of the state building code and local building or construction codes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 801. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to municipalities; to amend sections 18-2109, 18-2115, 18-2117.02, 18-2117.03, and 18-2142.05, Revised Statutes Cumulative Supplement, 2018, and sections 18-2101.02, 18-2103, and 18-2115.01, Revised Statutes Supplement, 2019; to change and eliminate provisions of the Community Development Law; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to water; to state a legislative finding and declaration relating to the right to use ground water; and to provide certain exemptions.

LEGISLATIVE BILL 803. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3740 and 49-1499.02, Reissue Revised Statutes of Nebraska, and sections 52-1308 and 60-6,298, Revised Statutes Cumulative Supplement, 2018; to adopt the Pulse Crop Resources Act; to redefine terms under the Dry Bean Resources Act, the Nebraska Political Accountability and Disclosure Act, and for purposes of a filing system for farm product security interests; to change provisions relating to a distance limitation exception for certain vehicle weight and length permits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 804. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to insurance; to require coverage for prescription epinephrine autoinjectors for persons eighteen years of age or

younger; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 805. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to provide an income tax deduction for certain wages paid to individuals convicted of a felony; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to exempt social security benefits and retirement benefits from taxation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2019; to change a provision relating to government auditing standards as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 808. Introduced by La Grone, 49; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Model Business Corporation Act; to amend section 21-201, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide for the ratification of defective corporate actions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 809. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to plumbing codes; to amend section 18-1915, Reissue Revised Statutes of Nebraska, and sections 18-132 and 23-172, Revised Statutes Cumulative Supplement, 2018; to provide for the applicability of the 2018 Uniform Plumbing Code in certain cities, villages, and counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 810. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-27,132, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2019; to impose sales and use taxes on bottled water, candy, and soft drinks and provide for the use of the additional revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 811. Introduced by McCollister, 20; Howard, 9;

Kolterman, 24; Walz, 15.

A BILL FOR AN ACT relating to the Parkinson's Disease Registry Act; to amend section 81-6,103, Reissue Revised Statutes of Nebraska; to change reporting requirements for pharmacists as prescribed; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by McCollister, 20; Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5001, 77-5017, and 77-5023, Reissue Revised Statutes of Nebraska; to authorize the commission to order a reconsideration or rehearing as prescribed; to change provisions relating to acceptable ranges; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Bolz, 29; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for apprenticeships; and to provide powers and duties for the Department of Labor.

LEGISLATIVE BILL 814. Introduced by Geist, 25; Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hilgers, 21; Kolterman, 24; La Grone, 49; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2019; to define a term; to prohibit dismemberment abortion; to provide for a hearing, immunity from liability, causes of action, injunctions, damages, attorney's fees, a penalty, and anonymity; to state intent; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 815. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-992, Revised Statutes Supplement, 2019; to prohibit pursuit of, application for, or implementation of a federal waiver as prescribed; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 69-2401, 69-2402, 69-2403, 69-2404, 69-2405, 69-2406, 69-2407, 69-2408, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412, 69-2414, 69-2417, 69-2420, 69-2421, 69-2422, 69-2423, 69-2424, 69-2425, 69-2426,

69-2432, 71-904.01, and 71-963, Reissue Revised Statutes of Nebraska; to provide for dissemination of information regarding firearm safety and suicide prevention and require suicide prevention training; to require a certificate and provide for other requirements and restrictions on transfers of certain firearms as prescribed; to change provisions relating to issuance of a certificate and an appeal; to provide penalties; to name an act; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-2838, 38-2850, 38-3112, 71-2445, and 71-2473, Reissue Revised Statutes of Nebraska, sections 38-3101 and 38-3111, Revised Statutes Cumulative Supplement, 2018, and section 28-401, Revised Statutes Supplement, 2019; to adopt the Prescribing Psychologist Practice Act; to define and redefine terms; to provide for the use of certain terms; to change the membership of the Board of Psychology; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Brewer, 43; Bostelman, 23; Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6203, Revised Statutes Supplement, 2019; to adjust the nameplate capacity tax for inflation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Brewer, 43; La Grone, 49; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to change provisions relating to the taxation of benefits received under the federal Social Security Act; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to voter registration; to amend section 32-312, Revised Statutes Cumulative Supplement, 2018; to change requested information on the registration application; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-927, Revised Statutes Supplement, 2019; to change provisions relating to planning commission meetings; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to recall elections; to amend section 32-1305, Reissue Revised Statutes of Nebraska, and section 32-1306, Revised Statutes Supplement, 2019; to change provisions regarding counting petition signatures and ordering and holding a recall election; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public power; to amend sections 15-229, 18-2441, 25-2503, 70-501, 70-667, and 70-670, Reissue Revised Statutes of Nebraska, section 25-2501, Revised Statutes Cumulative Supplement, 2018, and section 19-701, Revised Statutes Supplement, 2019; to require a special election prior to the use of eminent domain for transmission lines in certain circumstances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6403 and 71-6406, Revised Statutes Supplement, 2019; to remove redundant language; to correct a reference to the Department of Environment and Energy; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Hilkemann, 4; DeBoer, 10.

A BILL FOR AN ACT relating to infants; to amend section 71-519, Reissue Revised Statutes of Nebraska; to require screening of infants for spinal muscular atrophy; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to gambling; to amend section 9-1,101, Revised Statutes Supplement, 2019; to provide for and eliminate transfers from the Charitable Gaming Operations Fund; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 828. Introduced by Hilkemann, 4; Hansen, B., 16; Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska; to redefine terms; to provide requirements for use of injections and surgical procedures; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-335, Reissue Revised Statutes of Nebraska; to change provisions relating to certain payments in lieu of taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,190, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the establishment of state speed limits by local authorities; and to repeal the original section.

LEGISLATIVE BILL 831. Introduced by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-142.01, Reissue Revised Statutes of Nebraska, and section 60-144, Revised Statutes Supplement, 2019; to change provisions relating to a certificate of title for a junked vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 2019; to provide for immunity from criminal and civil liability for removal of a child from a motor vehicle by forcible entry as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-432, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3401, 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and section 81-3453, Revised Statutes Supplement, 2019; to define and redefine terms; to change and eliminate provisions related to the Board of Engineers and Architects, credentials issued under the act, and the practice of engineering; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Halloran, 33; Brandt, 32;

Brewer, 43; Gragert, 40; Hansen, B., 16; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,288.01, Reissue Revised Statutes of Nebraska, and sections 81-2,244.01, 81-2,257, and 81-2,270, Revised Statutes Cumulative Supplement, 2018; to change and eliminate definitions; to provide a priority item designation; to eliminate obsolete references; to change regulatory authority inspection reporting requirements; to repeal the original sections; and to outright repeal section 81-2,243.01, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 836. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 71-801 and 71-831, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to change provisions governing certain contracts and agreements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Arch, 14.

A BILL FOR AN ACT relating to child care; to amend sections 71-1912 and 71-1928.01, Revised Statutes Supplement, 2019; to change provisions relating to funding of a national criminal history record information check as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the practice of medicine; to amend section 38-2025, Revised Statutes Cumulative Supplement, 2018; to provide an exemption from licensure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 839. Introduced by Wishart, 27; Brewer, 43; Briese, 41; Crawford, 45; DeBoer, 10; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Linehan, 39; McDonnell, 5; Morfeld, 46; Murman, 38; Pansing Brooks, 28; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to deaf or hard of hearing persons; to recognize American Sign Language as a distinct and separate language; and to authorize schools to offer courses in American Sign Language as prescribed.

LEGISLATIVE BILL 840. Introduced by Quick, 35; Crawford, 45; Hansen, M., 26; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5716, 71-5718, 71-5727, and 71-5735, Reissue Revised Statutes of Nebraska; to prohibit the use of electronic smoking devices as

prescribed; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Crawford, 45; Blood, 3; Walz, 15.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3506 and 77-3508, Revised Statutes Supplement, 2019; to change provisions relating to certain certifications; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Crawford, 45; Blood, 3; Walz, 15.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,185, Revised Statutes Cumulative Supplement, 2018; to change an exemption from motor vehicle taxes and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Cavanaugh, 6; Hansen, M., 26; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,130.04, and 60-495, Revised Statutes Supplement, 2019; to provide for Donate Life Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Clements, 2.

A BILL FOR AN ACT relating to construction liens; to amend section 52-146, Reissue Revised Statutes of Nebraska; to eliminate certain notice requirements; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Groene, 42.

A BILL FOR AN ACT relating to ground water management and protection; to amend section 46-715, Revised Statutes Cumulative Supplement, 2018; to change procedures relating to augmentation projects under an integrated management plan; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Arch, 14; Williams, 36.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2826, 38-28,107, 71-401, 71-2411, 71-2412, 71-2413, 71-2457, 71-2458, 71-2468, and 71-2479, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to dispensed drugs and devices and emergency box drugs; to provide requirements for assisted-living facilities, nursing facilities, and skilled nursing facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Pansing Brooks, 28; Brewer, 43; Linehan, 39; McCollister, 20; Scheer, 19; Vargas, 7.

A BILL FOR AN ACT relating to government; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska; to rename Columbus Day as Indigenous Peoples' Day; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Pansing Brooks, 28; Bolz, 29; Brewer, 43; Howard, 9; Scheer, 19; Walz, 15.

A BILL FOR AN ACT relating to children; to amend sections 43-4502, 43-4503, 43-4510, 43-4511, and 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to change provisions relating to eligibility for participating in certain programs under the Young Adult Bridge to Independence Act; to restate intent; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 850. Introduced by Pansing Brooks, 28; Bostelman, 23; Brewer, 43; Linehan, 39; Lowe, 37; Scheer, 19; Williams, 36.

A BILL FOR AN ACT relating to government; to authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at the Fort Donelson National Battlefield; to provide a duty for the Secretary of State; to create a committee; to provide for termination; and to declare an emergency.

LEGISLATIVE BILL 851. Introduced by McCollister, 20; Chambers, 11; Crawford, 45; Howard, 9; Hunt, 8; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-949, Reissue Revised Statutes of Nebraska, and section 68-915, Revised Statutes Supplement, 2019; to provide for eligibility for certain children; to require a waiver application related to eligibility for certain groups; to provide duties; to harmonize provisions; and to repeal the original sections.

BILL ON FIRST READING

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

LEGISLATIVE BILL 734A. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 279CA. Introduced by Scheer, 19.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 6:

III-6 The Legislature shall consist of not more than ~~fifty-five~~^{fifty} members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize an increase in the maximum number of members of the Legislature not to exceed fifty-five members. Any increase to the current number of forty-nine members will require an act of the Legislature as provided by law.

For

Against.

LEGISLATIVE RESOLUTION 280CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of ~~threetwo~~ consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms.

For

Against.

LEGISLATIVE RESOLUTION 281CA. Introduced by McCollister, 20.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

(3) Notwithstanding the provisions of subsection (1) of this section and Article IV, section 13, of this Constitution, the Legislature may enact legislation authorizing courts to reduce sentences that have become final.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow the Legislature to enact legislation authorizing courts to reduce sentences that have become final.

For

Against.

LEGISLATIVE RESOLUTION 282. Introduced by Erdman, 47.

WHEREAS, the Potter Sundry is located at 324 Chestnut Street in Potter; and

WHEREAS, the building was originally constructed with an oak back bar, leaded glass, a full mirror, and a tin roof in 1914; and

WHEREAS, the Potter Drug Company opened a drug store inside the building in 1916; and

WHEREAS, James Earl Thayer lived above the drug store, ran the pharmacy, and raised a family there; and

WHEREAS, James Earl Thayer's son, Harold Dean Thayer, acquired the nickname Pinky due to his bright red, wavy hair; and

WHEREAS, Pinky Thayer enjoyed concocting spectacular sundaes in the early 1930s; and

WHEREAS, Pinky Thayer created the first Tin Roof Sundae at the age of fourteen while working as a soda jerk and named the treat after the tin ceiling of the Potter Sundry; and

WHEREAS, the Tin Roof Sundae is an original ice cream creation made in a soda glass with vanilla ice cream topped with a generous amount of chocolate syrup, then chocolate ice cream covered with marshmallow sauce, and whole roasted Spanish peanuts on top; and

WHEREAS, in 2018 the Food Network formally recognized the Tin Roof Sundae as an iconic Nebraska dessert; and

WHEREAS, several companies have marketed ice cream flavors attempting to replicate the original Tin Roof Sundae; and

WHEREAS, the Tin Roof Sundae has also inspired the creation of new desserts; and

WHEREAS, the Tin Roof Sundae is a unique dessert combining salty and sweet, marshmallow sauce and whole roasted Spanish peanuts, setting it apart as a truly special sundae; and

WHEREAS, the Tin Roof Sundae is still being served at the Potter Sundry.

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

1. That the Legislature recognizes Harold Dean Thayer as the original creator of the Tin Roof Sundae.
2. That the Legislature declares the Tin Roof Sundae to be the sundae of the State of Nebraska.
3. That a copy of this resolution be sent to Kendra Mitchell, the current owner of the Potter Sundry.

Laid over.

LEGISLATIVE RESOLUTION 283CA. Introduced by Brewer, 43; Halloran, 33; Hilgers, 21; La Grone, 49; Lowe, 37.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VI, section 1:

VI-1 ~~Only a~~Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change qualifications of electors.

For

Against.

LEGISLATIVE RESOLUTION 284CA. Introduced by Brewer, 43; La Grone, 49.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1, and Article VIII, section 1B:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature

may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law, except as provided in Article VIII, section 1B, of this Constitution. Existing revenue laws shall continue in effect until changed by the Legislature.

VIII-1B (1) When an income tax is adopted by the Legislature, the Legislature may adopt an income tax law based upon the laws of the United States.

(2) The State of Nebraska shall be prohibited from imposing an income tax for all taxable years beginning or deemed to begin on or after January 1, 2024.

(3) In order to comply with subsection (2) of this section, the Legislature shall eliminate the income tax over a four-year period as follows:

(a) For taxable years beginning or deemed to begin on or after January 1, 2021, and before January 1, 2022, income tax rates shall be reduced to seventy-five percent of their pre-adjustment level;

(b) For taxable years beginning or deemed to begin on or after January 1, 2022, and before January 1, 2023, income tax rates shall be reduced to fifty percent of their pre-adjustment level;

(c) For taxable years beginning or deemed to begin on or after January 1, 2023, and before January 1, 2024, income tax rates shall be reduced to twenty-five percent of their pre-adjustment level; and

(d) For taxable years beginning or deemed to begin on or after January 1, 2024, no income tax shall be imposed.

(4) For purposes of this section, pre-adjustment level means the income tax rates in effect immediately prior to the reduction required in subdivision (3)(a) of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit the state from imposing an income tax for all taxable years beginning or deemed to begin on or after January 1, 2024, and to require the Legislature to eliminate the income tax over a four-year period.

For

Against.

LEGISLATIVE RESOLUTION 285CA. Introduced by Brewer, 43.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall first be used to address prison overcrowding as the Legislature may direct and any remaining money shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides

matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for use of a portion of the proceeds of the state lottery to first address prison overcrowding and the remaining money of such portion to carry out the Nebraska Environmental Trust Act.

For

Against.

LEGISLATIVE RESOLUTION 286CA. Introduced by Cavanaugh, 6; Chambers, 11; Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VI, section 2:

VI-2 No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason ~~or felony~~ under the laws of the state or of the United States, unless restored to civil rights.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove felony convictions other than treason from being a disqualification for voting.

For
Against.

LEGISLATIVE RESOLUTION 287. Introduced by Erdman, 47.

WHEREAS, King Robert Rhiley, Jr., was born the son of a Pikes Peak-winning race car driver, grew to love fast cars, and drove a Camero Z28 at the age of ninety; and

WHEREAS, King Rhiley Jr.'s true passion was flying; and

WHEREAS, King Rhiley Jr. took his first dual flight on July 31, 1947, and took his first solo flight four months later; and

WHEREAS, King Rhiley Jr. accumulated an estimated thirty thousand hours of total flying time before his retirement in 2009; and

WHEREAS, King Rhiley Jr. taught his sons and friends how to fly and to operate an aerial applicator, offered pilot services to aircraft owners, and served as a volunteer pilot for flights transporting critically ill patients from small rural hospitals to larger urban hospitals; and

WHEREAS, King Rhiley Jr. became the first manager of the Garden County Airport in 1957, made the airport accessible twenty-four hours a day in the early 1960s, and extended the runway to four thousand six hundred ninety-nine feet to make it possible for private jets to take off and land; and

WHEREAS, King Rhiley Jr. received a commercial flight rating on March 19, 1960, and became a Certified Flight Instructor in June of that same year; and

WHEREAS, King Rhiley Jr. learned the art of crop dusting and received his Instrument and Multi-engine Land rating in December 1962. He later earned his Rotorcraft Helicopter Instructor rating in January 1966; and

WHEREAS, King Rhiley Jr. taught his grandson how to fly in the same Piper Cub in which he learned to fly back in 1947; and

WHEREAS, King Rhiley Jr. made his final landing in 2009 and received a Certificate of Achievement from the Aircraft Owner and Pilots Association for sixty years of active membership; and

WHEREAS, the Federal Aviation Administration renamed the Garden County Airport "King Rhiley Field" on June 20, 2019; and

WHEREAS, King Rhiley Jr. will be inducted into the Nebraska Aviation Hall of Fame on January 23, 2020.

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

1. That the Legislature recognizes the outstanding aviation achievements of King Robert Rhiley, Jr., and honors King Robert Rhiley, Jr., as a model citizen, husband, father, and grandfather.

2. That a copy of this resolution be sent to the family of King Robert Rhiley, Jr.

Laid over.

LEGISLATIVE RESOLUTION 288. Introduced by Slama, 1; Albrecht, 17; Clements, 2; Crawford, 45; Dorn, 30; Gragert, 40; Hansen, B., 16; Wayne, 13.

WHEREAS, Nebraska has experienced severe flooding in the past several years; and

WHEREAS, the frequency of severe flood events due to anthropogenic factors and releases from Gavins Point Dam is increasing; and

WHEREAS, Nebraska's preliminary assessment of damage to bridges, roads, and other infrastructure caused by the 2019 severe flood event reached approximately four hundred and fifty million dollars; and

WHEREAS, states rely on the Federal Emergency Management Agency to pay for the majority of recovery efforts related to flood damaged infrastructure; and

WHEREAS, because of the increasing frequency of flooding in Nebraska, the subsequent failure of dams, levees, and dikes caused by high water levels, and the increase in expenses for recovery efforts to restore damaged infrastructure, it is imperative that flood control be a top priority; and

WHEREAS, the Flood Control Act of 1936, an act passed by Congress and signed by President Franklin Delano Roosevelt, authorized civil engineering projects such as dams, levees, dikes, and other flood control measures to be managed by the United States Army Corps of Engineers; and

WHEREAS, the United States Army Corps of Engineers has authority over many of the levee systems in Nebraska as well as management of water flows in the Missouri River basin using a network of six dams; and

WHEREAS, as a result of a lawsuit the United States Army Corps of Engineers was ordered to address a U.S. Fish and Wildlife Service biological opinion outlining measures that must be taken by the Corps to come into compliance with the Endangered Species Act, which led to a revision of the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin; and

WHEREAS, the Master Water Control Manual for the Missouri River Basin issued in 2004 provided that the Corps, in consultation with affected interests and other agencies, would appropriately consider endangered species protection in order to obtain the optimum development and utilization of the water resources of the Missouri River basin to best serve the needs of the people; and

WHEREAS, while development along and downstream of the Missouri River has increased, the standards put in place by the Corps for levee design, construction, and maintenance have not been updated in over twenty years; and

WHEREAS, the Corps should consider the impact of flooding on people and agricultural land and economies and prioritize flood control over fish and wildlife under the authority of the federal Endangered Species Act when creating future Missouri River Mainstem Reservoir System Master Water Control Manuals and updating levee standards.

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

1. That the Legislature respectfully urges Congress and the United States Army Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and the United States Army Corps of Engineers.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB68:

AM1988

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 19-4021, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 19-4021 The mayor, with the approval of the city council, shall
 6 appoint a business improvement board consisting of property owners,
 7 residents, business operators, or users of space within the business area
 8 to be improved. The boundaries of the business area shall be declared by
 9 resolution of the city council at or prior to the time of the appointment
 10 of the business improvement board. The business improvement board shall
 11 make recommendations to the city council for the establishment of a plan
 12 or plans for improvements in the business area. If it is found that the
 13 improvements to be included in one business area offer benefits that
 14 cannot be equitably assessed together under the Business Improvement
 15 District Act, more than one business improvement district as part of the
 16 same plan for improvements for that business area may be proposed. The
 17 business improvement board may make recommendations to the city as to the
 18 use of any occupation tax funds collected, and may administer such funds
 19 if so directed by the mayor and city council. The business improvement
 20 board shall also review and make recommendations to the city regarding
 21 ~~changing expansion of the boundaries or the functions or ordinance~~
 22 provisions of the business improvement district under sections 19-4029.02
 23 to 19-4029.05.
 24 Sec. 2. Section 19-4027, Revised Statutes Supplement, 2019, is
 25 amended to read:
 26 19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,
 27 the city council shall:
 1 (1) Hear all protests and receive evidence for or against the
 2 proposed action;
 3 (2) Rule upon all written protests received prior to the close of
 4 the hearing, which ruling shall be final; and
 5 (3) Continue the hearing from time to time as the city council may
 6 deem necessary.
 7 If a special assessment is to be used, proceedings shall terminate
 8 if written protest is made prior to the close of the hearing by the
 9 record owners of over fifty percent of the assessable units in the
 10 proposed business improvement district. If an occupation tax is to be
 11 used, proceedings shall terminate if protest is made by users of over
 12 fifty percent of the space in the proposed business improvement district.
 13 Sec. 3. Section 19-4029.01, Revised Statutes Supplement, 2019, is
 14 amended to read:
 15 19-4029.01 (1) At least ten days prior to the date of any hearing
 16 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of

17 such hearing shall be given by:

18 (a) One publication of the notice of hearing in a legal newspaper in
19 or of general circulation in the city;

20 (b) Mailing a copy of the notice of hearing to each owner of taxable
21 property in the proposed, modified, or expanded business improvement
22 district as shown on the latest tax rolls of the county treasurer for
23 such county;

24 (c) Providing a copy of the notice of hearing to any neighborhood
25 association registered pursuant to subsection (2) of this section in the
26 manner requested by such neighborhood association; and

27 (d) If an occupation tax is to be imposed, mailing a copy of the
28 notice of hearing to each user of space in the proposed, modified, or
29 expanded business improvement district.

30 (2) The notice required by subdivision (1)(c) of this section shall
31 be provided to any neighborhood association which is registered pursuant
1 to this subsection and whose area of representation is located, in whole
2 or in part, within a one-mile radius of the existing or proposed,
3 modified, or expanded boundaries of the business improvement district.

4 Each neighborhood association desiring to receive such notice shall
5 register with the city the area of representation of such association and
6 provide the name of and contact information for the individual designated
7 to receive notice on behalf of such association and the requested manner
8 of service, whether by email or first-class or certified mail. The
9 registration shall be in accordance with any rules and regulations
10 adopted and promulgated by the city.

11 (3) Any notice of hearing for any hearing required by sections
12 19-4026 and section 19-4029 shall contain the following information:

13 (a) A description of the boundaries of the proposed business
14 improvement district;

15 (b) The time and place of a hearing to be held by the city council
16 to consider establishment of the business improvement district;

17 (c) The proposed public facilities and improvements to be made or
18 maintained within any business improvement district; and

19 (d) The proposed or estimated costs for improvements and facilities
20 within the proposed business improvement district and the method by which
21 the revenue shall be raised. If a special assessment is proposed, the
22 notice shall also state the proposed method of assessment.

23 (4) Any notice of hearing for any hearing required by sections
24 19-4029.02 and 19-4029.03 shall contain the following information:

25 (a) A description of the boundaries of the area to be added to or
26 removed from the existing business improvement district and a description
27 of the new boundaries of the modified business improvement district;

28 (b) The time and place of a hearing to be held by the city council
29 to consider establishment of the modified business improvement district;

30 (c) The new public facilities and improvements, if any, to be made
31 or maintained within any business improvement district; and

1 (d) The proposed or estimated costs for new and existing
2 improvements and facilities within the proposed, modified, or expanded
3 business improvement district and the method by which the revenue shall
4 be raised. If a special assessment is proposed, the notice shall also
5 state the proposed method of assessment.

6 Sec. 4. Section 19-4029.02, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 19-4029.02 Upon receiving a ~~the~~ recommendation to change ~~expand~~ the
9 boundaries or the functions or ordinance provisions of an existing
10 business improvement district from the business improvement board, the
11 city council may change ~~expand~~ the boundaries or the functions or
12 ordinance provisions of one or more business improvement districts by
13 adopting an ordinance to that effect ~~expand the boundaries of a district~~
14 ~~or districts~~. Prior to adopting the ordinance, a hearing shall be held to

15 consider the ordinance.

16 Sec. 5. Section 19-4029.03, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 19-4029.03 ~~If in the event that the city council has not acted to~~
19 call a hearing to change the ~~expand~~ district boundaries or the functions
20 or ordinance provisions of an existing business improvement district as
21 provided in section 19-4029.02, it shall do so when presented with a
22 petition signed (1) by the users of thirty percent of space in a business
23 area proposed to be added to or removed from an existing business
24 improvement district where an occupation tax is imposed, (2) or by the
25 record owners of thirty percent of the assessable front footage in a
26 portion of a business area proposed to be added to or removed from an
27 existing business improvement district, or (3) if the recommendation is
28 to change the functions or ordinance provisions of an existing business
29 improvement district, by the record owners of thirty percent of the
30 existing business improvement district.

31 Sec. 6. Section 19-4029.04, Revised Statutes Supplement, 2019, is
1 amended to read:

2 19-4029.04 Whenever a hearing is held to change the ~~expand~~ business
3 improvement district boundaries or the functions or ordinance provisions
4 of an existing business improvement district under section 19-4029.02 or
5 19-4029.03, the city council shall:

6 (1) Hear all protests and receive evidence for or against the
7 proposed action;

8 (2) Rule upon all written protests received prior to the close of
9 the hearing, which ruling shall be final; and

10 (3) Continue the hearing from time to time as the city council may
11 deem necessary.

12 If a special assessment is to be used, proceedings shall terminate
13 if written protest is made prior to the close of the hearing by the
14 record owners of over fifty percent of the assessable units in the
15 modified business improvement district as proposed. If an occupation tax
16 is to be used, proceedings shall terminate if protest is made by users of
17 over fifty percent of space in the modified business improvement district
18 as proposed.

19 Sec. 7. Section 19-4029.05, Revised Statutes Supplement, 2019, is
20 amended to read:

21 19-4029.05 (1) The city council, following a hearing under section
22 19-4029.02 or 19-4029.03, may change ~~expand~~ the boundaries or the
23 functions or ordinance provisions of any business improvement district or
24 districts. If the city council decides to change ~~expand~~ the boundaries or
25 the functions or ordinance provisions of any business improvement
26 district or districts, it shall adopt an ordinance to that effect. This
27 ordinance shall contain the following information:

28 (a) (1) The name of the business improvement district whose
29 boundaries, functions, or ordinance provisions will be changed ~~expanded~~;

30 (b) (2) A statement that notice of hearing was given, including the
31 date or dates on which it was given, in accordance with section
1 19-4029.01;

2 (c) (3) The time and place the hearing was held concerning the new
3 boundaries or changed functions or ordinance provisions of the business
4 improvement district;

5 (d) (4) The purposes of the changed boundary, functions, or
6 ordinance provisions expansion and any new public improvements and
7 facilities to be included in the business improvement district;

8 (e) (5) The description of the changed new boundaries, functions, or
9 ordinance provisions of the business improvement district;

10 (f) (6) A statement that the businesses and users of space in the
11 modified business improvement district established by the ordinance shall
12 be subject to the general business occupation tax or that the real

13 property in the modified business improvement district will be subject to
 14 the special assessment authorized by the Business Improvement District
 15 Act;
 16 (g) (7) The proposed method of assessment to be imposed within the
 17 business improvement district or the initial rate of the occupation tax
 18 to be imposed; and
 19 (h) (8) Any penalties to be imposed for failure to pay the tax or
 20 special assessment.
 21 (2) The ordinance shall recite that the method of raising revenue
 22 shall be fair and equitable. In the use of a general occupation tax, the
 23 tax shall be based primarily on the square footage of the owner's and
 24 user's place of business. In the use of a special assessment, the
 25 assessment shall be based upon the special benefit to the property within
 26 the business improvement district.
 27 Sec. 8. Original sections 19-4029.02 and 19-4029.03, Revised
 28 Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027,
 29 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement,
 30 2019, are repealed.

Senator Stinner filed the following amendment to LB4A:
AM1990

(Amendments to Final Reading copy)

1 1. Strike original section 1 and insert the following new sections:
 2 Section 1. There is hereby appropriated (1) \$41,789 from the Tax
 3 Equalization and Review Commission Cash Fund for FY2020-21 and (2)
 4 \$41,789 from the Tax Equalization and Review Commission Cash Fund for
 5 FY2021-22 to the Tax Equalization and Review Commission, for Program 115,
 6 to aid in carrying out the provisions of Legislative Bill 4, One Hundred
 7 Sixth Legislature, Second Session, 2020.
 8 No expenditures for permanent and temporary salaries and per diems
 9 for state employees shall be made from funds appropriated in this
 10 section.
 11 Sec. 2. Since an emergency exists, this act takes effect when passed
 12 and approved according to law.
 13 2. On page 1, line 3, strike "First Session, 2019" and insert
 14 "Second Session, 2020; and to declare an emergency".

CONFLICT OF INTEREST STATEMENT

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

VISITOR(S)

Visitors to the Chamber were Nawaf Haskan and Laila Saleh from Lincoln; Senator Brandt's wife, Sandra; Senator Groene's wife, Barb; Senator Hunt's mom, Mary Beth, brother, Matt, and daughter, Alice Homan; Deena Keilany from Lincoln; Senator Albrecht's husband, Michael; Senator Erdman's wife, Cathy; Senator Clement's wife, Peggy; Senator Pansing Brooks' husband, Loel Brooks; Aker Marco Ajak from Omaha; Senator Hughes' wife, Josie; Senator Stinner's wife, Rita; and Senator Crawford's husband, David.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:28 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 9, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 2020

PRAYER

The prayer was offered by Father Christopher Kubat, St. Cecelia Catholic Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bolz, B. Hansen, Hilkemann, Kolowski, Linehan, Morfeld, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

**2019 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
218	Interim study to review the resources of the Dept. of Agriculture and state government to respond to natural disasters			X
219	Interim study to identify constraints on agricultural processing, production, and			X

	marketing investment			
220	Interim study to review provisions governing carcass disposal requirements and options			X
221	Interim study to review the resources and authorities of the Dept. of Agriculture regarding livestock disease prevention and response		X	
222	Interim study to review the status of the implementation of the electronic brand document and reporting system by the Nebraska Brand Committee		X	
251	Interim study to conduct a review of food deserts in Nebraska and make recommendations to increase access to healthy affordable food			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
116	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund		X	
184	Interim study to examine how to provide a sustainable and adequate stream of state funds to local public health departments to ensure they are able to meet their core responsibilities		X	
179	Interim study to examine the fiscal impact of the Supplemental Nutrition Assistance Program and child care subsidies		X	
234	Interim study to track rate increases appropriated for behavioral health providers to ensure that legislative intent is followed and the rate increases		X	

	are funded			
181	Interim study to examine new funding streams for financial stability of the simulation-in-motion Nebraska program		X	
210	Interim study to analyze programs and agencies that are active in addressing workforce and talent shortages, and identify options to assist in filling vacant high-wage, high-demand, and high-skill jobs		X	
212	Interim study to assess the financial position of the Nebraska Brand Committee and to identify core operational needs and opportunities for efficiency improvement		X	
211	Interim study to examine alternatives for funding the Nebraska Tree Recovery Program		X	
209	Interim study to examine state and federal funding options for existing and potential research by the University of Nebraska on local, state, and global water management systems		X	

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
57	Interim study to determine whether the Real Property Appraiser Act should be updated		X	
94	Interim study in conjunction with the Attorney General and the Dept. of Banking and Finance to examine issues surrounding regulatory sandbox programs		X	
115	Interim study to examine the Nebraska Banking Act, the Securities Act of Nebraska, and other laws within the jurisdiction		X	

	of the Dept. of Banking and Finance to determine the need to update such laws			
137	Interim study to examine the Nebraska Condominium Act		X	
141	Interim study to examine ways to enhance financial literacy programs, training, and general competencies and problem-solving skills in Nebraska, with the objective of increasing long-term financial stability for all Nebraskans		X	
164	Interim study to examine the need to update the insurance laws of Nebraska in response to technology advancement and innovation		X	
194	Interim study to examine the benefits of employee stock ownership programs and strategies to promote the implementation of such programs			X
229	Interim study to examine the rate of interest permissible on installment loans under the Nebraska Installment Loan Act		X	

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
106	Interim study to review the Boiler Safety Code Advisory Board and occupational regulations for boiler inspectors	X Will be issued by 12/15		
113	Interim study to examine existing anti-discrimination employment related laws to ensure they are advancing the public policy of Nebraska		X	
128	Interim study to review the Nebraska Wage Payment and Collection Act and the Wage and		X	

	Hour Act			
129	Interim study to examine issues under the jurisdiction of the Business and Labor Committee		X	
178	Interim study to examine the distribution of affordable housing across the state and how the lack of available affordable housing can impact the workforce		X	
192	Interim study to examine workforce development initiatives with emphasis on hearing the perspectives of employees across industries		X	
213	Interim study to examine potential solutions and approaches to benefits traditionally enjoyed by workers in an employer-employee relationship		X	
252	Interim study to review employment opportunities and barriers to employment for minority and at-risk populations		X	

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
63	Interim study to examine educational service units		X	
151	Interim study to examine the financing of public education and develop recommendations for improving school funding			X
152	Interim study to examine issues under the jurisdiction of the Education Committee			X
153	Interim study to examine the administrative costs of local school systems and school districts		X	
157	Interim study to conduct an indepth review of the financing of			X

	the public elementary and secondary schools			
208	Interim study to examine state and school district policies that relate to maintaining a safe and positive school learning environment		X	
214	Interim study to examine issues that surround the engagement, attraction, and retention of youth in Nebraska			X
242	Interim study to examine the replacement of Native American mascots in Nebraska at nontribal schools			X

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
87	Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing committee system			Select Committee
159	Interim study to examine the rules of the Legislature regarding information required to be included in records of the committees of the Legislature			Rules Committee
199	Interim study to examine Nebraska's redistricting process			X
217	Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements on legislation			Rules Committee
223	Interim study to appoint a special committee to carry out a comprehensive study of incarceration and mental health services in Nebraska			Select Committee

241	Interim study to create a select committee to develop an environmental action plan for the state, including assessments of vulnerability, risks, economic impacts, and mitigation strategies			Select Committee
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General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
98	Interim study to examine the special designated license issued by the Nebraska Liquor Control Commission and review potential reforms	X		
117	Interim study to examine matters related to cemeteries			X
215	Interim study to examine the Nebraska Lottery and Raffle Act		X	
231	Interim study to examine whether electrician licensing requirements and building regulations need to be changed to support economic development	X		

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
92	Interim study to examine the processes for adopting, promulgating, and eliminating rules and regulations in Nebraska and in other states		X	
143	Interim study to examine the laws for accounting and financial reporting in political subdivisions to determine a more uniform method of reporting			X
149	Interim study to examine the burden of unfunded mandates on county budgets		X	
187	Interim study to determine the		X	

	feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies			
247	Interim study to examine the long-term sustainability of recurring election technology replacement		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
88	Interim study to examine issues related to grandparents raising grandchildren and other kinship family relationships		X	
95	Interim study to examine the prevalence and economic costs of methamphetamine use in the state		X	
103	Interim study to review staffing concerns including, but not limited to, staff retention at the Beatrice State Developmental Center, the Lincoln Regional Center, the Youth Rehabilitation and Treatment Center-Geneva, and the Youth Rehabilitation and Treatment Center-Kearney		X	
105	Interim study to investigate the eligibility requirements applied to children with disabilities for coverage under the Medical Assistance Act		X	
134	Interim study to examine the drug testing protocol recently changed by the Division of Children and Family Services for families involved in the child welfare system		X	
135	Interim study to examine issues related to food insecurity in Nebraska communities		X	
139	Interim study to examine the		X	

	feasibility of increasing the presence of the University of Nebraska Medical Center in central and western Nebraska by strengthening collaborations with the University of Nebraska at Kearney			
160	Interim study to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources		X	
162	Interim study to examine issues impacting volunteer emergency medical personnel		X	
163	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee	X		
170	Interim study to examine the Dept. of Health and Human Services' plan to submit a demonstration project waiver for the medical assistance program under section 1115 of the Social Security Act		X	
172	Interim study to analyze state and local policy and initiatives to retain and incentivize health care providers and health-related businesses in the state to remain and expand in the state		X	
173	Interim study to examine health concerns related to the public use of and secondhand exposure to electronic nicotine delivery systems and other products		X	
177	Interim study to examine issues faced by youth in the child welfare system who are pregnant or parenting		X	
180	Interim study to examine the practice of mindfulness to reduce the number of children and adults		X	

	in crisis			
182	Interim study to examine methods for the early screening of melanoma and modernization of reimbursement for telehealth for such screening		X	
191	Interim study to evaluate the potential use of Physicians Orders for Life-Sustaining Treatment and the potential use of out-of-hospital Do Not Resuscitate protocols		X	
193	Interim study to assess implementation of the federal Family First Prevention Services Act in Nebraska and identify opportunities for children and families		X	
198	Interim study to examine the implementation of a statewide registry for Alzheimer's disease and related dementias		X	
200	Interim study to examine programming provided at the Youth Rehabilitation and Treatment Center-Geneva and the Youth Rehabilitation and Treatment Center-Kearney and the need for additional programming	X		
216	Interim study to examine funding priorities for the medicaid home and community-based services waivers under the Developmental Disabilities Services Act		X	
226	Interim study to examine and assess prescribing practices of health care providers related to opioids and the effectiveness of Nebraska's prescription drug monitoring program		X	
233	Interim study to examine fingerprint collection and national criminal history record		X	

	information checks for employees of child care facilities and child-caring agencies			
239	Interim study to examine non-court-involved cases, including voluntary and alternative response cases, in the child welfare system		X	
243	Interim study to examine the practice of medical refusal for contraception, sterilization, or abortion services by health care facilities and providers		X	
244	Interim study to examine discrepancies in reimbursement under the medical assistance program between the three Heritage Health managed care plans and the impacts of applying a multiple-procedure payment-reduction policy to therapy services		X	
249	Interim study to examine how the state administers federal Older Americans Act funds		X	
250	Interim study to examine programs relating to development and implementation of the plan for providing services to qualified persons with disabilities in the most integrated community-based settings, commonly referred to as the Olmstead Plan		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
238	Interim study to assess the rehabilitation and other needs of inmates while in the custody of the Dept. of Correctional Services and while transitioning into the community			X

127	Interim study to ensure youth in the foster care system and juvenile justice system understand their rights, to ensure their rights are being upheld, and to explore the need for additional rights			X
156	Interim study to examine strategies to prevent suicide by youth involved in the Nebraska juvenile justice system			X
124	Interim study to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public			X
144	Interim study to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations		X	
197	Interim study to conduct a comprehensive study of due process for inmates in restrictive housing		X	
206	Interim study to examine options for the elimination of cash bail, appearance bonds, and related provisions, and examine risk assessment tools for pretrial release, post-conviction custody, and supervision status determinations		X	
237	Interim study to examine issues related to Nebraska's correctional system		X	
146	Interim study to examine the feasibility of adopting a Prosecutor Transparency Act in Nebraska		X	
183	Interim study to examine whether continuity of care and safety for			X

	individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement			
236	Interim study to examine issues related to juvenile justice		X	
176	Interim study to examine the metrics used in the juvenile justice system to track outcomes for youth who are under system supervision and after contact with the juvenile justice system			X
201	Interim study to examine the role truancy plays in the school-to-prison pipeline and explore possible alternatives to reduce truancy			X
205	Interim study to examine issues related to child custody proceedings and parenting time determinations for families of divorce			X
248	Interim study to analyze and assess the arrangement for chemical testing of items seized pursuant to arrests for controlled substances			X
253	Interim study to investigate the laws of self-defense and defense of third parties as they apply to the defense of persons victimized by domestic violence and human trafficking			X
123	Interim study to assess the readiness of the Dept. of Correctional Services to implement Laws 2018, LB258, by its operative date of July 1, 2020, regarding obtaining a state identification card or renewing a driver's license			X
148	Interim study to examine issues related to unfunded mandates to county governments for the			X

	administration of judicial proceedings			
171	Interim study to examine the impact of lowering the age of majority from 19 years of age to 18 years of age for making health care decisions			X
189	Interim study to examine the effectiveness of 24/7 sobriety programs and determine potential standards for statewide implementation			X
204	Interim study to examine issues under the jurisdiction of the Judiciary Committee		X	
224	Interim study to examine the civil legal service needs of low-income residents			X
158	Interim study to examine matters related to adoption procedures in Nebraska			X
246	Interim study to examine the Office of Public Guardian			X
235	Interim study to examine the efficacy of testing and monitoring programs to reduce recidivism for driving under the influence and controlled substances offenses			X
245	Interim study to examine advance planning for mental health care, which is distinct from advance planning for end-of-life care			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
114	Interim study to examine conditions under which the board of directors of the Nebraska Cooperative Republican Platte Enhancement Project and the Rock Creek augmentation project may dispose of real property each		X	

	owns related to the projects			
142	Interim study to examine any matter concerning the Game and Parks Commission		X	
96	Interim study to examine the long-term public power generation and transmission options in the state			X
227	Interim study to examine the future of nuclear-generated electricity in Nebraska			X
154	Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County			X
138	Interim study to identify for adoption by the Legislature three to five infrastructure project opportunities in eastern Nebraska to provide flood control, a reliable drinking water supply, power generation, climate change mitigation, and recreation		X	

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
65	Interim study to provide for presentation of reports by all political subdivisions with underfunded defined benefit plans	X		
66	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
186	Interim study to examine the elimination of sales and use tax exemptions for goods and services		X	
207	Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws		X	
161	Interim study to examine policy issues revealed during a performance audit of the Nebraska Advantage Microenterprise Tax Credit Act		X	
228	Interim study to examine the potential effects of implementing a flat-rate income tax		X	
232	Interim study to examine the processes and procedures used in the assessment and valuation of real property and in appeals before the Tax Equalization and Review Commission		X	
202	Interim study to examine the use and administration of the Nebraska housing tax credit			X
262	Interim study to examine issues under the jurisdiction of the Revenue Committee			X

Rules

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
87	Interim study to continue the work of the select interim committee created in LR437, 2018, to examine possible improvements to the standing			X

	committee system			
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Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
166	Interim study to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994		X	
169	Interim study to examine issues raised by LB462, 2019, and examine potential improvements to the enforcement of the One-Call Notification System Act			X
167	Interim study to review the current model of collecting taxes to build and repair roads			X
175	Interim study to ensure accelerated broadband deployment statewide		X	
174	Interim study to examine the Highway Trust Fund and ways to increase transit infrastructure in areas with limited access			X
168	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee			X
190	Interim study to examine Nebraska's history of involvement in the Midwest Interstate Passenger Rail Compact			X
188	Interim study to review the policy of operating trains of increasing length and the effects on worker safety and on the operations of businesses near railroad crossings			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
111	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee			X
112	Interim study to examine the statutes governing cities of the primary class		X	
119	Interim study to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities		X	
126	Interim study to examine issues related to urban development in municipalities		X	
130	Interim study to examine issues related to density bonuses and other nonmonetary regulatory incentives in municipal zoning ordinances			X
131	Interim study to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts		X	
132	Interim study to examine issues related to plumbing codes		X	
140	Interim study to examine the roles and guidelines of homeowners' associations		X	
145	Interim study to examine the financing of energy efficiency and renewable energy improvements on single-family residential property under the Property Assessed Clean Energy Act			X
155	Interim study to examine issues related to municipalities that border another state		X	
165	Interim study to examine issues related to municipal firefighting		X	

	and emergency medical services			
240	Interim study to review municipal rental housing inspection programs			X

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR288 was referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 852. Introduced by Williams, 36.

A BILL FOR AN ACT relating to secured transactions; to amend section 52-1308, Revised Statutes Cumulative Supplement, 2018, and section 9-513A, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to farm product liens and actions relating to termination statements; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by Williams, 36.

A BILL FOR AN ACT relating to banks and banking; to authorize financial institutions to place a hold on certain customer transactions in cases of financial exploitation.

LEGISLATIVE BILL 854. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2398 and 77-23,100, Revised Statutes Supplement, 2019; to change provisions relating to secured deposits and pooled collateral; to change reporting requirements as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 855. Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to eliminate a requirement for confirmation by the Legislature of certain Niobrara Council members; and to repeal the original section.

LEGISLATIVE BILL 856. Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, and 66-1525, Reissue Revised

Statutes of Nebraska, and section 66-1529.02, Revised Statutes Supplement, 2019; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 857. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to state government; to amend section 84-920, Revised Statutes Cumulative Supplement, 2018; to require state agency review of rules and regulations as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 858. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Municipal Cooperative Financing Act; to amend sections 18-2409, 18-2410, 18-2413, 18-2414, 18-2420, 18-2427, 18-2435, 18-2436, 18-2439, 18-2445, 18-2446, 18-2451, and 18-2461, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to qualifications, removal, terms, and votes by directors, provisions relating to municipality participation, termination, expulsion, and suspension, and provisions relating to bonds; to change an audit filing deadline; to change agency restrictions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications and terms of office of commission members as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 860. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska; to change provisions relating to the term and appointment of commission members; to change commission districts and district assignments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 861. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2001, 13-2003, 13-2017, and 13-2023, Reissue Revised Statutes of Nebraska; to define terms; to change provisions related to state policy and to the regulation of the sale or marketing of consumer merchandise and containers by a county, municipality, or agency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418 and 28-1418.01, Revised Statutes Supplement, 2019; to prohibit possession by minors of tobacco, electronic nicotine delivery systems, or alternative nicotine products as prescribed; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-303, Reissue Revised Statutes of Nebraska; to limit the amount of property owned by the commission; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt the Bed Bug Detection and Treatment Act.

LEGISLATIVE BILL 865. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1808, 85-1810, and 85-1812, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2716, 85-1802, 85-1806, 85-1807, 85-1809, and 85-1816, Revised Statutes Supplement, 2019; to authorize and provide an income tax deduction for employer contributions as prescribed; to provide for contributions of income tax refunds; to define terms; to require that employer contributions not be recognized as income for certain purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 866. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Density Bonus and Inclusionary Housing Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 867. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities and villages; to adopt the Local Option Municipal Childcare Financing Act.

LEGISLATIVE BILL 868. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2939, Reissue Revised Statutes of Nebraska; to change provisions relating to mediator duties; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1223, 25-1224, 25-1226, 25-1228, and 33-106, Revised Statutes Cumulative Supplement, 2018; to provide for issuance of subpoenas in civil proceedings pending in foreign jurisdictions; to authorize the Supreme Court to promulgate rules; to change provisions relating to issuance of and scope of subpoenas and witness fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Crawford, 45; Walz, 15.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Supplement, 2019; to change provisions relating to direct borrowing; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend section 87-303.01, Reissue Revised Statutes of Nebraska; to change provisions relating to unconscionability; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-327, 28-327.01, and 28-345, Revised Statutes Supplement, 2019; to eliminate requirements for the provision of information and materials regarding finding medical assistance and continuing a viable pregnancy after taking mifepristone and for confidential reporting forms; to eliminate duties of the Department of Health and Human Services; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to government documents; to amend sections 60-490, 60-491, and 71-604.01, Reissue Revised Statutes of Nebraska, sections 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,121, 60-4,123, and 60-4,123.01, Revised Statutes Cumulative Supplement, 2018, and sections 60-484, 60-4,117, 60-4,118, 60-4,120.02, 60-4,122, 60-4,124, 60-4,125, 60-4,126, and 60-4,144, Revised Statutes Supplement, 2019; to change provisions relating to the issuance and renewal of motor vehicle operators' licenses and state identification cards and the issuance of commercial learners' permits; to provide a procedure for amendment of a birth certificate; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to

amend section 71-7611, Revised Statutes Supplement, 2019; to change and eliminate provisions relating to funding of programs; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 875. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require submission of a state plan amendment for outpatient assisted therapy; and to repeal the original section.

LEGISLATIVE BILL 876. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Supplement, 2019; to change provisions relating to limitations on blighted areas; and to repeal the original section.

LEGISLATIVE BILL 877. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for aging and disability resource centers.

LEGISLATIVE BILL 878. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1425 and 49-14,103.01, Reissue Revised Statutes of Nebraska; to redefine immediate family; to change and eliminate provisions related to an interest in contracts; and to repeal the original sections.

LEGISLATIVE BILL 879. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5905, Reissue Revised Statutes of Nebraska, and sections 50-1209 and 81-12,163, Revised Statutes Supplement, 2019; to change provisions regarding performance audits and termination of tax incentives as prescribed; to state intent regarding use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Groene, 42.

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.

LEGISLATIVE BILL 881. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2206, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to collection of fines and costs; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to marriage; to amend sections 42-102, 42-373, 42-374, and 42-375, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to qualifications for marriage and annulments; and to repeal the original sections.

LEGISLATIVE BILL 883. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to children and families; to amend section 43-512.03, Reissue Revised Statutes of Nebraska, and section 42-369, Revised Statutes Cumulative Supplement, 2018; to require notice of obligee remedies in child support orders; to make certain obligors and obligees parties to certain child support enforcement proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to provide for the legal effect of certain publications concerning liability insurance; and to declare an emergency.

LEGISLATIVE BILL 885. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend section 13-2705, Revised Statutes Supplement, 2019; to change requirements for grant of assistance applications; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Arch, 14.

A BILL FOR AN ACT relating to insurance; to amend section 87-302, Revised Statutes Cumulative Supplement, 2018; to state intent; to define terms; to prohibit certain activities by facilities as prescribed; to list a deceptive trade practice; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 887. Introduced by Arch, 14.

A BILL FOR AN ACT relating to prescription drugs; to amend section

71-2478, Reissue Revised Statutes of Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement, 2018; to authorize pharmacists to adapt prescriptions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 888. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,211, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the authority of the Risk Manager and State Claims Board; and to repeal the original section.

LEGISLATIVE BILL 889. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to administrative law; to amend section 84-917, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals under the Administrative Procedure Act; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 890. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Political Subdivisions Construction Alternatives Act; to amend section 13-2914, Revised Statutes Supplement, 2019; to provide for water, wastewater, utility, and sewer construction projects; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2019; to provide an income tax credit for overtime pay as prescribed; and to repeal the original section.

LEGISLATIVE BILL 892. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2019; to change individual income tax brackets as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 38-1202, 38-1203, 38-1209, 38-1210, 38-1211, 38-1213, 38-1226, 38-1228, 38-1233, 38-1234, 48-115, 71-507, 71-509, 71-8226, 71-8227, 71-8236, 71-8237, 71-8240, 71-8248, 71-8249, 71-8251, and 71-8253, Reissue Revised Statutes of Nebraska, sections 13-303, 28-934, 38-1201, 38-1204, 38-1204.01, 38-1206.01, 38-1207.01, 38-1207.02, 38-1208, 38-1208.01, 38-1208.02, 38-1215, 38-1216, 38-1217, 38-1218,

38-1224, 38-1225, 38-1232, and 38-1237, Revised Statutes Cumulative Supplement, 2018, and section 38-1220, Revised Statutes Supplement, 2019; to define and redefine terms; to provide for community paramedic and critical care paramedic practice and discipline of training agencies; to change the scope of practice of emergency care providers; to change provisions relating to the State Trauma Advisory Board; to eliminate powers and duties; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 894. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for aid to community colleges.

LEGISLATIVE BILL 895. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to decedents' estates; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 896. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to military installations; to require notice of construction or expansion of certain structures.

LEGISLATIVE BILL 897. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for behavioral health aid as prescribed.

LEGISLATIVE BILL 898. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications and technology; to define terms; and to provide for applications for the collocation of certain wireless facilities.

LEGISLATIVE BILL 899. Introduced by Hughes, 44; Albrecht, 17; Brandt, 32; Gragert, 40; Quick, 35.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to provide certain powers relating to biofuels and biofuel byproducts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to property; to provide for the ownership of

an unfertilized human ovum.

LEGISLATIVE BILL 901. Introduced by Cavanaugh, 6; Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 902. Introduced by Pansing Brooks, 28; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to trusts; to amend section 76-902, Reissue Revised Statutes of Nebraska; to adopt the Uniform Trust Decanting Act; to change tax provisions for property transferred under the act; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Kolowski, 31.

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 Down Syndrome Awareness License Plates; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 289. Introduced by Blood, 3; Crawford, 45.

WHEREAS, the Bellevue West High School football team won the 2019 Class A State Football Championship; and

WHEREAS, the Bellevue West Thunderbirds won the championship game over the Omaha Westside Warriors by a score of 35-0; and

WHEREAS, this year's state championship capped the team's second undefeated season in the last four years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue West High School football team on winning the 2019 Class A State Football Championship.
2. That a copy of this resolution be sent to Bellevue West High School.

Laid over.

LEGISLATIVE RESOLUTION 290. Introduced by Hughes, 44.

WHEREAS, the FFA team from Chase County High School, including Brooklyn Christensen, Valerie Herbert, Lindsey Mendenhall, Courtney Odens, Alexis Richmond, and Jozie Schilke, led by coaches Jeremy Vlasin

and Jason Speck, won the National Parliamentary Procedure Leadership Development Event at the 2019 National FFA Convention in Indianapolis; and

WHEREAS, the FFA parliamentary procedure competition tests a six-person team using Robert's Rules of Order to present ideas during a business meeting. Each team must take a written exam, conduct a ten-minute demonstration, answer parliamentary law questions, and prepare minutes from their demonstration; and

WHEREAS, the Chase County High School FFA team performed a demonstration three times during preliminary, semi-final, and final rounds; and

WHEREAS, this is the first time a Nebraska team has won the FFA parliamentary procedure competition; and

WHEREAS, the National FFA Organization provides leadership, personal growth, and career success training through agricultural education throughout the United States; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Imperial Chapter of the National FFA Organization for representing Nebraska and winning the National Parliamentary Procedure Leadership Development Event at the Ninety-Second National FFA Convention.
2. That a copy of this resolution be sent to Chase County High School.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Hughes, 44.

WHEREAS, Jozie Schilke was named the Most Outstanding Member during the National Parliamentary Procedure Leadership Development Event at the 2019 National FFA Convention in Indianapolis; and

WHEREAS, the Most Outstanding Member award is based on debating ability, including the logic and fluency of arguments made during competitive debate; and

WHEREAS, the National FFA Organization provides leadership, personal growth, and career success training through agricultural education throughout the United States; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jozie Schilke for representing Nebraska and winning the Most Outstanding Member award at the Ninety-Second National FFA Convention.
2. That a copy of this resolution be sent to Jozie Schilke.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB450A:
[AM2057](#)

(Amendments to Final Reading copy)

1 1. Strike original section 1 and insert the following new section:
2 Section 1. There is hereby appropriated (1) \$268,369 from the
3 General Fund for FY2020-21 and (2) \$268,369 from the General Fund for
4 FY2021-22 to the Military Department, for Program 548, to aid in carrying
5 out the provisions of Legislative Bill 450, One Hundred Sixth
6 Legislature, Second Session, 2020.
7 There is included in the appropriation to this program for FY2020-21
8 \$268,369 General Funds for state aid, which shall only be used for such
9 purpose. There is included in the appropriation to this program for
10 FY2021-22 \$268,369 General Funds for state aid, which shall only be used
11 for such purpose.
12 No expenditures for permanent and temporary salaries and per diems
13 for state employees shall be made from funds appropriated in this
14 section.
15 2. On page 1, line 3, strike "First Session, 2019" and insert
16 "Second Session, 2020".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator La Grone name added to LB153.
Senator Hilkemann name added to LB187.
Senator McCollister name added to LB369.
Senator Wayne name added to LB401.
Senator Walz name added to LB752.
Senator Lindstrom name added to LB814.
Senator Hughes name added to LB814.

VISITOR(S)

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 10:00 a.m., Friday, January 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 10, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 2020

PRAYER

The prayer was offered by Pastor Wayne Nestor, Trinity Lutheran Church, Columbus.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators B. Hansen, Linehan, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB740	General File
LB741	General File
LB742	Judiciary
LB743	Urban Affairs
LB744	Government, Military and Veterans Affairs
LB745	Judiciary
LB747	Revenue
LB748	Judiciary
LB749	Judiciary
LB750	Judiciary
LB751	Judiciary
LB752	Government, Military and Veterans Affairs

LB753	Health and Human Services
LB754	Health and Human Services
LB755	Health and Human Services
LB756	Judiciary
LB757	Banking, Commerce and Insurance
LB758	Government, Military and Veterans Affairs
LB759	Health and Human Services
LB760	Banking, Commerce and Insurance
LB761	Transportation and Telecommunications
LB762	Appropriations
LB763	Government, Military and Veterans Affairs
LB764	Banking, Commerce and Insurance
LB765	Business and Labor
LB766	Judiciary
LB767	Banking, Commerce and Insurance
LB768	Transportation and Telecommunications
LB769	Natural Resources
LB770	Natural Resources
LB771	Transportation and Telecommunications
LB772	Health and Human Services
LB773	Appropriations
LB774	Banking, Commerce and Insurance
LB775	Banking, Commerce and Insurance
LB776	Judiciary
LB777	Judiciary
LB778	Appropriations
LB779	Appropriations
LB780	Appropriations
LB781	Government, Military and Veterans Affairs
LB782	Banking, Commerce and Insurance
LB783	Health and Human Services
LB784	Transportation and Telecommunications
LB785	Transportation and Telecommunications
LB786	Judiciary
LB787	Transportation and Telecommunications
LB788	Business and Labor
LB789	Transportation and Telecommunications
LB790	Government, Military and Veterans Affairs
LB791	Agriculture
LB792	Judiciary
LB793	Judiciary
LB794	Urban Affairs
LB795	Urban Affairs
LB796	Urban Affairs
LB797	Urban Affairs
LB798	General Affairs
LB799	Urban Affairs
LB800	Urban Affairs
LB801	Urban Affairs

LB802 Natural Resources
LB803 Agriculture
LB804 Banking, Commerce and Insurance
LB805 Revenue
LB806 Revenue
LB807 Government, Military and Veterans Affairs
LB808 Banking, Commerce and Insurance
LB809 Urban Affairs
LB810 Revenue
LB811 Health and Human Services
LB812 Revenue
LB814 Judiciary
LB815 Health and Human Services
LB816 Judiciary
LB817 Health and Human Services
LB818 Revenue
LB819 Revenue
LB820 Government, Military and Veterans Affairs
LB821 Urban Affairs
LB822 Government, Military and Veterans Affairs
LB823 Judiciary
LB824 Urban Affairs
LB825 Health and Human Services
LB826 Appropriations
LB827 Appropriations
LB828 Health and Human Services
LB829 Revenue
LB830 Transportation and Telecommunications
LB831 Transportation and Telecommunications
LB832 Judiciary
LB833 Health and Human Services
LB834 Health and Human Services
LB835 Agriculture
LB836 Health and Human Services
LB837 Health and Human Services
LB838 Health and Human Services
LB839 Education
LB840 Health and Human Services
LB841 Revenue
LB842 Transportation and Telecommunications
LB843 Transportation and Telecommunications
LB844 Judiciary
LB845 Natural Resources
LB846 Business and Labor
LB847 Health and Human Services
LB848 Government, Military and Veterans Affairs
LB849 Health and Human Services
LB850 Government, Military and Veterans Affairs
LB851 Health and Human Services

LR279CA Executive Board
LR280CA Executive Board
LR281CA Judiciary
LR283CA Government, Military and Veterans Affairs
LR284CA Revenue
LR286CA Government, Military and Veterans Affairs
LR288 Natural Resources

Ackerman, Kelli M. - Public Employees Retirement Board - Nebraska Retirement Systems
Anderson, Dorothy C. - Nebraska Educational Telecommunications Commission - Education
Anderson, Douglas - Environmental Quality Council - Natural Resources
Anthone, Gary J. - Chief Medical Officer and Director - Division of Public Health - Department of Health and Human Services - Health and Human Services
Arch, Cameron J. - Nebraska Commission on Problem Gambling - General Affairs
Arteaga, Candice - Commission for the Deaf and Hard of Hearing - Health and Human Services
Barfuss, Karl - Environmental Quality Council - Natural Resources
Barthold, Claudia Louise - Nebraska Commission on Problem Gambling - General Affairs
Beveridge, Janelle - State Racing Commission - General Affairs
Boatright, Anne C. - Crime Victim's Reparations Committee - Judiciary
Brummer, James S. - State Electrical Board - General Affairs
Buckendahl, Chad W. - Technical Advisory Committee for Statewide Assessment - Education
Budke, Stephan - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Buehe, Rod - State Emergency Response Commission - Government, Military and Veterans Affairs
Bulger, Mark M. - Commission for the Blind and Visually Impaired - Health and Human Services
Canada, Mark R. - Nebraska Commission on Problem Gambling - General Affairs
Carter, Jacque - Nebraska Educational Telecommunications Commission - Education
Chance, Jillian - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Cloninger, Dennis - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Daniels, Timothy - Coordinating Commission for Postsecondary Education - Education
Dinkel, John M. - Nebraska Investment Council - Nebraska Retirement Systems
Else, Timothy L. - Nebraska Ethanol Board - Natural Resources
Fagerland, Jerome A. - State Highway Commission - Transportation and Telecommunications

Feit, Robert J. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Garman, Charles - Coordinating Commission for Postsecondary Education - Education
Goins, Anthony - Director - Department of Economic Development - Banking, Commerce and Insurance
Grams, Dennis D. - Environmental Quality Council - Natural Resources
Gray, Cindy - Technical Advisory Committee for Statewide Assessment - Education
Greene, Michael Allen Christopher - Nebraska Rural Health Advisory Commission - Health and Human Services
Hansen, David J. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Harder, Seth B. - Environmental Quality Council - Natural Resources
Hawks, James W. - Environmental Quality Council - Natural Resources
Hawks, James W. - State Highway Commission - Transportation and Telecommunications
Heyen, Brent - Commission for the Blind and Visually Impaired - Health and Human Services
Hilyard, Elizabeth A. - Nebraska Power Review Board - Natural Resources
Hunter, David - State Electrical Board - General Affairs
Jacobs, Brad - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Jahnke, Michael D. - Public Employees Retirement Board - Nebraska Retirement Systems
Jones, Clint - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Jordening, Polly Ann - State Emergency Response Commission - Government, Military and Veterans Affairs
Kanger, Jeff T. - Nebraska Environmental Trust Board - Natural Resources
Keeling, Kyle - State Emergency Response Commission - Government, Military and Veterans Affairs
Kosiski, Joseph - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Kuhn, James D. - Tax Equalization and Review Commission - Revenue
Lambert, Kelly J. - Nebraska Commission on Problem Gambling - General Affairs
Langan, Mark T. - Board of Parole - Judiciary
Leafgreen, Douglas - State Highway Commission - Transportation and Telecommunications
Lubben, Bradley D. - Beginning Farmer Board - Agriculture
Marshall, Norris - Environmental Quality Council - Natural Resources
McCaslin, Thomas R. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
McQuillan, Shelly K. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Ngotel, Tonya - State Emergency Response Commission - Government, Military and Veterans Affairs
Nielsen, Dave W. - Beginning Farmer Board - Agriculture

O'Daniel, Matthew - Nebraska Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Plouzek, Kimberly K. - State Emergency Response Commission -
Government, Military and Veterans Affairs
Prohaska, Curt - Nebraska Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Rundel, John Arley - Nebraska Oil and Gas Conservation Commission -
Natural Resources
Sabin, Robert Phillip - Nebraska Tourism Commission - Government,
Military and Veterans Affairs
Scherbarth, Kimberly - Commission for the Blind and Visually Impaired -
Health and Human Services
Scherling, Jonathan - Commission for the Deaf and Hard of Hearing -
Health and Human Services
Schworer, Dennis R. - Nebraska Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Simpson, Allen - Public Employees Retirement Board - Nebraska
Retirement Systems
Smith, Beth - Nebraska State Fair Board - Agriculture
tenBensel, Jan K. - Nebraska Ethanol Board - Natural Resources
Thornburg, Wade E. - Beginning Farmer Board - Agriculture
Torres, Sandra - Nebraska Rural Health Advisory Commission - Health and
Human Services
Vinton, Sherry - Nebraska Environmental Trust Board - Natural Resources
Wilson, Glenn R. - Board of Educational Lands and Funds - Education

(Signed) Mike Hilgers, Chairperson
Executive Board

MESSAGE(S) FROM THE GOVERNOR

January 10, 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 Nebraska Arts Council:

Mark Laughlin, 5106 California Street, Omaha, NE 68132

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 904. Introduced by Bolz, 29; Brewer, 43.

A BILL FOR AN ACT relating to the Water Sustainability Fund; to amend sections 61-222 and 61-223, Reissue Revised Statutes of Nebraska, sections 2-1506, 2-1508, 2-1512, and 2-1513, Revised Statutes Cumulative Supplement, 2018, and section 2-1507, Revised Statutes Supplement, 2019; to provide an additional use of the fund; to restate intent; to provide and change transfers from the General Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 905. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2019; to provide for a fee on single-use checkout bags and for a program to distribute reusable checkout bags; to define terms; to create a fund; to provide a duty for the Department of Environment and Energy; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 906. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-728 and 28-730, Reissue Revised Statutes of Nebraska; to provide for maintenance of and restrictions on the release and use of video recordings of forensic interviews; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 907. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to adoptions; to amend sections 25-309, 43-101, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.15, 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105, 43-106, 43-107, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115, 43-146.01, 43-906, and 43-1411, Reissue Revised Statutes of Nebraska, and sections 25-307 and 43-102, Revised Statutes Cumulative Supplement, 2018; to provide for adoption by two persons jointly; to define terms; to change provisions relating to consents, biological, putative, adjudicated, and acknowledged fathers, required notices, objections to adoptions, procedures, home studies, and terminology; to authorize minor parents to participate in adoption

proceedings as prescribed; to eliminate provisions relating to guardians ad litem and adjudicated biological fathers; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-104.19, 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 908. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-905, 45-906, 45-912, and 45-915, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-902, 45-910, and 45-911, Revised Statutes Cumulative Supplement, 2018; to update a definition, define a term, add a processing fee, and change licensing provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 909. Introduced by Williams, 36.

A BILL FOR AN ACT relating to finance; to amend sections 45-191.02, 45-191.09, 45-1017, 45-1033, and 59-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103, 8-141, 8-167, and 59-1722, Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1103, 8-1111, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, and 69-2112, Revised Statutes Supplement, 2019, and section 4A-108, Uniform Commercial Code, Revised Statutes Supplement, 2019; to change provisions relating to certain prohibited acts by Department of Banking and Finance employees; to redefine a term relating to loan limits; to update and change references to certain federal provisions; to eliminate a reporting notice requirement and exemption; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change obsolete civil penalty provisions; to change the fund for remittance of loan broker filing fees; to change provisions relating to examinations under the Nebraska Installment Loan Act; to repeal the original sections; to outright repeal section 8-167.01, Revised Statutes Supplement, 2019; and to declare an emergency.

LEGISLATIVE BILL 910. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 21-186, 21-2216, 21-2924, 25-3308, 33-102, 45-603, 45-606, 45-620, 45-806, 48-2609, 52-1313, 52-1316, 64-306, 64-313, 67-293, 67-462, 69-1204, 69-1206, 71-3204, 77-3903, 81-1921, 81-1922, 84-511, 84-1205, 87-130, 87-133, 87-134, 87-210, 87-211, and 87-212, Reissue Revised Statutes of Nebraska, sections 13-2525, 21-205, 21-414, 21-1905, 33-101, 52-1004, 52-1312, 52-1602, and 84-906.03, Revised Statutes Cumulative Supplement, 2018, sections 21-192, 64-405, 64-415, and 84-1227, Revised Statutes Supplement, 2019, section 9-528, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and section 9-525, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to provide for, change, and eliminate fees and the collection and distribution of

fees; to create, eliminate, and transfer funds; to eliminate provisions regarding failure to report interests in certain real estate and powers and duties regarding centralized computer system equipment; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 76-1522 and 84-510, Reissue Revised Statutes of Nebraska, section 84-907.03, Revised Statutes Cumulative Supplement, 2018, section 45-621, Revised Statutes Supplement, 2019, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 911. Introduced by Quick, 35; Brewer, 43.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 16-201, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 16-202, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the state veteran cemetery system; to state intent; to eliminate obsolete provisions; to provide for conveyance of real estate as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 912. Introduced by Brandt, 32; Brieser, 41; Lathrop, 12; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska; to change provisions relating to examination or witnesses by telephonic, videoconferencing, and similar methods; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend sections 28-501, 28-502, 28-503, 28-504, 28-505, 28-520, 28-522, and 28-524, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to arson; to define terms; to redefine a term relating to trespass and graffiti; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 914. Introduced by Hunt, 8; Hansen, M., 26.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1485, 76-1486, and 76-14,101, Reissue Revised Statutes of Nebraska; to change provisions relating to the return of rental deposits, damages, and the period of time relating to a written notice of termination of a rental agreement; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Hunt, 8; Hansen, M., 26.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203,

Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services for the construction or expansion of a community corrections facility.

LEGISLATIVE BILL 917. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to provide for a diabetes pilot study; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to government; to create the Commission on African American Affairs; and to require a study.

LEGISLATIVE BILL 919. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Hemp Farming Act; to amend sections 2-507 and 2-5701, Revised Statutes Supplement, 2019; to change provisions relating to approval and denial of license applications and licensing agreements; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Groene, 42.

A BILL FOR AN ACT relating to education; to amend sections 79-8,124, 79-8,125, 79-8,126, 79-8,128, 79-8,131, 79-8,132, 79-8,133, 79-8,135, 79-8,138, 79-8,139, 79-8,140, 79-1064, and 79-1201.01, Reissue Revised Statutes of Nebraska, sections 9-812, 9-836.01, 79-759, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-1054, 79-1104.02, 79-1337, 79-2503, 79-2505, 79-2506, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2018, and sections 79-1003 and 84-304, Revised Statutes Supplement, 2019; to change provisions relating to the State Lottery Operation Trust Fund, the Nebraska Education Improvement Fund, the Nebraska Opportunity Grant Fund, the Excellence in Teaching Cash Fund, the Excellence in Teaching Act, the Department of Education Innovative Grant Fund, the Community College Gap Assistance Program Fund, the Expanded Learning Opportunity Grant Fund, the State Department of Education Cash Fund, the State Department of Education, and the Coordinating Commission for Postsecondary Education; to change the name and provisions of the Master Teacher Program Act; to create funds; to eliminate funds; to transfer powers and duties as prescribed; to define and redefine terms; to provide for funding for schools implementing and offering distance education, and expanded

learning opportunities, as prescribed; to provide funding for education pathway software, a consortium, and grants as prescribed; to provide duties; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-8,127, 79-8,129, 79-8,130, and 79-1336, Reissue Revised Statutes of Nebraska, and sections 50-425, 50-426, 50-427, 50-428, and 79-10,145, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 921. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.03, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2019; to change provisions relating to the Game and Parks State Park Improvement and Maintenance Fund; to provide for The Good Life Is Outside Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to prescriptions; to amend sections 28-414, 28-414.01, 38-2870, and 38-2891, Revised Statutes Cumulative Supplement, 2018, and section 38-101, Revised Statutes Supplement, 2019; to define a term; to require electronic issuance of prescriptions for controlled substances; to provide exceptions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 923. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to change provisions relating to gross receipts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 924. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01 and 81-1414.07, Reissue Revised Statutes of Nebraska, and section 20-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to racial profiling prevention policies; to prohibit law enforcement agencies failing to comply with racial profiling monitoring and reporting requirements from receiving funding from the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to require anti-bias and implicit bias training for law enforcement officers; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-911, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for declaratory judgments; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend section 48-2907, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to violations of the act; to provide for a hearing; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12; Slama, 1.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 928. Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson; Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12; Slama, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 929. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.04, Reissue Revised Statutes of Nebraska; to provide an exemption to the act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4212, Reissue Revised Statutes of Nebraska; to require a minimum amount of tax relief under the Property Tax Credit Act; and to repeal the original section.

LEGISLATIVE BILL 931. Introduced by Halloran, 33; Clements, 2; Dorn, 30; Erdman, 47; Gragert, 40; Hughes, 44; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,301, Revised Statutes Cumulative Supplement, 2018; to change a harvested products maximum weight

overload exception; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-992, Revised Statutes Supplement, 2019; to provide duties for the Department of Health and Human Services; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to utility service; to amend sections 70-1605 and 70-1606, Reissue Revised Statutes of Nebraska; to change provisions relating to discontinuance of utility service; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Morfeld, 46; Briese, 41; Cavanaugh, 6; Hansen, M., 26; Hunt, 8; La Grone, 49; Pansing Brooks, 28; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to attorneys at law; to amend sections 7-101.01 and 7-102, Reissue Revised Statutes of Nebraska; to change provisions relating to the authorized practice of law by certain law students; to eliminate a bar examination requirement for graduates of an accredited law school in Nebraska; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Hunt, 8; Bolz, 29; Brewer, 43; Cavanaugh, 6; Chambers, 11; DeBoer, 10; Dorn, 30; Hansen, M., 26; Howard, 9; Kolowski, 31; Lindstrom, 18; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.03, Reissue Revised Statutes of Nebraska; to authorize expenditures by a committee for expenses incurred for child care services by an officeholder as prescribed; and to repeal the original section.

LEGISLATIVE BILL 936. Introduced by Hunt, 8; Bolz, 29; Brewer, 43; Cavanaugh, 6; Chambers, 11; DeBoer, 10; Dorn, 30; Hansen, M., 26; Howard, 9; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.03, Reissue Revised Statutes of Nebraska; to authorize expenditures by a committee for conference fees, meals, lodging, and travel for certain members of an officeholder's immediate family as prescribed; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Brewer, 43; Gragert, 40; Hunt, 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2201, Reissue Revised Statutes of Nebraska; to require the display of tribal flags in the State Capitol as prescribed; to harmonize provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 292CA. Introduced by La Grone, 49; Albrecht, 17; Bostelman, 23; Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Lowe, 37; Moser, 22; Murman, 38; Slama, 1.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 22:

I-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to combat voter fraud, preserve the relative power of each eligible citizen's right to vote, modernize the election infrastructure of the state, and ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government, a poll worker shall review a photograph or digital image of each voter to verify the identity of the voter in a manner determined by the Legislature prior to allowing the voter to vote. The Legislature shall provide specifications for the manner of reviewing such photograph or digital image and for exemptions for specific situations in which such requirement would violate an individual's rights under the Constitution of the United States.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require verification of identity in a manner provided by the Legislature prior to voting.

For

Against.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB153](#):
[AM2064](#)

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

2 sections:

3 Section 1. Section 77-2716, Revised Statutes Supplement, 2019, is

4 amended to read:

5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:

8 (a)(i) There shall be subtracted interest or dividends received by
9 the owner of obligations of the United States and its territories and
10 possessions or of any authority, commission, or instrumentality of the
11 United States to the extent includable in gross income for federal income
12 tax purposes but exempt from state income taxes under the laws of the
13 United States; and

14 (ii) There shall be subtracted interest received by the owner of
15 obligations of the State of Nebraska or its political subdivisions or
16 authorities which are Build America Bonds to the extent includable in
17 gross income for federal income tax purposes;

18 (b) There shall be subtracted that portion of the total dividends
19 and other income received from a regulated investment company which is
20 attributable to obligations described in subdivision (a) of this
21 subsection as reported to the recipient by the regulated investment
22 company;

23 (c) There shall be added interest or dividends received by the owner
24 of obligations of the District of Columbia, other states of the United
25 States, or their political subdivisions, authorities, commissions, or
26 instrumentalities to the extent excluded in the computation of gross
27 income for federal income tax purposes except that such interest or
1 dividends shall not be added if received by a corporation which is a
2 regulated investment company;

3 (d) There shall be added that portion of the total dividends and
4 other income received from a regulated investment company which is
5 attributable to obligations described in subdivision (c) of this
6 subsection and excluded for federal income tax purposes as reported to
7 the recipient by the regulated investment company; and

8 (e)(i) Any amount subtracted under this subsection shall be reduced
9 by any interest on indebtedness incurred to carry the obligations or
10 securities described in this subsection or the investment in the
11 regulated investment company and by any expenses incurred in the
12 production of interest or dividend income described in this subsection to
13 the extent that such expenses, including amortizable bond premiums, are
14 deductible in determining federal taxable income.

15 (ii) Any amount added under this subsection shall be reduced by any
16 expenses incurred in the production of such income to the extent
17 disallowed in the computation of federal taxable income.

18 (2) There shall be allowed a net operating loss derived from or
19 connected with Nebraska sources computed under rules and regulations
20 adopted and promulgated by the Tax Commissioner consistent, to the extent
21 possible under the Nebraska Revenue Act of 1967, with the laws of the
22 United States. For a resident individual, estate, or trust, the net
23 operating loss computed on the federal income tax return shall be
24 adjusted by the modifications contained in this section. For a
25 nonresident individual, estate, or trust or for a partial-year resident
26 individual, the net operating loss computed on the federal return shall
27 be adjusted by the modifications contained in this section and any
28 carryovers or carrybacks shall be limited to the portion of the loss
29 derived from or connected with Nebraska sources.

30 (3) There shall be subtracted from federal adjusted gross income for
31 all taxable years beginning on or after January 1, 1987, the amount of
1 any state income tax refund to the extent such refund was deducted under
2 the Internal Revenue Code, was not allowed in the computation of the tax
3 due under the Nebraska Revenue Act of 1967, and is included in federal
4 adjusted gross income.

5 (4) Federal adjusted gross income, or, for a fiduciary, federal

6 taxable income shall be modified to exclude the portion of the income or
7 loss received from a small business corporation with an election in
8 effect under subchapter S of the Internal Revenue Code or from a limited
9 liability company organized pursuant to the Nebraska Uniform Limited
10 Liability Company Act that is not derived from or connected with Nebraska
11 sources as determined in section 77-2734.01.

12 (5) There shall be subtracted from federal adjusted gross income or,
13 for corporations and fiduciaries, federal taxable income dividends
14 received or deemed to be received from corporations which are not subject
15 to the Internal Revenue Code.

16 (6) There shall be subtracted from federal taxable income a portion
17 of the income earned by a corporation subject to the Internal Revenue
18 Code of 1986 that is actually taxed by a foreign country or one of its
19 political subdivisions at a rate in excess of the maximum federal tax
20 rate for corporations. The taxpayer may make the computation for each
21 foreign country or for groups of foreign countries. The portion of the
22 taxes that may be deducted shall be computed in the following manner:

23 (a) The amount of federal taxable income from operations within a
24 foreign taxing jurisdiction shall be reduced by the amount of taxes
25 actually paid to the foreign jurisdiction that are not deductible solely
26 because the foreign tax credit was elected on the federal income tax
27 return;

28 (b) The amount of after-tax income shall be divided by one minus the
29 maximum tax rate for corporations in the Internal Revenue Code; and

30 (c) The result of the calculation in subdivision (b) of this
31 subsection shall be subtracted from the amount of federal taxable income
1 used in subdivision (a) of this subsection. The result of such
2 calculation, if greater than zero, shall be subtracted from federal
3 taxable income.

4 (7) Federal adjusted gross income shall be modified to exclude any
5 amount repaid by the taxpayer for which a reduction in federal tax is
6 allowed under section 1341(a)(5) of the Internal Revenue Code.

7 (8)(a) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be reduced, to the extent
9 included, by income from interest, earnings, and state contributions
10 received from the Nebraska educational savings plan trust created in
11 sections 85-1801 to 85-1817 and any account established under the
12 achieving a better life experience program as provided in sections
13 77-1401 to 77-1409.

14 (b) Federal adjusted gross income or, for corporations and
15 fiduciaries, federal taxable income shall be reduced by any contributions
16 as a participant in the Nebraska educational savings plan trust or
17 contributions to an account established under the achieving a better life
18 experience program made for the benefit of a beneficiary as provided in
19 sections 77-1401 to 77-1409, to the extent not deducted for federal
20 income tax purposes, but not to exceed five thousand dollars per married
21 filing separate return or ten thousand dollars for any other return. With
22 respect to a qualified rollover within the meaning of section 529 of the
23 Internal Revenue Code from another state's plan, any interest, earnings,
24 and state contributions received from the other state's educational
25 savings plan which is qualified under section 529 of the code shall
26 qualify for the reduction provided in this subdivision. For contributions
27 by a custodian of a custodial account including rollovers from another
28 custodial account, the reduction shall only apply to funds added to the
29 custodial account after January 1, 2014.

30 (c) Federal adjusted gross income or, for corporations and
31 fiduciaries, federal taxable income shall be increased by:

1 (i) The amount resulting from the cancellation of a participation
2 agreement refunded to the taxpayer as a participant in the Nebraska
3 educational savings plan trust to the extent previously deducted under

4 subdivision (8)(b) of this section; and

5 (ii) The amount of any withdrawals by the owner of an account
6 established under the achieving a better life experience program as
7 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
8 extent previously deducted under subdivision (8)(b) of this section.

9 (9)(a) For income tax returns filed after September 10, 2001, for
10 taxable years beginning or deemed to begin before January 1, 2006, under
11 the Internal Revenue Code of 1986, as amended, federal adjusted gross
12 income or, for corporations and fiduciaries, federal taxable income shall
13 be increased by eighty-five percent of any amount of any federal bonus
14 depreciation received under the federal Job Creation and Worker
15 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
16 under section 168(k) or section 1400L of the Internal Revenue Code of
17 1986, as amended, for assets placed in service after September 10, 2001,
18 and before December 31, 2005.

19 (b) For a partnership, limited liability company, cooperative,
20 including any cooperative exempt from income taxes under section 521 of
21 the Internal Revenue Code of 1986, as amended, limited cooperative
22 association, subchapter S corporation, or joint venture, the increase
23 shall be distributed to the partners, members, shareholders, patrons, or
24 beneficiaries in the same manner as income is distributed for use against
25 their income tax liabilities.

26 (c) For a corporation with a unitary business having activity both
27 inside and outside the state, the increase shall be apportioned to
28 Nebraska in the same manner as income is apportioned to the state by
29 section 77-2734.05.

30 (d) The amount of bonus depreciation added to federal adjusted gross
31 income or, for corporations and fiduciaries, federal taxable income by
1 this subsection shall be subtracted in a later taxable year. Twenty
2 percent of the total amount of bonus depreciation added back by this
3 subsection for tax years beginning or deemed to begin before January 1,
4 2003, under the Internal Revenue Code of 1986, as amended, may be
5 subtracted in the first taxable year beginning or deemed to begin on or
6 after January 1, 2005, under the Internal Revenue Code of 1986, as
7 amended, and twenty percent in each of the next four following taxable
8 years. Twenty percent of the total amount of bonus depreciation added
9 back by this subsection for tax years beginning or deemed to begin on or
10 after January 1, 2003, may be subtracted in the first taxable year
11 beginning or deemed to begin on or after January 1, 2006, under the
12 Internal Revenue Code of 1986, as amended, and twenty percent in each of
13 the next four following taxable years.

14 (10) For taxable years beginning or deemed to begin on or after
15 January 1, 2003, and before January 1, 2006, under the Internal Revenue
16 Code of 1986, as amended, federal adjusted gross income or, for
17 corporations and fiduciaries, federal taxable income shall be increased
18 by the amount of any capital investment that is expensed under section
19 179 of the Internal Revenue Code of 1986, as amended, that is in excess
20 of twenty-five thousand dollars that is allowed under the federal Jobs
21 and Growth Tax Act of 2003. Twenty percent of the total amount of
22 expensing added back by this subsection for tax years beginning or deemed
23 to begin on or after January 1, 2003, may be subtracted in the first
24 taxable year beginning or deemed to begin on or after January 1, 2006,
25 under the Internal Revenue Code of 1986, as amended, and twenty percent
26 in each of the next four following tax years.

27 (11)(a) For taxable years beginning or deemed to begin before
28 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
29 federal adjusted gross income shall be reduced by contributions, up to
30 two thousand dollars per married filing jointly return or one thousand
31 dollars for any other return, and any investment earnings made as a
1 participant in the Nebraska long-term care savings plan under the Long-

2 Term Care Savings Plan Act, to the extent not deducted for federal income
3 tax purposes.

4 (b) For taxable years beginning or deemed to begin before January 1,
5 2018, under the Internal Revenue Code of 1986, as amended, federal
6 adjusted gross income shall be increased by the withdrawals made as a
7 participant in the Nebraska long-term care savings plan under the act by
8 a person who is not a qualified individual or for any reason other than
9 transfer of funds to a spouse, long-term care expenses, long-term care
10 insurance premiums, or death of the participant, including withdrawals
11 made by reason of cancellation of the participation agreement, to the
12 extent previously deducted as a contribution or as investment earnings.

13 (12) There shall be added to federal adjusted gross income for
14 individuals, estates, and trusts any amount taken as a credit for
15 franchise tax paid by a financial institution under sections 77-3801 to
16 77-3807 as allowed by subsection (5) of section 77-2715.07.

17 (13)(a) For taxable years beginning or deemed to begin on or after
18 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
19 federal adjusted gross income shall be reduced by the amount received as
20 benefits under the federal Social Security Act which are included in the
21 federal adjusted gross income if:

22 (i) For taxpayers filing a married filing joint return, federal
23 adjusted gross income is fifty-eight thousand dollars or less; or

24 (ii) For taxpayers filing any other return, federal adjusted gross
25 income is forty-three thousand dollars or less.

26 (b) For taxable years beginning or deemed to begin on or after
27 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
28 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
29 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
30 individual income tax brackets under subsection (3) of section
31 77-2715.03.

1 (14)(a) (14) For taxable years beginning or deemed to begin on or
2 after January 1, 2015, and before January 1, 2021, under the Internal
3 Revenue Code of 1986, as amended, an individual may make a one-time
4 election within two calendar years after the date of his or her
5 retirement from the military to exclude income received as a military
6 retirement benefit by the individual to the extent included in federal
7 adjusted gross income and as provided in this ~~subdivision~~ subsection. The
8 individual may elect to exclude forty percent of his or her military
9 retirement benefit income for seven consecutive taxable years beginning
10 with the year in which the election is made or may elect to exclude
11 fifteen percent of his or her military retirement benefit income for all
12 taxable years beginning with the year in which he or she turns sixty-
13 seven years of age.

14 (b) For taxable years beginning or deemed to begin on or after
15 January 1, 2021, under the Internal Revenue Code of 1986, as amended, an
16 individual may exclude fifty percent of the military retirement benefit
17 income received by such individual to the extent included in federal
18 adjusted gross income.

19 (c) For purposes of this subsection, military retirement benefit
20 means retirement benefits that are periodic payments attributable to
21 service in the uniformed services of the United States for personal
22 services performed by an individual prior to his or her retirement.
23 Sec. 2. Original section 77-2716, Revised Statutes Supplement,
24 2019, is repealed.

Senator Cavanaugh filed the following amendment to LB534:
AM2053

(Amendments to Standing Committee amendments, AM686)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original section and all amendments thereto and insert

3 the following new section:

4 Section 1. (1) On or before September 15, 2020, and September 15 of
 5 each even-numbered year thereafter, each public postsecondary institution
 6 shall electronically submit a report regarding sexual violence, dating
 7 violence, domestic violence, and stalking to the Clerk of the Legislature
 8 and the Education Committee of the Legislature. The report shall include:

9 (a) Results of any campus climate survey related to sexual violence,
 10 dating violence, domestic violence, and stalking;

11 (b) Information related to the training provided to Title IX
 12 coordinators, investigators, and decisionmakers regarding sexual
 13 violence, dating violence, domestic violence, and stalking;

14 (c) Any policies, initiatives, or grievance procedures the
 15 postsecondary institution has adopted to address sexual violence, dating
 16 violence, domestic violence, and stalking;

17 (d) Information on where students and employees may receive
 18 immediate emergency assistance to address instances of sexual violence,
 19 dating violence, domestic violence, and stalking;

20 (e) Information on how students and employees may report concerns of
 21 sexual violence, dating violence, domestic violence, and stalking to the
 22 postsecondary institution;

23 (f) Information on resources, programs, and support available to
 24 students and employees to address concerns of sexual violence, dating
 25 violence, domestic violence, and stalking;

26 (g) Information on any student or employee-led organizations engaged
 1 in supporting victims of sexual violence, dating violence, domestic
 2 violence, and stalking; and

3 (h) Any agreement between the postsecondary institution and a local
 4 law enforcement agency or county attorney's office related to addressing
 5 instances of sexual violence, dating violence, domestic violence, and
 6 stalking.

7 (2) The report shall not include any personally identifiable
 8 information, information that is subject to a privilege arising under
 9 state or federal law, or records that may be withheld from disclosure
 10 under section 84-712.05.

11 (3) On or before December 15, 2020, and on or before December 15 of
 12 each even-numbered year thereafter, the Education Committee of the
 13 Legislature shall hold a public hearing to review all reports submitted
 14 under this section.

15 (4) For purposes of this section:

16 (a) Postsecondary institution has the same meaning as in section
 17 85-2403;

18 (b) Sexual violence means sexual acts perpetrated against a person's
 19 will or when a person is incapable of giving consent by reason of, but
 20 not limited to, the following:

21 (i) Such person's age;

22 (ii) Such person's use of drugs or alcohol; or

23 (iii) An intellectual or other disability that prevents such person
 24 from having the capacity to give consent;

25 (c) Title IX means Title IX of the Education Amendments of 1972,
 26 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying
 27 regulations and guidance documents, as such law, regulations, and
 28 documents existed on January 1, 2020; and

29 (d) The terms dating violence, domestic violence, and stalking have
 30 the same meaning as defined in a postsecondary institution's policies.

Senator Morfeld filed the following amendment to LB206:
AM2066

(Amendments to Standing Committee amendments, AM430)

1 1. On page 2, line 6, strike "ethical".

2 2. On page 3, line 29, after "standards" insert "as set forth in the

³ Society of Professional Journalists' Code of Ethics as such code existed

⁴ on January 1, 2020".

REPORTS

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

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB153.
Senator Brandt name added to LB267.
Senator Gragert name added to LB477.
Senator Crawford name added to LB744.
Senator Arch name added to LB744.
Senator Hunt name added to LB748.
Senator Walz name added to LB748.
Senator Crawford name added to LB752.
Senator Bolz name added to LB752.
Senator Erdman name added to LB770.
Senator Williams name added to LB778.
Senator Bolz name added to LB778.
Senator Lindstrom name added to LB806.

VISITOR(S)

The Doctor of the Day was Dr. Robert Wergin from Seward.

ADJOURNMENT

At 11:01 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Monday, January 13, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 13, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 2020

PRAYER

The prayer was offered by Senator Moser.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hilgers and Stinner who were excused; and Senators DeBoer, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

EXECUTIVE BOARD REPORT

Pursuant to section 81-8,241, Senator Hilgers, chairperson of the Executive Board, moves the appointment of Julie Rogers as Public Counsel (Ombudsman). A two-thirds vote is required.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB852	Banking, Commerce and Insurance
LB853	Banking, Commerce and Insurance
LB854	Banking, Commerce and Insurance
LB855	Natural Resources
LB856	Natural Resources
LB857	Government, Military and Veterans Affairs
LB858	Urban Affairs

LB859	Natural Resources
LB860	Natural Resources
LB861	Natural Resources
LB862	General Affairs
LB863	Natural Resources
LB864	Urban Affairs
LB865	Revenue
LB866	Urban Affairs
LB867	Urban Affairs
LB868	Judiciary
LB869	Judiciary
LB870	Urban Affairs
LB871	Judiciary
LB872	Judiciary
LB873	Judiciary
LB874	Appropriations
LB875	Health and Human Services
LB876	Urban Affairs
LB877	Appropriations
LB878	Government, Military and Veterans Affairs
LB880	Education
LB881	Judiciary
LB882	Judiciary
LB883	Judiciary
LB884	Judiciary
LB885	Urban Affairs
LB886	Judiciary
LB887	Health and Human Services
LB888	Business and Labor
LB889	Government, Military and Veterans Affairs
LB890	Government, Military and Veterans Affairs
LB891	Revenue
LB892	Revenue
LB893	Health and Human Services
LB894	Appropriations
LB895	Judiciary
LB896	Government, Military and Veterans Affairs
LB897	Appropriations
LB898	Transportation and Telecommunications
LB899	Natural Resources
LB900	Judiciary
LB901	Appropriations
LB902	Banking, Commerce and Insurance
LB903	Transportation and Telecommunications

Laughlin, Mark - Nebraska Arts Council - General Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 293. Introduced by Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Allen J. Beermann of Lincoln, Nebraska, has displayed outstanding public service and leadership during his life; and

WHEREAS, Allen was born and raised on a farm in Dakota County, was a member of the National Honor Society, and graduated from South Sioux City High School in 1958; and

WHEREAS, after graduating from Midland Lutheran University, Allen earned a Juris Doctorate degree from the Creighton University School of Law in 1965; and

WHEREAS, Allen served as Legal Counsel and Administrative Assistant to the Nebraska Secretary of State for two years and was appointed Deputy Secretary of State on September 7, 1967; and

WHEREAS, Allen was sworn into office as Secretary of State for his first four-year term in 1971 and was sworn into office for a sixth four-year term on January 9, 1991, making him Nebraska's longest-serving Secretary of State; and

WHEREAS, Allen served in the Nebraska Army National Guard and the United States Army Reserve from 1967 to 1993 and retired as a Lieutenant Colonel in the Judge Advocate General Corps; and

WHEREAS, Allen became the Executive Director of the Nebraska Press Association on January 6, 1995; and

WHEREAS, Allen served as Chairman of the Nebraska Committee for Employer Support of the Guard and Reserve, on the Board of Directors for the Nebraska State Patrol Foundation, Inc., on the Executive Board for the Cornhusker Council Boy Scouts of America, and, for 14 years, on the Immanuel Medical Center Board in Omaha; and

WHEREAS, Allen served on the Federal Election Commission's Clearinghouse Advisory Panel for 18 years; and

WHEREAS, Allen is a member of the Nebraska Bar Association, the American Bar Association, American Legion Post No. 3, Elks Lodge No. 80, the Newcomen Society of North America, the NEBRASKAland Foundation, and the Lincoln Foundation; and

WHEREAS, Allen was appointed by Governor Ben Nelson to serve as a Nebraska Diplomat in 1993; and

WHEREAS, Allen was awarded an Honorary Life Membership in Nebraska Jaycees and he received the National Association of Secretaries of State Meritorious Service Medallion in 1976; and

WHEREAS, Allen was awarded the Exceptional Service Award from the Selective Service System, and the Federal Voting Assistance Award by William Perry, the United States Secretary of Defense in 1994; and

WHEREAS, in 2001 the Nebraska Diplomats gave Allen their highest honor, Ambassador Plenipotentiary, and at a formal ceremony the Republic of China presented him with their Foreign Service Medallion; and

WHEREAS, Allen was the first civilian recipient of the Homeland Defense Ribbon presented by Governor Mike Johanns and the Adjutant General Roger Lempke in 2003; and

WHEREAS, the University of Nebraska presented Allen the Outstanding Service to Journalism Award in 2005; and

WHEREAS, Allen was awarded the Ike Friedman Community Leadership Award from the Knights of AK-SAR-BEN in 2006; and

WHEREAS, Allen was named Nebraskan of the Year by the combined Rotary clubs of Nebraska in 2007; and

WHEREAS, Allen received the All-American Journalist Award from Midland University, and he also became the Omaha Press Club's Face on the Barroom Floor in 2009; and

WHEREAS, Allen served as a judge in the Miss Nebraska Pageant in 2010; and

WHEREAS, Allen served as an official escort on multiple occasions for Miss America Teresa Scanlan from Gering, Nebraska, in 2010 and 2011; and

WHEREAS, Allen received the highest award given by the NEBRASKALand Foundation, the Distinguished NEBRASKALander Award, in 2011; and

WHEREAS, Allen was honored by his peers by being inducted into the Nebraska Journalism Hall of Fame in 2018; and

WHEREAS, Allen's activities have included four summers as Camp Director of Camp Cedars Boy Scout Camp near Fremont, Nebraska, serving as a Camp Director of the National Boy Scout Jamboree, serving as a newscaster and disc jockey for KHUB Radio in Fremont, and participating in professional water skiing and public speaking; and

WHEREAS, Allen has been coordinating and hosting tours of the USS Nebraska for 25 years; and

WHEREAS, Allen fulfilled his endeavor to always be an ambassador of goodwill on behalf of Nebraska and Nebraskans as a very kind, thoughtful, caring, generous, respected, and ethical leader; and

WHEREAS, Allen and his wife, Linda, were married on May 23, 1971, and they have two children, Matthew Allen and John William, as well as one grandson, Isaac Allen; and

WHEREAS, Allen Beermann will retire from the Nebraska Press Association after 25 years serving as the Executive Director.

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

1. That the Legislature congratulates Allen J. Beermann on his many accomplishments over his outstanding career.
2. That the Legislature recognizes Allen J. Beermann for his many years of public service and thanks Allen for his lifelong contributions to the State of Nebraska.
3. That a copy of this resolution be sent to Allen J. Beermann.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12, 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

Abboud, Chris - Public Affairs Group
DraftKings Inc.
FanDuel, Inc.
MasterCard

Abraham, Christine K.
League of Nebraska Municipalities

Acierno, Jenifer
Jensen Rogert Associates, Inc.

Adair, Peggy
League of Women Voters of Greater Omaha

Adams, Greg
Nebraska Community College Association

Adler, Joseph
Holland Children's Movement

Alston, Garth R.
Altria Client Services LLC and its Affiliates

Amack, Angela K.
Everytown for Gun Safety Action Fund
Grand Island Public Schools
International Brotherhood of Electrical Workers (IBEW)
Jensen Rogert Associates, Inc.
Nebraska Professional Fire Fighters Association (NPFFA)

American Communications Group, Inc.
AARP Nebraska
Advanced Power Alliance
American Cancer Society Cancer Action Network
Association of Surgical Technologists
Autism Speaks
Center for Rural Affairs
EHPV Lottery Services LLC aka Big Red Keno
Empyrean Brewing Company

Friends of Public Health in Nebraska
Health Center Association of Nebraska
Legal Aid of Nebraska
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Board of Engineers and Architects
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Health and Education Alliance
Nebraska Investment Finance Authority
Nebraska Psychological Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
Nebraska State AFL-CIO
North Central States Regional Council of Carpenters
OneMain Holdings, Inc.
Regions II and V
Research Nebraska!
Vigilnet America LLC
Windstream Communications
YMCA's of Nebraska

Antonello, Dustin
Lincoln Independent Business Association (LIBA)

Ashford, Brad
Houghton Bradford Whitted PC, LLO

Baier, Richard J.
Nebraska Bankers Association

Baird Holm LLP
Allstate Insurance
BHE Renewables, LLC
Geronimo Energy, LLC
Lyft, Inc.
Moran's Liquor Works, LLC
MTM Inc.
Nebraska Craft Brewers Guild
Nebraska/Dakotas Chapter of the American Society of Landscape
Architects
SunVest Solar, Inc.
The Energy Studio, Inc.
TSYS
Westervelt Ecological Services

Barrett, John R.
Great Plains Communications, Inc.

Becker, David
The Nebraska Geological Society

Becker, Jill
Black Hills Energy

Beermann, Allen J.
Nebraska Press Association

Behrens, Mark A.

Nationwide Mutual Insurance Company
Bell, Robert
Nebraska Insurance Federation
Benjamin, Melody
Nebraska Cattlemen, Inc.
Benson, Jenni
Nebraska State Education Association
Bish, Jacob
Hemp Harvest Works
Blake, Jeremiah
Charter Communications, Inc.
Block, Kristi
Nebraska Grain and Feed Association
Boddy, Heath
Licensed Practical Nurse Association of Nebraska (LPNAN)
Nebraska Health Care Association, Inc.
Bohrer, Bruce J.
Lincoln Chamber of Commerce
Bolen, Holley
Nebraska Strategies
Boschult, Mary
League of Women Voters of Lincoln and Lancaster County
Bowling, Karen
Nebraska Family Alliance
Bracht, David L.
Catalyst Public Affairs
Brady, Justin J.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
National Guard Association of Nebraska
Nebraska Bankers Association
Nebraska Bankers Insurance and Services Company (NBISCO)
Nebraska Fire Chiefs' Association
Nebraska Pharmacists Association
Nebraska State Volunteer Firefighters' Association
Nebraskans for Workers' Compensation Equity and Fairness
Bredenkamp, Troy
Renewable Fuels Nebraska
Bromm Nielsen & Mines
3M COMPANY
Aflac
AHIP - America's Health Insurance Plans
Cameco Resources
Cargill
Douglas County West Community Schools
Education Service Unit #3
Educational Service Unit Coordinating Council
Johnson & Johnson Services, Inc.

National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Corn Growers Association
Nebraska Council of School Administrators
Nebraska Hotel & Lodging Association, Inc.
Nebraska Insurance Information Service
Nebraska State Athletic Trainers Association
Papio Valley Preservation Association, Inc.
Prime Therapeutics, LLC
Springfield Platteview Community Schools
State Farm Insurance Companies
Syngenta
Vapor Technology Association
Verizon Communications, Inc.

Bromm, Curt
Bromm Nielsen & Mines

Bromm, Jason
Bromm Nielsen & Mines

Brunkhorst, Kelly
Nebraska Corn Growers Association

Buettner, Jeffrey J.
Central Nebraska Public Power and Irrigation

Cannon, Jonathan
Nebraska Association of County Officials

Carstenson, Eric B.
Nebraska Telecommunications Association

Cartier, John
Civic Nebraska

Catalyst Public Affairs
Ash Grove Cement Company
Charter Communications, Inc.
Home Instead, Inc.
Invenergy LLC
Koch Companies Public Sector, LLC and Affiliates
KVC Health Systems, Inc.
Lutheran Family Services of Nebraska
Nebraska Health Information Initiative, Inc.
Nebraska Intergovernmental Risk Management Association
Nebraska State Historical Society Foundation
NextEra Energy Resources, LLC
Papillion - La Vista School District
Papio-Missouri River Natural Resources District
Sarpy County Board of Commissioners

Cavanaugh & Associates, P.C., L.L.O.
Independent Insurance Agents of Nebraska
Nebraska Chapter of the Sierra Club

Cavanaugh, James P.
Cavanaugh & Associates, P.C., L.L.O.

Cavanaugh, Matthew

Nebraska Housing Developers Association
Chaffin, Lash
League of Nebraska Municipalities
Cheloha, John A.
City of Omaha
Christensen, Graham
GC Resolve, LLC
GC ReVOLT, LLC
Coash, Colby
Nebraska Association of School Boards
Cole, Jeff
Nebraska Children and Families Foundation
Conrad, Danielle
ACLU Nebraska
Cooley, Bethanne
CTIA - The Wireless Association
Couture-Lovelady, Travis
National Rifle Association
Cover, Joni
Nebraska Pharmacists Association
CP Strategies LLC
American Federation for Children
Nebraska Petroleum Producers Association
Nebraska Total Care
PACE Sage Capital, LLC
T-Mobile
Creager, Jennifer
Greater Omaha Chamber
Curry Grubb, Andi
Planned Parenthood North Central States
Danielson, Jeff
American Wind Energy Association
Decamp, Suzan
AARP Nebraska
DeLong, Danny
AARP Nebraska
Dentlinger, Courtney
Nebraska Public Power District
Devitt, Michelle
Heartland Workers Center
Dibbern, Chris
Nebraska Municipal Power Pool
Dix, Larry J.
Nebraska Association of County Officials
Dobler, James B.
Professional Insurance Agents of Nebraska
Douglas, Eric
Prime Therapeutics, LLC
Dozier, James

The National Council for Behavioral Health
Dubas, Annette
Nebraska Association of Behavioral Health Organizations
Dukesherer, James
Nebraska Rural Electric Association
Dulaney, Michael S.
Nebraska Council of School Administrators
Dunning, Eric
Blue Cross and Blue Shield of Nebraska
Duren, Todd J.
Loup River Public Power District
Eckert, Zachary S.
Excellence in Education National, Inc., d/b/a Excellence in Education in
Action
Edson, Dean E.
Nebraska Association of Resources Districts
Edwards, Jon
Nowka & Edwards
Eickholt, Christopher/Spike
ACLU Nebraska
Nebraska Criminal Defense Attorneys Association
Erickson, Julie S.
American Communications, Inc.
Ernst, Dan E.
Nebraska Council of School Administrators
Everett, Elizabeth
First Five Nebraska
Facemire, Liz
Quicken Loans
Fairbairn, Kyle
Greater Nebraska Schools Association
Falk, W. Jarad
Charter Communications, Inc.
Faustman, Nicholas
American Cancer Society Cancer Action Network
Feagler, Mike
Nebraska Hospital Association
Feichtinger, Erin
Together Inc. of Metropolitan Omaha
Feldman, Michelle
Innocence Project, The
Fellers, Trent
Windstream Communications
Fennell, Madaline
Nebraska State Education Association
Ferrell, Beth Bazyn
Nebraska Association of County Officials
Feser, Adam
First Five Nebraska

Fish, Ashlee
Nebraska Health Care Association, Inc.

Forbes, Meagan
Institute for Justice

Forrest, Sarah
Nebraska Alliance of Child Advocacy Centers

Fox, Nicole
Platte Institute for Economic Research

Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
Mutual of Omaha

Frevert, Ashley
Community Action of Nebraska

Fry, Renee
OpenSky Policy Institute

Garcia, Lauren
Nebraska Catholic Conference

Gay, Tim
Catalyst Public Affairs
Kutak Rock LLP

Geis, Gavin Lawrence
Common Cause National

George, Dee D
Novartis Services, Inc.

Gerloff, Jerianne
Pfizer Inc.

Gerrard, Eric
American Communications, Inc.
City of Lincoln

Gilbert, Randall
Gilbert, Randall

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady

Giles, Jo
Coalition for a Strong Nebraska

Godinez, Rosangela
ACLU Nebraska

Gokie, Mark T.
Farmers Mutual of Nebraska

Gottschalk, Kristen
Nebraska Rural Electric Association

Gould, John 'Jack'
Common Cause Nebraska

Grasz, Nate
Nebraska Family Alliance

Gray, Jonathan
Enel North America, Inc.

Grisham, Kent
Nebraska Trucking Association

Grotrian, James

Catalyst Public Affairs
Hack, Mace A.
Nature Conservancy, The
Hale, Andy
Nebraska Hospital Association
Hallman, J. Eric
Nebraska Independent Community Bankers
Hallstrom, Robert
Brandt, Horan, Hallstrom and Stilmock
Hansen, John K.
Nebraska Farmers Union
Hapgood, Wade
United Healthcare Services, Inc.
Harbeke, Dan
Google LLC
Harding, Mariel
United Way of the Midlands
Harr, Burke
Houghton Bradford Whitted PC, LLO
Harris, Jasmine
RISE
Harvey, William F.
EHPV Lottery Services LLC aka Big Red Keno
Vigilnet America LLC
Hassebrook, Kristen
Nebraska Chamber of Commerce & Industry
Hayes, Jason W.
Nebraska State Education Association
Head, Craig J.
Nebraska Farm Bureau Federation
Heartland Strategy Group, LLC
Consumer Technology Association
Nebraska Occupational Therapy Association
Omaha Professional Firefighters Association
TransCanada
Hebb, Jeff
Nebraska Realtors Association
Heidemann, Lavon L.
NioCorp
Herrmann, Jessica
Nebraska Cattlemen, Inc.
Higgins, Kersten
Mutual of Omaha
Higgins, Shirley
Nebraska Public Power District
Hilton, Felicia
North Central States Regional Council of Carpenters
Hilton, Mary
Smart Approaches to Marijuana Nebraska

Hladik, Johnathan
Center for Rural Affairs

Holmes, Amy
Women's Center for Advancement

Holmquist, David
AARP Nebraska

Honan, Scott
NioCorp

Hruza, Timothy
Mueller Robak, LLC

Husch Blackwell LLP
American Progressive Bag Alliance
Nebraska Chiropractic Physicians Association

Husch Blackwell Strategies
4 Lanes 4 Nebraska
AutoReturn
Blue Cross and Blue Shield of Nebraska
Enhanced Capital
Facebook
Great Plains Communications, Inc.
Hawkins Construction
JUUL Labs Inc.
Lindsay Corporation
Nucor Corporation
OpenSky Policy Institute
Paige Wireless
Rave Mobile Safety
Turo
Waste Management, Inc.

Idoux, John
CenturyLink

Irsik, Ryan
Walmart, Inc.

Isaacs Tse, Julia
Voices for Children in Nebraska

Jacobson, Mary
Nebraska Strategies

Jarecke, Kate Kulesher
Sandoz

Jensen Rogert Associates, Inc.
Altria Client Services LLC and its Affiliates
American Massage Therapy Association, Nebraska Chapter
Associated Builders and Contractors, Inc.
AT&T, Inc.
Eli Lilly and Company
Impossible Foods, Inc.
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
MM Finance, LLC

Mosaic
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Financial Services Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Ponca Tribe of Nebraska
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Statewide Property Owners' Association
Trilogy Integrated Resources, LLC
Wine Institute

Joekel, Tiffany
Women's Fund of Greater Omaha, Inc.

Juhnke, Alan R.
Nebraska Pork Producers Association

Karges, Casey
Nebraska Mediation Association

Karnes, David K.
EHPV Lottery Services LLC aka Big Red Keno
Nebraska Investment Finance Authority
Vigilnet America LLC

Kay, Sara
American Institute of Architects, Nebraska Chapter
Nebraska County Attorneys Association

Keigher & Associates, LLC
Central Nebraska Public Power and Irrigation
Credit Management Services
Iowa-Nebraska Equipment Dealers Association
MillerCoors, LLC
Nebraska AirBoat Association
Nebraska Auctioneers Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Independent Auto Dealers Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady

Keigher, Timothy P.
Keigher & Associates, LLC
Nebraska Petroleum Marketers & Convenience Store Association

Kelley Governmental Relations, LLC
Metro Area Transit (O-Metro)

Kelley Plucker, LLC
Advantage Capital
American Society of Interior Designers
Bennington Public Schools
Buildertrend Solutions, Inc.
Cigar Association of America, Inc.

Community Alliance, Inc.
Community Lottery System, Inc.
Creighton University
CVS Health
Daily Record, The
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
EHPV Lottery Services LLC aka Big Red Keno
Elevator Industry Work Preservation Fund
Guardian Tax Partners
Johnson Brothers of Nebraska
Lamar Outdoor Advertising Company
Nebraska Cable Communications Association
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Cooperative Council
Nebraska Credit Union League
Nebraska School Activities Association
Nebraska State Lodge of the Fraternal Order of Police
Omaha Airport Authority
Omaha Police Officers Association
WellCare Health Plans, Inc. and Its Subsidiaries
Westside Community Schools

Kelley, Michael A.
Kelley Governmental Relations, LLC
Kelley Plucker, LLC

Kelley, Sean
Kelley Governmental Relations, LLC
Kelley Plucker, LLC

Kenny, Timothy R.
Nebraska Investment Finance Authority

Kilgarin, Karen
Nebraska State Education Association

Kingery, Shannon L.
RAI Services Co. (Reynolds American Inc.)

Kissel Kohout ES Associates, LLC
American Petroleum Institute
Associated Beverage Distributors of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
CenturyLink
Enbridge (U.S.) Inc. (Formerly Spectra Energy)
Insurance Auto Auctions, Inc.
Lancaster County Board of Commissioners
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Golf Alliance
Nebraska Medicine
Nebraska Municipal Power Pool

Nebraska Regional Officials Council
Professional Engineers Coalition
Ralston Public School District
Telecare Corporation
United Cities of Sarpy County

Klute, Anne M. N.
Associated Builders and Contractors, Inc.

Knoche, Connie
OpenSky Policy Institute

Kohls, Ashley
Nebraska Cattlemen, Inc.

Kohout, Joseph D.
Kissel Kohout ES Associates, LLC

Kolterman, Jessica A.
Lincoln Premium Poultry

Koops, Berend
Merck Sharp and Dohme Corp.

Krannawitter, Brian
American Heart Association

Kruse Company
Nebraska Alliance for Family and Child Service Providers
Nebraska Association for the Gifted
Neilan Strategy Group
RAI Services Co. (Reynolds American Inc.)

Kubat, Rick
Metropolitan Utilities District

Lassen, Robert
AARP Nebraska

Lawrence, Katherine
ACT, Inc.

Levy, David C.
Baird Holm LLP

Likes, Steven C.
Nebraska Investment Finance Authority

Lindsay, John C.
O'Hara Lindsay & Associates, Inc.

Loeffler, Michael T.
Northern Natural Gas

Lofquist, Kraig
Educational Service Unit Coordinating Council

Lombardi, Richard A.
American Communications, Inc.

Loontjer, Pat
Gambling with the Good Life

Lostroh, David L.
Nebraska Christian Home Educators Association

Luebbe, Lori
Nebraska Soybean Association

Luetkenhaus, Brandon

Nebraska Credit Union League
Lyons, Liz
Children's Hospital & Medical Center
MacDonald, Blair E.
O'Hara Lindsay & Associates, Inc.
MacTaggart, Christon
Women's Fund of Greater Omaha, Inc.
Malik, Meghan
Women's Fund of Greater Omaha, Inc.
Malkov, Anya
Amazon.com Services, Inc.
Mallett, Rochelle
Husch Blackwell Strategies LLC
Martin, George E.
Baird Holm LLP
Martin, Stephen
We Support Agriculture
Martin, Susan L.
Nebraska State AFL-CIO
Matulka, Mark
Mosaic
McBride, David S.
Nebraska Optometric Association
McClure, Jeanne
American Council of Engineering Companies/Nebraska
McClure, John C.
Nebraska Public Power District
McClymont, Pete
Nebraska Cattlemen, Inc.
McDonald, Edison
Arc of Nebraska, The
GC Resolve, LLC
GC ReVOLT, LLC
McDonald, Vickie
Nebraska Association of Former State Legislators
McGowan, Kyle
Nebraska Council of School Administrators
McIntosh, Ryan
Brandt, Horan, Hallstrom and Stilmock
McLaren, Jay
Medica
Mello, Heath
University of Nebraska
Melotz, Shawn
Papio Valley Preservation Association, Inc.
Menzel, Elaine
Nebraska Association of County Officials
Meredith, Candace
Nebraska Association of County Officials

Meurrens, Bradley
Disability Rights Nebraska

Mick, Ansley
Nebraska Farm Bureau Federation

Mikkelsen, Brian
Nebraska State Education Association

Mikolajczyk, Megan N.
Planned Parenthood North Central States

Miller, Brennen
Kissel Kohout ES Associates, LLC

Miller, Westin
Civic Nebraska

Milone, Tiffany
OpenSky Policy Institute

Miner, Marion
Nebraska Catholic Conference

Mines, Mick
Bromm Nielsen & Mines

Moles, Jack
Nebraska Rural Community Schools Association

Moulton, MaryLee
League of Women Voters of Nebraska

Mueller Robak
American College of Surgeons, Nebraska Chapter
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Duncan Aviation, Inc.
Eastern Nebraska Development Council
First Data Corporation
GlaxoSmithKline
Google LLC
Greenwich Biosciences, Inc.
Innocence Project, The
Integrated Life Choices
Iowa-Nebraska Rental Dealers Association
Lincoln Airport Authority
Madonna Rehabilitation Hospital
Millard Public Schools
Millard Roofing and Gutter Company
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
Nebraska Dental Association
Nebraska District Court Judges Association
Nebraska Interactive

Nebraska Land Title Association
Nebraska Medical Association
Nebraska Methodist Health Systems
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraska Winery and Grape Growers Association (NWGGA)
PayPal
Pharmaceutical Research and Manufacturers of America
Smithfield Foods, Inc.
Stand for Schools
State Troopers Association of Nebraska, Inc.
Uber Technologies, Inc.
Mueller, William J.
Mueller Robak, LLC
Nathan, Robbie
AARP Nebraska
Neal, John P.
Lincoln Public Schools
Nebraska Strategies
Bayer
Consumer Data Industry Association
Johnson Controls, Inc.
Lincoln Premium Poultry
Mark Anthony Brands
Nebraska Licensed Beverage Association
Tesla, Inc.
U.S. Cellular
USIC
Neilan Strategy Group
Tenaska
Wireless Infrastructure Association c/o MultiState Associates Inc.
Neilan, Perre S.
Neilan Strategy Group
Neiles-Brasch, Megan
Omaha Public Schools
Nelson, Stephen D.
Nebraska Farm Bureau Federation
Neville, Brennan S.
National Indemnity Company
Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Coleen J.
Bromm Nielsen & Mines
Nolan, James
Mutual of Omaha
Norby, Scott J.
Nebraska State Education Association
Nowka & Edwards

Adams Central Public Schools
Anheuser-Busch Companies
Bryan Health
Deloitte Consulting LLP
Elkhorn Public Schools
Grand Island Northwest Public Schools
Metropolitan Utilities District
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Academy of Family Physicians
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska Funeral Directors Association
Nebraska Home Care Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs' Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska State Dairy Association
Nebraska Water Coalition
NET Foundation for Television
Pfizer Inc.
Southern Public Power District
Union Pacific Railroad
US Assets, LLC
Winners Marketing, Inc.
O'Brien, Kelli Erin
Union Pacific Railroad
O'Hara Lindsay & Associates, Inc.
All American Games LLC
Alliance of Automobile Manufacturers
Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Center Pivot Manufacturers Association
City of Hastings
City of Lexington
Council of Independent Nebraska Colleges
First National of Nebraska, Inc.
Francis EVC, LLC
Greater Nebraska Cities
Institute of Scrap Recycling Industries, Upper Mid-West Chapter
National Association of Housing and Redevelopment Officials, Nebraska
Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association

Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans for Rate Equity
Northern Natural Gas
Omaha Public Power District
Omaha Public Schools
Pace-O-Matic
Parkinson's Nebraska
Saint Francis Ministries
Self Storage Association
Spin
Winnebago Tribe of Nebraska
O'Hara, Michael J.
Cavanaugh & Associates, P.C., L.L.O.
Omey, Samantha
Exxon Mobil Corporation
Onley, Mark
The Good Food Institute, Inc.
Orr, Scott
FMR LLC
Orton, Leroy W.
Nebraska Onsite Waste Water Association
Nebraska State Irrigation Association
Nebraska Well Drillers Association
Othmer, Mark F.
Iowa-Nebraska Equipment Dealers Association
Otto, James A.
American Communications, Inc.
Nebraska Restaurant Association
Nebraska Retail Federation
Otto, Richard J.
Nebraska Grocery Industry Association
Nebraska Restaurant Association
Nebraska Retail Federation
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Paden, Nicholas K.
Rembolt Ludtke, LLP
Parr, Ann L.
Farmers Mutual of Nebraska
Peetz & Company
Advocates for Behavioral Health
CHI Health
Children's Hospital & Medical Center
Cox Communications
Durham Museum
Enel North America, Inc.
First Five Nebraska

Imagine Nebraska Coalition
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Beef Producers
Nebraska Nurse Practitioners
Nebraska Trucking Association
Nebraskans for Responsible Lending
Oath and Other Various Subsidiaries
Omaha Zoological Society
Quality Living, Inc.
School Employees' Retirement System of Douglas County School
District 1
Tenaska
University of Nebraska
Peetz, Jack
Peetz & Company
Peetz, Natalie
Peetz & Company
Peterson, Chris
CP Strategies LLC
Peterson, Patricia Schuett
Nebraska Investment Finance Authority
Petsch, Jean
Associated General Contractors - Nebraska Building Chapter
Pfeifer, Pat
Nebraska State Legislative Board - Brotherhood of Locomotive
Engineers and Trainmen
Pitts, Kathleen
Nebraska Appleseed
Plucker, Julia
Kelley Plucker, LLC
Pollock, Andy
Rembolt Ludtke, LLP
Ponce Lage, Laurie
Coalition for a Strong Nebraska
Potter, Cara E.
WellCare Health Plans, Inc. and Its Subsidiaries
Potter, Tim
AARP Nebraska
Prokop, Matthew
American Cancer Society Cancer Action Network
Quick, Kim A.
Nebraska Labor Unity Council c/o Teamsters Local 554
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Father Flanagan's Boys' Home
Advance America c/o MultiState Associates, Inc.
Altria Client Services LLC and its Affiliates
American Property Casualty Insurance Association (APCIA)

Bellevue Public Schools
Enterprise Rent-A-Car
Farm Credit Services of America
Friends of Nebraska Parks
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Housing Policy Network
Hy-Vee
Imagine Nebraska Coalition
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Medica
Metropolitan Community College
Motion Picture Association, Inc.
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cable Communications Association
Nebraska Cultural Endowment
Nebraska Health Care Association, Inc.
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Liquor Wholesalers
Nebraska New Car & Truck Dealers Association
Nebraska Optometric Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
Pinnacle Bank
Speedway Motors, Inc.
Tyson Foods, Inc.
Woodmen of the World Life Insurance Society and Subordinate Entities

Ragland, Jina
AARP Nebraska

Redoutey, Laura J.
Nebraska Hospital Association

Reece, Kaitlin
Catalyst Public Affairs

Rembolt Ludtke, LLP
American Society of Composers, Authors & Publishers
Nebraska Defense Counsel Association
Nebraska Library Association
Nebraska Rural Telecommunications Coalition
Nebraska Transportation Association
Nebraska Travel Association (NETA)
NorthWestern Energy
United Healthcare Services, Inc.
Waste Connections of Nebraska, Inc.

Rempe, Jay E.
Nebraska Farm Bureau Federation

Renner, Shawn D.
Media of Nebraska, Inc.

Rex, L. Lynn
League of Nebraska Municipalities

Reynoldson, Amy
Nebraska Medical Association

Richters, Rebecca S.
ACLU Nebraska

Rieker, Bruce R.
Nebraska Farm Bureau Federation

Riley, Christopher T.
Archer Daniels Midland Company

Robak, Kim M.
Mueller Robak, LLC

Robertson, Rob J.
Nebraska Farm Bureau Federation

Rogert, Kent
Jensen Rogert Associates, Inc.

Roque, Matthew
ProRail Nebraska, Inc.

Rubin, Barry R.
Heartland Strategy Group, LLC

Sahling-Zart, Shelley R.
Lincoln Electric System

Sanaie, Kandice
Cigna Corporate Services LLC

Sanford, Robert A.
Nebraska Domestic Violence Sexual Assault Coalition

Schaefer, Matthew T.
Mueller Robak, LLC

Schilz, Kenneth
Bruning Law Group
Nebraska Strategies

Schmit-Albin, Julie
Nebraska Right to Life

Schneider, David
Convention of States Action

Schrader, Cora
Peetz & Company

Schrodt, Dexter
Nebraska Medical Association

Scott, Randi K.
O'Hara Lindsay & Associates, Inc.

Sedlacek, Ronald J.
Husch Blackwell LLP
Husch Blackwell Strategies LLC
Nebraska Chamber of Commerce & Industry

Seelhoff, Janet
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Home Care Association

Segal, Kate
Biogen

Shelburn, Jessica
Americans for Prosperity

Siefken, Kathy
Nebraska Grocery Industry Association
SHAZAM

Silke, Vanessa
Baird Holm LLP

Slattery, David
Nebraska Hospital Association

Slone, Bryan
Nebraska Chamber of Commerce & Industry

Smith, Morgan
Tri-State Generation and Transmission Association

Spady, Robin
Nebraska Municipal Power Pool

Spatz, John
Nebraska Association of School Boards

Spohn, Katherine J.
Nebraska Strategies

Stahly, Dee Ann
Dexcom, Inc.

Stembridge, Kurt
Greenwich Biosciences, Inc. (Withdrawn 01/03/2020)

Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock

Streetman, Terrance
Alzheimer's Association

Stubbendieck, Todd
AARP Nebraska

Sullivan, J. Scott
Nebraska Credit Union League

Summers, Juliet
Voices for Children in Nebraska

Sundquist, Joni
Nebraska Society of Certified Public Accountants

Swatsworth, Abby
Outline

Synhorst, Bud
Lincoln Independent Business Association (LIBA)

Szabo, Carl
NetChoice

Tang, Cathy
Everytown for Gun Safety Action Fund

Taylor, Bruce

Dexcom, Inc.
Thielen, Nicholas
EHPV Lottery Services LLC aka Big Red Keno
Vigilnet America LLC
Thompson, Brian
Consolidated Companies, Inc.
Todd, A. Loy, Jr.
Nebraska New Car & Truck Dealers Association
Torpy, Katie
Nature Conservancy, The
Trocinski, Carol A.
United Healthcare Services, Inc.
Valenti, John
Sanofi US
Valentin, Michaela
Omaha Public Power District
Vaughan, Dustin
Husch Blackwell Strategies LLC
Venzor, Tom
Nebraska Catholic Conference
Voyles, Seth
Omaha Public Power District
Wagner, Chris
Project Extra Mile
Waldron, Kelsey
Women's Fund of Greater Omaha, Inc.
Walker, Sarah
Secure Democracy
Wang, Jennifer Rae
Cox Communications
Ward, Kathryn
AARP Nebraska
Watson, James S.
Nebraska Association of Medicaid Health Plans
Weber, Michelle
Zulkoski Weber LLC
Weber, Rocky
Nebraska Cooperative Council
Welding, Nicholas J.
Nebraska State Education Association
Wellman, Sarah
Werner Enterprises, Inc. and Subsidiaries
Wesely, Don
O'Hara Lindsay & Associates, Inc.
Westerhold, Russell
Nowka & Edwards
Wetzel, Jason
General Motors LLC
White, Rosemary

AAA Nebraska and The Auto Club Group
Wickersham, William R.
Nebraska Association of Former State Legislators
Wickman-Byrd, Barbara J.
Nebraska State Home Builders Association
Wightman, Anna Castner
First National of Nebraska, Inc.
Wiltgen, Jennifer
Nebraska Total Care
Winger, Dwight
ALLO Communications
Woepfel, Ed
Nebraska Cooperative Council
Wolf, Ron
Nebraska State Irrigation Association
Wurster, Donald F.
National Indemnity Company
Young, Hannah
Nonprofit Association of the Midlands
Zalenski, Susan D.
Johnson & Johnson Services, Inc.
Zulkoski Weber LLC
American Federation for Children
Archer Daniels Midland Company
Bio Nebraska Life Sciences Association
Cedars Youth Services
Consortia Consulting
Ducks Unlimited, Inc.
Kum & Go
Merck Sharp and Dohme Corp.
Nebraska Academy of Nutrition and Dietetics
Nebraska Academy of Physician Assistants
Nebraska Association of Resources Districts
Nebraska Beef Producers
Nebraska Broadband Coalition
Nebraska County Attorneys Association
Nebraska Domestic Violence Sexual Assault Coalition
Nebraska Economic Developers Association
Nebraska Emergency Medical Services Association
Nebraska Fuel Retailers
Nebraska Hospital Association
Nebraska Independent Community Bankers
Nebraska Veterinary Medical Association
Nelnet, Inc.
Renewable Fuels Nebraska
Secure Democracy
Viaero Wireless
Women's Fund of Greater Omaha, Inc.
Zulkoski, Katie W.
Zulkoski Weber LLC

GENERAL FILE

LEGISLATIVE BILL 147. Senator Wayne offered his motion, [MO38](#), found on page 1006, First Session, 2019, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

SPEAKER SCHEER PRESIDING**RESOLUTION(S)**

LEGISLATIVE RESOLUTION 294. Introduced by Kolowski, 31; Bolz, 29; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; Hunt, 8; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Wishart, 27.

WHEREAS, according to a warning published on November 5, 2019, about the effects of climate change, signed and supported by over eleven thousand scientists, the climate crisis "is more severe than anticipated, threatening natural ecosystems and the fate of humanity." Later on in the statement the scientists wrote that "climate change reactions could cause significant disruptions to ecosystems, society, and economies, potentially making large areas of Earth uninhabitable" and that because of the climate crisis, humanity could face "untold suffering"; and

WHEREAS, the United States Environmental Protection Agency states that intense weather phenomena, including large storms and heat waves, are likely to occur more frequently because of the climate and ecological crisis. Major storms can lead to loss of property and both storms and heat waves can cause death; and

WHEREAS, the Fourth National Climate Assessment says that over time these heat waves increase drought and wildfire risks. Heat waves and droughts have depleted water supplies, which has contributed to over ten billion dollars in losses for the agriculture sector; and

WHEREAS, according to the Union of Concerned Scientists, many forests are burning because of changes in temperature, precipitation levels, and soil moisture due to global warming. Hotter temperatures in the spring and summer, and the fact that snow is melting earlier in the spring, are likely to cause a longer wildfire season and cause wildfires to be more intense and burn for longer; and

WHEREAS, according to the National Centers for Environmental Information, which is part of the National Oceanic and Atmospheric Administration, there were eleven major wildfires between 2000 and 2017 in the United States of America. In that eighteen-year period, both the number of deaths and the financial damage caused by each wildfire dramatically increased. In the first wildfire of 2000, no one died, and the cost was \$1.6 billion. In the last wildfire of 2017, fifty-four people died, and the cost was \$18.7 billion; and

WHEREAS, the Fourth National Climate Assessment also states that flooding might increase across the United States of America, including in

areas where precipitation is expected to decrease. All flood types, including flash flooding, urban flooding, river flooding, and coastal flooding are, to different degrees, affected by the climate. The risks from future floods are very major; and

WHEREAS, according to the National Oceanic and Atmospheric Administration, sea levels are rising at a rate of about one-eighth of an inch per year. The two major causes of rising global sea levels are oceanic expansions due to the warming of oceans and increased melting of glaciers and ice sheets. The oceans are absorbing about ninety percent of the increased atmospheric heat that results from human emissions. The National Oceanic and Atmospheric Administration goes on to state that "with continued ocean and atmospheric warming, sea levels will likely rise for many centuries at rates higher than that of the current century"; and

WHEREAS, higher sea levels cause deadly and destructive storm surges to push farther inland, which means there will be more nuisance flooding, which is estimated to be three hundred to nine hundred percent more frequent in United States coastal communities than it was fifty years ago. Nearly forty percent of the United States' population lives in such coastal communities. Eight out of the ten largest cities in the world are close to a coast according to the U.N. Atlas of the Oceans; and

WHEREAS, according to a 2014 report published by the Intergovernmental Panel on Climate Change, animals have an increased risk of extinction because of the climate crisis; and

WHEREAS, a report done by the University of Nebraska-Lincoln concluded that disruptions in the climate have decreased agricultural yields in Nebraska over the last forty years and are predicted to decrease agricultural yields significantly over the next twenty-five years; and

WHEREAS, the State of Nebraska has contributed to the climate crisis but has done little to nothing to slow the effects.

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

1. That the Legislature acknowledges that we are in the midst of an anthropogenic climate and ecological crisis.
2. That the Legislature has a moral obligation to take steps to combat the climate and ecological crisis.
3. That a copy of this resolution be sent to Prairie Hill Learning Center.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR294 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510

Tuesday, January 21, 2020 1:30 p.m.

LB821

LB885

LB795

LB796

LB799

(Signed) Justin Wayne, Chairperson

Nebraska Retirement Systems
Room 1525

Monday, January 27, 2020 8:30 a.m.

Allen Simpson - Public Employees Retirement Board

Kelli M. Ackerman - Public Employees Retirement Board

Michael D. Jahnke - Public Employees Retirement Board

John M. Dinkel - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB147:

[AM2078](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-254 Sections 79-254 to 79-294 and sections 4 and 5 of this act
6 shall be known and may be cited as the Student Discipline Act.
7 Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, is
8 amended to read:
9 79-258 Administrative and teaching personnel may take actions
10 regarding student behavior, other than those specifically provided in the
11 Student Discipline Act, which are reasonably necessary to aid the
12 student, further school purposes, or prevent interference with the
13 educational process. Such actions may include, but need not be limited
14 to, physical contact, counseling of students, parent conferences,
15 referral to restorative justice practices or services, rearrangement of
16 schedules, requirements that a student remain in school after regular
17 hours to do additional work, restriction of extracurricular activity, or
18 requirements that a student receive counseling, psychological evaluation,
19 or psychiatric evaluation upon the written consent of a parent or

20 guardian to such counseling or evaluation.

21 Sec. 3. Section 79-259, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 79-259 If a student is removed, suspended, expelled, or excluded
24 from school or from any educational function pursuant to the Student
25 Discipline Act, such absence from school shall not be deemed a violation
26 on the part of any person under any compulsory school attendance
27 statutes. Any suspension or expulsion under the act shall comply with the
1 requirements of the Special Education Act and the requirements of the
2 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400-1404
3 et seq.

4 Sec. 4. (1) Administrative, teaching, and other school personnel
5 may use reasonable physical contact to protect a student, school
6 personnel, or another person from imminent physical injury.

7 (2) Reasonable physical contact shall only be used for as long as
8 necessary to protect the student, school personnel, or other person from
9 imminent physical injury. Reasonable physical contact does not include
10 physical contact that:

11 (a) Is intended to cause pain;

12 (b) Places a student in a prone restraint, which means restraint in
13 which a student is placed on the ground in a face-down position; or

14 (c) Involves any mechanical restraint.

15 (3) Each school district shall adopt a policy regarding the use of
16 physical contact pursuant to this section, including training
17 requirements relating to the use of reasonable physical contact.

18 (4) Within twenty-four hours following the use of any physical
19 contact pursuant to this section, school personnel shall contact the
20 parent or guardian of the student and notify the parent or guardian of
21 the use of such physical contact.

22 (5)(a) No administrative, teaching, or other school personnel shall
23 be subject to professional or administrative discipline or be held liable
24 for harm caused by an act or omission of any administrative, teaching, or
25 other school personnel relating to the use of reasonable physical contact
26 pursuant to this section unless the harm was caused by (i) gross
27 negligence, (ii) a conscious, flagrant indifference to the rights or
28 safety of the individual who was harmed, or (iii) willful, criminal, or
29 reckless misconduct, including misconduct (A) that constitutes a crime of
30 violence, as defined by 18 U.S.C. 16, as such section existed on January
31 1, 2020, (B) that involves a sexual offense listed in subdivision (1)(a)
1 (i) of section 29-4003, (C) for which the defendant has been found to
2 have violated a federal or state civil rights law, or (D) that occurred
3 while the defendant was under the influence of alcoholic liquor or drugs.
4 (b) Nothing in this section shall be construed to limit any defense
5 that may be available under any other provision of law, including, but
6 not limited to, any defense relating to self-protection or the protection
7 of others.

8 Sec. 5. (1) An administrator or administrator's designee shall
9 immediately remove a student from a class upon request by a teacher or
10 other school personnel if such teacher or other school personnel has (a)
11 followed school policy in requesting the removal of such student and (b)
12 such student's behavior is so unruly, disruptive, or abusive that it
13 seriously interferes with the learning environment and the opportunity
14 for other students in the class to learn.

15 (2) Removal shall mean the exclusion of a student from a class for a
16 period not to extend beyond the end of the school day during which such
17 exclusion occurred, unless such student is otherwise suspended, expelled,
18 or excluded from school or any educational function pursuant to the
19 Student Discipline Act.

20 (3) Any removal pursuant to this section shall comply with the
21 requirements of the federal Individuals with Disabilities Education Act,

22 20 U.S.C. 1400 et seq., any applicable Individualized Education Plan
 23 established pursuant to the Individuals with Disabilities Education Act,
 24 and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
 25 acts existed on January 1, 2020, and any other applicable state or
 26 federal law.
 27 (4) When a student is removed from a class, the goal shall be to
 28 return the student to the class as soon as possible after appropriate
 29 instructional or behavioral interventions or supports have been
 30 implemented to increase the likelihood the student will be successful.
 31 For students with patterns of disruptive behavior, schools shall provide
 1 additional interventions or supports. After a student has been removed
 2 for a cumulative amount of time equivalent to five school days in a
 3 school year, the due process protections for long-term suspensions shall
 4 apply.
 5 (5) Each school district shall adopt a policy that describes the
 6 process for removing a student from a class and for returning a student
 7 to a class. Such policy shall: (a) Describe how and when a student may be
 8 removed from a class and returned to a class; (b) use a discipline
 9 process that is proactive, instructive, and restorative; (c) require
 10 appropriate communication between administrators, teachers, students, and
 11 parents or guardians, including notification of a parent or guardian
 12 following the removal of a student from a class; and (d) allow a teacher
 13 to have, upon request, a conference with the principal and a parent or
 14 guardian of a student who was removed from class at the request of such
 15 teacher. Such policy shall be made available to the public.
 16 (6) Administrative, teaching, and other school personnel shall not
 17 be subject to professional or administrative discipline for having a
 18 student removed from a class pursuant to this section if such
 19 administrative, teaching, or other school personnel acted in accordance
 20 with the policy adopted pursuant to subsection (5) of this section.
 21 Sec. 6. This act becomes operative on January 1, 2021.
 22 Sec. 7. Original sections 79-254 and 79-259, Reissue Revised
 23 Statutes of Nebraska, and section 79-258, Revised Statutes Supplement,
 24 2019, are repealed.

Senator Walz filed the following amendment to LB147:
AM2086

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-254 Sections 79-254 to 79-294 and sections 3 and 4 of this act
 6 shall be known and may be cited as the Student Discipline Act.
 7 Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, is
 8 amended to read:
 9 79-258 Administrative and teaching personnel may take actions
 10 regarding student behavior, other than those specifically provided in the
 11 Student Discipline Act, which are reasonably necessary to aid the
 12 student, further school purposes, or prevent interference with the
 13 educational process. Such actions may include, but need not be limited
 14 to, physical intervention, counseling of students, parent conferences,
 15 referral to restorative justice practices or services, rearrangement of
 16 schedules, requirements that a student remain in school after regular
 17 hours to do additional work, restriction of extracurricular activity, or
 18 requirements that a student receive counseling, psychological evaluation,
 19 or psychiatric evaluation upon the written consent of a parent or
 20 guardian to such counseling or evaluation.
 21 Sec. 3. (1) Unless prohibited by the federal Individuals with
 22 Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed
 23 pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794,

24 as such acts existed on January 1, 2020, after every reasonable effort
 25 has been made to de-escalate a potentially harmful situation, teachers
 26 and other school personnel may use reasonable physical intervention to
 27 safely manage the behavior of a student to:
 1 (a) Protect such student, another student, a teacher or other school
 2 personnel, or another person from physical injury; or
 3 (b) Secure property in the possession of such student if the
 4 possession of such property by such student poses a threat of physical
 5 injury to such student, another student, a teacher or other school
 6 personnel, or another person.
 7 (2) Prone restraint as a form of physical intervention shall only be
 8 used as a last resort. In the event that prone restraint is used, every
 9 reasonable effort shall be made to change to a different restraint
 10 position in a timely manner. Prone restraint means any manual method,
 11 physical or mechanical device, material, or equipment that immobilizes or
 12 reduces the ability of an individual to move freely in either a face-up
 13 or face-down position.
 14 (3) Any physical intervention used by a teacher or other school
 15 personnel pursuant to this section shall not be used for the purpose of
 16 inflicting bodily pain as a penalty for disapproved behavior.
 17 (4) Following the use of physical intervention pursuant to this
 18 section, a teacher or other school personnel shall contact and notify the
 19 parent or guardian of the use of physical intervention. The school
 20 district shall submit a written report to the State Department of
 21 Education describing the incident, the events leading up to the incident,
 22 steps that were taken to de-escalate the situation, and how the incident
 23 was resolved.
 24 (5) No teacher or other school personnel shall be subject to
 25 professional or administrative discipline and no teacher, other school
 26 personnel, or school district shall be criminally or civilly liable for
 27 the use of physical intervention pursuant to subdivision (1)(a) or (b) of
 28 this section if such physical intervention was reasonable. Nothing in
 29 this section shall be construed to limit any defense that may be
 30 available under any provision of law, including, but not limited to, any
 31 defense relating to self-protection or the protection of others.
 1 Sec. 4. (1) Each school district shall have a policy that describes
 2 the process of removing a student from a class and returning a student to
 3 a class. Such policy shall: (a) Describe how and when a student may be
 4 removed from a class and returned to a class; (b) use a discipline
 5 process that is proactive, instructive, and restorative; (c) require
 6 appropriate communication between administrators, teachers or other
 7 school personnel, students, and parents or guardians. Such policy shall
 8 be made available to the public.
 9 (2) Unless prohibited by the federal Individuals with Disabilities
 10 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
 11 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
 12 acts existed on January 1, 2020, an administrator or administrator's
 13 designee shall immediately remove a student from a class upon request by
 14 a teacher or other school personnel if such teacher or other school
 15 personnel has followed school policy in requesting the removal of such
 16 student.
 17 (3) When a student is removed from a class, the goal must be to
 18 return the student to the class as soon as possible after appropriate
 19 instructional or behavioral interventions or supports have been
 20 implemented to increase the likelihood the student will be successful.
 21 For a student with a pattern of disruptive behavior, the school shall
 22 provide additional interventions or supports.
 23 (4) No teacher or other school personnel shall be subject to
 24 professional or administrative discipline, and no teacher, other school
 25 personnel, or school district shall be criminally or civilly liable for

26 the removal of a student from a class pursuant to this section if such
 27 teacher or other school personnel acted in a reasonable manner and in
 28 accordance with school policy.
 29 Sec. 5. The State Board of Education may adopt and promulgate rules
 30 and regulations to carry out sections 3 and 4 of this act.
 31 Sec. 6. Section 4 of this act becomes operative on August 1, 2020.
 1 The other sections of this act become operative on their effective date.
 2 Sec. 7. Original section 79-254, Reissue Revised Statutes of
 3 Nebraska, and section 79-258, Revised Statutes Supplement, 2019, are
 4 repealed.

Senator Cavanaugh filed the following amendment to LB147:
AM2085

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-1201, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-1201 Sections 79-1201 to 79-1249 and sections 2 to 7 of this act
 6 shall be known and may be cited as the Educational Service Units Act.
 7 Sec. 2. The Legislature finds that:
 8 (1) Behavioral and mental health needs of students are frequently
 9 identified in a school setting and affect the ability of teachers to
 10 teach and the ability of students to learn;
 11 (2) The findings of the Adverse Childhood Experiences Study
 12 conducted by the federal Centers for Disease Control and Prevention make
 13 it clear that childhood experiences have a tremendous impact on lifelong
 14 health, wellness, and opportunity;
 15 (3) Superintendents, principals, and other school personnel in
 16 Nebraska ranked the availability of people to provide behavioral and
 17 mental health services as the number one support need for schools in
 18 2017; and
 19 (4) The creation of a collaborative school behavioral and mental
 20 health program with initiatives in each of the educational service units
 21 would provide schools with the needed support in the most efficient
 22 manner in order to promote classroom learning and prevent student
 23 involvement in the child welfare system or the juvenile justice system.
 24 Sec. 3. (1) The Collaborative School Behavioral and Mental Health
 25 Program is created. The goal of the program is to provide each
 26 educational service unit with a social worker (a) to train teachers and
 27 other school personnel and (b) to work with parents, schools, behavioral
 1 and mental health care providers, and other community resources in order
 2 to provide timely, effective, and family-centered services.
 3 (2) At such time as the Collaborative School Behavioral and Mental
 4 Health Fund reaches a balance of at least three million six hundred
 5 thousand dollars, the Educational Service Unit Coordinating Council shall
 6 begin implementation of the program pursuant to sections 2 to 7 of this
 7 act. The program terminates on July 1, 2024.
 8 (3) Three years after the program is implemented under subsection
 9 (2) of this section, each educational service unit shall determine the
 10 cost of the program in its service area. If the cost of the program for
 11 an educational service unit exceeds the available funds for the
 12 educational service unit, the program shall not continue in such service
 13 area.
 14 (4) Each initiative shall be a partnership between the Educational
 15 Service Unit Coordinating Council, the educational service unit, and the
 16 school systems within the educational service unit.
 17 Sec. 4. (1) At such time as implementation begins under section 3
 18 of this act, the Educational Service Unit Coordinating Council shall
 19 administer the Collaborative School Behavioral and Mental Health Program,
 20 including employing a coordinator for the program.

21 (2) As part of such administration, the Educational Service Unit

22 Coordinating Council shall:

23 (a) Establish requirements for initiatives in each educational
24 service unit to implement the program which include the components in
25 section 6 of this act;

26 (b) Solicit annual program plans from each educational service unit
27 and ensure that the plans meet initiative requirements;

28 (c) Identify evidence-based best practices in interventions for
29 students and coordinate the delivery of evidence-based training to social
30 workers and other school personnel on at least an annual basis;

31 (d) Complete an annual evaluation of the program in each educational
1 service unit based on the number of students referred, assessed, or
2 served, implementation of evidence-based practices, and improved health
3 and academic outcomes for students; and

4 (e) Create and maintain a statewide map of behavioral and mental
5 health services available in the state.

6 Sec. 5. To further the goal of the Collaborative School Behavioral
7 and Mental Health Program stated in section 3 of this act, the
8 Educational Service Unit Coordinating Council or an educational service
9 unit may employ a social worker. If a social worker is so employed, each
10 school system with which the social worker will interact shall designate
11 a contact person for each school system in the educational service unit.

12 Such social worker may:

13 (1) Work to empower students, families, and school personnel to
14 access available opportunities and resources to fully develop each
15 student's potential;

16 (2) Administer evidence-based screening tools to identify students
17 in need of services;

18 (3) Administer evidence-based assessment tools, if qualified, to
19 assist in matching students with appropriate health care providers;

20 (4) Meet with school personnel, students, and families to facilitate
21 behavioral or mental health care;

22 (5) Advocate for appropriate services for students and their
23 families;

24 (6) Coordinate access to services provided by outside agencies to
25 students within the educational setting;

26 (7) Maintain case files and reports to track problems and progress
27 and recognize patterns in behavior; or

28 (8) Provide behavioral and mental health care training and support
29 to school personnel and students.

30 Sec. 6. An educational service unit may develop an initiative for
31 implementation of the Collaborative School Behavioral and Mental Health
1 Program within the educational service unit with the following
2 components:

3 (1) Agreements with specific referral sources, including, but not
4 limited to, community behavioral and mental health care providers,
5 nonprofits and other community resources to serve students, school
6 systems within the educational service unit, and the Nebraska Family
7 Helpline of the Department of Health and Human Services;

8 (2) Training for referral sources to recognize and refer students
9 who could benefit from the program;

10 (3) Strategies to utilize available health insurance or the medical
11 assistance program;

12 (4) At least one social worker who shall meet with families, assess
13 needs, identify barriers to accessing services, and assist with making
14 connections to resources that exist within the community;

15 (5) Plans for mapping services that benefit the well-being of
16 struggling students within the communities in the educational service
17 unit that are being served by the initiative; and

18 (6) Plans for collecting and submitting documentation of outcomes

19 and for participation in evaluation activities as required by the
 20 Educational Service Unit Coordinating Council.
 21 Sec. 7. (1) The Collaborative School Behavioral and Mental Health
 22 Fund is created for the purpose of implementing the Collaborative School
 23 Behavioral and Mental Health Program. For budgetary purposes, the fund
 24 shall be administered through the State Department of Education.
 25 (2) The State Treasurer shall credit to the fund such money as is
 26 donated as gifts, bequests, or other contributions to the fund from
 27 private sources.
 28 (3) The Legislature shall not appropriate or transfer money from the
 29 fund for any purpose other than the purposes stated in this section,
 30 except that the Legislature may appropriate or transfer money from the
 31 fund upon a finding that such purposes are not being accomplished by the
 1 fund.
 2 (4) Any money in the fund available for investment shall be invested
 3 by the state investment officer pursuant to the Nebraska Capital
 4 Expansion Act and the Nebraska State Funds Investment Act.
 5 Sec. 8. Original section 79-1201, Reissue Revised Statutes of
 6 Nebraska, is repealed.

Senator Vargas filed the following amendment to LB369:
[AM2077](#)

(Amendments to Standing Committee amendments, AM1126)

1 1. Insert the following new amendments:
 2 1. On page 2, lines 12, 24, and 26; and page 3, lines 1, 17, 28, and
 3 29, strike "2019" and insert "2020".
 4 2. On page 2, line 21; and page 3, line 26, after the period insert
 5 "This section does not apply to agreements between public agencies,
 6 including the United States Department of Homeland Security, relating to
 7 investigating violations of and enforcing laws prohibiting human
 8 trafficking."
 9 2. Renumber the remaining amendment.

Senator Vargas filed the following amendment to LB147:
[AM2087](#)

1 1. On page 3, line 4, strike "(b)" and insert "(b)(i)"; in line 8
 2 strike "(c)" and insert "(ii)"; in line 9 strike the period and insert ";
 3 and
 4 (d) Has complied with the notice and due process requirements of the
 5 Student Discipline Act such that a removal from a classroom for less than
 6 five school days has complied with the notice and due process
 7 requirements that apply to a short-term suspension, a removal from a
 8 classroom for more than five school days but less than twenty school days
 9 has complied with the notice and due process requirements that apply to a
 10 long-term suspension, and a removal from a classroom for twenty days or
 11 more has complied with the notice and due process requirements that apply
 12 to a one-semester expulsion."; in line 12 after the second "or" insert
 13 "shall" and after "suspend" insert "or expel"; in line 13 after "79-267"
 14 insert "if the removal exceeds the remainder of the school day in which
 15 it occurred"; in line 15 strike "unless such return is" and insert
 16 "except (a) as required by the Student Discipline Act and any code of
 17 conduct for students adopted by the school district or (b) as".

Senator Vargas filed the following amendment to LB147:
[AM2088](#)

1 1. On page 2, line 7, after "administrator" insert "who has received
 2 training pursuant to subsection (6) of this section"; after line 28
 3 insert the following new subsection:

4 "(6) Prior to any teacher or administrator using physical contact or
5 physical restraint to control a student, such teacher or administrator
6 shall receive training on prevention, de-escalation, and technical skills
7 concerning physical assistance, separation, evasion, and restraint
8 techniques. Such training shall include use of physical intervention only
9 as an emergency intervention to respond to an individual posing an
10 immediate danger to themselves or others."

GENERAL FILE

LEGISLATIVE BILL 147. The Wayne motion, [MO38](#), found on page 1006, First Session, 2019, and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 938. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4019, Reissue Revised Statutes of Nebraska; to provide immunity for reliance upon an acknowledged power of attorney as prescribed; and to repeal the original section.

LEGISLATIVE BILL 939. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Collection Agency Act; to amend sections 45-601, 45-602, 45-605, 45-606, 45-609, 45-610, 45-611, 45-620, and 45-623, Reissue Revised Statutes of Nebraska; to authorize licensees under the act to be licensed and registered through the Nationwide Mortgage Licensing System and Registry; to define and redefine terms; to change certain fee and license renewal provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,108.01, Revised Statutes Supplement, 2019; to change provisions relating to sealing of juvenile records; and to repeal the original section.

LEGISLATIVE BILL 941. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to infants and juveniles; to define terms; to state intent; to create the Nebraska Youth in Care Bill of Rights; and to provide powers and duties.

LEGISLATIVE BILL 942. Introduced by Hunt, 8.

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 Support the Arts Plates; to create the Support the Arts Cash Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 943. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-312, 82-313, and 82-332, Reissue Revised Statutes of Nebraska; to provide powers and duties related to establishment and certification of creative districts and funding competitive grants; and to repeal the original sections.

LEGISLATIVE BILL 944. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 18-1214, 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-369.03, 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska, sections 60-3,205, 60-4,113, and 60-4,114, Revised Statutes Cumulative Supplement, 2018, and sections 60-395, 60-3,198, 60-3,238, 60-3,240, 60-3,242, and 75-392, Revised Statutes Supplement, 2019; to change provisions relating to certain motor vehicle fees imposed by cities and villages; to provide for a refund or credit of fees for a loss of possession due to natural disaster; to change provisions relating to the International Fuel Tax Agreement Act; to authorize temporary license stickers as prescribed; to eliminate provisions relating to certain replacement permanent plates; to provide for electronic delivery of an operator's license or state identification card and for a remote knowledge inquiry; to provide powers for the director relating to the unified carrier registration plan and agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to sexual assault; to require cities of the primary class and metropolitan class to make an annual report on the number of untested sexual assault evidence collection kits.

LEGISLATIVE BILL 946. Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2701.36, 77-2701.41, 77-2704.26, 77-2704.45, 77-2713, 77-27,132, and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2701.16, 77-2701.32, 77-2703, 77-2703.01, and 77-2711, Revised Statutes Supplement, 2019; to change the sales tax rate; to define and redefine terms; to impose sales and use taxes on additional services as prescribed; to harmonize provisions; to provide an

operative date; and to repeal the original sections.

LEGISLATIVE BILL 947. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,356, Revised Statutes Cumulative Supplement, 2018; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle; and to repeal the original section.

LEGISLATIVE BILL 948. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for mammography; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to insurance; to limit the cost of prescription insulin drugs; to provide a termination date; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 950. Introduced by Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 79-10,143 and 85-2104, Revised Statutes Cumulative Supplement, 2018; to change eligibility requirements for the Access College Early Scholarship Program Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to amend section 29-4603, Reissue Revised Statutes of Nebraska; to change requirements for recovery under the act; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Wishart, 27; Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Supplement, 2019; to provide for a new homestead exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Wishart, 27; Brewer, 43.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-625, Revised Statutes Cumulative Supplement, 2018; to prohibit certain public entities from charging a fee for adoption or purchases of a dog or cat by a veteran as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,105, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to fees for dental services; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Walz, 15.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-914, Reissue Revised Statutes of Nebraska; to change provisions related to discontinued eligibility for or modification of medical assistance; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to provide duties for managed care organizations regarding provider agreements; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Walz, 15.

A BILL FOR AN ACT relating to cities of the first and second class; to amend section 17-105, Revised Statutes Cumulative Supplement, 2018, and section 16-401, Revised Statutes Supplement, 2019; to change provisions relating to quorum requirements for the city council; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 28-311.11, 28-1206, 42-924, 42-925, and 42-926, Revised Statutes Supplement, 2019; to change provisions relating to the possession or purchase of a firearm by any person convicted of a misdemeanor crime of domestic violence or subject to a harassment, sexual assault, or domestic abuse protection order; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 147. The Wayne motion, [MO38](#), found on page 1006, First Session, 2019, and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 959. Introduced by Vargas, 7; Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to the habitual criminal enhancement; to define terms; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Municipal Proprietary Function Act; to amend section 18-2808, Reissue Revised Statutes of Nebraska; to change a provision relating to accounting of income and provide a requirement for use of proprietary function funds; and to repeal the original section.

LEGISLATIVE BILL 961. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 77-2703, Revised Statutes Supplement, 2019; to adopt the Peer-to-Peer Vehicle Sharing Program Act; to provide for collection of sales and use tax on certain vehicle rentals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Hunt, 8; Blood, 3; Brewer, 43; Crawford, 45; DeBoer, 10; Hansen, M., 26; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to postsecondary institutions; to amend sections 48-2610 and 48-2614, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Fair Pay to Play Act; to change the Nebraska Uniform Athlete Agents Act; to provide an operative date; to provide severability; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB147.
Senator Murman name added to LB147.
Senator Erdman name added to LB153.
Senator Murman name added to LB153.
Senator Clements name added to LB744.
Senator McDonnell name added to LB752.
Senator Briese name added to LB814.
Senator Dorn name added to LB814.

Senator Gragert name added to LB904.
 Senator DeBoer name added to LB934.

VISITOR(S)

Visitors to the Chamber were a group from the Malcolm X Memorial Foundation from Omaha.

RECESS

At 12:07 p.m., on a motion by Senator Geist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Hilgers and Stinner who were excused; and Senators Bolz, Briese, Howard, and Pansing Brooks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB905	Revenue
LB906	Judiciary
LB907	Judiciary
LB908	Banking, Commerce and Insurance
LB909	Banking, Commerce and Insurance
LB910	Government, Military and Veterans Affairs
LB911	Government, Military and Veterans Affairs
LB912	Judiciary
LB913	Judiciary
LB914	Judiciary
LB915	Business and Labor
LB916	Appropriations
LB917	Health and Human Services
LB918	Government, Military and Veterans Affairs
LB919	Agriculture
LB920	Education
LB921	Transportation and Telecommunications
LB922	Health and Human Services
LB923	Revenue
LB924	Judiciary

LB925 Judiciary
LB926 Business and Labor
LB927 Business and Labor
LB928 Business and Labor
LB929 Banking, Commerce and Insurance
LB930 Revenue
LB931 Transportation and Telecommunications
LB932 Health and Human Services
LB933 Natural Resources
LB934 Judiciary
LB935 Government, Military and Veterans Affairs
LB936 Government, Military and Veterans Affairs
LB937 Executive Board
LR292CA Government, Military and Veterans Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to [LB147](#):
[AM2069](#)

(Amendments to Groene amendments, AM1803)

1 1. On page 2, line 10; and page 3, line 9, strike "criminally or".

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

Senator Brewer offered his amendment, [AM2064](#), found on page 224.

Senator Brewer moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

The Brewer amendment was adopted with 45 ayes, 1 nay, and 3 excused and not voting.

Senator Brewer requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Hilgers Stinner

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, and 3 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 963. Introduced by Brewer, 43; Geist, 25; Gragert, 40; Lowe, 37; McDonnell, 5; Wishart, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend section 71-7104, Reissue Revised Statutes of Nebraska, and section 48-101.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to personal injuries of first responders and frontline state employees; to provide a means of demonstrating a prima facie case of personal injury; to provide duties for the Critical Incident Stress Management Program and the Department of Health and Human Services; to require reimbursement for training as prescribed; to provide and eliminate definitions; and to repeal the original sections.

LEGISLATIVE BILL 964. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Reissue Revised Statutes of Nebraska; to provide for an acknowledgment of maternity as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to education; to establish a language assessment program for children who are deaf or hard of hearing as prescribed; to define terms; to provide duties for the Commission for the Deaf and Hard of Hearing; to provide for an advisory committee as prescribed; and to provide duties for and require submission of reports by the Commission for the Deaf and Hard of Hearing.

LEGISLATIVE BILL 966. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Wills Recognition Act (1977).

LEGISLATIVE BILL 967. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-2,137, Reissue Revised Statutes of Nebraska; to change provisions regarding bullying prevention and education; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 968. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-1,127, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska; to provide duties for the Board of Pardons related to hearings, a report, and decisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1926, Reissue Revised Statutes of Nebraska; to change provisions relating to video depositions of child victims and child witnesses; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to insurance; to limit the cost of prescription insulin drugs; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 971. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to gambling; to amend sections 9-411, 9-431, 9-507, 9-510, 9-607, and 9-803, Reissue Revised Statutes of Nebraska, and section 9-823, Revised Statutes Supplement, 2019; to redefine a lottery to include wagers made on the outcome of an authorized sporting event under the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the Nebraska County and City Lottery Act, and the State Lottery Act; to harmonize provisions; and to repeal the original sections.

CONFLICT OF INTEREST STATEMENT

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

NOTICE OF COMMITTEE HEARING(S)

Agriculture
Room 1524

Tuesday, January 21, 2020 1:30 p.m.

LB791

LB835

(Signed) Steve Halloran, Chairperson

GENERAL FILE

LEGISLATIVE BILL 287. Title read. Considered.

Committee [AM386](#), found on page 568, First Session, 2019, was offered.

Senator Hughes offered the following amendment to the committee amendment:

[AM2076](#)

(Amendments to Standing Committee amendments, AM386)

1 1. Insert the following new amendments:

2 1. Strike original sections 1, 2, and 16 and insert the following

3 new sections:

4 Section 1. Section 37-201, Revised Statutes Supplement, 2019, is

5 amended to read:

6 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and sections

7 3 and 4 of this act and the State Park System Construction Alternatives

8 Act shall be known and may be cited as the Game Law.

9 Sec. 2. Section 37-202, Revised Statutes Supplement, 2019, is

10 amended to read:

11 37-202 For purposes of the Game Law, unless the context otherwise

12 requires, the definitions found in sections 37-203 to 37-247.01 and

13 sections 3 and 4 of this act are used.

14 Sec. 16. Section 37-1214, Revised Statutes Supplement, 2019, is

15 amended to read:

16 37-1214 (1) Except as otherwise provided in section 37-1211, the

17 owner of each motorboat shall register such vessel or renew the

18 registration every three years as provided in section 37-1226. The owner

19 of such vessel shall file an initial application for a certificate of

20 number pursuant to section 37-1216 with a county treasurer on forms

21 approved and provided by the commission. The application shall be signed

22 by the owner of the vessel, shall contain the year manufactured, and

23 shall be accompanied by a registration fee for the three-year period of

24 ~~twenty-eight not less than twenty dollars and not more than twenty-three~~

25 dollars for Class 1 boats, ~~fifty-one not less than forty dollars and not~~
~~more than forty-six dollars for Class 2 boats, seventy-two not less than~~
~~1 sixty dollars and not more than sixty-seven dollars and fifty cents for~~
~~2 Class 3 boats, and not less than one hundred dollars and not more than~~
~~3 one hundred twenty fifteen dollars for Class 4 boats, as established by~~
~~4 the commission pursuant to section 37-327. Of each motorboat registration~~
~~5 fee, The owner of the motorboat shall also pay a fee established pursuant~~
~~6 to section 37-327 of not less than five dollars and not more than ten~~
~~7 dollars may be used for the Aquatic Invasive Species Program at the time~~
~~8 of registration or renewal.~~

9 (2) The owner of a motorboat not registered in Nebraska shall
10 purchase an aquatic invasive species stamp for the Aquatic Invasive
11 Species Program valid for one calendar year prior to launching into any
12 waters of the state. The cost of such one-year stamp shall be established
13 pursuant to section 37-327 and be not less than ten dollars and not more
14 than fifteen dollars plus an issuance fee pursuant to section 37-406.
15 Such one-year stamp may be purchased electronically or through any vendor
16 authorized by the commission to sell other permits and stamps issued
17 under the Game Law pursuant to section 37-406. The aquatic invasive
18 species stamp shall be permanently affixed on the starboard and rearward
19 side of the vessel. The proceeds from the sale of stamps shall be
20 remitted to the State Game Fund.

21 (3) This subsection applies beginning on an implementation date
22 designated by the Director of Motor Vehicles in cooperation with the
23 commission. The director shall designate an implementation date on or
24 before January 1, 2021, for motorboat registration. In addition to the
25 information required under subsection (1) of this section, the
26 application for registration shall contain (a)(i) the full legal name as
27 defined in section 60-468.01 of each owner or (ii) the name of each owner
28 as such name appears on the owner's motor vehicle operator's license or
29 state identification card and (b)(i) the motor vehicle operator's license
30 number or state identification card number of each owner, if applicable,
31 and one or more of the identification elements as listed in section
1 60-484 of each owner, if applicable, and (ii) if any owner is a business
2 entity, a nonprofit organization, an estate, a trust, or a church-
3 controlled organization, its tax identification number.

4 3. On page 18, line 29, strike "37-202,"; in line 30 strike
5 "37-1214,"; and in line 31 strike "section" and insert "sections 37-201,
6 37-202, and 37-1214, Revised Statutes Supplement, 2019, are repealed."
7 4. On page 19, strike line 1.

8 2. Renumber the remaining amendment accordingly.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

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

Senator Quick requested a roll call vote on the Hughes amendment, to the committee amendment.

Voting in the affirmative, 29:

Albrecht	DeBoer	Howard	McCollister	Vargas
Arch	Dorn	Hunt	McDonnell	Walz
Bostelman	Geist	Kolowski	Morfeld	Wayne
Brewer	Gragert	Kolterman	Moser	Williams
Cavanaugh	Hansen, M.	Lathrop	Pansing Brooks	Wishart
Crawford	Hilkemann	Lindstrom	Quick	

Voting in the negative, 11:

Blood	Erdman	Halloran	Murman
Brandt	Friesen	Hansen, B.	Slama
Clements	Groene	Hughes	

Present and not voting, 5:

Briese	La Grone	Linehan	Low	Scheer
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Excused and not voting, 4:

Bolz	Chambers	Hilgers	Stinner
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The Hughes amendment, to the committee amendment, was adopted with 29 ayes, 11 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee [AM386](#), as amended, was adopted with 28 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

Senator Hughes offered the following motion:

[MO114](#)

Recommit to the Natural Resources Committee.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications
Room 1113

Tuesday, January 21, 2020 1:30 p.m.

LB768

LB784

LB831

LB785

(Signed) Curt Friesen, Chairperson

Education
Room 1525

Tuesday, January 21, 2020 1:30 p.m.

LB880

LB920

(Signed) Mike Groene, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Brewer - LB582

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB322](#):
[AM2082](#)

(Amendments to Standing Committee amendments, AM271)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1419, Revised Statutes Supplement, 2019, is
4 amended to read:
5 28-1419 (1) Whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,
7 electronic nicotine delivery systems, or alternative nicotine products,
8 to any person under nineteen years of age, is guilty of a Class III
9 misdemeanor for each offense.
10 (2)(a) In order to further the public policy of deterring licensees
11 or other persons from violating subsection (1) of this section, a person
12 who is at least fifteen years of age but under nineteen years of age may
13 assist a peace officer in determining compliance with such subsection if:
14 (i) The parent or legal guardian of the person has given written
15 consent for the person to participate in such compliance check;
16 (ii) The person is an employee, a volunteer, or an intern with a
17 state or local law enforcement agency;
18 (iii) The person is acting within the scope of his or her assigned
19 duties as part of a law enforcement investigation;
20 (iv) The person does not use or consume a tobacco product as part of
21 such duties; and
22 (v) The person is not actively assigned to a diversion program, is
23 not a party to a pending criminal proceeding or a proceeding pending
24 under the Nebraska Juvenile Code, and is not on probation.
25 (b) Any person under the age of nineteen years acting in accordance
26 with and under the authority of this subsection shall not be in violation
1 of section 28-1427.
2 Sec. 2. Section 28-1427, Revised Statutes Supplement, 2019, is
3 amended to read:
4 28-1427 Except as provided in subsection (2) of section 28-1419,
5 any Any person under the age of nineteen years who obtains cigars,
6 tobacco, cigarettes, cigarette material, electronic nicotine delivery

7 systems, or alternative nicotine products from a licensee by representing
 8 that he or she is of the age of nineteen years or over is guilty of a
 9 Class V misdemeanor.
 10 Sec. 3. Original sections 28-1419 and 28-1427, Revised Statutes
 11 Supplement, 2019, are repealed.

Senator Wayne filed the following amendment to LB93:
AM2089

(Amendments to Standing Committee amendments, AM422)

1 1. On page 2, line 4, after the period insert "This subsection does
 2 not authorize intervention by a person whose parental rights to such
 3 child have been terminated by the order of any court of competent
 4 jurisdiction.".

Senator B. Hansen filed the following amendment to LB381:
AM2075

(Amendments to Standing Committee amendments, AM207)

1 1. Strike amendment 1 and insert the following new amendments:
 2 1. On page 42, line 9, before "The" insert "(1)"; in lines 9 and 11
 3 reinstate the stricken matter; strike beginning with "as" in line 12
 4 through "81-1177" in line 13 and show as stricken; and after line 13
 5 insert the following new subsection:
 6 "(2) Employees of the Legislature shall be compensated for actual
 7 expenses incurred while on the business of the Legislature.".
 8 2. On page 105, strike beginning with "Each" in line 8 through line
 9 16 and insert "Except as otherwise provided by section 50-415, each
 10 request for any meal expense incurred during travel status shall be paid
 11 or reimbursed pursuant to a percentage of the per diem rates of the
 12 federal General Services Administration for travel within the contiguous
 13 United States, the United States Department of Defense for travel within
 14 Alaska, Hawaii, or a United States territory or possession, and the
 15 United States Department of State for foreign travel, as determined by
 16 and in accordance with policies established by the Director of
 17 Administrative Services. Such percentage shall not exceed one hundred
 18 percent nor be less than sixty percent of the federal per diem rate. Any
 19 meal expense charged directly to and paid for by the state shall be
 20 identified on the request for reimbursement and deducted from the per
 21 diem based on the percentage established for the meal provided.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 972. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend section 81-2,147.03, Reissue Revised Statutes of Nebraska; to change provisions relating to percentage of germination seed testing; and to repeal the original section.

LEGISLATIVE BILL 973. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to real estate; to amend section 39-1405, Reissue Revised Statutes of Nebraska, and section 52-2001, Revised Statutes Cumulative Supplement, 2018; to adopt the Homeowner

Association Act; to provide for contracts with county boards; to provide for liens; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Revenue Committee: Linehan, 39, Chairperson; Briese, 41; Friesen, 34; Groene, 42; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to school funding; to amend sections 77-201, 77-1391, 77-5023, 79-1025, and 79-1082, Reissue Revised Statutes of Nebraska, sections 79-1001, 79-1007.11, 79-1007.18, 79-1009, 79-1015.01, 79-1016, 79-1030, 79-1098, 79-10,100, 79-10,101, 79-10,120, and 79-10,126, Revised Statutes Cumulative Supplement, 2018, and sections 77-3442, 77-3446, 79-1003, 79-1005.01, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2019; to change the valuation of property for taxes levied by school districts and multiple-district school systems; to change provisions relating to levy limitations, the base limitation, and acceptable ranges for property valuation; to change the Tax Equity and Educational Opportunities Support Act; to change provisions relating to certain school taxes and special funds; to provide for transition aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 295CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) ~~The~~ ~~Except as provided in this section, the~~ Legislature ~~may~~ shall ~~not~~ authorize, regulate, and tax any game of chance or any lottery or gift enterprise, including any game of chance, lottery, or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow the Legislature to authorize gambling subject to taxation and regulation by the Legislature.

For

Against.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB153.
Senator Slama name added to LB153.
Senator Halloran name added to LB153.
Senator McCollister name added to LB153.
Senator Quick name added to LB153.
Senator M. Hansen name added to LB942.
Senator M. Hansen name added to LB943.
Senator Hilkekmann name added to LR292CA.

VISITOR(S)

Visitors to the Chamber were a group of Nebraska veterans from across the state.

The Doctor of the Day was Dr. Christine Jeffrey from Omaha.

ADJOURNMENT

At 4:27 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 14, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 2020

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators M. Hansen and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

CONFLICT OF INTEREST STATEMENT

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

MOTION(S) - Ombudsman Appointment

Senator Hilgers offered his report, found on page 231, to move the appointment of Julie Rogers as Public Counsel (Ombudsman), pursuant to section 81-8,241.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers requested a roll call vote on the motion.

Voting in the affirmative, 46:

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

Voting in the negative, 2:

Chambers Wayne

Excused and not voting, 1:

Slama

The Hilgers motion prevailed with 46 ayes, 2 nays, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 975. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 28-377, 28-378, 28-711, 28-716, 28-719, and 28-726, Reissue Revised Statutes of Nebraska, and section 28-372, Revised Statutes Cumulative Supplement, 2018; to provide immunity for providing information or assistance in connection with an investigation, a report, or a judicial proceeding resulting from child abuse or neglect; to change provisions relating to abuse reporting; to provide for access to records relating to abuse; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 976. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-331.02, Revised Statutes Cumulative Supplement, 2018; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to child welfare; to amend section 68-1212, Revised Statutes Supplement, 2019; to change provisions relating to the case management lead agency model pilot project; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by Murman, 38; Albrecht, 17; Brandt, 32; Briese, 41; Erdman, 47; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to incarceration; to provide for reimbursement of county, city, and village jail expenses as prescribed.

LEGISLATIVE BILL 979. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Transportation for a high-speed commuter rail service study and report.

LEGISLATIVE BILL 980. Introduced by Brandt, 32; Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-426, 9-429, and 9-431, Reissue Revised Statutes of Nebraska; to change the duration of validity for a special permit; to change when the tax on gross proceeds is paid; to provide for online sales and purchases by certain payment card transactions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1507

Wednesday, January 22, 2020 1:30 p.m.

Robert Phillip Sabin - Nebraska Tourism Commission

Kyle Keeling - State Emergency Response Commission

Rod Buethe - State Emergency Response Commission

Tonya Ngotel - State Emergency Response Commission

Kimberly K. Plouzek - State Emergency Response Commission

Polly Ann Jordening - State Emergency Response Commission

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 287. Senator Hughes renewed his motion, [MO114](#), found on page 278, to recommit to the Natural Resources Committee.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 981. Introduced by Hunt, 8; Hansen, M., 26; Lathrop, 12.

A BILL FOR AN ACT relating to state contracts for services; to amend section 73-502, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for applicability of provisions to certain state constitutional offices; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Hansen, M., 26; Hunt, 8; Lathrop, 12.

A BILL FOR AN ACT relating to state officers; to amend section 84-733, Reissue Revised Statutes of Nebraska; to change the prohibition on use of state funds for advertising or promotional materials as prescribed; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,182, Revised Statutes Supplement, 2019; to change provisions relating to the point system for violations; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-1813 and 71-1599, Reissue Revised Statutes of Nebraska, and sections 3-502, 19-5205, and 19-5305, Revised Statutes Cumulative Supplement, 2018; to provide deadlines for filling vacancies on certain boards, authorities, and agencies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 985. Introduced by Pansing Brooks, 28; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-204, 28-320.01, 28-320.02, 28-929, 28-1205, 28-1212.02, 28-1212.04, 28-1463.04, and 29-2204.02, Reissue Revised Statutes of Nebraska, sections 28-201, 28-202, 28-416, 29-1816, and 83-1,122.01, Revised Statutes Cumulative Supplement, 2018, and sections 28-101, 28-105, 28-115, 28-813.01, 28-1206, and 28-1463.05, Revised Statutes

Supplement, 2019; to provide for new felony classifications; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Pansing Brooks, 28; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to postsecondary education; to prescribe requirements for publicly funded colleges and universities regarding the criminal history and juvenile court record information of applicants for admission and students.

LEGISLATIVE BILL 987. Introduced by Pansing Brooks, 28; Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, section 81-1429.02, Revised Statutes Cumulative Supplement, 2018, and section 77-2701.16, Revised Statutes Supplement, 2019; to impose sales and use taxes on dating and escort services; to provide for the use of the sales and use tax proceeds from dating and escort services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 988. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to professional services; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Supplement, 2019; to provide restrictions on business entity ownership with respect to certain professional services regulated under the Uniform Credentialing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 989. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.16 and 77-2703, Revised Statutes Supplement, 2019; to impose sales and use taxes on digital advertisements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 990. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska, section 79-1001, Revised Statutes Cumulative Supplement, 2018, and sections 9-1,101 and 77-3442, Revised Statutes Supplement, 2019; to adopt the Games of Skill Act; to redefine duties for the Department of Revenue; to provide a gambling exception for operating or participating in games of skill; to change a provision relating to the possession of gambling records; to change provisions relating to property tax levies; to change the Tax Equity and Educational Opportunities Support Act; to harmonize

provisions; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 30. Title read. Considered.

Committee [AM302](#), found on page 578, First Session, 2019, was offered.

Senator Kolterman offered his amendment, [AM2050](#), found on page 146, to the committee amendment.

The Kolterman amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 991. Introduced by Halloran, 33; Briese, 41; Murman, 38.

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-311, 28-319.01, 28-320.02, 28-833, 28-1463.04, 29-2028, and 81-1850, Reissue Revised Statutes of Nebraska, sections 42-1203 and 83-174.02, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-412, 27-413, 28-101, 28-311.11, 28-318, 28-813.01, 28-1463.05, 29-110, 29-119, 29-4003, and 83-4,143, Revised Statutes Supplement, 2019; to change provisions relating to sexual assault under the Nebraska Evidence Rules, enhanced penalties for certain sexual offenses, and sexual assault protection orders; to create the offense of child enticement by a school official by means of an electronic communication device; to create the offense of sexual assault of a student; to define and redefine terms; to prohibit enticement by electronic communication device by a school official as prescribed; to provide a statute of limitations for sexual assault of a student; to change provisions relating to corroboration of victim testimony in sexual offenses; to add registrable offenses under the Sex Offender Registration Act; to change provisions relating to the Address Confidentiality Act, victim notifications, evaluation of dangerous sex offenders, and eligibility for participation in an incarceration work camp; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Tuesday, January 21, 2020 1:30 p.m.
Anthony Goins - Department of Economic Development
LB909
LB774
LB782

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 153. Placed on Select File with amendment.

[ER137](#)

1 1. On page 1, line 2, strike beginning with "Reissue" through
2 "Nebraska" and insert "Revised Statutes Supplement, 2019".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilgers name added to LB153.
Senator Hilkemann name added to LB752.
Senator McCollister name added to LB946.
Senator McCollister name added to LB949.
Senator Howard name added to LR294.

VISITOR(S)

Visitors to the Chamber were Allen Beermann, Jim Timm, and Dennis DeRossett; and Steve Jordon, Mike Holmes, Bridget Weide-Brooks, and Roger Humphries from Omaha.

RECESS

At 11:40 a.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Linehan, and Wishart who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB746	Transportation and Telecommunications
LB813	Business and Labor
LB858	Natural Resources (rereferred)
LB879	Revenue
LB904	Natural Resources
LB938	Judiciary
LB939	Banking, Commerce and Insurance
LB940	Judiciary
LB941	Judiciary
LB942	Transportation and Telecommunications
LB943	General Affairs
LB944	Transportation and Telecommunications
LB945	Judiciary
LB946	Revenue
LB947	Transportation and Telecommunications
LB948	Banking, Commerce and Insurance
LB949	Banking, Commerce and Insurance
LB950	Education
LB951	Judiciary
LB952	Revenue
LB953	Agriculture
LB954	Banking, Commerce and Insurance
LB955	Health and Human Services
LB956	Health and Human Services
LB957	Urban Affairs
LB958	Judiciary
LB959	Judiciary
LB960	Urban Affairs
LB961	Transportation and Telecommunications
LB962	Business and Labor
LB963	Business and Labor
LB964	Judiciary
LB965	Education
LB966	Judiciary
LB967	Education
LB968	Judiciary
LB969	Judiciary
LB970	Banking, Commerce and Insurance

LB971 General Affairs
 LB972 Agriculture
 LB973 Banking, Commerce and Insurance
 LB974 Revenue
 LR285CA General Affairs
 LR294 Natural Resources
 LR295CA General Affairs

(Signed) Mike Hilgers, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Committee [AM422](#), found on page 591, First Session, 2019, was offered.

Senator Wayne offered his amendment, [AM2089](#), found on page 280, to the committee amendment.

The Wayne amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, 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 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Committee [AM430](#), found on page 592, First Session, 2019, was offered.

Senator Morfeld withdrew his amendment, [AM2066](#), found on page 229.

Senator Morfeld offered the following amendment to the committee amendment:

[AM2093](#)

(Amendments to Standing Committee amendments, AM430)

- 1 1. On page 2, line 5; and page 3, line 28, strike "or" and insert
- 2 "and".
- 3 2. On page 2, line 6, strike "ethical".
- 4 3. On page 3, line 29, after "standards" insert "as set forth in the
- 5 Society of Professional Journalists' Code of Ethics as such code existed
- 6 on January 1, 2020".

The Morfeld amendment was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 2 nays,

15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 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 992. Introduced by Friesen, 34; Bostelman, 23.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109.01, 86-127, and 86-577, Reissue Revised Statutes of Nebraska, and sections 86-579 and 86-1102, Revised Statutes Cumulative Supplement, 2018; to adopt the Broadband Internet Service Infrastructure Act; to state legislative intent; to provide for a state broadband coordinator; to provide duties for the Public Service Commission and Nebraska Library Commission as prescribed; to create the Nebraska E-Rate Special Construction Matching Fund Program; to change provisions relating to the lease of dark fiber; to terminate a fund; to provide a term of service for certain Rural Broadband Task Force members; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-580, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 993. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to city manager plan of government; to amend section 32-538, Revised Statutes Supplement, 2019; to change provisions relating to the number of members of the city council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 994. Introduced by Murman, 38; Cavanaugh, 6.

A BILL FOR AN ACT relating to health; to adopt the Organ Transplant Fairness Act.

LEGISLATIVE BILL 995. Introduced by Gragert, 40; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Commission on Public Advocacy for Legal Education for Public Service and Rural Practice Loan Repayment Assistance aid; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Monday, January 27, 2020 1:30 p.m.

LB902
LB775
LB908
LB939

Tuesday, January 28, 2020 1:30 p.m.

LB764
LB852
LB853
LB854

(Signed) Matt Williams, Chairperson

Health and Human Services
Room 1510

Wednesday, January 22, 2020 1:30 p.m.

Gary J. Anthonie - Division of Public Health - Department of Health and
Human Services

LB836
LB825
LB753

(Signed) Sara Howard, Chairperson

Revenue
Room 1524

Wednesday, January 22, 2020 1:30 p.m.

LB974

(Signed) Lou Ann Linehan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 296. Introduced by Clements, 2; Erdman, 47; Hughes, 44; Lowe, 37.

WHEREAS, Dwight L. Clements was born in Elmwood on January 19, 1920; and

WHEREAS, his father, Guy, grandfather, Byron, and great grandfather, John were also from Elmwood; and

WHEREAS, John Clements staked claim to a homestead near Elmwood in 1868; and

WHEREAS, in 1938, Dwight graduated from Elmwood High School and went on to attend the University of Nebraska; and

WHEREAS, Dwight then joined the Army during World War II. Beginning in 1943, Dwight served as platoon sergeant with the Army Combat Engineers, building bridges across rivers on the border between France and Germany as the Germans retreated and continuing until the war ended in 1945. Dwight left the Army with an honorable discharge in February 1946; and

WHEREAS, Dwight returned to the University of Nebraska and graduated from law school in 1947; and

WHEREAS, Dwight married Marjory Horstman in June of 1948, the couple raised three sons, Greg, Richard, and Robert, and were married for seventy-one years before Marjory passed away in 2019; and

WHEREAS, Dwight practiced law in Elmwood while working at American Exchange Bank. He eventually became president of the bank where he worked for fifty years; and

WHEREAS, Dwight turns one hundred years old on January 19, 2020.

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

1. That the Legislature congratulates Dwight Clements on the celebration of his one hundredth birthday.
2. That a copy of this resolution be sent to Dwight Clements.

Laid over.

MOTION(S) - Print in Journal

Senator Bolz filed the following motion to LB904:

MO115

Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 230. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Committee [AM450](#), found on page 594, First Session, 2019, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

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

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 322. Title read. Considered.

Committee [AM271](#), found on page 598, First Session, 2019, was offered.

Senator Crawford offered her amendment, [AM2082](#), found on page 279, to the committee amendment.

The Crawford amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 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 996. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Revised Statutes Supplement, 2019; to create the Broadband Data Improvement Program; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to insurance; to adopt the Out-of-Network

Emergency Medical Care Act; and to provide an operative date.

LEGISLATIVE BILL 998. Introduced by Murman, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, sections 9-812, 79-2,144, 79-1001, and 79-1007.11, Revised Statutes Cumulative Supplement, 2018, and section 79-1017.01, Revised Statutes Supplement, 2019; to transfer money; to create a fund; to provide duties; to require behavioral awareness and intervention training and behavioral awareness and intervention points of contact as prescribed; to change the Tax Equity and Educational Opportunities Support Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 23-3402, 23-3404, 29-3906, 29-3911, 29-3918, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Cumulative Supplement, 2018; to require cities and villages to pay for the cost of appointed counsel for indigent defendants and juveniles in prosecutions of and adjudications for violations of city or village ordinances; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications
Room 1525

Friday, January 24, 2020 12:00 p.m.

Jerome A. Fagerland - State Highway Commission

James W. Hawks - State Highway Commission

Douglas Leafgreen - State Highway Commission

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB68:

[AM2097](#)

(Amendments to Standing Committee amendments, AM334)

1 1. Strike amendments 1 and 2 and insert the following new amendment:

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

3 sections:

4 Section 1. Section 19-4021, Revised Statutes Supplement, 2019, is

5 amended to read:

6 19-4021 The mayor, with the approval of the city council, shall

7 appoint a business improvement board consisting of property owners,

8 residents, business operators, or users of space within the business area
9 to be improved. The boundaries of the business area shall be declared by
10 resolution of the city council at or prior to the time of the appointment
11 of the business improvement board. The business improvement board shall
12 make recommendations to the city council for the establishment of a plan
13 or plans for improvements in the business area. If it is found that the
14 improvements to be included in one business area offer benefits that
15 cannot be equitably assessed together under the Business Improvement
16 District Act, more than one business improvement district as part of the
17 same plan for improvements for that business area may be proposed. The
18 business improvement board may make recommendations to the city as to the
19 use of any occupation tax funds collected, and may administer such funds
20 if so directed by the mayor and city council. The business improvement
21 board shall also review and make recommendations to the city regarding
22 changing expansion of the boundaries or the functions or ordinance
23 provisions of the business improvement district under sections 19-4029.02
24 to 19-4029.05.

25 Sec. 2. Section 19-4027, Revised Statutes Supplement, 2019, is
26 amended to read:

1 19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,
2 the city council shall:

3 (1) Hear all protests and receive evidence for or against the
4 proposed action;

5 (2) Rule upon all written protests received prior to the close of
6 the hearing, which ruling shall be final; and

7 (3) Continue the hearing from time to time as the city council may
8 deem necessary.

9 If a special assessment is to be used, proceedings shall terminate
10 if written protest is made prior to the close of the hearing by the
11 record owners of over fifty percent of the assessable units in the
12 proposed business improvement district. If an occupation tax is to be
13 used, proceedings shall terminate if protest is made by users of over
14 fifty percent of the space in the proposed business improvement district.

15 Sec. 3. Section 19-4029.01, Revised Statutes Supplement, 2019, is
16 amended to read:

17 19-4029.01 (1) At least ten days prior to the date of any hearing
18 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of
19 such hearing shall be given by:

20 (a) One publication of the notice of hearing in a legal newspaper in
21 or of general circulation in the city;

22 (b) Mailing a copy of the notice of hearing to each owner of taxable
23 property in the proposed, modified, or expanded business improvement
24 district as shown on the latest tax rolls of the county treasurer for
25 such county;

26 (c) Providing a copy of the notice of hearing to any neighborhood
27 association registered pursuant to subsection (2) of this section in the
28 manner requested by such neighborhood association; and

29 (d) If an occupation tax is to be imposed, mailing a copy of the
30 notice of hearing to each user of space in the proposed, modified, or
31 expanded business improvement district.

1 (2) The notice required by subdivision (1)(c) of this section shall
2 be provided to any neighborhood association which is registered pursuant
3 to this subsection and whose area of representation is located, in whole
4 or in part, within a one-mile radius of the existing or proposed,
5 modified, or expanded boundaries of the business improvement district.

6 Each neighborhood association desiring to receive such notice shall
7 register with the city the area of representation of such association and
8 provide the name of and contact information for the individual designated
9 to receive notice on behalf of such association and the requested manner
10 of service, whether by email or first-class or certified mail. The

11 registration shall be in accordance with any rules and regulations
12 adopted and promulgated by the city.

13 (3) Any notice of hearing for any hearing required by sections
14 19-4026 and section 19-4029 shall contain the following information:

15 (a) A description of the boundaries of the proposed business
16 improvement district;

17 (b) The time and place of a hearing to be held by the city council
18 to consider establishment of the business improvement district;

19 (c) The proposed public facilities and improvements to be made or
20 maintained within any business improvement district; and

21 (d) The proposed or estimated costs for improvements and facilities
22 within the proposed business improvement district and the method by which
23 the revenue shall be raised. If a special assessment is proposed, the
24 notice shall also state the proposed method of assessment.

25 (4) Any notice of hearing for any hearing required by sections
26 19-4029.02 and 19-4029.03 shall contain the following information:

27 (a) A description of the boundaries of the area to be added to or
28 removed from the existing business improvement district and a description
29 of the new boundaries of the modified business improvement district;

30 (b) The time and place of a hearing to be held by the city council
31 to consider establishment of the modified business improvement district;

1 (c) The new public facilities and improvements, if any, to be made
2 or maintained within any business improvement district; and

3 (d) The proposed or estimated costs for new and existing
4 improvements and facilities within the proposed, modified, or expanded
5 business improvement district and the method by which the revenue shall
6 be raised. If a special assessment is proposed, the notice shall also
7 state the proposed method of assessment.

8 Sec. 4. Section 19-4029.02, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 19-4029.02 Upon receiving a the recommendation to change expand the
11 boundaries or the functions or ordinance provisions of an existing
12 business improvement district from the business improvement board, the
13 city council may change expand the boundaries or the functions or
14 ordinance provisions of one or more business improvement districts by
15 adopting an ordinance to that effect expand the boundaries of a district
16 or districts. Prior to adopting the ordinance, a hearing shall be held to
17 consider the ordinance.

18 Sec. 5. Section 19-4029.03, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 19-4029.03 If a ~~In the event that~~ the city council has not acted to
21 call a hearing to change the expand district boundaries or the functions
22 or ordinance provisions of an existing business improvement district as
23 provided in section 19-4029.02, it shall do so when presented with a
24 petition signed (1) by the users of thirty percent of space in a business
25 area proposed to be added to or removed from an existing business
26 improvement district where an occupation tax is imposed, (2) ~~or~~ by the
27 record owners of thirty percent of the assessable front footage in a
28 portion of a business area proposed to be added to or removed from an
29 existing business improvement district, or (3) if the recommendation is
30 to change the functions or ordinance provisions of an existing business
31 improvement district, by the record owners of thirty percent of the
1 existing business improvement district.

2 Sec. 6. Section 19-4029.04, Revised Statutes Supplement, 2019, is
3 amended to read:

4 19-4029.04 Whenever a hearing is held to change the expand business
5 improvement district boundaries or the functions or ordinance provisions
6 of an existing business improvement district under section 19-4029.02 or
7 19-4029.03, the city council shall:

8 (1) Hear all protests and receive evidence for or against the

9 proposed action;

10 (2) Rule upon all written protests received prior to the close of
11 the hearing, which ruling shall be final; and

12 (3) Continue the hearing from time to time as the city council may
13 deem necessary.

14 If a special assessment is to be used, proceedings shall terminate
15 if written protest is made prior to the close of the hearing by the
16 record owners of over fifty percent of the assessable units in the
17 modified business improvement district as proposed. If an occupation tax
18 is to be used, proceedings shall terminate if protest is made by users of
19 over fifty percent of space in the modified business improvement district
20 as proposed.

21 Sec. 7. Section 19-4029.05, Revised Statutes Supplement, 2019, is
22 amended to read:

23 19-4029.05 (1) The city council, following a hearing under section
24 19-4029.02 or 19-4029.03, may ~~change~~ ~~expand~~ the boundaries or the
25 functions or ordinance provisions of any business improvement district or
26 districts. If the city council decides to ~~change~~ ~~expand~~ the boundaries or
27 the functions or ordinance provisions of any business improvement
28 district or districts, it shall adopt an ordinance to that effect. This
29 ordinance shall contain the following information:

30 (a) ~~(1)~~ The name of the business improvement district whose
31 boundaries, functions, or ordinance provisions will be ~~changed~~ ~~expanded~~;

1 (b) ~~(2)~~ A statement that notice of hearing was given, including the
2 date or dates on which it was given, in accordance with section
3 19-4029.01;

4 (c) ~~(3)~~ The time and place the hearing was held concerning the new
5 boundaries or ~~changed~~ functions or ordinance provisions of the business
6 improvement district;

7 (d) ~~(4)~~ The purposes of the ~~changed~~ boundary, functions, or
8 ordinance provisions ~~expansion~~ and any new public improvements and
9 facilities to be included in the business improvement district;

10 (e) ~~(5)~~ The description of the ~~changed~~ new boundaries, functions, or
11 ordinance provisions of the business improvement district;

12 (f) ~~(6)~~ A statement that the businesses and users of space in the
13 modified business improvement district established by the ordinance shall
14 be subject to the general business occupation tax or that the real
15 property in the modified business improvement district will be subject to
16 the special assessment authorized by the Business Improvement District
17 Act;

18 (g) ~~(7)~~ The proposed method of assessment to be imposed within the
19 business improvement district or the initial rate of the occupation tax
20 to be imposed; and

21 (h) ~~(8)~~ Any penalties to be imposed for failure to pay the tax or
22 special assessment.

23 (2) The ordinance shall recite that the method of raising revenue
24 shall be fair and equitable. In the use of a general occupation tax, the
25 tax shall be based primarily on the square footage of the owner's and
26 user's place of business. In the use of a special assessment, the
27 assessment shall be based upon the special benefit to the property within
28 the business improvement district.

29 Sec. 8. Original sections 19-4029.02 and 19-4029.03, Revised
30 Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027,
31 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement,
1 2019, are repealed.

Senator Vargas filed the following amendment to LB477:
AM2098

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2716, Revised Statutes Supplement, 2019, is
4 amended to read:
5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:
8 (a)(i) There shall be subtracted interest or dividends received by
9 the owner of obligations of the United States and its territories and
10 possessions or of any authority, commission, or instrumentality of the
11 United States to the extent includable in gross income for federal income
12 tax purposes but exempt from state income taxes under the laws of the
13 United States; and
14 (ii) There shall be subtracted interest received by the owner of
15 obligations of the State of Nebraska or its political subdivisions or
16 authorities which are Build America Bonds to the extent includable in
17 gross income for federal income tax purposes;
18 (b) There shall be subtracted that portion of the total dividends
19 and other income received from a regulated investment company which is
20 attributable to obligations described in subdivision (a) of this
21 subsection as reported to the recipient by the regulated investment
22 company;
23 (c) There shall be added interest or dividends received by the owner
24 of obligations of the District of Columbia, other states of the United
25 States, or their political subdivisions, authorities, commissions, or
26 instrumentalities to the extent excluded in the computation of gross
27 income for federal income tax purposes except that such interest or
28 dividends shall not be added if received by a corporation which is a
29 regulated investment company;
30 (d) There shall be added that portion of the total dividends and
31 other income received from a regulated investment company which is
32 attributable to obligations described in subdivision (c) of this
33 subsection and excluded for federal income tax purposes as reported to
34 the recipient by the regulated investment company; and
35 (e)(i) Any amount subtracted under this subsection shall be reduced
36 by any interest on indebtedness incurred to carry the obligations or
37 securities described in this subsection or the investment in the
38 regulated investment company and by any expenses incurred in the
39 production of interest or dividend income described in this subsection to
40 the extent that such expenses, including amortizable bond premiums, are
41 deductible in determining federal taxable income.
42 (ii) Any amount added under this subsection shall be reduced by any
43 expenses incurred in the production of such income to the extent
44 disallowed in the computation of federal taxable income.
45 (2) There shall be allowed a net operating loss derived from or
46 connected with Nebraska sources computed under rules and regulations
47 adopted and promulgated by the Tax Commissioner consistent, to the extent
48 possible under the Nebraska Revenue Act of 1967, with the laws of the
49 United States. For a resident individual, estate, or trust, the net
50 operating loss computed on the federal income tax return shall be
51 adjusted by the modifications contained in this section. For a
52 nonresident individual, estate, or trust or for a partial-year resident
53 individual, the net operating loss computed on the federal return shall
54 be adjusted by the modifications contained in this section and any
55 carryovers or carrybacks shall be limited to the portion of the loss
56 derived from or connected with Nebraska sources.
57 (3) There shall be subtracted from federal adjusted gross income for
58 all taxable years beginning on or after January 1, 1987, the amount of

1 any state income tax refund to the extent such refund was deducted under
2 the Internal Revenue Code, was not allowed in the computation of the tax
3 due under the Nebraska Revenue Act of 1967, and is included in federal
4 adjusted gross income.

5 (4) Federal adjusted gross income, or, for a fiduciary, federal
6 taxable income shall be modified to exclude the portion of the income or
7 loss received from a small business corporation with an election in
8 effect under subchapter S of the Internal Revenue Code or from a limited
9 liability company organized pursuant to the Nebraska Uniform Limited
10 Liability Company Act that is not derived from or connected with Nebraska
11 sources as determined in section 77-2734.01.

12 (5) There shall be subtracted from federal adjusted gross income or,
13 for corporations and fiduciaries, federal taxable income dividends
14 received or deemed to be received from corporations which are not subject
15 to the Internal Revenue Code.

16 (6) There shall be subtracted from federal taxable income a portion
17 of the income earned by a corporation subject to the Internal Revenue
18 Code of 1986 that is actually taxed by a foreign country or one of its
19 political subdivisions at a rate in excess of the maximum federal tax
20 rate for corporations. The taxpayer may make the computation for each
21 foreign country or for groups of foreign countries. The portion of the
22 taxes that may be deducted shall be computed in the following manner:

23 (a) The amount of federal taxable income from operations within a
24 foreign taxing jurisdiction shall be reduced by the amount of taxes
25 actually paid to the foreign jurisdiction that are not deductible solely
26 because the foreign tax credit was elected on the federal income tax
27 return;

28 (b) The amount of after-tax income shall be divided by one minus the
29 maximum tax rate for corporations in the Internal Revenue Code; and

30 (c) The result of the calculation in subdivision (b) of this
31 subsection shall be subtracted from the amount of federal taxable income
1 used in subdivision (a) of this subsection. The result of such
2 calculation, if greater than zero, shall be subtracted from federal
3 taxable income.

4 (7) Federal adjusted gross income shall be modified to exclude any
5 amount repaid by the taxpayer for which a reduction in federal tax is
6 allowed under section 1341(a)(5) of the Internal Revenue Code.

7 (8)(a) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be reduced, to the extent
9 included, by income from interest, earnings, and state contributions
10 received from the Nebraska educational savings plan trust created in
11 sections 85-1801 to 85-1817 and any account established under the
12 achieving a better life experience program as provided in sections
13 77-1401 to 77-1409.

14 (b) Federal adjusted gross income or, for corporations and
15 fiduciaries, federal taxable income shall be reduced by any contributions
16 as a participant in the Nebraska educational savings plan trust or
17 contributions to an account established under the achieving a better life
18 experience program made for the benefit of a beneficiary as provided in
19 sections 77-1401 to 77-1409, to the extent not deducted for federal
20 income tax purposes, but not to exceed five thousand dollars per married
21 filing separate return or ten thousand dollars for any other return. With
22 respect to a qualified rollover within the meaning of section 529 of the
23 Internal Revenue Code from another state's plan, any interest, earnings,
24 and state contributions received from the other state's educational
25 savings plan which is qualified under section 529 of the code shall
26 qualify for the reduction provided in this subdivision. For contributions
27 by a custodian of a custodial account including rollovers from another
28 custodial account, the reduction shall only apply to funds added to the
29 custodial account after January 1, 2014.

30 (c) Federal adjusted gross income or, for corporations and
31 fiduciaries, federal taxable income shall be increased by:

1 (i) The amount resulting from the cancellation of a participation
2 agreement refunded to the taxpayer as a participant in the Nebraska
3 educational savings plan trust to the extent previously deducted under
4 subdivision (8)(b) of this section; and

5 (ii) The amount of any withdrawals by the owner of an account
6 established under the achieving a better life experience program as
7 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
8 extent previously deducted under subdivision (8)(b) of this section.

9 (9)(a) For income tax returns filed after September 10, 2001, for
10 taxable years beginning or deemed to begin before January 1, 2006, under
11 the Internal Revenue Code of 1986, as amended, federal adjusted gross
12 income or, for corporations and fiduciaries, federal taxable income shall
13 be increased by eighty-five percent of any amount of any federal bonus
14 depreciation received under the federal Job Creation and Worker
15 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
16 under section 168(k) or section 1400L of the Internal Revenue Code of
17 1986, as amended, for assets placed in service after September 10, 2001,
18 and before December 31, 2005.

19 (b) For a partnership, limited liability company, cooperative,
20 including any cooperative exempt from income taxes under section 521 of
21 the Internal Revenue Code of 1986, as amended, limited cooperative
22 association, subchapter S corporation, or joint venture, the increase
23 shall be distributed to the partners, members, shareholders, patrons, or
24 beneficiaries in the same manner as income is distributed for use against
25 their income tax liabilities.

26 (c) For a corporation with a unitary business having activity both
27 inside and outside the state, the increase shall be apportioned to
28 Nebraska in the same manner as income is apportioned to the state by
29 section 77-2734.05.

30 (d) The amount of bonus depreciation added to federal adjusted gross
31 income or, for corporations and fiduciaries, federal taxable income by
1 this subsection shall be subtracted in a later taxable year. Twenty
2 percent of the total amount of bonus depreciation added back by this
3 subsection for tax years beginning or deemed to begin before January 1,
4 2003, under the Internal Revenue Code of 1986, as amended, may be
5 subtracted in the first taxable year beginning or deemed to begin on or
6 after January 1, 2005, under the Internal Revenue Code of 1986, as
7 amended, and twenty percent in each of the next four following taxable
8 years. Twenty percent of the total amount of bonus depreciation added
9 back by this subsection for tax years beginning or deemed to begin on or
10 after January 1, 2003, may be subtracted in the first taxable year
11 beginning or deemed to begin on or after January 1, 2006, under the
12 Internal Revenue Code of 1986, as amended, and twenty percent in each of
13 the next four following taxable years.

14 (10) For taxable years beginning or deemed to begin on or after
15 January 1, 2003, and before January 1, 2006, under the Internal Revenue
16 Code of 1986, as amended, federal adjusted gross income or, for
17 corporations and fiduciaries, federal taxable income shall be increased
18 by the amount of any capital investment that is expensed under section
19 179 of the Internal Revenue Code of 1986, as amended, that is in excess
20 of twenty-five thousand dollars that is allowed under the federal Jobs
21 and Growth Tax Act of 2003. Twenty percent of the total amount of
22 expensing added back by this subsection for tax years beginning or deemed
23 to begin on or after January 1, 2003, may be subtracted in the first
24 taxable year beginning or deemed to begin on or after January 1, 2006,
25 under the Internal Revenue Code of 1986, as amended, and twenty percent
26 in each of the next four following tax years.

27 (11)(a) For taxable years beginning or deemed to begin before

28 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
29 federal adjusted gross income shall be reduced by contributions, up to
30 two thousand dollars per married filing jointly return or one thousand
31 dollars for any other return, and any investment earnings made as a
1 participant in the Nebraska long-term care savings plan under the Long-
2 Term Care Savings Plan Act, to the extent not deducted for federal income
3 tax purposes.

4 (b) For taxable years beginning or deemed to begin before January 1,
5 2018, under the Internal Revenue Code of 1986, as amended, federal
6 adjusted gross income shall be increased by the withdrawals made as a
7 participant in the Nebraska long-term care savings plan under the act by
8 a person who is not a qualified individual or for any reason other than
9 transfer of funds to a spouse, long-term care expenses, long-term care
10 insurance premiums, or death of the participant, including withdrawals
11 made by reason of cancellation of the participation agreement, to the
12 extent previously deducted as a contribution or as investment earnings.

13 (12) There shall be added to federal adjusted gross income for
14 individuals, estates, and trusts any amount taken as a credit for
15 franchise tax paid by a financial institution under sections 77-3801 to
16 77-3807 as allowed by subsection (5) of section 77-2715.07.

17 (13)(a) For taxable years beginning or deemed to begin on or after
18 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
19 federal adjusted gross income shall be reduced by the amount received as
20 benefits under the federal Social Security Act which are included in the
21 federal adjusted gross income if:

22 (i) For taxpayers filing a married filing joint return, federal
23 adjusted gross income is fifty-eight thousand dollars or less; or

24 (ii) For taxpayers filing any other return, federal adjusted gross
25 income is forty-three thousand dollars or less.

26 (b) For taxable years beginning or deemed to begin on or after
27 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
28 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
29 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
30 individual income tax brackets under subsection (3) of section
31 77-2715.03.

1 (14) For taxable years beginning or deemed to begin on or after
2 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an
3 individual may make a one-time election within two calendar years after
4 the date of his or her retirement from the military to exclude income
5 received as a military retirement benefit by the individual to the extent
6 included in federal adjusted gross income and as provided in this
7 subsection. The individual may elect to exclude forty percent of his or
8 her military retirement benefit income for seven consecutive taxable
9 years beginning with the year in which the election is made or may elect
10 to exclude fifteen percent of his or her military retirement benefit
11 income for all taxable years beginning with the year in which he or she
12 turns sixty-seven years of age. For purposes of this subsection, military
13 retirement benefit means retirement benefits that are periodic payments
14 attributable to service in the uniformed services of the United States
15 for personal services performed by an individual prior to his or her
16 retirement.

17 (15) For taxable years beginning or deemed to begin on or after
18 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
19 federal adjusted gross income shall be reduced by the amount received as
20 a Segal AmeriCorps Education Award, to the extent such amount is included
21 in federal adjusted gross income.

22 Sec. 2. Original section 77-2716, Revised Statutes Supplement,
23 2019, is repealed.

VISITOR(S)

Visitors to the Chamber were Thelma Whitewater and Garan Coons; and Ilene Grossman and Tim Anderson from the Council of State Governments.

The Doctor of the Day was Drs. John Hallgren and Luke Lisherness from Omaha.

MOTION - Adjournment

Senator Slama moved to adjourn until 9:00 a.m., Wednesday, January 15, 2020.

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

The Slama motion to adjourn prevailed with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting, and at 4:13 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 15, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 2020

PRAYER

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann Catholic Church, Omaha.

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 Wayne who was excused; and Senators La Grone, Pansing Brooks, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION(S) - Withdraw LB904

Senator Bolz offered her motion, [MO115](#), found on page 296, to withdraw LB904.

The Bolz motion to withdraw the bill prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1000. Introduced by Blood, 3.

A BILL FOR AN ACT relating to gambling; to direct registration fees collected in relation to the regulation of fantasy contests to professional development for the early childhood care and education workforce; to create a fund; and to provide duties.

LEGISLATIVE BILL 1001. Introduced by Crawford, 45; Lowe, 37.

A BILL FOR AN ACT relating to education; to require hotline phone numbers on student identification cards for middle school, high school, and postsecondary students as prescribed; and to harmonize provisions.

LEGISLATIVE BILL 1002. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-7436 and 71-7444, Reissue Revised Statutes of Nebraska; to change provisions relating to wholesale drug distribution for emergency medical services; to redefine terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1003. Introduced by Walz, 15.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-405.01, Revised Statutes Cumulative Supplement, 2018; to provide annexation powers for purposes of relocation due to catastrophic flooding; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for parole; and to repeal the original section.

LEGISLATIVE BILL 1005. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-401, 32-502, 32-503, 32-506, 32-507, 32-509, 32-605, 32-611, 32-612, 32-619.01, 32-623, 32-627, 32-702, 32-716, 32-720, 32-801, 32-809, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-912, Reissue Revised Statutes of Nebraska, and sections 32-312 and 32-610, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to nomination and election of certain partisan candidates as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1006. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment summonses; and to repeal the original section.

LEGISLATIVE BILL 1007. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section

29-1822, Revised Statutes Cumulative Supplement, 2018, and section 29-1823, Revised Statutes Supplement, 2019; to change provisions relating to competency to stand trial and competency to be sentenced; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525

Wednesday, January 22, 2020 1:30 p.m.
James W. Hawks - Environmental Quality Council
LB802
LB858

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Lindstrom filed the following motion to LB765:
[MO116](#)
Withdraw bill.

MOTION - Escort Governor

Senator Hughes moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Albrecht, Crawford, Geist, Howard, and Linehan to serve on said committee.

STATE OF THE STATE ADDRESS

“Through it all, Nebraskans showed the world what it truly means to be Nebraska Strong.”

“Property tax relief remains the top priority for the people of Nebraska and it’s my number one priority.”

“Our work in the coming days will take a spirit of collaboration and cooperation for each of us to do our part to keep Nebraska strong.”

President Foley, Speaker Scheer, Members of the Legislature, Distinguished Guests, Friends, Fellow Nebraskans – good morning!

Congratulations on the commencement of the Second Session of the 106th Nebraska Legislature. I want to welcome each of you back to Lincoln, and I look forward to working together to keep Nebraska strong during what is certain to be a fast-paced short session. From property tax relief to flood aid, we have several important priorities that we must address.

As we enter this session, our priorities for 2020 have been shaped by events and circumstances our state has faced over the last year.

As I have said before, I believe that 2019 will be remembered as Nebraska's finest hour.

When we were faced with the most widespread and costliest natural disaster in state history, Nebraskans responded with heroic grit, determination, resilience, and generosity.

For 318 days—from February 4th to December 19th—Nebraska had a Flood Warning, Watch, or Advisory somewhere in our state.

Through it all, Nebraskans showed the world what it truly means to be Nebraska Strong.

Nebraskans not only rescued stranded neighbors, but they also sandbagged levies, donated hay and supplies, delivered hot meals, and raised money for those who had lost everything.

Last month, the First Lady and I had the honor of presenting several of our flood heroes with a token of our state's appreciation. These men and women are ordinary Nebraskans, who recognized a need and took lifesaving action. In many cases they did this, not because it was their job, but because they cared about their neighbors and their communities.

Sadly, the flooding claimed the lives of six Nebraskans. One of those Nebraskans was James Wilke. James was a farmer from near Columbus, who sacrificed his life while volunteering to save a stranded motorist. When local emergency responders asked for his help, James answered the call, put on his boots, and got in his tractor. While driving his tractor to the rescue, the bridge he traveled over could not withstand the powerful water and collapsed. Even though God called James home earlier than any of us expected, he will forever be remembered for his selflessness and heroism. His wife Rachel and family members are here today. Please help me recognize them.

Today, I also want to recognize the amazing work of our public servants here at the State of Nebraska. They are the unsung heroes who worked around the clock organizing rescues, clearing roads, and supporting communities.

During the flooding, members of the Nebraska National Guard drove nearly 45,000 miles and put in 335 hours of flight time. Along the way, they rescued 112 people, 66 of those rescues were by helicopter hoist.

The Nebraska State Patrol made more than 160 rescues in the weeks following the blizzards and floods in March. Rescues were made using patrol units, light armored vehicles, boats, and a helicopter to reach people in danger and bring them to safety. In July, when another round of flooding struck central Nebraska, the State Patrol was among the first on the ground to help. Troopers worked side-by-side with Kearney police officers and others to evacuate hundreds of people from flooded businesses and hotels in Kearney.

At the Nebraska Department of Transportation, teammates like Rudy Novacek sacrificed countless hours to keep people safe. Rudy was escaping through floodwaters in a plow truck when he turned around to go back and assist a Nebraska State Trooper that got stranded behind him. Since the flood, the agency has helped rebuild the state by reopening and repairing 3,300 miles of state highway along with 27 bridges.

And finally, I want to recognize the team at the Nebraska Emergency Management Agency (NEMA). They helped coordinate the response across the state, supported local emergency managers, directed resources, and ran a joint information center among countless other duties. They are the best among their peers in the nation!

Please help me recognize representatives from the Nebraska National Guard, State Patrol, Department of Transportation, and NEMA, who are seated in the balcony today.

Before I elaborate further on the state of the state, I want to briefly honor State Patrol Trooper Jerry Smith who lost his life in a tragic crash last year. He was the first trooper we've lost in the line of duty in the last 20 years. From the sands of war-torn Iraq to the highways and byways of Nebraska, Trooper Smith's life was distinguished by service—a service rooted in his deep love for his family, his community, his state, and his country. While his family was not able to be here today, please help me recognize his sacrifice, and the bravery of all the great men and women who serve in our law enforcement agencies.

Even though the floodwaters subsided and communities pulled together to rebuild, the events of the last year have compounded challenges for ag producers in our state's largest industry. In addition to the flooding, we experienced several other major events. A fire at a beef processing plant in Kansas depressed beef prices and hit our ranch families hard. An irrigation tunnel collapsed in eastern Wyoming, threatening our state's sugar beet industry and hundreds of farm operations. Trade uncertainty has shifted our focus towards diversifying markets for Nebraska's ag producers. And our

continued battle to enforce a robust Renewable Fuel Standard has made for a difficult year for corn growers.

As agriculture works to power through these tough times, each of us has a duty to be a voice for our farm and ranch families whether we come from a rural background or an urban one.

Even with these challenges, Nebraska has been able to achieve several significant milestones in the last twelve months.

In spite of unprecedented flooding and other unforeseen challenges, I'm happy to report that the state of the state is strong, resilient, and growing!

In 2019, Nebraska outpaced the national rate for GDP growth.

In March, Nebraska marked the first month ever that one million unique individuals have been employed in our state.

And in October, we added over 15,000 new jobs, which is the fastest year-over-year job growth since 2015.

Our team at the State of Nebraska has been working hard to support new growth. Over the past year, we've used our four pillars of prosperity to grow Nebraska and deliver on our mission of making state government more effective, more efficient, and more customer-focused.

We have connected numerous Nebraskans with great jobs and opportunities, launched new kinds of apprenticeships with CLAAS and Graepel, expanded registered apprenticeships, and created new Developing Youth Talent Initiative programming.

We continue to lead the nation in running government like a business. In September, Harvard spotlighted the great work our Center of Operational Excellence is doing to put our customers first, cut wait times, and eliminate waste.

Together, we increased the Property Tax Credit Relief Fund by over 20 percent to \$275 million annually, or almost double what it was before I took office.

And I led trade missions to Mexico, Vietnam, Japan, and Germany to promote Nebraska's quality products and to recruit new investment to our state.

These strategies have been key in bringing great opportunities here to the Good Life. Companies such as Costco, Google, Facebook, and Veramaris invested in our state. Investments like these helped us win our third consecutive Governor's Cup award for the most new investments per capita of any state in the nation.

Before I talk about legislative priorities, I want to take a moment to make a special announcement. Nebraska is not just a leader in growing job opportunities, but also in our work in the area of child welfare. You may have noticed that my lovely wife Susanne is not here today. She is in Seattle with Casey Family Programs accepting the foundation's Jim Casey Building Communities of Hope Award on behalf of our great state. Nebraska is receiving this national award because of the incredible work that private and public agencies have been doing through the Bring Up Nebraska initiative. This work is helping produce better outcomes for our children. Thanks in part to this work, the number of children in need of foster care in Nebraska has decreased by 18 percent over the last two years, helping to keep more children and families together. Please help me thank the Nebraska Children and Families Foundation and all the incredible partners who have invested so deeply in Bring Up Nebraska, our kids, and our families!

Now, let's turn to the legislative session, and what we can do to grow our state and keep Nebraska strong. Just a short eight months ago, we collaborated together on a two-year budget that set priorities for this year and next.

With the exception of a couple emergent priorities, I expect state agencies and our partners to manage within this two-year budget. Not including property tax relief, the budget adjustments I am presenting to you today continue to control spending and limit budget growth to about 2.9 percent over the biennium.

A strong finish to the last fiscal year helped us rebuild our cash reserve and has created the opportunity for us to work on key priorities for the people of Nebraska.

In October, the state's forecasting board raised its revenue projection by \$266 million for the current and upcoming fiscal year combined.

With this fiscal framework in mind, I have four major priorities I am presenting to you today.

First, property tax relief. Property tax relief remains the top priority for the people of Nebraska and it's my number one priority. Last year, we successfully increased the Property Tax Credit Relief Fund from the state to the people of Nebraska by over 20 percent. This was a step in the right direction, but more must be done.

Today, I am recommending roughly \$500 million in property tax relief over the next three years to help our farmers, ranchers, home owners, and businesses. I will be working closely with Senator Linehan and the Revenue Committee to direct this relief in a way that will make a difference in the local property tax bills Nebraskans pay.

As we work together, I have three principles I am following: No tax increases, protect the Property Tax Credit Relief Fund, and encourage spending restraint in local governments just like we are doing at the state.

We need local spending restraint because, over the last 10 years, local governments have raised local property taxes 54 percent while inflation only grew at 17 percent.

Second, flood relief. Communities across Nebraska have been rebuilding, but there's still a long way to go. The federal government will step up to provide significant support, but the state must do our part as well. Eighty-four counties and five tribal nations have submitted over \$400 million in disaster relief projects to the Federal Emergency Management Agency.

My recommendation includes \$50 million to address the state's share of these projects and another \$9.2 million to aid the counties most severely impacted by the disaster. I am also recommending an additional \$3 million to maintain an adequate balance in the Governor's Emergency Fund, so the state is prepared to address any future events.

Third, we need to do more to retain our veterans. Veterans continue to contribute to our communities and our economy after they complete their service. Nebraska is the only state in our region whose veterans' population is declining in part because we tax retirement benefits. This week, you voted 46-0 for military retirement tax relief. I want to thank you for advancing LB 153, and encourage you to deliver this tax relief that will help us retain our veterans.

Fourth, workforce and business expansion. These twin issues need ongoing work in both the public and private sector.

Connecting the next generation of Nebraskans to great opportunities in our state is key to helping our kids make Nebraska their home. I am proposing that we invest \$16 million in scholarships for students at our community colleges, state colleges, and University system to help connect the next generation of Nebraskans with great careers in fields ranging from math and engineering to healthcare and IT.

I also want to acknowledge University of Nebraska President Ted Carter who has joined us here today – we look forward to working with you as you lay out your vision for our University system!

My recommendations also include funding for LB 720, which would refine Nebraska's business incentives. It is critical that incentives are dealt with this legislative session, so Nebraska can remain competitive nationally as we work to recruit and expand job opportunities.

And finally on the topic of workforce, I am recommending \$8 million to attract and retain quality teammates in Corrections. This will support the new agreement recently reached with the Corrections Officer union. As we implement this agreement, Director Frakes and I continue to look at next steps for the agency and what we need to do to keep our people and communities safe.

Property tax relief. Flood relief. Veterans tax relief. And growing our people and businesses. These are four ways we can keep Nebraska strong and growing in 2020.

I know that there will be tough debates. Long nights. And an unpredictable journey ahead.

But I also know that the citizen legislators gathered here today can get the job done when everyone rolls up their sleeves and works together.

Before I close, I want to recognize the State Senators who are completing their final session. Each of these individuals has devoted the last seven years to serving their district and our state. Senators Bolz, Chambers, Crawford, Howard, Kolowski, and especially Jim Scheer, who has provided tremendous leadership for the State of Nebraska as Speaker of the Legislature. Would you all please stand? Thank you for your service!

This year also marks an important milestone. It is the 100th anniversary of women's suffrage. I want to recognize all the female legislators who have stepped up to serve our state. Would you please stand and be recognized?

Once again, thank you all for your service to the people of Nebraska. Our work in the coming days will take a spirit of collaboration and cooperation for each of us to do our part to keep Nebraska strong. I look forward to the days ahead.

God bless you all and God bless the great State of Nebraska!

The committee escorted Governor Pete Ricketts from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1008. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, sections 23, 24, 49, 50, 51, 92, 98, 99, 102, 105, 110, 130, 147, 169, 170, 200, 207, 215, 216, 217, and 244; and Laws 2019, LB297, sections 31 and 43; to define and redefine terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary

education, and capital construction; to provide for transfers of funds; to require reports; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1009. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-222 and 61-224, Reissue Revised Statutes of Nebraska, and section 84-1227, Revised Statutes Supplement, 2019; to provide for transfers of funds; to repeal a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 46-752, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1010. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2019; to authorize transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1011. Introduced by Arch, 14.

A BILL FOR AN ACT relating to hospitals; to amend section 71-401, Reissue Revised Statutes of Nebraska; to provide a duty for hospitals; to provide an operative date; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 740. Title read. Considered.

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

LEGISLATIVE BILL 741. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 582. Title read. Considered.

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

LEGISLATIVE BILL 381. Title read. Considered.

Committee [AM207](#), found on page 578, First Session, 2019, was offered.

Senator B. Hansen offered his amendment, [AM2075](#), found on page 280, to the committee amendment.

The B. Hansen amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Senator Vargas offered his amendment, [AM2098](#), found on page 302.

The Vargas amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 477A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 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 1012. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to property taxes; to amend section 77-202.03, Revised Statutes Supplement, 2019; to change provisions relating to tax exemptions for property acquired by certain tax-exempt entities; and to repeal the original section.

LEGISLATIVE BILL 1013. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to tobacco; to amend section 77-2602.05, Reissue Revised Statutes of Nebraska; to change provisions relating to a cigarette tax and exempt transactions; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB848.

Senator Kolterman name added to LB853.
 Senator Kolterman name added to LB899.
 Senator Gragert name added to LB946.
 Senator M. Hansen name added to LR294.

VISITOR(S)

Visitors to the Chamber were Senator Bostelman's wife, Jan; and Paul Turman, Gary Bieganski, and John Chaney from the Nebraska State College System and state college presidents, Drs. Randy Rhine, Dan Hanson, and Marysz Rames.

RECESS

At 11:43 a.m., on a motion by Senator Halloran, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Stinner and Wayne who were excused; and Senators Friesen, B. Hansen, Hilkemann, Linehan, Morfeld, Murman, and Pansing Brooks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB886	Banking, Commerce and Insurance (rereferred)
LB975	Judiciary
LB976	Urban Affairs
LB977	Health and Human Services
LB978	Judiciary
LB979	Appropriations
LB980	General Affairs
LB981	Government, Military and Veterans Affairs
LB982	Government, Military and Veterans Affairs
LB983	Transportation and Telecommunications
LB984	Urban Affairs
LB985	Judiciary
LB986	Judiciary
LB987	Revenue
LB988	Banking, Commerce and Insurance

LB989 Revenue
LB990 General Affairs
LB991 Judiciary
LB992 Transportation and Telecommunications
LB994 Judiciary
LB995 Appropriations
LB996 Transportation and Telecommunications
LB997 Banking, Commerce and Insurance
LB998 Education
LB999 Urban Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

MESSAGE(S) FROM THE GOVERNOR

January 15, 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
reappointed to the Game and Parks Commission:

Dan C. Kreitman, 1689 County Road E, Wahoo, NE 68056

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

January 15, 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 Beginning Farmer Board:

Britt D. Anderson, 77675 Road 414, Gothenburg, NE 69138

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

NOTICE OF COMMITTEE HEARING(S)

Judiciary
Room 1113

Wednesday, January 22, 2020 1:30 p.m.

LB756
LB823
LB844
LB871
LB882
LB884
LB940

Thursday, January 23, 2020 1:30 p.m.

LB776
LB777
LB881
LB906
LB912
LB934
LB969

Friday, January 24, 2020 1:30 p.m.

LB868
LB869
LB914
LB925
LB938

LB951
LB968

(Signed) Steve Lathrop, Chairperson

Agriculture
Room 1524

Tuesday, January 28, 2020 1:30 p.m.

LB803
LB972

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator McDonnell.

GENERAL FILE

LEGISLATIVE BILL 68. Title read. Considered.

Committee [AM334](#), found on page 704, First Session, 2019, was offered.

Senator M. Hansen offered the Wayne amendment, [AM2097](#), found on page 298, to the committee amendment.

The Wayne amendment was adopted with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

The Wayne amendment, [AM1988](#), found on page 176, was withdrawn.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Committee [AM356](#), found on page 705, First Session, 2019, was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Senator Blood moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Blood requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 13:

Blood	DeBoer	Hunt	Pansing Brooks	Wishart
Cavanaugh	Hansen, M.	McDonnell	Vargas	
Crawford	Howard	Morfeld	Walz	

Voting in the negative, 17:

Albrecht	Erdman	Hughes	Moser	Williams
Brewer	Gragert	Kolterman	Murman	
Clements	Halloran	Lindstrom	Scheer	
Dorn	Hilgers	Lowe	Slama	

Present and not voting, 12:

Bolz	Chambers	Groene	Linehan
Brandt	Friesen	La Grone	McCollister
Briese	Geist	Lathrop	Quick

Excused and not voting, 7:

Arch	Hansen, B.	Kolowski	Wayne
Bostelman	Hilkemann	Stinner	

Failed to advance to Enrollment and Review Initial with 13 ayes, 17 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Thursday, January 23, 2020 1:30 p.m.

LB811

LB755

LB828

(Signed) Sara Howard, Chairperson

Government, Military and Veterans Affairs
Room 1507

Thursday, January 23, 2020 1:30 p.m.
LB890
LB763

Friday, January 24, 2020 1:30 p.m.
LB820
LB822

(Signed) Tom Brewer, Chairperson

Executive Board
Room 1507

Wednesday, January 22, 2020 12:00 p.m.
LR279CA

(Signed) Mike Hilgers, Chairperson

Transportation and Telecommunications
Room 1113

Monday, January 27, 2020 1:30 p.m.
LB944
LB931
LB761
LB842
LB983
LB830

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB310:
[AM2099](#)

(Amendments to Standing Committee amendments, AM739)

1 1. Insert the following new section:

2 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
3 amended to read:

4 77-5601 (1) From August 1, 2004, through October 31, 2004, there
5 shall be conducted a tax amnesty program with regard to taxes due and
6 owing that have not been reported to the Department of Revenue. Any
7 person applying for tax amnesty shall pay all unreported taxes that were
8 due on or before April 1, 2004. Any person that applies for tax amnesty
9 and is accepted by the Tax Commissioner shall have any penalties and
10 interest waived on unreported and delinquent taxes notwithstanding any
11 other provisions of law to the contrary.

12 (2) To be eligible for the tax amnesty provided by this section, the
13 person shall apply for amnesty within the amnesty period, file a return
14 for each taxable period for which the amnesty is requested by December
15 31, 2004, if no return has been filed, and pay in full all taxes for
16 which amnesty is sought with the return or within thirty days after the
17 application if a return was filed prior to the amnesty period. Tax
18 amnesty shall not be available for any person that is under civil or
19 criminal audit, investigation, or prosecution for unreported or
20 delinquent taxes by this state or the United States Government on or
21 before April 16, 2004.

22 (3) The department shall not seek civil or criminal prosecution
23 against any person for any taxable period for which amnesty has been
24 granted. The Tax Commissioner shall develop forms for applying for the
25 tax amnesty program, develop procedures for qualification for tax
26 amnesty, and conduct a public awareness campaign publicizing the program.

1 (4) If a person elects to participate in the amnesty program, the
2 election shall constitute an express and irrevocable relinquishment of
3 all administrative and judicial rights to challenge the imposition of the
4 tax or its amount. Nothing in this section shall prohibit the department
5 from adjusting a return as a result of any state or federal audit.

6 (5)(a) Except for any local option sales tax collected and returned
7 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
8 and compressed fuel taxes, which shall be deposited in the Highway Trust
9 Fund or Highway Allocation Fund as provided by law, no less than eighty
10 percent of all revenue received pursuant to the tax amnesty program shall
11 be deposited in the General Fund and ten percent, not to exceed five
12 hundred thousand dollars, shall be deposited in the Department of Revenue
13 Enforcement Fund. Any amount that would otherwise be deposited in the
14 Department of Revenue Enforcement Fund that is in excess of the five-
15 hundred-thousand-dollar limitation shall be deposited in the General
16 Fund.

17 (b) For fiscal year 2005-06, all proceeds in the Department of
18 Revenue Enforcement Fund shall be appropriated to the department for
19 purposes of employing investigators, agents, and auditors and otherwise
20 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

21 (c) For fiscal years after fiscal year 2005-06, twenty percent of
22 all proceeds received during the previous calendar year due to the
23 efforts of auditors and investigators hired pursuant to subdivision (5)

24 (b) of this section, not to exceed seven hundred fifty thousand dollars,
25 shall be deposited in the Department of Revenue Enforcement Fund for
26 purposes of employing investigators and auditors or continuing such
27 employment for purposes of increasing enforcement of the act.

28 (d) Ten percent of all proceeds received during each calendar year
29 due to the contracts entered into pursuant to section 77-367 shall be
30 deposited in the Department of Revenue Enforcement Fund for purposes of
31 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
1 improper or fraudulent payments.

2 (6)(a) The department shall prepare a report by April 1, 2005, and
3 by February 1 of each year thereafter detailing the results of the tax
4 amnesty program and the subsequent enforcement efforts. For the report
5 due April 1, 2005, the report shall include (i) the amount of revenue

6 obtained as a result of the tax amnesty program broken down by tax
7 program, (ii) the amount obtained from instate taxpayers and from out-of-
8 state taxpayers, and (iii) the amount obtained from individual taxpayers
9 and from business enterprises.

10 (b) For reports due in subsequent years, the report shall include
11 (i) the number of personnel hired for purposes of subdivision (5)(b) of
12 this section and their duties, (ii) a description of lists, software,
13 programming, computer equipment, and other technological methods acquired
14 and the purposes of each, and (iii) the amount of new revenue obtained as
15 a result of the new personnel and acquisitions during the prior calendar
16 year, broken down into the same categories as described in subdivision
17 (6)(a) of this section.

18 (7) The Department of Revenue Enforcement Fund is created. Transfers
19 may be made from the Department of Revenue Enforcement Fund to the
20 General Fund at the direction of the Legislature. The Department of
21 Revenue Enforcement Fund may receive transfers from the Civic and
22 Community Center Financing Fund at the direction of the Legislature for
23 the purpose of administering the Sports Arena Facility Financing
24 Assistance Act. The Department of Revenue Enforcement Fund shall include
25 any money credited to the fund (a) under section 77-2703, and such money
26 shall be used by the Department of Revenue to defray the costs incurred
27 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
28 Device Tax Act, and such money shall be used by the department to defray
29 the costs incurred to implement and enforce Laws 2019, LB538, and any
30 rules and regulations adopted and promulgated to carry out Laws 2019,
31 LB538, and (c) under section 77-2906, and such money shall be used by the
1 Department of Revenue to defray the costs incurred to implement this
2 legislative bill. Any money in the Department of Revenue Enforcement Fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 (8) For purposes of this section, taxes mean any taxes collected by
7 the department, including, but not limited to state and local sales and
8 use taxes, individual and corporate income taxes, financial institutions
9 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
10 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.
11 2. On page 3, strike lines 19 through 22 and insert:

12 "(b) A fee equal to six-tenths of one percent of the credit amount.
13 The department shall remit such fees to the State Treasurer for credit to
14 the Department of Revenue Enforcement Fund."

15 3. Renumber the remaining section and correct the repealer
16 accordingly.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 30. Placed on Select File with amendment.

[ER138](#)

- 1 1. In the Standing Committee amendments, AM302:
2 a. On page 1, line 6, after "19" insert "of this act"; and
3 b. On page 4, line 5, after the semicolon insert "and".

LEGISLATIVE BILL 93. Placed on Select File with amendment.

[ER139](#)

- 1 1. On page 1, line 1, strike "civil procedure; to amend section
2 25-328" and insert "paternity; to amend section 43-1411".

(Signed) Julie Slama, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1014. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 44-7601, 44-7603, 44-7604, 44-7605, 44-7606, 44-7612, 44-7614, and 44-7617, Reissue Revised Statutes of Nebraska; to change the Multiple Employer Welfare Arrangement Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1015. Introduced by Briese, 41.

A BILL FOR AN ACT relating to time; to amend sections 32-908, 49-1301, 49-1302, and 81-1323, Reissue Revised Statutes of Nebraska, and section 81-1328, Revised Statutes Cumulative Supplement, 2018; to provide for year-round daylight saving time as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1016. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to labor; to amend sections 48-1228 and 48-1231, Revised Statutes Cumulative Supplement, 2018, and section 48-1234, Revised Statutes Supplement, 2019; to change the Nebraska Wage Payment and Collection Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Geist, 25; Bolz, 29; Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for problem-solving courts for mental health.

LEGISLATIVE BILL 1018. Introduced by Vargas, 7; Cavanaugh, 6; Hansen, M., 26; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for local public health departments as prescribed.

GENERAL FILE

LEGISLATIVE BILL 148. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee [AM421](#), found on page 710, First Session, 2019, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

The Wayne amendment, [FA33](#), found on page 988, First Session, 2019, was withdrawn.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 594. Title read. Considered.

Committee [AM313](#), found on page 740, First Session, 2019, was offered.

Senator Brewer offered the following motion:

[MO118](#)

Recommit to the Agriculture Committee.

PRESIDENT FOLEY PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1019. Introduced by Vargas, 7; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for federally qualified health centers as prescribed.

LEGISLATIVE BILL 1020. Introduced by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Fair Housing Act; to amend sections 20-139, 20-301, 20-317, 20-318, 20-320, 20-321, 20-322, and 20-325, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to discrimination; and to repeal the original sections.

LEGISLATIVE BILL 1021. Introduced by Groene, 42.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2108, 18-2110, 18-2111, 18-2112, 18-2114, 18-2117, and 77-1704.01, Reissue Revised Statutes of Nebraska, sections 18-2109, 18-2113, 18-2115, 18-2116, 18-2117.01, and 18-2147, Revised Statutes Cumulative Supplement, 2018, and section 18-2101, Revised Statutes Supplement, 2019; to provide for an expedited review of certain redevelopment plans under the Community Development Law; to exempt such redevelopment plans from certain requirements; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1524

Monday, January 27, 2020 1:30 p.m.

LB888

LB963

LB846

LB926

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Linehan name added to LB903.

Senator Wayne name added to LB924.

WITHDRAW - Cointroducer(s)

Senator Hunt name withdrawn from LB934.

VISITOR(S)

The Doctor of the Day was Dr. Patrick Hotovy from York.

ADJOURNMENT

At 4:56 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Thursday, January 16, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 16, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 2020

PRAYER

The prayer was offered by Pastor Albert Longe, Oxford United Methodist Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Moser and Wayne who were excused; and Senators Cavanaugh and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 206. Placed on Select File with amendment.

[ER140](#)

- 1 1. In the Standing Committee amendments, AM430, on page 2, line 30, 2 before "For" insert "(1)".
- 3 2. On page 1, line 4, strike "to provide immunity for schools;".

LEGISLATIVE BILL 230. Placed on Select File with amendment.

[ER141](#)

- 1 1. On page 1, strike beginning with "section" in line 1 through line 2 5 and insert "sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134.01, 3 Revised Statutes Cumulative Supplement, 2018; to change provisions and 4 provide requirements for room confinement for juveniles as prescribed; to 5 harmonize provisions; and to repeal the original sections."

(Signed) Julie Slama, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 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

Behrens, Mark A.
Nationwide Mutual Insurance Company (Withdrawn 01/15/2020)
DeRossett, Dennis M.
Nebraska Press Association
Hubly, Justin
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Strategies
Keith County Area Development
O'Hara Lindsay & Associates, Inc.
Coburn Construction, LLC
Imagine Nebraska Coalition
Schuller, Lynne
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Propane Gas Association

REPORTS

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

MOTION(S) - Withdraw LB765

Senator Lindstrom offered his motion, [MO116](#), found on page 309, to withdraw LB765.

The Lindstrom motion to withdraw the bill prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 594. Considered.

Senator Blood requested to pass over LB594.

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

Friday, January 24, 2020 1:30 p.m.

LB834

LB772

LB817

(Signed) Sara Howard, Chairperson

Education
Room 1525

Monday, January 27, 2020 1:30 p.m.

LB950

LB998

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, January 28, 2020 1:30 p.m.

LB961

LB771

LB789

(Signed) Curt Friesen, Chairperson

Natural Resources
Room 1525

Thursday, January 23, 2020 1:30 p.m.

Jeff T. Kanger - Nebraska Environmental Trust Board

LB899

LB856

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Brewer filed the following motion to [LR285CA](#):

[MO120](#)

Withdraw resolution.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1022. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to elections; to amend sections 11-119, 11-125, 11-126, 22-417, 32-207, 32-211, 32-213, 32-214, 32-217, 32-218, 32-219, 32-242, 32-555, 32-615, 32-811, 32-1049, and 32-1201, Reissue Revised Statutes of Nebraska, sections 11-105, 11-115, 23-2518, and 32-208, Revised Statutes Cumulative Supplement, 2018, and sections 23-405 and 32-101, Revised Statutes Supplement, 2019; to provide for election of election commissioners; to change and eliminate provisions related to official bonds, consolidation of county offices, deputy county clerks for elections, civil service commissions, chief deputy election commissioners, removal from office, and vacancies; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-209 and 32-210, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1023. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to special education; to amend section 79-1142, Revised Statutes Supplement, 2019; to adopt the Extraordinary Increase in Special Education Cost Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by Clements, 2.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4305, 44-4306, 44-4307, and 44-4311, Reissue Revised Statutes of Nebraska; to subject risk management pools to the Unfair Insurance Trade Practices Act; to change provisions relating to the board of directors of a risk management pool; to provide procedures for dissolution as prescribed; to provide for issuance of corrective orders; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1025. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5701, Reissue Revised Statutes of Nebraska; to create the Tax Credit Buy-Back Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1026. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 305. Title read. Considered.

Committee [AM592](#), found on page 777, First Session, 2019, was offered.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Senator Cavanaugh moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1027. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to adopt the County Court Special Proceedings Act.

LEGISLATIVE BILL 1028. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to small claims; to amend section 25-2804, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of actions in Small Claims Court; and to repeal the original sections.

LEGISLATIVE BILL 1029. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to court records; to amend sections 24-1004 and 24-1005, Reissue Revised Statutes of Nebraska; to change provisions relating to preservation of court records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section

29-2702, Reissue Revised Statutes of Nebraska; to change provisions relating to forfeited recognizances, fines, or costs; and to repeal the original section.

LEGISLATIVE BILL 1031. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2414, 30-2416, and 30-2426, Reissue Revised Statutes of Nebraska; to change provisions relating to applications and proof and findings in informal probate or appointment proceedings and petitions in formal testacy or appointment proceedings; and to repeal the original sections.

LEGISLATIVE BILL 1032. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1301 and 25-1301.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to civil judgments; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change the distribution of certain sales and use tax revenue as prescribed; to create a fund; to authorize the use of funds for certain infrastructure projects; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1034. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5735, Reissue Revised Statutes of Nebraska, and section 77-5725, Revised Statutes Supplement, 2019; to extend application deadlines; to change provisions relating to certain tax credits; to provide for the applicability of changes; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to change the number of legislative districts; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the age of majority; to amend section 43-2101, Revised Statutes Supplement, 2019; to allow persons eighteen years of age and older to make health care decisions as prescribed; to allow persons under nineteen years of age who are committed to the Department of Correctional Services to consent to mental health services, medical care, and related services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1037. Introduced by Hunt, 8; Cavanaugh, 6; Vargas, 7.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for participation in the Supplemental Nutrition Assistance Program; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Hunt, 8; Cavanaugh, 6; Vargas, 7.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Cavanaugh, 6; Hunt, 8; Vargas, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-10,137, Reissue Revised Statutes of Nebraska; to adopt the Hunger-Free Schools Act; to restate legislative findings; to eliminate provisions relating to reimbursement for school breakfast programs; to repeal the original section; and to outright repeal sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1040. Introduced by Vargas, 7; Cavanaugh, 6; Hunt, 8.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Revised Statutes Cumulative Supplement, 2018; to provide for a state food insecurity nutrition incentive grant program; to provide duties for the Department of Agriculture; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1406, Reissue Revised Statutes of Nebraska, and section 29-1407.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to grand jury transcripts; to provide for rules; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by La Grone, 49; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-3,110, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska, and sections 77-2716, 85-1802, and 85-1807, Revised Statutes Supplement, 2019; to change provisions relating to the Department

of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to redefine qualified higher education expenses for purposes of the Nebraska educational savings plan trust; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1043. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-2085, 71-2086, 71-2087, 71-2092, 71-2093, and 71-2094, Reissue Revised Statutes of Nebraska; to change provisions relating to receivers and receivership; and to repeal the original sections.

LEGISLATIVE BILL 1044. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Nutrition Therapy Practice Act; to amend section 38-1813, Reissue Revised Statutes of Nebraska; to provide for the independent provision of a therapeutic diet order; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Brandt, 32; Chambers, 11; DeBoer, 10; Dorn, 30; Friesen, 34; Halloran, 33; Hilkemann, 4; Kolowski, 31; Morfeld, 46; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to tax incentive programs; to amend sections 77-27,119, 77-27,187.02, and 77-5723, Reissue Revised Statutes of Nebraska, sections 84-602.01 and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 77-2711 and 84-602.04, Revised Statutes Supplement, 2019; to change provisions relating to the disclosure and confidentiality of information on tax incentive programs; to change the Taxpayer Transparency Act to require the posting and reporting of information relating to tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1046. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to community antenna television service; to amend sections 18-2204 and 23-386, Reissue Revised Statutes of Nebraska; to change provisions relating to certain taxes and fees on community antenna television service; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to counties; to amend section 23-1605, Revised Statutes Cumulative Supplement, 2018; to change and eliminate provisions relating to semiannual statements of county treasurers; to repeal the original section; and to outright repeal sections 23-1606 and 23-1607,

Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1048. Introduced by Quick, 35; Cavanaugh, 6; Hansen, M., 26; McCollister, 20; McDonnell, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to child abuse or neglect; to amend section 28-713.01, Reissue Revised Statutes of Nebraska, and sections 28-710 and 28-713, Revised Statutes Supplement, 2019; to provide for notification regarding child abuse or neglect to the Commissioner of Education when the subject is a school employee; to define terms; to create the offense of sexual assault by a school employee; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Supplement, 2019; to provide for participation in the federal Child Care Subsidy child care assistance program; to provide for termination of participation; to state intent regarding funding; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Coordinating Commission for Postsecondary Education for the Nebraska Opportunity Grant Program.

LEGISLATIVE BILL 1051. Introduced by Wishart, 27; Williams, 36.

A BILL FOR AN ACT relating to nursing facilities; to create a fund; to provide for grants; and to provide powers and duties.

LEGISLATIVE BILL 1052. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs not on the preferred drug list; and to repeal the original section.

NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1510

Monday, January 27, 2020 1:30 p.m.

LB943

LB798

LB980

Cameron J. Arch - Nebraska Commission on Problem Gambling

Claudia Louise Barthold - Nebraska Commission on Problem Gambling
Mark R. Canada - Nebraska Commission on Problem Gambling

(Signed) Tom Briese, Chairperson

Revenue
Room 1524

Thursday, January 23, 2020 2:30 p.m.
LB747
LB879

Friday, January 24, 2020 1:30 p.m.
LB818
LB841
LB952

(Signed) Lou Ann Linehan, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR282 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB534.
Senator Cavanaugh name added to LB748.

VISITOR(S)

Visitors to the Chamber were Gadiel Salinas from Omaha; Roberta Pinkerton and members of Leadership Nebraska Class 12 from across the state; and Deb Neary.

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

ADJOURNMENT

At 11:33 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Tuesday, January 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 21, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 2020

PRAYER

The prayer was offered by Pastor Jon Haizlip, One Life Church, Plattsmouth.

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 Kolowski who was excused; and Senators Bolz, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB973	Urban Affairs (rereferred)
LB993	Urban Affairs
LB1000	General Affairs
LB1001	Education
LB1002	Health and Human Services
LB1003	Urban Affairs
LB1004	Judiciary
LB1005	Government, Military and Veterans Affairs
LB1006	Judiciary
LB1007	Judiciary
LB1008	Appropriations
LB1009	Appropriations

LB1010	Appropriations
LB1011	Health and Human Services
LB1012	Revenue
LB1013	Revenue
LB1014	Banking, Commerce and Insurance
LB1015	Government, Military and Veterans Affairs
LB1016	Business and Labor
LB1017	Appropriations
LB1018	Appropriations
LB1019	Appropriations
LB1020	Judiciary
LB1021	Urban Affairs

Anderson, Britt D. - Beginning Farmer Board - Agriculture
 Kreitman, Dan C. - Game and Parks Commission - Natural Resources

(Signed) Mike Hilgers, Chairperson
 Executive Board

MOTION(S) - Print in Journal

Senator Blood filed the following motion to LB1000:

[MO121](#)

Withdraw bill.

Senator Erdman filed the following motion to LB947:

[MO122](#)

Withdraw bill.

MOTION(S) - Suspend Rules

Senator Kolterman offered the following motion:

Suspend Rule 5, Sec. 15(a), to permit the introduction of a new bill, Req. 4532.

The Kolterman motion to suspend the rules prevailed with 41 ayes, 0 nays, 3 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 1053. 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 Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2019; to require rules and regulations for hospital and nursing facility reimbursement rates; to

harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1054. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-932, 84-1317, 84-1320, and 84-1321, Reissue Revised Statutes of Nebraska, sections 23-2301, 23-2315, 23-2319, 24-701, 24-708, 81-2014, 81-2025, and 84-1301, Revised Statutes Cumulative Supplement, 2018, and sections 23-2317, 79-902, and 84-1319, Revised Statutes Supplement, 2019; to define required beginning date and change deferment of payment provisions under the County Employees Retirement Act, Judges Retirement Act, School Employees Retirement Act, Nebraska State Patrol Retirement Act, and State Employees Retirement Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

MOTION(S) - Withdraw LR285CA

Senator Brewer offered his motion, [MO120](#), found on page 332, to withdraw LR285CA.

The Brewer motion to withdraw the resolution prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 305. Committee [AM592](#), found on page 777, First Session, 2019, and considered on page 333, was renewed.

Senator B. Hansen offered the following amendment to the committee amendment:

[FA91](#)

Strike Sec. 9 from AM592.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?"

Senator Morfeld moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 18:

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

Voting in the negative, 25:

Albrecht	Briese	Geist	Hilgers	Moser
Arch	Clements	Gragert	Hilkemann	Murman
Bostelman	Dorn	Groene	Hughes	Scheer
Brandt	Erdman	Halloran	Lindstrom	Slama
Brewer	Friesen	Hansen, B.	Lowe	Stinner

Present and not voting, 4:

Kolterman	La Grone	Linehan	Williams
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Excused and not voting, 2:

Kolowski	Wayne
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The motion to cease debate failed with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 287, 289, 290, 291, and 293 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 287, 289, 290, 291, and 293.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 322. Placed on Select File with amendment.

[ER142](#)

1 1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 740. Placed on Select File.

LEGISLATIVE BILL 741. Placed on Select File.

LEGISLATIVE BILL 582. Placed on Select File with amendment.

[ER143](#)

1 1. on page 1, line 3, strike "possession of a stolen firearm" and
2 insert "stolen firearms; to provide a penalty".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510

Tuesday, January 28, 2020 1:30 p.m.

LB870
LB797
LB957
LB993
LB809
LB824
LB800

(Signed) Megan Hunt, Vice Chairperson

Education
Room 1525

Tuesday, January 28, 2020 1:30 p.m.

Dorothy C. Anderson - Nebraska Educational Telecommunications
Commission
Jacque Carter - Nebraska Educational Telecommunications Commission
Glenn R. Wilson - Board of Educational Lands and Funds
LB965
LB839

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 297. Introduced by Hilkemann, 4.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the Civil War and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during its two-hundred-thirty-two-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of the legislatures of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on the aforementioned resolutions, indeed may not even be aware of their contents; and

WHEREAS, the issues raised and the contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, action by the current legislatures of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened without the concurrence of two-thirds of the current legislatures; and

WHEREAS, former Chief Justice of the Supreme Court Warren E. Burger, former Associate Justice of the Supreme Court Arthur Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, thereby creating imminent peril to the well-established rights of citizens and the duties of various levels of government.

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

1. That each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States included in this resolution shall be automatically rescinded if the convention is not called on or before January 1, 2021.

2. That any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted to the Nebraska legislature during or after the current legislative session shall be automatically rescinded if the convention is not called on or before the seventh anniversary of the date the last legislative vote is taken on the application.

3. That the members of the Legislature urge the members of other state legislatures, which have previously requested for Congress to convene a constitutional convention, to establish a date at which prior applications that are no longer relevant to the state's interests will be rescinded.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR297 was referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1055. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-960, Reissue Revised Statutes of Nebraska; to change provisions relating to voting by mail in certain counties; and to repeal the original section.

LEGISLATIVE BILL 1056. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-129, and 53-134, Revised Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised Statutes Supplement, 2019; to change provisions related to farm wineries; to provide for temporary expansion of licensed premises as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to counties; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change provisions regarding appeals of decisions by county planning commissions or county boards

regarding conditional uses or special exceptions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1058. Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Population Health Information Act.

LEGISLATIVE BILL 1059. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-433, Reissue Revised Statutes of Nebraska; to change provisions relating to an application for licensure to operate a health care facility or a health care service; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Cumulative Supplement, 2018; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to the Child Protection and Family Safety Act; to amend sections 28-710.01, 43-4331, and 71-3405, Reissue Revised Statutes of Nebraska, sections 28-712 and 28-712.01, Revised Statutes Cumulative Supplement, 2018, and sections 28-710 and 28-713, Revised Statutes Supplement, 2019; to define and redefine terms; to restate intent; to change provisions relating to the handling of reports of child abuse or neglect and alternative response; to provide powers and duties for the Nebraska Children's Commission and the Department of Health and Human Services; to provide standards for the assignment or transfer of reports to alternative response or traditional response and for temporary living arrangements in non-court-involved cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-801, Reissue Revised Statutes of Nebraska; to provide for a pre-discharge reentry pilot program; to provide a termination date; to exempt the program from the Private Prison Contracting Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1063. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the State Treasurer and treasury management; to amend sections 44-2839, 60-549, 72-1250.01, 77-3,119,

77-2205, 77-27,139.04, 77-3523, 77-4212, 79-1044, 79-1047, 79-1051, 81-118, 84-617, and 86-527, Reissue Revised Statutes of Nebraska, sections 79-1035, 82-331, and 84-602, Revised Statutes Cumulative Supplement, 2018, and sections 13-518, 39-2215, 57-705, 60-396, 60-3,202, 77-2602, and 84-612, Revised Statutes Supplement, 2019; to change how certain disbursements, reimbursements, and distributions are made; to change and eliminate duties of the State Treasurer; to rename a fund; to change provisions relating to proof of financial responsibility, warrants, the distribution of cigarette tax proceeds, unused property tax credits, payments into the state treasury, and the State Treasurer Administrative Fund; to eliminate obsolete provisions, the Municipal Infrastructure Redevelopment Fund Act, a fund, and certain duties of county treasurers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-2601, 18-2602, 18-2603, 18-2604, 18-2605, 18-2606, 18-2607, 18-2608, 18-2609, 72-1005, 79-1034, and 84-621, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1064. Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, and 28-1427, Revised Statutes Supplement, 2019; to change provisions relating to the sale and use of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1065. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to prescription drugs; to amend sections 38-2871 and 71-2483, Reissue Revised Statutes of Nebraska, sections 38-2866.01, 38-2891, and 38-28,106, Revised Statutes Cumulative Supplement, 2018, and section 38-2891.01, Revised Statutes Supplement, 2019; to change provisions regarding supervision of pharmacy technicians and pharmacy interns and transfer of prescriptions between pharmacies; to provide and change powers of pharmacy technicians; to authorize communication of prescriptions for prescribing practitioners; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to school districts; to amend section 79-414, Reissue Revised Statutes of Nebraska, and sections 79-413 and 79-419, Revised Statutes Cumulative Supplement, 2018; to change provisions for changing school district boundaries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1067. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section

60-6,356, Revised Statutes Cumulative Supplement, 2018; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle; and to repeal the original section.

LEGISLATIVE BILL 1068. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to interior designers; to amend section 84-617, Reissue Revised Statutes of Nebraska; to adopt the Interior Design Voluntary Registration Act; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1069. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 1070. Introduced by Murman, 38; Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Reissue Revised Statutes of Nebraska; to change a sales tax exemption relating to agricultural machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to wildlife; to amend sections 37-324 and 37-1273, Reissue Revised Statutes of Nebraska; to adopt the Wildlife Damage Recovery Act; to state intent regarding and provide for transfers of funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1072. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3226.10 and 2-3226.11, Reissue Revised Statutes of Nebraska; to change provisions authorizing flood protection bonds and use of bond proceeds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1073. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to school finance; to amend sections 79-1001, 79-1007.11, 79-1015.01, and 79-1016, Revised Statutes Cumulative Supplement, 2018, and sections 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2019; to create the School Financing Review Commission; to provide powers and duties; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to add a new type of aid; to change adjusted valuation for school district and educational service unit aid; to change the local effort rate; 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.

LEGISLATIVE BILL 1074. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1376, 81-15,164, and 81-3722, Reissue Revised Statutes of Nebraska; to change provisions relating to improvements on leased lands and the collection of certain fees and taxes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1075. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-120, Reissue Revised Statutes of Nebraska; to change the net book value of property for taxation as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend sections 85-2003, 85-2004, 85-2005, 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative Supplement, 2018, and section 85-2002, Revised Statutes Supplement, 2019; to change provisions relating to eligible programs; to provide for contracts with two-year colleges as prescribed; to remove a limitation on awards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities and villages; to amend section 14-1801, Reissue Revised Statutes of Nebraska, and section 18-802, Revised Statutes Supplement, 2019; to change legislative declarations and findings relating to traffic congestion; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities; to adopt the Municipal Inland Port Authority Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1079. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Patrol for processing of sexual assault forensic evidence as prescribed.

LEGISLATIVE BILL 1080. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to schools; to define terms; to prohibit sexual conduct with students and former students as prescribed; and to provide duties.

LEGISLATIVE BILL 1081. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3001 and 29-3003, Reissue Revised Statutes of Nebraska; to change provisions relating to limitation periods for certain claims for postconviction relief; to provide for withdrawal of a plea as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to courts; to amend section 33-156, Reissue Revised Statutes of Nebraska; to increase the indigent defense fee; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-2802 and 85-2803, Revised Statutes Supplement, 2019; to change provisions relating to the Meadowlark Program as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Kolterman, 24; Blood, 3; Brewer, 43; Cavanaugh, 6; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; Groene, 42; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Transformational Projects Act; and to provide an operative date.

LEGISLATIVE BILL 1085. Introduced by Howard, 9; Albrecht, 17; Blood, 3; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Hunt, 8; Linehan, 39; Pansing Brooks, 28; Slama, 1; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,242, 81-8,243, 81-8,246, 81-8,247, 81-8,249, 81-8,250, 81-8,252, 81-8,253, and 81-8,254, Reissue Revised Statutes of Nebraska; to change terminology relating to the Public Counsel; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-103 and 32-1525, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-910, Revised Statutes Supplement, 2019; to define a term; to provide for poll watchers; to provide powers and duties; to provide a penalty; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Committee [AM545](#), found on page 806, First Session, 2019, was offered.

PRESIDENT FOLEY PRESIDING

Senator Hilkemann moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the committee amendment.

The committee amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 734A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1087. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704.02 and 77-1719.03, Reissue Revised Statutes of Nebraska; to change provisions relating to partial payments of property taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,104.02, Revised Statutes Cumulative Supplement, 2018; to provide for personalized message specialty license plates and a fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Vargas, 7; Lindstrom, 18; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-729, Reissue Revised Statutes of Nebraska; to add a graduation requirement and provide for waivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1090. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-134, Revised Statutes Cumulative Supplement, 2018; to authorize local governing bodies to suspend licenses for nonpayment of taxes, fees, or special assessments; to provide duties for local governing bodies and the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1091. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to privacy; to adopt the Face Surveillance Privacy Act.

LEGISLATIVE BILL 1092. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend sections 71-801 and 71-831, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to change and transfer provisions regarding contracts for services under the medical assistance program; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1093. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for contracts for nursing facility services under the medical assistance program; and to declare an emergency.

LEGISLATIVE BILL 1094. Introduced by Murman, 38.

A BILL FOR AN ACT relating to child support; to amend section 42-371, Reissue Revised Statutes of Nebraska; to change lien provisions on support order judgments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to counties; to amend section 23-104, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2018; to authorize counties containing a city of the metropolitan class to establish juvenile justice programs and services; to require a report; to provide for ordinances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1096. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 1097. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for problem-solving courts for young adults.

LEGISLATIVE BILL 1098. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 1099. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2201, Reissue Revised Statutes of Nebraska; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1100. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for mental health services.

LEGISLATIVE BILL 1101. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change the schedule of compensation for loss or loss of use of more than one specific part of the body from injury or illness resulting in disability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to provide an appropriation for volunteer emergency medical care providers.

LEGISLATIVE BILL 1103. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-139, Revised Statutes Cumulative Supplement, 2018; to change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Health Care Quality Improvement Act; to amend section 71-7910.01, Revised Statutes Supplement, 2019; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1105. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-973, Reissue Revised Statutes of Nebraska, and section 68-974, Revised Statutes Supplement, 2019; to restate findings; to state intent; to define and redefine terms; to prohibit extrapolated overpayments; to change provisions regarding recovery audits; and to repeal the original sections.

MOTION(S) - Print in Journal

Senator Wishart filed the following motion to LB953:

MO123

Withdraw bill.

NOTICE OF COMMITTEE HEARING(S)

Appropriations
Room 1003

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

LB1008

LB1009

LB1010

(Signed) John Stinner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 310A. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 310, One Hundred Sixth Legislature, Second Session, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB1084.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska State Volunteer Firefighters Association and Nebraska Fire Chiefs Association from across the state; and Kaci Jumps.

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

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:30 a.m., Wednesday, January 22, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

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

TENTH DAY - JANUARY 23, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 2020

PRAYER

The prayer was offered by Senator DeBoer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators B. Hansen, Hilkemann, Hughes, Kolterman, La Grone, Linehan, McCollister, Morfeld, Scheer, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 381. Placed on Select File with amendment.
[AM149](#) is available in the Bill Room.

LEGISLATIVE BILL 477. Placed on Select File with amendment.
[ER144](#)

1 1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 477A. Placed on Select File with amendment.
[ER145](#)

1 1. On page 1, line 3, strike "First Session, 2019" and insert
2 "Second Session, 2020".
3 2. On page 2, line 2, strike "FY2019-20" and insert "FY2020-21"; and
4 in line 4 strike "First Session, 2019" and insert "Second Session, 2020".

LEGISLATIVE BILL 68. Placed on Select File with amendment.[ER146](#)

1 1. On page 1, strike beginning with "19-4019" in line 1 through
 2 "2018" in line 6 and insert "19-4029.02 and 19-4029.03, Revised Statutes
 3 Cumulative Supplement, 2018, and sections 19-4021, 19-4027, 19-4029.01,
 4 19-4029.04, and 19-4029.05, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 107. Placed on Select File with amendment.[ER148](#)

1 1. On page 5, line 27, after "have" insert "the".

LEGISLATIVE BILL 148. Placed on Select File with amendment.[ER147](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 13-503, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 13-503 For purposes of the Nebraska Budget Act, unless the context
 6 otherwise requires:
 7 (1) Governing body means the governing body of any county
 8 agricultural society, elected county fair board, joint airport authority
 9 formed under the Joint Airport Authorities Act, city or county airport
 10 authority, bridge commission created pursuant to section 39-868, cemetery
 11 district, city, village, municipal county, community college, community
 12 redevelopment authority, county, drainage or levee district, educational
 13 service unit, rural or suburban fire protection district, historical
 14 society, hospital district, irrigation district, learning community,
 15 natural resources district, nonprofit county historical association or
 16 society for which a tax is levied under subsection (1) of section
 17 23-355.01, public building commission, railroad transportation safety
 18 district, reclamation district, road improvement district, rural water
 19 district, school district, sanitary and improvement district, township,
 20 offstreet parking district, transit authority, regional metropolitan
 21 transit authority, metropolitan utilities district, Educational Service
 22 Unit Coordinating Council, ~~and~~ political subdivision with the authority
 23 to have a property tax request, with the authority to levy a toll, or
 24 that receives state aid, and joint entity created pursuant to the
 25 Interlocal Cooperation Act that receives tax funds generated under
 26 section 2-3226.05;
 27 (2) Levying board means any governing body which has the power or
 1 duty to levy a tax;
 2 (3) Fiscal year means the twelve-month period used by each governing
 3 body in determining and carrying on its financial and taxing affairs;
 4 (4) Tax means any general or special tax levied against persons,
 5 property, or business for public purposes as provided by law but shall
 6 not include any special assessment;
 7 (5) Auditor means the Auditor of Public Accounts;
 8 (6) Cash reserve means funds required for the period before revenue
 9 would become available for expenditure but shall not include funds held
 10 in any special reserve fund;
 11 (7) Public funds means all money, including nontax money, used in
 12 the operation and functions of governing bodies. For purposes of a
 13 county, city, or village which has a lottery established under the
 14 Nebraska County and City Lottery Act, only those net proceeds which are
 15 actually received by the county, city, or village from a licensed lottery
 16 operator shall be considered public funds, and public funds shall not
 17 include amounts awarded as prizes;
 18 (8) Adopted budget statement means a proposed budget statement which

19 has been adopted or amended and adopted as provided in section 13-506.
 20 Such term shall include additions, if any, to an adopted budget statement
 21 made by a revised budget which has been adopted as provided in section
 22 13-511;

23 (9) Special reserve fund means any special fund set aside by the
 24 governing body for a particular purpose and not available for expenditure
 25 for any other purpose. Funds created for (a) the retirement of bonded
 26 indebtedness, (b) the funding of employee pension plans, (c) the purposes
 27 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes
 28 of the Local Option Municipal Economic Development Act, (e) voter-
 29 approved sinking funds, or (f) statutorily authorized sinking funds shall
 30 be considered special reserve funds;

31 (10) Biennial period means the two fiscal years comprising a
 1 biennium commencing in odd-numbered or even-numbered years used by a
 2 city, village, or natural resources district in determining and carrying
 3 on its financial and taxing affairs; and

4 (11) Biennial budget means (a) a budget by a city of the primary or
 5 metropolitan class that adopts a charter provision providing for a
 6 biennial period to determine and carry on the city's financial and taxing
 7 affairs, (b) a budget by a city of the first or second class or village
 8 that provides for a biennial period to determine and carry on the city's
 9 or village's financial and taxing affairs, or (c) a budget by a natural
 10 resources district that provides for a biennial period to determine and
 11 carry on the natural resources district's financial and taxing affairs.

12 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,
 13 2018, is amended to read:

14 13-506 (1) Each governing body shall each year or biennial period
 15 conduct a public hearing on its proposed budget statement. Such hearing
 16 shall be held separately from any regularly scheduled meeting of the
 17 governing body and shall not be limited by time. Notice of place and time
 18 of such hearing, together with a summary of the proposed budget
 19 statement, shall be published at least four calendar days prior to the
 20 date set for hearing in a newspaper of general circulation within the
 21 governing body's jurisdiction. For purposes of such notice, the four
 22 calendar days shall include the day of publication but not the day of
 23 hearing. When the total operating budget, not including reserves, does
 24 not exceed ten thousand dollars per year or twenty thousand dollars per
 25 biennial period, the proposed budget summary may be posted at the
 26 governing body's principal headquarters. At such hearing, the governing
 27 body shall make at least three copies of the proposed budget statement
 28 available to the public and shall make a presentation outlining key
 29 provisions of the proposed budget statement, including, but not limited
 30 to, a comparison with the prior year's budget. Any member of the public
 31 desiring to speak on the proposed budget statement shall be allowed to
 1 address the governing body at the hearing and shall be given a reasonable
 2 amount of time to do so. After such hearing, the proposed budget
 3 statement shall be adopted, or amended and adopted as amended, and a
 4 written record shall be kept of such hearing. The amount to be received
 5 from personal and real property taxation shall be certified to the
 6 levying board after the proposed budget statement is adopted or is
 7 amended and adopted as amended. If the levying board represents more than
 8 one county, a member or a representative of the governing board shall,
 9 upon the written request of any represented county, appear and present
 10 its budget at the hearing of the requesting county. The certification of
 11 the amount to be received from personal and real property taxation shall
 12 specify separately (a) the amount to be applied to the payment of
 13 principal or interest on bonds issued by the governing body and (b) the
 14 amount to be received for all other purposes. If the adopted budget
 15 statement reflects a change from that shown in the published proposed
 16 budget statement, a summary of such changes shall be published within

17 twenty calendar days after its adoption in the manner provided in this
18 section, but without provision for hearing, setting forth the items
19 changed and the reasons for such changes.

20 (2) Upon approval by the governing body, the budget shall be filed
21 with the auditor. The auditor may review the budget for errors in
22 mathematics, improper accounting, and noncompliance with the Nebraska
23 Budget Act or sections 13-518 to 13-522. If the auditor detects such
24 errors, he or she shall immediately notify the governing body of such
25 errors. The governing body shall correct any such error as provided in
26 section 13-511. Warrants for the payment of expenditures provided in the
27 budget adopted under this section shall be valid notwithstanding any
28 errors or noncompliance for which the auditor has notified the governing
29 body.

30 Sec. 3. Section 84-1411, Revised Statutes Supplement, 2019, is
31 amended to read:

1 84-1411 (1)(a) (1) Each public body shall give reasonable advance
2 publicized notice of the time and place of each meeting as provided in
3 this subsection by a method designated by each public body and recorded
4 in its minutes. Such notice shall be transmitted to all members of the
5 public body and to the public.

6 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,
7 in the case of a public body described in subdivision (1)(a)(i) of
8 section 84-1409 or such body's advisory committee, such notice shall be
9 published in a newspaper of general circulation within the public body's
10 jurisdiction and, if available, in a digital advertisement on such
11 newspaper's web site.

12 (ii) In the case of the governing body of a city of the second class
13 or village or such body's advisory committee, such notice shall be
14 published by:

15 (A) Publication in a newspaper of general circulation within the
16 public body's jurisdiction and, if available, in a digital advertisement
17 on such newspaper's web site; or

18 (B) Posting written notice in three conspicuous public places in
19 such city or village. Such notice shall be posted in the same three
20 places for each meeting.

21 (iii) In the case of a public body not described in subdivision (1)
22 (b)(i) or (ii) of this section, such notice shall be given by a method
23 designated by the public body.

24 (c) In addition to a method of notice required by subdivision (1)(b)
25 (i) or (ii) of this section, such notice may also be provided by any
26 other appropriate method designated by such public body or such advisory
27 committee.

28 (d) Each public body shall record the methods and dates of such
29 notice in its minutes.

30 (e) Such notice shall contain an agenda of subjects known at the
31 time of the publicized notice or a statement that the agenda, which shall
1 be kept continually current, shall be readily available for public
2 inspection at the principal office of the public body during normal
3 business hours. Agenda items shall be sufficiently descriptive to give
4 the public reasonable notice of the matters to be considered at the
5 meeting. Except for items of an emergency nature, the agenda shall not be
6 altered later than (i) (a) twenty-four hours before the scheduled
7 commencement of the meeting or (ii) (b) forty-eight hours before the
8 scheduled commencement of a meeting of a city council or village board
9 scheduled outside the corporate limits of the municipality. The public
10 body shall have the right to modify the agenda to include items of an
11 emergency nature only at such public meeting.

12 (2) A meeting of a state agency, state board, state commission,
13 state council, or state committee, of an advisory committee of any such
14 state entity, of an organization created under the Interlocal Cooperation

15 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
16 Act, of the governing body of a public power district having a chartered
17 territory of more than one county in this state, of the governing body of
18 a public power and irrigation district having a chartered territory of
19 more than one county in this state, of a board of an educational service
20 unit, of the Educational Service Unit Coordinating Council, of the
21 governing body of a risk management pool or its advisory committees
22 organized in accordance with the Intergovernmental Risk Management Act,
23 or of a community college board of governors may be held by means of
24 videoconferencing or, in the case of the Judicial Resources Commission in
25 those cases specified in section 24-1204, by telephone conference, if:
26 (a) Reasonable advance publicized notice is given as provided in
27 subsection (1) of this section;
28 (b) Reasonable arrangements are made to accommodate the public's
29 right to attend, hear, and speak at the meeting, including seating,
30 recordation by audio or visual recording devices, and a reasonable
31 opportunity for input such as public comment or questions to at least the
1 same extent as would be provided if videoconferencing or telephone
2 conferencing was not used;
3 (c) At least one copy of all documents being considered is available
4 to the public at each site of the videoconference or telephone
5 conference;
6 (d) At least one member of the state entity, advisory committee,
7 board, council, or governing body is present at each site of the
8 videoconference or telephone conference, except that a member of an
9 organization created under the Interlocal Cooperation Act that sells
10 electricity or natural gas at wholesale on a multistate basis, an
11 organization created under the Municipal Cooperative Financing Act, or a
12 governing body of a risk management pool or an advisory committee of such
13 organization or pool may designate a nonvoting designee, who shall not be
14 included as part of the quorum, to be present at any site; and
15 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,
16 no more than one-half of the state entity's, advisory committee's,
17 board's, council's, or governing body's meetings in a calendar year are
18 held by videoconference or telephone conference; or
19 (ii) In the case of an organization created under the Interlocal
20 Cooperation Act that sells electricity or natural gas at wholesale on a
21 multistate basis or an organization created under the Municipal
22 Cooperative Financing Act, such organization holds at least one meeting
23 each calendar year that is not by videoconferencing or telephone
24 conferencing.
25 Videoconferencing, telephone conferencing, or conferencing by other
26 electronic communication shall not be used to circumvent any of the
27 public government purposes established in the Open Meetings Act.
28 (3) A meeting of a board of an educational service unit, of the
29 Educational Service Unit Coordinating Council, of the governing body of
30 an entity formed under the Interlocal Cooperation Act, the Joint Public
31 Agency Act, or the Municipal Cooperative Financing Act, of the governing
1 body of a risk management pool or its advisory committees organized in
2 accordance with the Intergovernmental Risk Management Act, of a community
3 college board of governors, of the governing body of a public power
4 district, of the governing body of a public power and irrigation
5 district, or of the Nebraska Brand Committee may be held by telephone
6 conference call if:
7 (a) The territory represented by the educational service unit,
8 member educational service units, community college board of governors,
9 public power district, public power and irrigation district, Nebraska
10 Brand Committee, or member public agencies of the entity or pool covers
11 more than one county;
12 (b) Reasonable advance publicized notice is given as provided in

13 subsection (1) of this section which identifies each telephone conference
14 location at which there will be present: (i) A member of the educational
15 service unit board, council, community college board of governors,
16 governing body of a public power district, governing body of a public
17 power and irrigation district, Nebraska Brand Committee, or entity's or
18 pool's governing body; or (ii) A nonvoting designee designated under
19 subdivision (3)(f) of this section;

20 (c) All telephone conference meeting sites identified in the notice
21 are located within public buildings used by members of the educational
22 service unit board, council, community college board of governors,
23 governing body of the public power district, governing body of the public
24 power and irrigation district, Nebraska Brand Committee, or entity or
25 pool or at a place which will accommodate the anticipated audience;

26 (d) Reasonable arrangements are made to accommodate the public's
27 right to attend, hear, and speak at the meeting, including seating,
28 recordation by audio recording devices, and a reasonable opportunity for
29 input such as public comment or questions to at least the same extent as
30 would be provided if a telephone conference call was not used;

31 (e) At least one copy of all documents being considered is available
1 to the public at each site of the telephone conference call;

2 (f) At least one member of the educational service unit board,
3 council, community college board of governors, governing body of the
4 public power district, governing body of the public power and irrigation
5 district, Nebraska Brand Committee, or governing body of the entity or
6 pool is present at each site of the telephone conference call identified
7 in the public notice, except that a member of an organization created
8 under the Interlocal Cooperation Act that sells electricity or natural
9 gas at wholesale on a multistate basis, an organization created under the
10 Municipal Cooperative Financing Act, or a governing body of a risk
11 management pool or an advisory committee of such organization or pool may
12 designate a nonvoting designee, who shall not be included as part of the
13 quorum, to be present at any site;

14 (g) The telephone conference call lasts no more than five hours; and

15 (h) No more than one-half of the board's, council's, governing
16 body's, committee's, entity's, or pool's meetings in a calendar year are
17 held by telephone conference call, except that:

18 (i) The governing body of a risk management pool that meets at least
19 quarterly and the advisory committees of the governing body may each hold
20 more than one-half of its meetings by telephone conference call if the
21 governing body's quarterly meetings are not held by telephone conference
22 call or videoconferencing; and

23 (ii) An organization created under the Interlocal Cooperation Act
24 that sells electricity or natural gas at wholesale on a multistate basis
25 or an organization created under the Municipal Cooperative Financing Act
26 may hold more than one-half of its meetings by telephone conference call
27 if the organization holds at least one meeting each calendar year that is
28 not by videoconferencing or telephone conference call.

29 Nothing in this subsection shall prevent the participation of
30 consultants, members of the press, and other nonmembers of the governing
31 body at sites not identified in the public notice. Telephone conference
1 calls, emails, faxes, or other electronic communication shall not be used
2 to circumvent any of the public government purposes established in the
3 Open Meetings Act.

4 (4) The secretary or other designee of each public body shall
5 maintain a list of the news media requesting notification of meetings and
6 shall make reasonable efforts to provide advance notification to them of
7 the time and place of each meeting and the subjects to be discussed at
8 that meeting.

9 (5) When it is necessary to hold an emergency meeting without
10 reasonable advance public notice, the nature of the emergency shall be

11 stated in the minutes and any formal action taken in such meeting shall
 12 pertain only to the emergency. Such emergency meetings may be held by
 13 means of electronic or telecommunication equipment. The provisions of
 14 subsection (4) of this section shall be complied with in conducting
 15 emergency meetings. Complete minutes of such emergency meetings
 16 specifying the nature of the emergency and any formal action taken at the
 17 meeting shall be made available to the public by no later than the end of
 18 the next regular business day.

19 (6) A public body may allow a member of the public or any other
 20 witness other than a member of the public body to appear before the
 21 public body by means of video or telecommunications equipment.

22 Sec. 4. Original section 13-506, Revised Statutes Cumulative
 23 Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes
 24 Supplement, 2019, are repealed.

25 2. On page 1, strike beginning with "sections" in line 2 through
 26 "2018" in line 3 and insert "section 13-506, Revised Statutes Cumulative
 27 Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes
 28 Supplement, 2019".

LEGISLATIVE BILL 76. Placed on Select File with amendment.

[ER150](#)

1 1. On page 2, line 19, strike "2020" and insert "2021".

LEGISLATIVE BILL 236. Placed on Select File with amendment.

[ER151](#)

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

3 Section 1. Section 77-2711, Revised Statutes Supplement, 2019, is
 4 amended to read:

5 77-2711 (1)(a) The Tax Commissioner shall enforce sections
 6 77-2701.04 to 77-2713 and may prescribe, adopt, and enforce rules and
 7 regulations relating to the administration and enforcement of such
 8 sections.

9 (b) The Tax Commissioner may prescribe the extent to which any
 10 ruling or regulation shall be applied without retroactive effect.

11 (2) The Tax Commissioner may employ accountants, auditors,
 12 investigators, assistants, and clerks necessary for the efficient
 13 administration of the Nebraska Revenue Act of 1967 and may delegate
 14 authority to his or her representatives to conduct hearings, prescribe
 15 regulations, or perform any other duties imposed by such act.

16 (3)(a) Every seller, every retailer, and every person storing,
 17 using, or otherwise consuming in this state property purchased from a
 18 retailer shall keep such records, receipts, invoices, and other pertinent
 19 papers in such form as the Tax Commissioner may reasonably require.

20 (b) Every such seller, retailer, or person shall keep such records
 21 for not less than three years from the making of such records unless the
 22 Tax Commissioner in writing sooner authorized their destruction.

23 (4) The Tax Commissioner or any person authorized in writing by him
 24 or her may examine the books, papers, records, and equipment of any
 25 person selling property and any person liable for the use tax and may
 26 investigate the character of the business of the person in order to
 27 verify the accuracy of any return made or, if no return is made by the
 1 person, to ascertain and determine the amount required to be paid. In the
 2 examination of any person selling property or of any person liable for
 3 the use tax, an inquiry shall be made as to the accuracy of the reporting
 4 of city and county sales and use taxes for which the person is liable
 5 under the Local Option Revenue Act or sections 13-319, 13-324, 13-2813,
 6 and 77-6403 and the accuracy of the allocation made between the various
 7 counties, cities, villages, and municipal counties of the tax due. The

8 Tax Commissioner may make or cause to be made copies of resale or
9 exemption certificates and may pay a reasonable amount to the person
10 having custody of the records for providing such copies.

11 (5) The taxpayer shall have the right to keep or store his or her
12 records at a point outside this state and shall make his or her records
13 available to the Tax Commissioner at all times.

14 (6) In administration of the use tax, the Tax Commissioner may
15 require the filing of reports by any person or class of persons having in
16 his, her, or their possession or custody information relating to sales of
17 property, the storage, use, or other consumption of which is subject to
18 the tax. The report shall be filed when the Tax Commissioner requires and
19 shall set forth the names and addresses of purchasers of the property,
20 the sales price of the property, the date of sale, and such other
21 information as the Tax Commissioner may require.

22 (7) It shall be a Class I misdemeanor for the Tax Commissioner or
23 any official or employee of the Tax Commissioner, the State Treasurer, or
24 the Department of Administrative Services to make known in any manner
25 whatever the business affairs, operations, or information obtained by an
26 investigation of records and activities of any retailer or any other
27 person visited or examined in the discharge of official duty or the
28 amount or source of income, profits, losses, expenditures, or any
29 particular thereof, set forth or disclosed in any return, or to permit
30 any return or copy thereof, or any book containing any abstract or
31 particulars thereof to be seen or examined by any person not connected

1 with the Tax Commissioner. Nothing in this section shall be construed to

2 prohibit (a) the delivery to a taxpayer, his or her duly authorized
3 representative, or his or her successors, receivers, trustees, executors,
4 administrators, assignees, or guarantors, if directly interested, of a
5 certified copy of any return or report in connection with his or her tax,

6 (b) the publication of statistics so classified as to prevent the
7 identification of particular reports or returns and the items thereof,

8 (c) the inspection by the Attorney General, other legal representative of
9 the state, or county attorney of the reports or returns of any taxpayer
10 when either (i) information on the reports or returns is considered by
11 the Attorney General to be relevant to any action or proceeding

12 instituted by the taxpayer or against whom an action or proceeding is
13 being considered or has been commenced by any state agency or the county
14 or (ii) the taxpayer has instituted an action to review the tax based

15 thereon or an action or proceeding against the taxpayer for collection of
16 tax or failure to comply with the Nebraska Revenue Act of 1967 is being
17 considered or has been commenced, (d) the furnishing of any information

18 to the United States Government or to states allowing similar privileges
19 to the Tax Commissioner, (e) the disclosure of information and records to
20 a collection agency contracting with the Tax Commissioner pursuant to

21 sections 77-377.01 to 77-377.04, (f) the disclosure to another party to a
22 transaction of information and records concerning the transaction between
23 the taxpayer and the other party, (g) the disclosure of information
24 pursuant to section 77-27,195 or 77-5731, or (h) the disclosure of
25 information to the Department of Labor necessary for the administration

26 of the Employment Security Law, the Contractor Registration Act, or the
27 Employee Classification Act.

28 (8) Notwithstanding the provisions of subsection (7) of this
29 section, the Tax Commissioner may permit the Postal Inspector of the
30 United States Postal Service or his or her delegates to inspect the
31 reports or returns of any person filed pursuant to the Nebraska Revenue
1 Act of 1967 when information on the reports or returns is relevant to any
2 action or proceeding instituted or being considered by the United States
3 Postal Service against such person for the fraudulent use of the mails to
4 carry and deliver false and fraudulent tax returns to the Tax
5 Commissioner with the intent to defraud the State of Nebraska or to evade

6 the payment of Nebraska state taxes.

7 (9) Notwithstanding the provisions of subsection (7) of this
8 section, the Tax Commissioner may permit other tax officials of this
9 state to inspect the tax returns, reports, and applications filed under
10 sections 77-2701.04 to 77-2713, but such inspection shall be permitted
11 only for purposes of enforcing a tax law and only to the extent and under
12 the conditions prescribed by the rules and regulations of the Tax
13 Commissioner.

14 (10) Notwithstanding the provisions of subsection (7) of this
15 section, the Tax Commissioner may, upon request, provide the county board
16 of any county which has exercised the authority granted by section
17 81-3716 with a list of the names and addresses of the hotels located
18 within the county for which lodging sales tax returns have been filed or
19 for which lodging sales taxes have been remitted for the county's County
20 Visitors Promotion Fund under the Nebraska Visitors Development Act.
21 The information provided by the Tax Commissioner shall indicate only
22 the names and addresses of the hotels located within the requesting
23 county for which lodging sales tax returns have been filed for a
24 specified period and the fact that lodging sales taxes remitted by or on
25 behalf of the hotel have constituted a portion of the total sum remitted
26 by the state to the county for a specified period under the provisions of
27 the Nebraska Visitors Development Act. No additional information shall be
28 revealed.

29 (11)(a) Notwithstanding the provisions of subsection (7) of this
30 section, the Tax Commissioner shall, upon written request by the Auditor
31 of Public Accounts or the office of Legislative Audit, make tax returns
1 and tax return information open to inspection by or disclosure to the
2 Auditor of Public Accounts or employees of the office of Legislative
3 Audit for the purpose of and to the extent necessary in making an audit
4 of the Department of Revenue pursuant to section 50-1205 or 84-304.
5 Confidential tax returns and tax return information shall be audited only
6 upon the premises of the Department of Revenue. All audit workpapers
7 pertaining to the audit of the Department of Revenue shall be stored in a
8 secure place in the Department of Revenue.

9 (b) No employee of the Auditor of Public Accounts or the office of
10 Legislative Audit shall disclose to any person, other than another
11 Auditor of Public Accounts or office employee whose official duties
12 require such disclosure, any return or return information described in
13 the Nebraska Revenue Act of 1967 in a form which can be associated with
14 or otherwise identify, directly or indirectly, a particular taxpayer.

15 (c) Any person who violates the provisions of this subsection shall
16 be guilty of a Class I misdemeanor. For purposes of this subsection,
17 employee includes a former Auditor of Public Accounts or office of
18 Legislative Audit employee.

19 (12) For purposes of this subsection and subsections (11) and (14)
20 of this section:

21 (a) Disclosure means the making known to any person in any manner a
22 tax return or return information;

23 (b) Return information means:

24 (i) A taxpayer's identification number and (A) the nature, source,
25 or amount of his or her income, payments, receipts, deductions,
26 exemptions, credits, assets, liabilities, net worth, tax liability, tax
27 withheld, deficiencies, overassessments, or tax payments, whether the
28 taxpayer's return was, is being, or will be examined or subject to other
29 investigation or processing or (B) any other data received by, recorded
30 by, prepared by, furnished to, or collected by the Tax Commissioner with
31 respect to a return or the determination of the existence or possible
1 existence of liability or the amount of liability of any person for any
2 tax, penalty, interest, fine, forfeiture, or other imposition or offense;
3 and

4 (ii) Any part of any written determination or any background file
5 document relating to such written determination; and
6 (c) Tax return or return means any tax or information return or
7 claim for refund required by, provided for, or permitted under sections
8 77-2701 to 77-2713 which is filed with the Tax Commissioner by, on behalf
9 of, or with respect to any person and any amendment or supplement
10 thereto, including supporting schedules, attachments, or lists which are
11 supplemental to or part of the filed return.

12 (13) Notwithstanding the provisions of subsection (7) of this
13 section, the Tax Commissioner shall, upon request, provide any
14 municipality which has adopted the local option sales tax under the Local
15 Option Revenue Act with a list of the names and addresses of the
16 retailers which have collected the local option sales tax for the
17 municipality. The request may be made annually and shall be submitted to
18 the Tax Commissioner on or before June 30 of each year. The information
19 provided by the Tax Commissioner shall indicate only the names and
20 addresses of the retailers. The Tax Commissioner may provide additional
21 information to a municipality so long as the information does not include
22 any data detailing the specific revenue, expenses, or operations of any
23 particular business.

24 (14)(a) Notwithstanding the provisions of subsection (7) of this
25 section, the Tax Commissioner shall, upon written request, provide an
26 individual certified under subdivision (b) of this subsection
27 representing a municipality which has adopted the local option sales and
28 use tax under the Local Option Revenue Act with confidential sales and
29 use tax returns and sales and use tax return information regarding
30 taxpayers that possess a sales tax permit and the amounts remitted by
31 such permitholders at locations within the boundaries of the requesting
1 municipality or with confidential business use tax returns and business
2 use tax return information regarding taxpayers that file a Nebraska and
3 Local Business Use Tax Return and the amounts remitted by such taxpayers
4 at locations within the boundaries of the requesting municipality. Any
5 written request pursuant to this subsection shall provide the Department
6 of Revenue with no less than ten business days to prepare the sales and
7 use tax returns and sales and use tax return information requested. The
8 individual certified under subdivision (b) of this subsection shall
9 review such returns and return information only upon the premises of the
10 department, except that such limitation shall not apply if the certifying
11 municipality has an agreement in effect under the Nebraska Advantage
12 Transformational Tourism and Redevelopment Act. In such case, the
13 individual certified under subdivision (b) of this subsection may request
14 that copies of such returns and return information be sent to him or her
15 by electronic transmission, secured in a manner as determined by the Tax
16 Commissioner. Such returns and return information shall be viewed only
17 upon the premises of the department.

18 (b) Each municipality that seeks to request information under
19 subdivision (a) of this subsection shall certify to the Department of
20 Revenue one individual who is authorized by such municipality to make
21 such request and review the documents described in subdivision (a) of
22 this subsection. The individual may be a municipal employee or an
23 individual who contracts with the requesting municipality to provide
24 financial, accounting, or other administrative services.

25 (c) No individual certified by a municipality pursuant to
26 subdivision (b) of this subsection shall disclose to any person any
27 information obtained pursuant to a review under this subsection. An
28 individual certified by a municipality pursuant to subdivision (b) of
29 this subsection shall remain subject to this subsection after he or she
30 (i) is no longer certified or (ii) is no longer in the employment of or
31 under contract with the certifying municipality.

1 (d) Any person who violates the provisions of this subsection shall

2 be guilty of a Class I misdemeanor.

3 (e) The Department of Revenue shall not be held liable by any person
4 for an impermissible disclosure by a municipality or any agent or
5 employee thereof of any information obtained pursuant to a review under
6 this subsection.

7 (15) In all proceedings under the Nebraska Revenue Act of 1967, the
8 Tax Commissioner may act for and on behalf of the people of the State of
9 Nebraska. The Tax Commissioner in his or her discretion may waive all or
10 part of any penalties provided by the provisions of such act or interest
11 on delinquent taxes specified in section 45-104.02, as such rate may from
12 time to time be adjusted.

13 (16)(a) The purpose of this subsection is to set forth the state's
14 policy for the protection of the confidentiality rights of all
15 participants in the system operated pursuant to the streamlined sales and
16 use tax agreement and of the privacy interests of consumers who deal with
17 model 1 sellers.

18 (b) For purposes of this subsection:

19 (i) Anonymous data means information that does not identify a
20 person;

21 (ii) Confidential taxpayer information means all information that is
22 protected under a member state's laws, regulations, and privileges; and

23 (iii) Personally identifiable information means information that
24 identifies a person.

25 (c) The state agrees that a fundamental precept for model 1 sellers
26 is to preserve the privacy of consumers by protecting their anonymity.
27 With very limited exceptions, a certified service provider shall perform
28 its tax calculation, remittance, and reporting functions without
29 retaining the personally identifiable information of consumers.

30 (d) The governing board of the member states in the streamlined
31 sales and use tax agreement may certify a certified service provider only
1 if that certified service provider certifies that:

2 (i) Its system has been designed and tested to ensure that the
3 fundamental precept of anonymity is respected;

4 (ii) Personally identifiable information is only used and retained
5 to the extent necessary for the administration of model 1 with respect to
6 exempt purchasers;

7 (iii) It provides consumers clear and conspicuous notice of its
8 information practices, including what information it collects, how it
9 collects the information, how it uses the information, how long, if at
10 all, it retains the information, and whether it discloses the information
11 to member states. Such notice shall be satisfied by a written privacy
12 policy statement accessible by the public on the web site of the
13 certified service provider;

14 (iv) Its collection, use, and retention of personally identifiable
15 information is limited to that required by the member states to ensure
16 the validity of exemptions from taxation that are claimed by reason of a
17 consumer's status or the intended use of the goods or services purchased;
18 and

19 (v) It provides adequate technical, physical, and administrative
20 safeguards so as to protect personally identifiable information from
21 unauthorized access and disclosure.

22 (e) The state shall provide public notification to consumers,
23 including exempt purchasers, of the state's practices relating to the
24 collection, use, and retention of personally identifiable information.

25 (f) When any personally identifiable information that has been
26 collected and retained is no longer required for the purposes set forth
27 in subdivision (16)(d)(iv) of this section, such information shall no
28 longer be retained by the member states.

29 (g) When personally identifiable information regarding an individual
30 is retained by or on behalf of the state, it shall provide reasonable

31 access by such individual to his or her own information in the state's
 1 possession and a right to correct any inaccurately recorded information.
 2 (h) If anyone other than a member state, or a person authorized by
 3 that state's law or the agreement, seeks to discover personally
 4 identifiable information, the state from whom the information is sought
 5 should make a reasonable and timely effort to notify the individual of
 6 such request.
 7 (i) This privacy policy is subject to enforcement by the Attorney
 8 General.
 9 (j) All other laws and regulations regarding the collection, use,
 10 and maintenance of confidential taxpayer information remain fully
 11 applicable and binding. Without limitation, this subsection does not
 12 enlarge or limit the state's authority to:
 13 (i) Conduct audits or other reviews as provided under the agreement
 14 and state law;
 15 (ii) Provide records pursuant to the federal Freedom of Information
 16 Act, disclosure laws with governmental agencies, or other regulations;
 17 (iii) Prevent, consistent with state law, disclosure of confidential
 18 taxpayer information;
 19 (iv) Prevent, consistent with federal law, disclosure or misuse of
 20 federal return information obtained under a disclosure agreement with the
 21 Internal Revenue Service; and
 22 (v) Collect, disclose, disseminate, or otherwise use anonymous data
 23 for governmental purposes.
 24 Sec. 2. Original section 77-2711, Revised Statutes Supplement, 2019,
 25 is repealed.
 26 2. On page 1, line 2, strike beginning with "Reissue" through
 27 "Nebraska" and insert "Revised Statutes Supplement, 2019".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Judiciary
 Room 1113

Friday, January 31, 2020 1:30 p.m.

LB745
 LB832
 LB924
 LB945
 LB975
 LB1007
 LB1036

(Signed) Steve Lathrop, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1163. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2018; to

provide for transportation and temporary off-site storage of alcoholic liquor by retail licensees for customer pickup as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1164. Introduced by Walz, 15.

A BILL FOR AN ACT relating to civil rights; to amend sections 18-1724, 20-113, 20-126.01, 20-127, 20-129, 20-130, 20-131.02, 20-132, 20-134, 20-139, 20-301, 20-303, 20-313, 20-317, 20-318, 20-319, 20-320, 20-321, 20-322, and 20-325, Reissue Revised Statutes of Nebraska, and sections 20-126, 20-128, 20-131.01, and 20-131.04, Revised Statutes Supplement, 2019; to change terminology related to disability; to prohibit discrimination in places of public accommodation on the basis of disability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1165. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to livestock; to amend sections 33-151, 54-180, 54-193, 54-194, 54-196, 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,107, 54-1,116, 54-1,118, 60-3,135, 60-480.01, 81-1346, and 84-1005, Reissue Revised Statutes of Nebraska, sections 54-170, 54-198, 54-1,100, 54-1,105, 54-1,115, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2018, and sections 11-201, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019; to eliminate the Nebraska Brand Committee; to change and eliminate definitions; to state legislative findings; to provide powers and duties for the Department of Agriculture under the Livestock Brand Act; to terminate a fund; to eliminate provisions regarding brand inspection and feedlot registration; to change provisions relating to evidence and questions of ownership, out-of-state brands, and estrays; to transfer powers, duties, functions, obligations, and funds as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 54-173, 54-174, 54-175, 54-176, 54-182, 54-185, 54-186, 54-188, 54-197, 54-1,106, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,117, and 54-1,127, Reissue Revised Statutes of Nebraska, sections 54-175.01, 54-179, 54-186.01, 54-191, 54-195, 54-1,108, 54-1,110, 54-1,111, 54-1,119, 54-1,120, 54-1,121, 54-1,122, 54-1,129, 54-1,130, 54-1,131, and 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and section 54-192, Revised Statutes Supplement, 2019; and to declare an emergency.

LEGISLATIVE BILL 1166. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2018; to change school district membership requirement provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1167. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Reissue Revised Statutes of Nebraska; to require a public body to allow members of the public an opportunity to speak at each meeting; and to repeal the original section.

LEGISLATIVE BILL 1168. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to amend section 85-2101, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the State Lottery Operation Trust Fund; to adopt the College Credit Testing Fee Reduction Program Act and the Career-Readiness and Dual-Credit Education Grant Program Act; to add a fund to the Access College Early Scholarship Program Act; and to repeal the original sections.

LEGISLATIVE BILL 1169. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to juveniles; to create and provide duties for the Nebraska Integrated Juvenile Data Governing Body; to create the Nebraska Juvenile Justice Information System; and to provide for reports.

MOTION(S) - Withdraw LB754

Senator Blood offered her motion, [MO124](#), found on page 381, to withdraw LB754.

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

MOTION(S) - Confirmation Report(s)

Senator Williams moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 364:

Department of Economic Development
Anthony Goins - Director

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

DeBoer Friesen Hansen, M.

Excused and not voting, 4:

Hansen, B. Hughes La Grone Morfeld

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

Committee [AM607](#), found on page 822, First Session, 2019, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Committee [AM686](#), found on page 828, First Session, 2019, was offered.

Senator Cavanaugh offered her amendment, [AM2053](#), found on page 228, to the committee amendment.

The Cavanaugh amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1170. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-129, Reissue Revised Statutes of Nebraska, and sections 38-101, 68-901, and 68-915, Revised Statutes Supplement, 2019; to provide for

implicit bias training and instruction to applicants and professionals under the Uniform Credentialing Act, for reimbursement for the services of a doula, and for a pilot program regarding the social determinants of health for pregnant women and mothers; to change provisions relating to eligibility for medical assistance; to harmonize provisions; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Healthy Pregnancies for Incarcerated Women Act; to amend sections 47-1001, 47-1002, and 47-1003, Revised Statutes Supplement, 2019; to state intent; to define terms; to provide for breastfeeding and milk expression by a prisoner or detainee and for a mother and infant to live together; to require a parent separation policy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1172. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247.02 and 43-408, Reissue Revised Statutes of Nebraska; to provide requirements for a court order for placement at a youth rehabilitation and treatment center; to provide powers and duties for the Department of Health and Human Services; to require a report regarding services provided at a youth rehabilitation and treatment center and a needs analysis and plan for assistance as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1173. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to hunting; to amend sections 37-410, 37-447, 37-449, 37-450, 37-456, and 37-560, Reissue Revised Statutes of Nebraska, and section 37-455, Revised Statutes Supplement, 2019; to provide for limited transferable permits to hunt either antelope, deer, or elk as prescribed; to provide duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1174. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2112 and 81-2116, Reissue Revised Statutes of Nebraska, section 81-2102, Revised Statutes Cumulative Supplement, 2018, and section 81-2108, Revised Statutes Supplement, 2019; to redefine a term; to provide requirements for supervision of apprentices; to provide and change provisions regarding special electrician licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1175. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax

Act; to amend section 77-3005, Reissue Revised Statutes of Nebraska, and sections 77-3007 and 77-3011, Revised Statutes Supplement, 2019; to impose and levy a tax on cash devices; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Briese, 41.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418.01, 28-1419, and 28-1425, Revised Statutes Supplement, 2019; to change provisions relating to the sale of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 1177. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to education; to amend section 11-101.01, Reissue Revised Statutes of Nebraska; to eliminate requirements for teachers and employees paid with public school funds to swear an oath of office and make a pledge; to repeal the original section; and to outright repeal section 79-8,108, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1178. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5207 and 19-5208, Revised Statutes Cumulative Supplement, 2018; to prohibit land banks from entering into certain agreements to temporarily hold real property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1179. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,119 and 77-5905, Reissue Revised Statutes of Nebraska, sections 49-801.01 and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 50-1209 and 77-2711, Revised Statutes Supplement, 2019; to adopt the ImagiNE Small Business and Urban Revitalization Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1180. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2004 and 29-2005, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to alternate jurors; to state intent regarding construction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1181. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-101 and

28-105, Revised Statutes Supplement, 2019; to adopt the Fair Sentencing Act; to allow courts to impose sentences without mandatory minimums for certain controlled substance offenses; to prohibit holding a defendant in custody awaiting trial beyond a prescribed period; to define terms; to exclude certain nonviolent felonies from the habitual criminal enhancement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to drugs; to amend section 71-7611, Revised Statutes Supplement, 2019; to provide for notice of new drug or biologics license applications and for a study of drug costs; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1183. Introduced by Arch, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2455, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Supplement, 2019; to create the Health Information Technology Board; to provide powers and duties; to change provisions relating to the prescription drug monitoring system; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1184. 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 standards for inpatient psychiatric units and psychiatric residential treatment facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1185. 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 section 71-1908, Reissue Revised Statutes of Nebraska, and sections 68-1206 and 71-1912, Revised Statutes Supplement, 2019; to change provisions relating to criminal history record information checks for child care staff members and child care providers; to define a term; to harmonize provisions; to provide for criminal history record information checks for unlicensed providers of child care participating in the federal child care subsidy program; and to repeal the original sections.

LEGISLATIVE BILL 1186. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to school districts; to amend section 79-8,106, Reissue Revised Statutes of Nebraska; to require that usual salary be paid to injured school district employees as prescribed; and to repeal the original section.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB424:
[AM2122](#) is available in the Bill Room.

Senator Pansing Brooks filed the following amendment to LB230:
[AM2121](#)

(Amendments to Standing Committee amendments, AM450)

- 1 1. On page 5, strike beginning with "or" in line 28 through
- 2 "majority" in line 29.

Senator Morfeld filed the following amendment to LB206:
[AM2136](#)

(Amendments to Standing Committee amendments, AM430)

- 1 1. On page 4, after line 26 insert the following new subsection:
- 2 "(8) This section shall not be construed to interfere with a school
- 3 administrator's ability to provide appropriate professional feedback
- 4 consistent with rules and regulations adopted and promulgated by the
- 5 State Department of Education regarding personnel."

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525

Thursday, January 30, 2020 1:30 p.m.
Norris Marshall - Environmental Quality Council
LB770
LB863

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 231. Title read. Considered.

SPEAKER SCHEER PRESIDING

Senator Groene offered the following motion:
[MO125](#)
Recommit to the Judiciary Committee.

SENATOR HILGERS PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1187. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to professions and occupations; to amend section 84-933, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the Occupational Board Reform Act; to require occupational boards to issue an occupational license or government certification based on occupational licensure, government certification, private certification, or work experience in another state; to provide for jurisprudential examinations and appeals from denial of a license; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1188. Introduced by Howard, 9; Murman, 38; Walz, 15.

A BILL FOR AN ACT relating to juveniles; to amend section 43-401, Reissue Revised Statutes of Nebraska, and section 79-1119.01, Revised Statutes Supplement, 2019; to provide duties for the Office of Juvenile Services relating to education; to change the definition of interim-program schools; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1189. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to firefighters; to amend section 77-2716, Revised Statutes Supplement, 2019; to adopt the Firefighter Cancer Benefits Act; to provide for an income tax exemption for such benefits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1190. Introduced by Briese, 41.

A BILL FOR AN ACT relating to infants and juveniles; to amend sections 43-1802 and 43-1803, Reissue Revised Statutes of Nebraska; to change provisions related to grandparent visitation; and to repeal the original sections.

LEGISLATIVE BILL 1191. Introduced by Howard, 9; Lathrop, 12.

A BILL FOR AN ACT relating to state employees; to amend section 43-401, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to require the Department of Health and Human Services, the Office of Juvenile Services, and the Department of Correctional Services to allow employees to speak to members of the Legislature and the Public Counsel as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1192. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3523, Reissue Revised Statutes of Nebraska; to limit the total amount reimbursed by the state for homestead exemptions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1193. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to elections; to amend sections 3-504, 3-602, 3-603, 10-401, 10-404, 10-406, 10-407, 10-409, 10-410, 10-501, 10-606, 10-607, 10-702, 10-801, 10-802, 12-1001, 13-306, 14-202, 14-365.07, 14-521, 14-1206, 14-1211, 14-1216, 14-1251, 14-2120, 16-216, 18-412, 18-506.01, 18-623, 18-1502, 18-1503, 18-2706, 23-120, 23-125, 23-128, 23-397, 23-501, 23-3501, 23-3508, 23-3513, 23-3515, 23-3552, 23-3555, 23-3616, 23-3621, 32-559, 39-836, 39-837, 39-838, 39-840, 39-841, 46-162, 46-167, 46-194, 46-198, 46-1,104, 46-1,113, 46-1,122, 46-305, 46-312, 46-564, 46-565, 46-566, 57-106, 57-107, 71-1622, 71-1629, 71-1638, 74-1427, 77-27,142.01, 77-27,142.02, 77-27,142.03, 77-3444, 79-10,105, and 85-1518, Reissue Revised Statutes of Nebraska, sections 13-2507, 13-3207, 16-676, 16-695, 16-697.02, 16-6,101, 16-806, 17-527, 17-903, 17-905, 17-908, 17-939, 17-950, 17-954, 17-963, 46-151, 79-1029, 79-1098, 79-10,117, and 79-10,118, Revised Statutes Cumulative Supplement, 2018, and sections 13-519, 18-2713, 19-1307, and 32-1203, Revised Statutes Supplement, 2019; to provide, change, and eliminate provisions regarding elections for certain purposes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 10-408 and 39-839, Reissue Revised Statutes of Nebraska, and section 10-703.01, Revised Statutes Cumulative Supplement, 2018.

LEGISLATIVE BILL 1194. Introduced by Walz, 15.

A BILL FOR AN ACT relating to public defenders; to amend section 23-3404, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of a public defender in certain counties; and to repeal the original section.

LEGISLATIVE BILL 1195. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public records; to amend sections 84-712.01 and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 2019; to change provisions relating to access to public records; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to pharmacy benefits; to amend sections 68-901 and 71-2484, Revised Statutes Supplement, 2019; to adopt the Pharmacy Benefit Manager Regulation Act; to transfer provisions related to

pharmacy benefits; to require an audit as prescribed; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1197. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 49-506, Revised Statutes Supplement, 2019; to change the distribution of session laws and legislative journals to the College of Law; and to repeal the original section.

LEGISLATIVE BILL 1198. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

LEGISLATIVE BILL 1199. Introduced by Lindstrom, 18; Kolterman, 24; Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3520 and 44-3523, Reissue Revised Statutes of Nebraska, and section 44-3521, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to motor vehicle service contract reimbursement insurance policies; to define a term; to provide requirements for motor vehicle service contract providers; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Brewer, 43; Halloran, 33.

A BILL FOR AN ACT relating to livestock; to amend sections 33-151, 54-173, 54-174, 54-175, 54-176, 54-180, 54-182, 54-183, 54-184, 54-186, 54-193, 54-194, 54-196, 54-197, 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,106, 54-1,107, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,116, 54-1,117, 54-1,118, 54-1,124, 54-1,125, 54-1,126, 54-1,127, 60-3,135, 60-480.01, and 84-1005, Reissue Revised Statutes of Nebraska, sections 54-170, 54-171, 54-172, 54-175.01, 54-179, 54-189, 54-191, 54-195, 54-198, 54-1,100, 54-1,105, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,119, 54-1,120, 54-1,121, 54-1,122, 54-1,128, 54-1,129, 54-1,130, 54-1,131, 54-415, 54-789, and 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and sections 54-192, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019; to rename the Livestock Brand Act; to define and redefine terms; to rename the Nebraska Brand Committee; to rename a fund; to provide for certain livestock identifiers; to change and provide for fees; to change inspection provisions; to provide for violations and penalties; to change registered feedlot requirements; to change provisions relating to estrays; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1201. Introduced by Bostelman, 23; Brandt, 32; Brewer, 43; Kolterman, 24; Lowe, 37; McCollister, 20; Pansing Brooks, 28.

A BILL FOR AN ACT relating to natural resources; to state legislative findings and intent; to create the Flood Mitigation and Planning Task Force; to provide duties; to require reports; and to provide a termination date.

LEGISLATIVE BILL 1202. Introduced by Linehan, 39; Albrecht, 17; Clements, 2; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Supplement, 2019; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1203. Introduced by Linehan, 39; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to change provisions relating to an income tax deduction for dividends received or deemed to be received from certain corporations; and to repeal the original section.

LEGISLATIVE BILL 1204. Introduced by Cavanaugh, 6.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1501, 68-1502, 68-1503, 68-1505, 68-1506, 68-1508, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, 68-1518, and 68-1519, Reissue Revised Statutes of Nebraska, and section 83-1212.01, Revised Statutes Cumulative Supplement, 2018; to define and redefine terms; to require submission of a waiver application; to provide for a family support program; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1205. Introduced by McCollister, 20; Hunt, 8; Kolowski, 31; Pansing Brooks, 28.

A BILL FOR AN ACT relating to renewable energy; to adopt the Renewable Energy Standards Act; and to provide an operative date.

LEGISLATIVE BILL 1206. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to education; to amend section 71-1962, Reissue Revised Statutes of Nebraska; to require reporting to the Nebraska Early Childhood Professional Record System; and to repeal the original section.

LEGISLATIVE BILL 1207. Introduced by McCollister, 20; Crawford, 45; DeBoer, 10; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 1208. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-4,109, 83-4,110, 83-4,111, 83-4,112, 83-4,113, 83-4,115, 83-4,120, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, sections 25-3401, 83-170, 83-173, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2018, and section 83-173.03, Revised Statutes Supplement, 2019; to name an act; to provide, change, and eliminate definitions; to change and eliminate provisions relating to discipline, confinement status, solitary confinement, restrictive housing, immediate segregation, disciplinary segregation, and rules and regulations; to provide duties for the Department of Correctional Services; to prohibit double bunking; to provide requirements and procedures for the use of statements or testimony by informants; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2018; and to declare an emergency.

LEGISLATIVE BILL 1209. Introduced by Vargas, 7; Hunt, 8; Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2258, 29-3601, 29-3602, 29-3603, and 29-3606, Reissue Revised Statutes of Nebraska, and section 23-1201, Revised Statutes Cumulative Supplement, 2018; to name an act; to provide for caregiver diversion programs; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-3604, 29-3605, 29-3607, 29-3608, and 29-3609, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1210. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2019; to create the offense of sexual exploitation of a student; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1211. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-505 and 13-508, Revised Statutes Cumulative Supplement, 2018; to change requirements for the preparation of proposed budget statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1212. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-1601 and 77-1776, Reissue Revised Statutes of Nebraska, and section 77-1601.02, Revised Statutes Supplement, 2019; to adopt the Property Tax Request Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1213. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to government; to amend sections 2-2701, 77-201, 77-382, 77-1391, 77-1601, 77-1776, 77-2004, 77-2701.02, 77-2704.10, 77-2704.24, 77-2704.30, 77-2704.50, 77-2704.51, 77-2715.03, 77-27,132, 77-3005, and 77-5023, Reissue Revised Statutes of Nebraska, section 79-1001, Revised Statutes Cumulative Supplement, 2018, and sections 77-1601.02 and 77-2701.16, Revised Statutes Supplement, 2019; to change the valuation of real property; to adopt the Property Tax Request Act; to change an inheritance tax rate; to change the sales tax rate; to change and eliminate certain sales and use tax exemptions; to impose sales and use tax on certain services; to change individual income tax rates; to terminate the Tax Equity and Educational Opportunities Support Act; to adopt the New School Aid Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-2704.07, 77-2704.27, 77-2704.36, 77-2704.65, and 77-2704.67, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1214. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Economic Development Grant Act.

LEGISLATIVE BILL 1215. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services to fund all persons on the wait list for the developmental disability services waiver.

GENERAL FILE

LEGISLATIVE BILL 231. The Groene motion, [MO125](#), found in this day's Journal, to recommit to the Judiciary Committee, was renewed.

SENATOR HUGHES PRESIDING

Senator Chambers offered the following motion:

[MO126](#)

Bracket until January 24, 2020.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1216. Introduced by Vargas, 7; Stinner, 48.

A BILL FOR AN ACT relating to economic development; to adopt the H3 Rural Renewal Award Act; to provide duties for the Department of Labor; to create funds; to provide for termination.

LEGISLATIVE BILL 1217. Introduced by Wayne, 13; Hunt, 8.

A BILL FOR AN ACT relating to schools; to require individualized response plans following a report of certain types of incidents involving students as prescribed.

LEGISLATIVE BILL 1218. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Historically Underutilized Business Program Act; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 1219. Introduced by 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, 2-509, 2-514, 2-515, 2-516, 2-517, 28-101, and 28-401, Revised Statutes Supplement, 2019; to provide, change, and eliminate definitions; to change authorized activities relating to hemp; to change and provide duties for the Department of Agriculture; to change requirements for the transportation of hemp; to change provisions relating to appointment of and to the Nebraska Hemp Commission; to provide for no preemption of certain local regulation; to change provisions of the Uniform Controlled Substances Act; to prohibit the sale of post-processed hemp and consumable hemp products to minors and prohibit the possession of such hemp or products by minors; to provide for labeling requirements; to prohibit the manufacture of consumable hemp products for sale within Nebraska; to prohibit the distribution of consumable hemp products within Nebraska; to provide penalties; to adopt the Nebraska Hemp Transportation and Sales Licensing Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1220. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to workforce development; to authorize High-Wage Jobs and Capital Investment Creation Fund entities; to define terms; to provide grants, loans, and economic assistance to such entities; to create a fund; and to provide duties for the State Treasurer and Tax Commissioner.

LEGISLATIVE BILL 1221. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Revised Statutes Cumulative Supplement, 2018, and section 28-401, Revised Statutes Supplement, 2019; to redefine terms; to remove cannabidiol and tetrahydrocannabinol in a drug product approved by the federal Food and Drug Administration from the controlled substances schedules; to designate nabiximols in a drug product approved by the federal Food and Drug Administration a Schedule III controlled substance; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 299.** Introduced by Bolz, 29.

WHEREAS, Mitchell Texel, a member of Troop 25B of Lincoln, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Mitchell displayed his commitment to community service by erecting a permanent flagpole at St. Mark's United Methodist Church on September 11, 2019; and

WHEREAS, Mitchell, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Mitchell Texel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Mitchell Texel.

Laid over.

LEGISLATIVE RESOLUTION 300CA. Introduced by Erdman, 47; Brewer, 43; Clements, 2; Friesen, 34; Gragert, 40; Halloran, 33; Hilkemann, 4; McDonnell, 5; Murman, 38; Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2020, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, sections 1 and 12, and Article XIII, sections 2 and 4, and repeal Article VIII, sections 1A, 2, 3, 10, and 13:

VIII-1 Notwithstanding any other provision of this Constitution to the contrary, effective January 1, 2022, the State of Nebraska and all political subdivisions of the state shall be prohibited from imposing any form of taxation other than a single-rate consumption tax. The Legislature shall enact a single-rate consumption tax which shall begin no later than January 1, 2022. Such consumption tax shall apply to the consumption of new goods and services. The Legislature shall be prohibited from granting any exemptions from such consumption tax. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect

~~a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.~~

~~VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.~~

~~When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.~~

~~XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if~~

such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. ~~Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution.~~ The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. Subject to such vote, funds may be ~~derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.~~

XIII-4 Notwithstanding any other provision in this Constitution, the Legislature may authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. ~~Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution.~~ The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this section by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by

mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Article VIII, sections 1A, 2, 3, 10, and 13, of the Constitution of Nebraska are repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit the state and all political subdivisions from imposing any form of taxation other than a single-rate consumption tax and to require the Legislature to enact such a tax.

For

Against.

LEGISLATIVE RESOLUTION 301. Introduced by McCollister, 20.

WHEREAS, Dr. Kevin Corley spent thirty-seven years as a pediatric endocrinologist with Children's Hospital and Medical Center in Omaha; and

WHEREAS, for most of his years of service, Dr. Corley was the only pediatric endocrinologist in Nebraska; and

WHEREAS, Dr. Corley traveled more than 250,000 miles throughout the state to make his expertise more accessible to patient families; and

WHEREAS, Dr. Corley single-handedly established outreach clinics for Children's Hospital and Medical Center in both Hastings and North Platte; and

WHEREAS, during his tenure in Omaha, Dr. Corley also educated hundreds of colleagues, residents, nurses, and other health professionals; and

WHEREAS, to honor Dr. Corley, Children's Hospital and Medical Center introduced the Dr. Corley Endowed Chair in Pediatric Endocrinology; and

WHEREAS, the endowed chair position will enable Children's Hospital and Medical Center to attract physicians with the best treatment expertise and the ability to build strong research programs to benefit all pediatric patients.

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

1. That the Legislature congratulates Dr. Kevin Corley for the naming in his honor of the Dr. Kevin Corley Endowed Chair in Pediatric Endocrinology at Children's Hospital and Medical Center in Omaha.

2. That a copy of this resolution be sent to Dr. Kevin Corley and to Children's Hospital and Medical Center in Omaha.

Laid over.

LEGISLATIVE RESOLUTION 302. Introduced by Hilkemann, 4.

WHEREAS, the Legislature recognizes the accomplishments of exemplary organizations as they celebrate significant anniversaries; and

WHEREAS, the American Automobile Association (AAA), celebrated the one hundredth anniversary of the AAA School Safety Patrol program; and

WHEREAS, the AAA School Safety Patrol program enlists the assistance of select students who volunteer to help younger students as they cross the street on their way to and from school and who help to protect their fellow classmates against traffic hazards; and

WHEREAS, the concept of school safety patrollers began in 1920 when Charles M. Hayes, president of the Chicago Motor Club, pledged support for protecting school-aged children after witnessing a terrible car crash; and

WHEREAS, the program is now one hundred years strong and continues to have a positive impact on schools, students, and communities; and

WHEREAS, AAA School Safety Patrols play an important role in helping young pedestrians learn and fulfill responsibilities regarding traffic safety; and

WHEREAS, millions of children across the country have honorably served their classmates since the program began; and

WHEREAS, today the AAA School Safety Patrol program is the largest school-based safety program in the world with more than six-hundred-seventy-nine thousand patrollers in thirty-five thousand schools across North America and thirty countries, providing a safer environment for child pedestrians and offering a spectrum of educational opportunities for school children; and

WHEREAS, the School Safety Patrol program embodies AAA's mission of providing safety and security to the motoring public.

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

1. That the Legislature recognizes the one hundredth anniversary of the American Automobile Association's School Safety Patrol program in Nebraska.

2. That a copy of this resolution be sent to the American Automobile Association of Nebraska.

Laid over.

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

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

LB1052

LB887

LB847

LB922

(Signed) Sara Howard, Chairperson

Appropriations
Room 1003

Thursday, January 30, 2020 1:30 p.m.
Schematic design planning document for construction of office / parking structure at City of Lincoln block bounded by 17th, 18th, K, and L Streets and other matters provided in LB297 (2019) Sec. 45

(Signed) John Stinner, Chairperson

Revenue
Room 1524

Thursday, January 30, 2020 1:30 p.m.
James D. Kuhn - Tax Equalization and Review Commission
LB905
LB810
LB923

(Signed) Lou Ann Linehan, Chairperson

Transportation and Telecommunications
Room 1113

Monday, February 3, 2020 1:30 p.m.
LB898
LB992
LB996

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services 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.

Gary J. Anthonie - Chief Medical Officer and Director - Division of Public Health - Department of Health and Human Services

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Robert Phillip Sabin - Nebraska Tourism Commission

Aye: 7. Blood, Brewer, Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 1. Hansen, M. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Rod Buethe - State Emergency Response Commission
 Polly Ann Jordening - State Emergency Response Commission
 Kyle Keeling - State Emergency Response Commission
 Tonya Ngotel - State Emergency Response Commission
 Kimberly K. Plouzek - State Emergency Response Commission

Aye: 7. Blood, Brewer, Hilgers, Hunt, Kolowski, La Grone, Lowe. Nay: 0. Absent: 1. Hansen, M. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Dorn filed the following amendment to LB107:

[AM2117](#)

(Amendments to Standing Committee amendments, AM356)

- 1 1. Strike amendment 2 and insert the following new amendment:
- 2 2. On page 7, line 23, strike "Fees" and insert "The amount of the
- 3 fees"; and in line 24 after "trustees" insert "based on the amounts
- 4 actually necessary to administer the licensing program, but not to exceed
- 5 twenty-five dollars per license".

Senator Chambers filed the following amendment to LB518:

[FA92](#)

Amend AM899

1. Page 1 add, "(g) It is appropriate to recognize and acknowledge some of the more renowned members of the All-American Pantheon of Human Traffickers: (1) George Washington, (2) Thomas Jefferson, (3) James Madison, (4) Andrew Jackson, (5) James Monroe, (6) Alexander Hamilton, (7) Patrick Henry, and (8) Francis Scott Key."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB206.
Senator M. Hansen name added to LB534.
Senator Arch name added to LB825.
Senator B. Hansen name added to LB825.
Senator Cavanaugh name added to LB825.
Senator Hilkemann name added to LB1019.
Senator M. Hansen name added to LB1040.
Senator Bolz name added to LB1148.

VISITOR(S)

Visitors to the Chamber were a group from Black Hills Energy from across the state.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Friday, January 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 24, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 2020

PRAYER

The prayer was offered by Pastor Tyler Hauptmeier, St. Paul's Lutheran Church, Doniphan.

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 McDonnell who was excused; and Senators B. Hansen, Howard, Morfeld, Pansing Brooks, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1053	Health and Human Services
LB1054	Nebraska Retirement Systems
LB1055	Government, Military and Veterans Affairs
LB1056	General Affairs
LB1057	Government, Military and Veterans Affairs
LB1058	Health and Human Services
LB1059	Health and Human Services
LB1060	Business and Labor
LB1061	Health and Human Services
LB1062	Judiciary
LB1063	Banking, Commerce and Insurance
LB1064	General Affairs

LB1065	Health and Human Services
LB1066	Education
LB1067	Transportation and Telecommunications
LB1068	Government, Military and Veterans Affairs
LB1069	Appropriations
LB1070	Revenue
LB1071	Natural Resources
LB1072	Natural Resources
LB1074	Revenue
LB1075	Revenue
LB1076	Education
LB1077	Urban Affairs
LB1078	Urban Affairs
LB1079	Appropriations
LB1080	Education
LB1081	Judiciary
LB1082	Judiciary
LB1083	Education
LB1084	Revenue
LB1085	Executive Board
LB1086	Government, Military and Veterans Affairs
LB1087	Revenue
LB1088	Transportation and Telecommunications
LB1089	Education
LB1090	General Affairs
LB1091	Judiciary
LB1092	Appropriations
LB1093	Appropriations
LB1094	Judiciary
LB1095	Judiciary
LB1096	Appropriations
LB1097	Appropriations
LB1098	Appropriations
LB1099	Appropriations
LB1100	Appropriations
LB1101	Business and Labor
LB1102	Appropriations
LB1103	Business and Labor
LB1104	Health and Human Services
LB1105	Health and Human Services
LB1106	Revenue
LB1107	Revenue
LB1108	Banking, Commerce and Insurance
LB1109	Revenue
LB1110	Government, Military and Veterans Affairs
LB1111	Education
LB1112	Judiciary
LB1113	Judiciary
LB1114	Urban Affairs
LB1115	Judiciary
LB1116	Urban Affairs

LB1117 Judiciary
LB1118 Judiciary
LB1119 Government, Military and Veterans Affairs
LB1120 Government, Military and Veterans Affairs
LB1121 Government, Military and Veterans Affairs
LB1122 Government, Military and Veterans Affairs
LB1123 Banking, Commerce and Insurance
LB1124 Health and Human Services
LB1125 Revenue
LB1126 Business and Labor
LB1127 Business and Labor
LB1128 Business and Labor
LB1129 Business and Labor
LB1130 Revenue
LB1131 Education
LB1132 Natural Resources
LB1133 Judiciary
LB1134 Education
LB1135 Urban Affairs
LB1136 Government, Military and Veterans Affairs
LB1137 Judiciary
LB1138 Health and Human Services
LB1139 Transportation and Telecommunications
LB1140 Health and Human Services
LB1141 Health and Human Services
LB1142 Health and Human Services
LB1143 Health and Human Services
LB1144 Executive Board
LB1145 Health and Human Services
LB1146 Appropriations
LB1147 Health and Human Services
LB1148 Judiciary
LB1149 Judiciary
LB1150 Health and Human Services
LB1151 Education
LB1152 Agriculture
LB1153 Education
LB1154 Appropriations
LB1155 Urban Affairs
LB1157 Executive Board
LB1158 Health and Human Services
LB1159 Agriculture
LB1160 Business and Labor
LB1161 Appropriations
LB1162 Revenue
LR297 Executive Board
LR298 Executive Board

(Signed) Mike Hilgers, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 734. Placed on Select File with amendment.[ER152](#)

1 1. On page 1, line 1, strike "act" and insert "Act"; and in line 4
2 after "charter" insert "or special party".

LEGISLATIVE BILL 734A. Placed on Select File.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 303.** Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School one act team won the 2019 NSAA Class C-2 State Play Production Championship; and

WHEREAS, the Hartington-Newcastle Wildcats earned their first place finish with a score of 176 points for their production of Young Frankenstein, narrowly defeating the Loup City Rebels by three points; and

WHEREAS, under the direction of head coach A.J. Johnson, Hartington-Newcastle has earned three state championship titles in a row; and

WHEREAS, senior Sam Harms earned the Class C-2 Outstanding Male Performer for the third year in a row; and

WHEREAS, the Hartington-Newcastle Wildcats have proven themselves to be a powerhouse in one act productions, having won the Class C-2 State Play Production Championship eight times since 2011; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hartington-Newcastle one act team on winning the 2019 NSAA Class C-2 Play Production Championship.

2. That a copy of this resolution be sent to the Hartington-Newcastle High School, Sam Harms, and Coach A.J. Johnson.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 23, 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

Beyer, Nolan
Millard Public Schools
Davis, Hillary
Student Press Law Center
Hunter-Pirtle, Ann
Stand for Schools
Kissel Kohout ES Associates, LLC
Autism Center of Nebraska
Hands of Heartland
Mueller Robak
The American Law Institute
O'Hara Lindsay & Associates, Inc.
Heartland Surgery Center
Pappas, James E.
League of Human Dignity
Peetz & Company
Service Contract Industry Council
Rasmussen, Jordan
Center for Rural Affairs
Richardson, Amy
Women's Center for Advancement
Sipple, Adam
ACLU Nebraska

REPORTS

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

SELECT FILE

LEGISLATIVE BILL 740. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 741. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 582. [ER143](#), found on page 344, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 153. [ER137](#), found on page 291, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 30. [ER138](#), found on page 325, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. [ER139](#), found on page 325, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 230. [ER141](#), found on page 329, was adopted.

Senator Pansing Brooks offered her amendment, [AM2121](#), found on page 401.

The Pansing Brooks amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

WITHDRAW - Amendment to LB4

Senator Stinner withdrew his amendment, [AM893](#), found on page 1443, First Session, 2019, to LB4.

MOTION(S) - Return LB4 to Select File

Senator Stinner moved to return LB4 to Select File for his specific amendment, [AM1981](#), found on page 145.

The Stinner motion to return prevailed with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4. The Stinner specific amendment, [AM1981](#), found on page 145, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB4A

Senator Stinner withdrew his amendment, [AM1863](#), found on page 1575, First Session, 2019, to LB4A.

MOTION(S) - Return LB4A to Select File

Senator Stinner moved to return LB4A to Select File for his specific amendment, [AM1990](#), found on page 179.

The Stinner motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4A. The Stinner specific amendment, [AM1990](#), found on page 179, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 231. Senator Chambers withdrew his motion, [MO126](#), found on page 407, to bracket until January 24, 2020.

Senator Groene renewed his motion, [MO125](#), found on page 401 and considered on page 407, to recommit to the Judiciary Committee.

Pending.

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

Friday, January 31, 2020 1:30 p.m.
LB849
LB977
LB1061
LB759

(Signed) Sara Howard, Chairperson

Revenue
Room 1524

Friday, January 31, 2020 1:30 p.m.
LB1033
LB1070
LB1074

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 287. Senator Hughes renewed his motion, [MO114](#), found on page 278 and considered on page 287, to recommit to the Natural Resources Committee.

Senator Hughes withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

[MO127](#)

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 2:

Chambers Hunt

Excused and not voting, 2:

McDonnell Wayne

The Chambers motion to indefinitely postpone failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO128](#)

Reconsider the vote to indefinitely postpone.

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

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 266. Placed on Select File.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 1524

Monday, February 3, 2020 1:30 p.m.

LB962

LB1060

LB915

LB788

LB1016

(Signed) Matt Hansen, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 5, 2020 12:10 p.m.

LB1054

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in JournalSenator Vargas filed the following amendment to LB283:AM2116

1 I. Strike original section 1 and insert the following new section:

2 Section 1. The Legislature finds that:3 (1) Pests, drought, floods, high winds, and other extreme weather4 events present serious, diverse, and ongoing issues for Nebraska. Many5 sectors and resources are impacted by such extreme weather, including6 agriculture, water, health care, energy generation and usage, ecosystems,7 forestry, rural and urban communities, transportation, and commerce and8 industry. Nebraska's life-giving water and soil resources continue to be9 subject to new stressors and risks;10 (2) Opportunities exist for the people of Nebraska to respond11 appropriately to these risks, including economic opportunities through12 development of renewable energy from our abundant wind and solar13 resources, biofuels, and nuclear power, through reduction of pollutants,14 through efforts to reduce the use of fossil fuels, through strengthened15 private property rights by having public input on infrastructure and16 reduced eminent domain use, and through development of new technologies,17 new agricultural crops and harvesting methods, and new products that18 match Nebraska's vibrant and changing needs and resources;19 (3) The report Understanding and Assessing Climate Change:20 Implications for Nebraska, University of Nebraska-Lincoln, 2014, provides

21 a fundamental basis for understanding the impacts of extreme weather
 22 events or climate change for our state;
 23 (4) The 2015 Nebraska Rural Poll found that sixty-one percent of
 24 rural Nebraskans agree or strongly agree that the state should develop a
 25 plan to address the impacts of extreme weather events or climate change;
 26 (5) Appropriate planning is needed to develop strategies to mitigate
 27 and adapt to the impacts of extreme weather events or climate change on
 1 the health and well-being of Nebraskans;
 2 (6) The state must invest in research and data gathering, planning,
 3 education, and coordination of efforts related to mitigation of and
 4 adaptation to the impacts of extreme weather events or climate change;
 5 and
 6 (7) An effective plan to meet the challenges of extreme weather
 7 events or climate change will enable the state and its communities to
 8 take advantage of opportunities resulting from adaptation and mitigation
 9 strategies, including attracting new businesses and investment to
 10 Nebraska, as well as reducing the potential negative impacts of extreme
 11 weather events or climate change.
 12 2. On page 3, line 28, after "impacts" insert "of extreme weather
 13 events or" and after "change" insert an underscored comma.
 14 3. On page 5, line 5, strike "Waste Reduction and Recycling
 15 Incentive" and insert "Petroleum Release Remedial Action Collection".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 304. Introduced by Lowe, 37.

WHEREAS, Patty Moore became a registered nurse in 2001 and began her nursing career in the maternity center at CHI Health Good Samaritan Hospital in Kearney; and

WHEREAS, over the last eighteen years, Patty Moore has provided exemplary patient care and has gone above and beyond for her patients and their families; and

WHEREAS, the Daisy Award for Extraordinary Nurses is presented to nurses for the clinical skill and compassion provided to patients and families all year long; and

WHEREAS, the Daisy Foundation was established in 1999 in memory of Patrick Barnes who died at thirty-three years of age due to an autoimmune disease; and

WHEREAS, the Daisy Award for Extraordinary Nurses is recognized in over four thousand healthcare facilities in all fifty states and twenty-five countries; and

WHEREAS, Patty Moore was recognized for her commitment to personalized care and received the Daisy Award for Extraordinary Nurses on December 18, 2019.

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

1. That the Legislature congratulates Patty Moore for receiving the Daisy Award for Extraordinary Nurses and thanks her for an impactful nursing career serving Nebraskans.

2. That a copy of this resolution be sent to Patty Moore and CHI Health Good Samaritan Hospital.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB518.
Senator Blood name added to LB534.
Senator M. Hansen name added to LB777.
Senator Murman name added to LB825.
Senator Lathrop name added to LB1019.
Senator Crawford name added to LB1019.
Senator Kolowski name added to LB1072.
Senator Lowe name added to LB1084.
Senator Crawford name added to LB1084.
Senator Kolowski name added to LB1084.
Senator La Grone name added to LB1203.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, January 27, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 27, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 2020

PRAYER

The prayer was offered by Pastor José Flores, Trinity Friedensau and St. Mark Lutheran Churches, Hebron and Ruskin.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Friesen, B. Hansen, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 415, line 7, strike "LB207" and insert "LB297".
The Journal for the tenth day was approved as corrected.

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1073	Education
LB1149	Health and Human Services (rereferred)
LB1156	Education
LB1163	General Affairs
LB1164	Judiciary
LB1165	Agriculture
LB1166	Education
LB1167	Government, Military and Veterans Affairs
LB1168	Education

LB1169	Judiciary
LB1170	Health and Human Services
LB1171	Judiciary
LB1172	Health and Human Services
LB1173	Natural Resources
LB1174	General Affairs
LB1175	Revenue
LB1176	General Affairs
LB1177	Education
LB1178	Urban Affairs
LB1179	Revenue
LB1180	Judiciary
LB1181	Judiciary
LB1182	Health and Human Services
LB1183	Health and Human Services
LB1184	Health and Human Services
LB1185	Health and Human Services
LB1186	Education
LB1187	Government, Military and Veterans Affairs
LB1188	Health and Human Services
LB1189	Revenue
LB1190	Judiciary
LB1191	Executive Board
LB1192	Revenue
LB1193	Government, Military and Veterans Affairs
LB1194	Judiciary
LB1195	Government, Military and Veterans Affairs
LB1196	Banking, Commerce and Insurance
LB1197	Executive Board
LB1198	Appropriations
LB1199	Banking, Commerce and Insurance
LB1200	Agriculture
LB1201	Natural Resources
LB1202	Revenue
LB1203	Revenue
LB1204	Health and Human Services
LB1205	Natural Resources
LB1206	Education
LB1207	Executive Board
LB1208	Judiciary
LB1209	Judiciary
LB1210	Judiciary
LB1211	Government, Military and Veterans Affairs
LB1212	Revenue
LB1213	Revenue
LB1214	Revenue
LB1215	Appropriations
LB1216	Business and Labor
LB1217	Education

LB1218 Government, Military and Veterans Affairs
LB1219 Agriculture
LB1220 Revenue
LB1221 Judiciary
LR300CA Revenue

(Signed) Mike Hilgers, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR296 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR296.

GENERAL FILE

LEGISLATIVE BILL 310. Title read. Considered.

Committee [AM739](#), found on page 909, First Session, 2019, was offered.

Senator Vargas offered his amendment, [AM2099](#), found on page 323, to the committee amendment.

The Vargas amendment was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 310A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 731. Placed on Select File with amendment.

[ER154](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,
 4 is amended to read:
 5 14-403.01 When a city of the metropolitan class adopts a new
 6 comprehensive plan or a full update to an existing comprehensive plan ~~on~~
 7 ~~or after July 15, 2010, but not later than January 1, 2015,~~ such plan or
 8 update shall include, but not be limited to, an energy element which:
 9 Assesses energy infrastructure and energy use by sector, including
 10 residential, commercial, and industrial sectors; evaluates utilization of
 11 renewable energy sources; and promotes energy conservation measures that
 12 benefit the community.
 13 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is
 14 amended to read:
 15 15-1102 The general plan for the improvement and development of the
 16 city of the primary class shall be known as the comprehensive plan. This
 17 plan for governmental policies and action shall include the pattern and
 18 intensity of land use, the provision of public facilities including
 19 transportation and other governmental services, the effective development
 20 and utilization of human and natural resources, the identification and
 21 evaluation of area needs including housing, employment, education, and
 22 health and the formulation of programs to meet such needs, surveys of
 23 structures and sites determined to be of historic, cultural,
 24 archaeological, or architectural significance or value, long-range
 25 physical and fiscal plans for governmental policies and action, and
 26 coordination of all related plans and activities of the state and local
 27 governments and agencies concerned. The comprehensive plan, with the
 1 accompanying maps, plats, charts and descriptive and explanatory
 2 materials, shall show the recommendations concerning the physical
 3 development pattern of such city and of any land outside its boundaries
 4 related thereto, taking into account the availability of and need for
 5 conserving land and other irreplaceable natural resources, the
 6 preservation of sites of historic, cultural, archaeological, and
 7 architectural significance or value, the projected changes in size,
 8 movement, and composition of population, the necessity for expanding
 9 housing and employment opportunities, and the need for methods of
 10 achieving modernization, simplification, and improvements in governmental
 11 structures, systems, and procedures related to growth objectives. The
 12 comprehensive plan shall, among other things, show:
 13 (1) The general location, character, and extent of existing and
 14 proposed streets and highways and railroad, air, and other transportation
 15 routes and terminals;
 16 (2) Existing and proposed public ways, parks, grounds, and open
 17 spaces;
 18 (3) The general location, character, and extent of schools, school
 19 grounds, and other educational facilities and properties;
 20 (4) The general location and extent of existing and proposed public
 21 utility installations;
 22 (5) The general location and extent of community development and
 23 housing activities;
 24 (6) The general location of existing and proposed public buildings,
 25 structures, and facilities; and
 26 (7) When a new comprehensive plan or a full update to an existing
 27 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~

28 ~~than January 1, 2015~~, an energy element which: Assesses energy
 29 infrastructure and energy use by sector, including residential,
 30 commercial, and industrial sectors; evaluates utilization of renewable
 31 energy sources; and promotes energy conservation measures that benefit
 1 the community.

2 The comprehensive plan shall include a land-use plan showing the
 3 proposed general distribution and general location of business and
 4 industry, residential areas, utilities, and recreational, educational,
 5 and other categories of public and private land uses. The land-use plan
 6 shall also show the recommended standards of population density based
 7 upon population estimates and providing for activities for which space
 8 should be supplied within the area covered by the plan. The comprehensive
 9 plan shall include and show proposals for acquisition, extension,
 10 widening, narrowing, removal, vacation, abandonment, sale, and other
 11 actions affecting public improvements.

12 Sec. 3. Section 19-903, Revised Statutes Supplement, 2019, is
 13 amended to read:

14 19-903 The regulations and restrictions authorized by sections
 15 19-901 to 19-915 shall be in accordance with a comprehensive development
 16 plan which shall consist of both graphic and textual material and shall
 17 be designed to accommodate anticipated long-range future growth which
 18 shall be based upon documented population and economic projections. The
 19 comprehensive development plan shall, among other possible elements,
 20 include:

21 (1) A land-use element which designates the proposed general
 22 distributions, general location, and extent of the uses of land for
 23 agriculture, housing, commerce, industry, recreation, education, public
 24 buildings and lands, and other categories of public and private use of
 25 land;

26 (2) The general location, character, and extent of existing and
 27 proposed major roads, streets, and highways, and air and other
 28 transportation routes and facilities;

29 (3) The general location, type, capacity, and area served of present
 30 and projected or needed community facilities including recreation
 31 facilities, schools, libraries, other public buildings, and public
 1 utilities and services;

2 (4) When a new comprehensive plan or a full update to an existing
 3 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
 4 ~~than January 1, 2015~~, an energy element which: Assesses energy
 5 infrastructure and energy use by sector, including residential,
 6 commercial, and industrial sectors; evaluates utilization of renewable
 7 energy sources; and promotes energy conservation measures that benefit
 8 the community. This subdivision shall not apply to villages; and

9 (5)(a) When next amended after January 1, 1995, an identification of
 10 sanitary and improvement districts, subdivisions, industrial tracts,
 11 commercial tracts, and other discrete developed areas which are or in the
 12 future may be appropriate subjects for annexation and (b) a general
 13 review of the standards and qualifications that should be met to enable
 14 the municipality to undertake annexation of such areas. Failure of the
 15 plan to identify subjects for annexation or to set out standards or
 16 qualifications for annexation shall not serve as the basis for any
 17 challenge to the validity of an annexation ordinance.

18 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
 19 designed to lessen congestion in the streets; to secure safety from fire,
 20 panic, and other dangers; to promote health and the general welfare; to
 21 provide adequate light and air; to prevent the overcrowding of land; to
 22 secure safety from flood; to avoid undue concentration of population; to
 23 facilitate the adequate provision of transportation, water, sewerage,
 24 schools, parks, and other public requirements; to protect property
 25 against blight and depreciation; to protect the tax base; to secure

26 economy in governmental expenditures; and to preserve, protect, and
 27 enhance historic buildings, places, and districts.
 28 Such regulations shall be made with reasonable consideration, among
 29 other things, for the character of the district and its peculiar
 30 suitability for particular uses and with a view to conserving the value
 31 of buildings and encouraging the most appropriate use of land throughout
 1 such municipality.
 2 Sec. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 23-114.02 The general plan for the improvement and development of
 5 the county shall be known as the comprehensive development plan and
 6 shall, among other elements, include:
 7 (1) A land-use element which designates the proposed general
 8 distribution, general location, and extent of the uses of land for
 9 agriculture, housing, commerce, industry, recreation, education, public
 10 buildings and lands, and other categories of public and private use of
 11 land;
 12 (2) The general location, character, and extent of existing and
 13 proposed major streets, roads, and highways, and air and other
 14 transportation routes and facilities;
 15 (3) When a new comprehensive plan or a full update to an existing
 16 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
 17 ~~than January 1, 2015~~, an energy element which: Assesses energy
 18 infrastructure and energy use by sector, including residential,
 19 commercial, and industrial sectors; evaluates utilization of renewable
 20 energy sources; and promotes energy conservation measures that benefit
 21 the community; and
 22 (4) The general location, type, capacity, and area served of present
 23 and projected or needed community facilities including recreation
 24 facilities, schools, libraries, other public buildings, and public
 25 utilities and services.
 26 The comprehensive development plan shall consist of both graphic and
 27 textual material and shall be designed to accommodate anticipated long-
 28 range future growth which shall be based upon documented population and
 29 economic projections.
 30 Sec. 5. Original sections 14-403.01, 15-1102, and 23-114.02,
 31 Reissue Revised Statutes of Nebraska, and section 19-903, Revised
 1 Statutes Supplement, 2019, are repealed.
 2 2. On page 1, strike beginning with "municipalities" in line 1
 3 through "Nebraska" in line 3 and insert "political subdivisions; to amend
 4 sections 14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of
 5 Nebraska, and section 19-903, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 534. Placed on Select File with amendment.

[ER153](#)

1 1. On page 1, strike beginning with "a" in line 1 through line 2 and
 2 insert "public postsecondary institutions to submit reports regarding
 3 sexual violence, dating violence, domestic violence, and stalking; to
 4 require public hearings as prescribed; and to define terms."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to [LB813](#):

[AM2147](#)

1 1. On page 2, line 12, after "expanding" insert "federally
 2 approved"; in line 14 after "the" insert "federally approved"; in line 18

3 after the semicolon insert "or"; in line 20 after "establishing" insert
 4 "federally approved"; in line 21 after "employers" insert "or training
 5 agencies"; in line 22 strike "or" and after "costs" insert an underscored
 6 comma; and strike beginning with "needed" in line 23 through "for" in
 7 line 26 and insert "tuition assistance,".

ANNOUNCEMENT(S)

Priority designation(s) received:

Nebraska Retirement Systems - LB1054

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

James W. Hawks - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Jeff T. Kanger - Nebraska Environmental Trust Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

General Affairs
 Room 1510

Monday, February 3, 2020 1:30 p.m.

LB1064
 LB1056
 LB862
 LB1174
 LB1176

(Signed) Tom Briese, Chairperson

Banking, Commerce and Insurance
Room 1507

Monday, February 3, 2020 1:30 p.m.

LB760
LB929
LB1063

Tuesday, February 4, 2020 1:30 p.m.

LB757
LB886
LB1014
LB1123

(Signed) Matt Williams, Chairperson

Appropriations
Room 1003

Monday, February 3, 2020 1:30 p.m.

Agency 18 - Agriculture, Department of
Agency 22 - Insurance, Department of
Agency 29 - Natural Resources, Department of
Agency 30 - Electrical Board, State
Agency 33 - Game and Parks Commission

(Signed) John Stinner, Chairperson

Urban Affairs
Room 1510

Tuesday, February 4, 2020 1:30 p.m.

LB973
LB794
LB866
LB1155
LB999
LB1135

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

LB743
LB1116
LB864
LB1114
LB984
LB1178
LB960

Tuesday, February 18, 2020 1:30 p.m.
LB1003
LB876
LB1021
LB801

Tuesday, February 25, 2020 1:30 p.m.
LB976
LB1078
LB867
LB1077

(Signed) Justin Wayne, Chairperson

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to [LB1046](#):

[MO129](#)

Rerefer bill to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Committee [AM899](#), found on page 968, First Session, 2019, was offered.

Senator Chambers offered his amendment, [FA92](#), found on page 416, to the committee amendment.

SENATOR HILGERS PRESIDING

Senator Chambers withdrew his amendment.

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

[MO130](#)

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

SENATOR HUGHES PRESIDING

Senator Chambers offered the following motion:

[MO131](#)

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 7 nays, and 20 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Excused and not voting, 2:

Geist Morfeld

The Chambers motion to indefinitely postpone failed with 0 ayes, 47 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 4. Placed on Final Reading Second.
LEGISLATIVE BILL 4A. Placed on Final Reading Second.
LEGISLATIVE BILL 30. Placed on Final Reading.
LEGISLATIVE BILL 93. Placed on Final Reading.
LEGISLATIVE BILL 153. Placed on Final Reading.
LEGISLATIVE BILL 230. Placed on Final Reading.
LEGISLATIVE BILL 582. Placed on Final Reading.
LEGISLATIVE BILL 740. Placed on Final Reading.
LEGISLATIVE BILL 741. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 3, 2020 1:30 p.m.

LB1168
LB1186
LB1089

(Signed) Mike Groene, Chairperson

Agriculture
Room 1524

Tuesday, February 4, 2020 1:30 p.m.

Bradley D. Lubben - Beginning Farmer Board
LB1152
LB1219
LB919

Room 1003

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

Britt D. Anderson - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board
LB1159
LB1040

(Signed) Steve Halloran, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, February 4, 2020 1:30 p.m.

LB1067
LB746

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

LB1088
LB843
LB903
LB921
LB942
LB1139

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

LB787
LB1046

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB126:
AM2150

(Amendments to Standing Committee amendments, AM757)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. On page 4, line 11, strike "upto" and insert "up to"; strike line
3 12 and insert "during the five days of Saturday through Wednesday
4 immediately preceding the opening day of"; strike beginning with "if" in
5 line 14 through "permit" in line 18; in line 18 after the period insert
6 "No more than four free permits may be issued per qualified landowner to
7 the landowner or designated members of his or her immediate family, and
8 for a Nebraska resident, the number of free permits issued shall not
9 exceed the total acreage of the farm or ranch divided by eighty, and for
10 a nonresident, the number of free permits issued shall not exceed the
11 total acreage of the farm or ranch divided by three hundred twenty.";
12 strike lines 23 through 30; and in line 31 strike "(c)" and insert "(b)",
13 and strike "shall" and insert "may".

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB310.
Senator Wayne name added to LB518.
Senator Quick name added to LB518.
Senator La Grone name added to LB744.
Senator Vargas name added to LB933.
Senator Vargas name added to LB968.
Senator Murman name added to LB1136.
Senator Lindstrom name added to LB1162.
Senator McCollister name added to LB1177.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Professional Firefighters Association; members from ABATE of Nebraska from across the state; and Temi Onayemi.

The Doctor of the Day was Dr. Lynette Kramer from Albion.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 28, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 2020

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Reaching the Unreached, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Geist, La Grone, Morfeld, Pansing Brooks, Slama, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Tuesday, February 4, 2020 1:30 p.m.

LB1066
LB1083
LB1166
LB1131

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 305. Introduced by Kolterman, 24.

WHEREAS, McCool Junction Public Schools received a 2019 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, McCool Junction Public Schools demonstrates high educational standards and provides all students the opportunity to learn through the arts; and

WHEREAS, McCool Junction Public Schools provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates McCool Junction Public Schools for receiving a 2019 NebraskARTS award.

2. That a copy of this resolution be sent to McCool Junction Public Schools.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 415:

Division of Public Health - Department of Health and Human Services
Gary J. Anthone - Director

Voting in the affirmative, 35:

Arch	Cavanaugh	Gragert	Hunt	Murman
Blood	Chambers	Halloran	Kolowski	Quick
Bolz	Clements	Hansen, B.	Kolterman	Scheer
Bostelman	Crawford	Hilgers	Linehan	Stinner
Brandt	DeBoer	Hilkemann	Lowe	Walz
Brewer	Erdman	Howard	McCollister	Wayne
Briese	Friesen	Hughes	Moser	Williams

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Groene	Lathrop	McDonnell
Dorn	Hansen, M.	Lindstrom	

Excused and not voting, 7:

Geist	Morfeld	Slama	Wishart
La Grone	Pansing Brooks	Vargas	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 416:

Nebraska Tourism Commission
Robert Phillip Sabin

Voting in the affirmative, 39:

Albrecht	Cavanaugh	Gragert	Hunt	Murman
Arch	Chambers	Groene	Kolowski	Quick
Blood	Clements	Halloran	Kolterman	Scheer
Bolz	Crawford	Hansen, B.	La Grone	Stinner
Bostelman	DeBoer	Hilgers	Linehan	Walz
Brandt	Dorn	Hilkemann	Lowe	Wayne
Brewer	Erdman	Howard	McDonnell	Williams
Briese	Friesen	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.	Lathrop	Lindstrom	McCollister
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Excused and not voting, 6:

Geist	Pansing Brooks	Vargas
Morfeld	Slama	Wishart

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 416:

State Emergency Response Commission
Rod Buethe
Polly Ann Jordening
Kyle Keeling

Tonya Ngotel
Kimberly K. Plouzek

Voting in the affirmative, 36:

Albrecht	Cavanaugh	Gragert	Kolowski	Quick
Arch	Chambers	Halloran	Kolterman	Scheer
Blood	Clements	Hansen, B.	La Grone	Wayne
Bolz	Crawford	Hilgers	Linehan	Williams
Bostelman	DeBoer	Hilkemann	Lowe	
Brandt	Dorn	Howard	McDonnell	
Brewer	Erdman	Hughes	Moser	
Briese	Friesen	Hunt	Murman	

Voting in the negative, 0.

Present and not voting, 7:

Groene	Lathrop	McCollister	Walz
Hansen, M.	Lindstrom	Stinner	

Excused and not voting, 6:

Geist	Pansing Brooks	Vargas
Morfeld	Slama	Wishart

The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 437:

Environmental Quality Council
James W. Hawks

Voting in the affirmative, 36:

Albrecht	Chambers	Halloran	Kolterman	Quick
Arch	Clements	Hansen, B.	La Grone	Scheer
Blood	Crawford	Hilgers	Lowe	Wayne
Bolz	DeBoer	Hilkemann	McCollister	Williams
Brandt	Dorn	Howard	McDonnell	
Brewer	Erdman	Hughes	Morfeld	
Briese	Friesen	Hunt	Moser	
Cavanaugh	Gragert	Kolowski	Murman	

Voting in the negative, 0.

Present and not voting, 8:

Bostelman	Hansen, M.	Lindstrom	Stinner
Groene	Lathrop	Linehan	Walz

Excused and not voting, 5:

Geist	Pansing Brooks	Slama	Vargas	Wishart
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 437:

Nebraska Environmental Trust Board
Jeff T. Kanger

Voting in the affirmative, 36:

Albrecht	Cavanaugh	Halloran	La Grone	Quick
Arch	Chambers	Hilgers	Linehan	Scheer
Blood	Clements	Hilkemann	Lowe	Wayne
Bolz	Crawford	Howard	McCollister	Williams
Bostelman	Dorn	Hughes	McDonnell	
Brandt	Erdman	Hunt	Morfeld	
Brewer	Friesen	Kolowski	Moser	
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 8:

DeBoer	Hansen, B.	Lathrop	Stinner
Groene	Hansen, M.	Lindstrom	Walz

Excused and not voting, 5:

Geist	Pansing Brooks	Slama	Vargas	Wishart
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

MOTION(S) - Rerefer LB1046

Senator Wayne offered his motion, [MO129](#), found on page 439, to rerefer LB1046 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to rerefer the bill.

Voting in the affirmative, 17:

Blood	Crawford	Kolowski	Pansing Brooks	Wishart
Bolz	Hansen, M.	Lathrop	Vargas	
Cavanaugh	Howard	McDonnell	Walz	
Chambers	Hunt	Morfeld	Wayne	

Voting in the negative, 31:

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

Present and not voting, 1:

Quick

The Wayne motion to rerefer the bill failed with 17 ayes, 31 nays, and 1 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 775. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File.

(Signed) Matt Williams, Chairperson

MOTION(S) - Print in Journal

Senator Stinner filed the following motion to LB1092:

MO133

Withdraw bill.

NOTICE OF COMMITTEE HEARING(S)

Appropriations
Room 1003

Tuesday, February 4, 2020 1:30 p.m.

LB1099

LB910

LB1198

Agency 9 - Secretary of State

Agency 12 - State Treasurer

Agency 16 - Revenue, Department of

Agency 65 - Administrative Services, Department of

Agency 85 - Public Employees Retirement Board, Nebraska

Agency 87 - Accountability and Disclosure Commission

Wednesday, February 5, 2020 1:30 p.m.

LB916

LB995

LB1017

LB1096

LB1097

Agency 5 - Supreme Court

Agency 46 - Correctional Services, Department of

Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice

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

LB826

LB894

LB979

LB1079

(Signed) John Stinner, Chairperson

Executive Board
Room 1507

Tuesday, February 4, 2020 12:00 p.m.

LB1144

LR298

(Signed) Mike Hilgers, Chairperson

Judiciary
Room 1113

Wednesday, February 5, 2020 1:30 p.m.

LB1027

LB1028

LB1029
LB1030
LB1032
LB1137
LB1164

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

LB1041
LB1095
LB1112
LB1148
LB1169
LB1194

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

LB786
LB978
LB1082
LB1171
LB1180
LB1208

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

LB959
LB985
LB1117
LB1181
LB1209
LR281CA

Wednesday, February 19, 2020 1:30 p.m.

LB907
LB1004
LB1062
LB1081
LB1133

Thursday, February 20, 2020 1:30 p.m.

LB766
LB814
LB991
LB1048
LB1210

Thursday, February 27, 2020 1:30 p.m.

LB750
LB1091
LB1094
LB1115

LB1118
LB1190

Friday, February 21, 2020 1:30 p.m.

LB816
LB872
LB958
LB1221

Wednesday, February 26, 2020 1:30 p.m.

LB742
LB749
LB792
LB793
LB913
LB1113

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs
Room 1507

Wednesday, February 5, 2020 1:30 p.m.

LB1047
LB1055
LB1057
LB1211

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

LB781
LB807

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 347. Title read. Considered.

SENATOR HUGHES PRESIDING

SENATOR HILGERS PRESIDING

Senator Murman offered the following amendment:

[AM2146](#)

1 1. Insert the following new sections:

2 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
3 as the Reflexologist Registration Act.

4 Sec. 3. The purpose of the Reflexologist Registration Act is to
5 ensure the health, safety, and welfare of the public by providing for the
6 accurate, cost-effective, efficient, and safe utilization of registered

7 reflexologists in the administration of reflexology.

8 Sec. 4. For purposes of the Reflexologist Registration Act, the
9 practice of reflexology means the application of pressure to specific
10 points on the feet, hands, and outer ears.

11 Sec. 5. No person shall engage in the practice of reflexology for
12 remuneration unless such person is listed on the reflexologist registry
13 created under section 6 of this act.

14 Sec. 6. (1) The reflexologist registry is created. The Department
15 of Health and Human Services shall list each reflexologist's registration
16 on the reflexologist registry.

17 (2) A listing in the registry shall be valid for the term of the
18 registration and upon renewal unless such listing is refused renewal or
19 is removed.

20 Sec. 7. To register as a reflexologist, an individual shall file an
21 application with the Department of Health and Human Services and pay the
22 applicable fee determined by the department.

23 2. Renumber the remaining section accordingly.

Senator Chambers offered the following motion:

[MO135](#)

Bracket until April 22, 2020.

Pending.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to [LB1046](#):

[MO134](#)

Rerefer bill to the Revenue Committee, pursuant to Rule 6, Section 2(a).

NOTICE OF COMMITTEE HEARING(S)

Judiciary
Room 1113

Wednesday, February 19, 2020 1:30 p.m.

Anne C. Boatright - Crime Victim's Reparations Committee

Mark T. Langan - Board of Parole

(Signed) Steve Lathrop, Chairperson

Banking, Commerce and Insurance
Room 1507

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

LB808

LB954

LB988

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

LB997

LB767

LB1199

Tuesday, February 18, 2020 1:30 p.m.

LB949
LB804
LB970
LB948

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

LB1024
LB1108
LB1196

(Signed) Matt Williams, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 306. Introduced by Wishart, 27; Linehan, 39; Pansing Brooks, 28.

WHEREAS, the federal Education for All Handicapped Children Act of 1975 (the 1975 Act) was enacted to address the failure of states to meet the educational needs of children with disabilities. In 1990, the act was amended and renamed the Individuals with Disabilities Education Act (IDEA). This law remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, the purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, the 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, since 1975, including in the most recent amendments to the IDEA, Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and

WHEREAS, the federal government has never paid the promised 40 percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs; and

WHEREAS, the Nebraska student population requiring special education and related services continues to grow each year; and

WHEREAS, school, disability, and parent groups have been trying for years to bring IDEA appropriations up to the full funding of 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. These efforts have yet to succeed; and

WHEREAS, in 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level; and

WHEREAS, because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, tax increases, or both; and

WHEREAS, a bill stands on the floor of the United States House of Representatives, H.R. 1878, known as the IDEA Full Funding Act, that aims to reach the 40 percent full funding level by the fiscal year 2028 through incremental increases in the federal share of funding each fiscal year.

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

1. That the Legislature respectfully urges Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and to the United States Secretary of Education.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR306 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB518.

Senator Briese name added to LB518.

Senator Crawford name added to LB748.

Senator Williams name added to LB825.

Senator Walz name added to LB825.

Senator McCollister name added to LB1181.

Senator McCollister name added to LB1191.

Senator Briese name added to LB1201.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Cattlemen YCC Class of 2019 from across the state; and students from UNL.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 29, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 2020

PRAYER

The prayer was offered by Dr. Phani Tej Adidam, Hindu Temple, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hilgers presiding.

The roll was called and all members were present except Senator Geist who was excused; and Senators M. Hansen, Hilkemann, Morfeld, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

MOTION(S) - Withdraw LB1092

Senator Stinner offered his motion, [MO133](#), found on page 450, to withdraw LB1092.

The Stinner motion to withdraw the bill prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 287. Placed on Select File with amendment.
[ER156](#) is available in the Bill Room.

LEGISLATIVE BILL 880. Placed on Select File.

LEGISLATIVE BILL 310. Placed on Select File with amendment.**ER155**

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 77-2906, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-2906 (1)(a) (1) Within twelve months after the date on which the
6 historically significant real property is placed in service, a person
7 whose application was approved under section 77-2905 shall file a request
8 for final approval containing all required information with the officer
9 on a form prescribed by the officer and shall include a fee established
10 by the officer pursuant to section 77-2907. The officer shall then
11 determine whether the work substantially conforms to the application
12 approved under section 77-2905. If the work substantially conforms and no
13 other significant improvements have been made to the historically
14 significant real property that do not substantially comply with the
15 standards, the officer shall approve the request for final approval and
16 refer the application to the department to determine the amount of
17 eligible expenditures, calculate the amount of the credit, and issue a
18 certificate to the person evidencing the credit. If the work does not
19 substantially conform to the approved application or if other significant
20 improvements have been made to the historically significant real property
21 that do not substantially comply with the standards, the officer shall
22 deny the request for final approval and provide the person with a written
23 explanation of the decision. The officer shall make a determination on
24 the request for final approval in writing within thirty days after the
25 filing of the request. If the officer does not make a determination
26 within thirty days after the filing of the request, the request shall be
27 deemed approved and the person may petition the department directly to

1 determine the amount of eligible expenditures, calculate the amount of
2 the credit, and issue a certificate evidencing the credit.
3 (b) The department shall determine the amount of eligible
4 expenditures, calculate the amount of the credit, and issue one or more
5 certificates evidencing the credit within sixty days after referral of
6 the application to the department by the officer or the filing of a
7 petition pursuant to subdivision (1)(a) of this section. The person
8 filing the request for final approval and the department may also agree
9 to extend the sixty-day period, but such extension shall not exceed an
10 additional thirty days. If the department does not determine the amount
11 of eligible expenditures, calculate the amount of the credit, and issue
12 one or more certificates evidencing the credit within such sixty-day
13 period or agreed-upon longer period, the credit shall be deemed to have
14 been issued by the department for the amount requested in such person's
15 request for final approval, except that such amount shall not exceed one
16 hundred ten percent of the amount of credits allocated by the officer
17 under section 77-2905 and such amount shall not increase or decrease the
18 total amount of credits that may be allocated by the officer under
19 section 77-2905 in any calendar year.

20 (c) Any denial of a request for final approval by the officer or any
21 determination of the amount of eligible expenditures or calculation of
22 the amount of the credit by the department pursuant to this section may
23 be appealed, and the appeal shall be in accordance with the
24 Administrative Procedure Act.

25 (2) The department shall divide the credit and issue multiple
26 certificates to a person who qualifies for the credit upon reasonable
27 request.

28 (3) In calculating the amount of the credits to be issued pursuant
29 to this section, the department may issue credits in an amount that
30 differs from the amount of credits allocated by the officer under section
31 77-2905 if such credits are supported by eligible expenditures as
1 determined by the department, except that the department shall not issue
2 credits in an amount exceeding one hundred ten percent of the amount of

3 credits allocated by the officer under section 77-2905. If the amount of
4 credits to be issued under this section is more than the amount of
5 credits allocated by the officer pursuant to section 77-2905, the
6 department shall notify the officer of the difference and such amount
7 shall be subtracted from the annual amount available for allocation under
8 section 77-2905. If the amount of credits to be issued under this section
9 is less than the amount of credits allocated by the officer pursuant to
10 section 77-2905, the department shall notify the officer of the
11 difference and such amount shall be added to the annual amount available
12 for allocation under section 77-2905.

13 (4) The department shall not issue any certificates for credits
14 under this section until the recipient of the credit has paid to the
15 department:

16 (a) A fee equal to one-quarter of one percent of the credit
17 amount. The department shall remit such fees to the State Treasurer for
18 credit to the Civic and Community Center Financing Fund; and -

19 (b) A fee equal to six-tenths of one percent of the credit amount.

20 The department shall remit such fees to the State Treasurer for credit to
21 the Department of Revenue Enforcement Fund.

22 (5) If the recipient of the credit is (a) a corporation having an
23 election in effect under subchapter S of the Internal Revenue Code of
24 1986, as amended, (b) a partnership, or (c) a limited liability company,
25 the credit may be claimed by the shareholders of the corporation, the
26 partners of the partnership, or the members of the limited liability
27 company in the same manner as those shareholders, partners, or members
28 account for their proportionate shares of the income or losses of the
29 corporation, partnership, or limited liability company, or as provided in
30 the bylaws or other executed agreement of the corporation, partnership,
31 or limited liability company. Credits granted to a partnership, a limited
1 liability company taxed as a partnership, or other multiple owners of
2 property shall be passed through to the partners, members, or owners,
3 respectively, on a pro rata basis or pursuant to an executed agreement
4 among the partners, members, or owners documenting any alternate
5 distribution method.

6 (6) Subject to section 77-2912, any credit amount that is unused may
7 be carried forward to subsequent tax years until fully utilized.

8 (7) Credits allowed under this section may be claimed for taxable
9 years beginning or deemed to begin on or after January 1, 2015, under the
10 Internal Revenue Code of 1986, as amended.

11 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
12 amended to read:

13 77-5601 (1) From August 1, 2004, through October 31, 2004, there
14 shall be conducted a tax amnesty program with regard to taxes due and
15 owing that have not been reported to the Department of Revenue. Any
16 person applying for tax amnesty shall pay all unreported taxes that were
17 due on or before April 1, 2004. Any person that applies for tax amnesty
18 and is accepted by the Tax Commissioner shall have any penalties and
19 interest waived on unreported and delinquent taxes notwithstanding any
20 other provisions of law to the contrary.

21 (2) To be eligible for the tax amnesty provided by this section, the
22 person shall apply for amnesty within the amnesty period, file a return
23 for each taxable period for which the amnesty is requested by December
24 31, 2004, if no return has been filed, and pay in full all taxes for
25 which amnesty is sought with the return or within thirty days after the
26 application if a return was filed prior to the amnesty period. Tax
27 amnesty shall not be available for any person that is under civil or
28 criminal audit, investigation, or prosecution for unreported or
29 delinquent taxes by this state or the United States Government on or
30 before April 16, 2004.

31 (3) The department shall not seek civil or criminal prosecution
1 against any person for any taxable period for which amnesty has been
2 granted. The Tax Commissioner shall develop forms for applying for the

3 tax amnesty program, develop procedures for qualification for tax
4 amnesty, and conduct a public awareness campaign publicizing the program.
5 (4) If a person elects to participate in the amnesty program, the
6 election shall constitute an express and irrevocable relinquishment of
7 all administrative and judicial rights to challenge the imposition of the
8 tax or its amount. Nothing in this section shall prohibit the department
9 from adjusting a return as a result of any state or federal audit.
10 (5)(a) Except for any local option sales tax collected and returned
11 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
12 and compressed fuel taxes, which shall be deposited in the Highway Trust
13 Fund or Highway Allocation Fund as provided by law, no less than eighty
14 percent of all revenue received pursuant to the tax amnesty program shall
15 be deposited in the General Fund and ten percent, not to exceed five
16 hundred thousand dollars, shall be deposited in the Department of Revenue
17 Enforcement Fund. Any amount that would otherwise be deposited in the
18 Department of Revenue Enforcement Fund that is in excess of the five-
19 hundred-thousand-dollar limitation shall be deposited in the General
20 Fund.
21 (b) For fiscal year 2005-06, all proceeds in the Department of
22 Revenue Enforcement Fund shall be appropriated to the department for
23 purposes of employing investigators, agents, and auditors and otherwise
24 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.
25 (c) For fiscal years after fiscal year 2005-06, twenty percent of
26 all proceeds received during the previous calendar year due to the
27 efforts of auditors and investigators hired pursuant to subdivision (5)
28 (b) of this section, not to exceed seven hundred fifty thousand dollars,
29 shall be deposited in the Department of Revenue Enforcement Fund for
30 purposes of employing investigators and auditors or continuing such
31 employment for purposes of increasing enforcement of the act.
1 (d) Ten percent of all proceeds received during each calendar year
2 due to the contracts entered into pursuant to section 77-367 shall be
3 deposited in the Department of Revenue Enforcement Fund for purposes of
4 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
5 improper or fraudulent payments.
6 (6)(a) The department shall prepare a report by April 1, 2005, and
7 by February 1 of each year thereafter detailing the results of the tax
8 amnesty program and the subsequent enforcement efforts. For the report
9 due April 1, 2005, the report shall include (i) the amount of revenue
10 obtained as a result of the tax amnesty program broken down by tax
11 program, (ii) the amount obtained from instate taxpayers and from out-of-
12 state taxpayers, and (iii) the amount obtained from individual taxpayers
13 and from business enterprises.
14 (b) For reports due in subsequent years, the report shall include
15 (i) the number of personnel hired for purposes of subdivision (5)(b) of
16 this section and their duties, (ii) a description of lists, software,
17 programming, computer equipment, and other technological methods acquired
18 and the purposes of each, and (iii) the amount of new revenue obtained as
19 a result of the new personnel and acquisitions during the prior calendar
20 year, broken down into the same categories as described in subdivision
21 (6)(a) of this section.
22 (7) The Department of Revenue Enforcement Fund is created. Transfers
23 may be made from the Department of Revenue Enforcement Fund to the
24 General Fund at the direction of the Legislature. The Department of
25 Revenue Enforcement Fund may receive transfers from the Civic and
26 Community Center Financing Fund at the direction of the Legislature for
27 the purpose of administering the Sports Arena Facility Financing
28 Assistance Act. The Department of Revenue Enforcement Fund shall include
29 any money credited to the fund (a) under section 77-2703, and such money
30 shall be used by the Department of Revenue to defray the costs incurred
31 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
1 Device Tax Act, and such money shall be used by the department to defray
2 the costs incurred to implement and enforce Laws 2019, LB538, and any

3 rules and regulations adopted and promulgated to carry out Laws 2019,
 4 LB538, and (c) under section 77-2906, and such money shall be used by the
 5 Department of Revenue to defray the costs incurred to implement this
 6 legislative bill. Any money in the Department of Revenue Enforcement Fund
 7 available for investment shall be invested by the state investment
 8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 9 State Funds Investment Act.
 10 (8) For purposes of this section, taxes mean any taxes collected by
 11 the department, including, but not limited to state and local sales and
 12 use taxes, individual and corporate income taxes, financial institutions
 13 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
 14 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.
 15 Sec. 3. Original section 77-2906, Reissue Revised Statutes of
 16 Nebraska, and section 77-5601, Revised Statutes Supplement, 2019, are
 17 repealed.
 18 2. On page 1, strike beginning with "the" in line 1 through
 19 "section" in line 5 and insert "revenue and taxation; to amend section
 20 77-2906, Reissue Revised Statutes of Nebraska, and section 77-5601,
 21 Revised Statutes Supplement, 2019; to provide deadlines for the
 22 determination of tax credits, change provisions relating to appeals, and
 23 provide a fee under the Nebraska Job Creation and Mainstreet
 24 Revitalization Act; to authorize the use of certain fees for revenue
 25 enforcement; to harmonize provisions; and to repeal the original
 26 sections".

LEGISLATIVE BILL 310A. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB1072:
AM2171

1 1. Insert the following new section:
 2 Sec. 3. Section 46-1,153, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 46-1,153 The board of directors of any irrigation district in this
 5 state sustaining contractual relations with the United States shall have
 6 the power to borrow funds for the purpose of making any necessary
 7 payments thereon and to pledge the credit of the district for the payment
 8 of the same. The board of directors of any irrigation district in this
 9 state shall have the power to borrow funds to meet the necessities of any
 10 unforeseen or unusual conditions arising in the operation and maintenance
 11 of the irrigation system of such district and to pledge the credit of
 12 such district for the payment thereof. ~~The total sum borrowed by any~~
 13 ~~district under the provisions of this section shall at no time exceed~~
 14 ~~two-thirds the amount of the general fund levy of such district for the~~
 15 ~~preceding year. If the levy for the then current year shall be~~
 16 ~~insufficient to provide for the payment of the sum or sums so borrowed,~~
 17 ~~then such payment shall be provided for in the levy for the year next~~
 18 ~~ensuing.~~
 19 2. Renumber the remaining section and correct the repealer
 20 accordingly.

MOTION(S) - Print in Journal

Senator Lathrop filed the following motion to [LB787](#):

[MO136](#)

Withdraw bill.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 797. Placed on General File.

LEGISLATIVE BILL 809. Placed on General File.

LEGISLATIVE BILL 957. Placed on General File.

LEGISLATIVE BILL 824. Placed on General File with amendment.

[AM2133](#)

1 I. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)

Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Kelli M. Ackerman - Public Employees Retirement Board

Michael D. Jahnke - Public Employees Retirement Board

Allen Simpson - Public Employees Retirement Board

Aye: 6. Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.

Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

John M. Dinkel - Nebraska Investment Council

Aye: 6. Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.

Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, February 5, 2020 1:30 p.m.

LB1189

LB806

LB819

LB891

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 347. Senator Chambers withdrew his motion, [MO135](#), found on page 454, to bracket until April 22, 2020.

Senator Murman renewed his amendment, [AM2146](#), found on page 453.

Senator Chambers offered the following motion:

[MO138](#)

Bracket until April 22, 2020.

SPEAKER SCHEER PRESIDING**SENATOR DEBOER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 40:

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

Present and not voting, 3:

Cavanaugh Chambers Kolowski

Excused and not voting, 5:

Geist Groene Stinner Wayne Wishart

The Chambers motion to bracket failed with 1 aye, 40 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO139](#)

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Chambers Hunt

Voting in the negative, 39:

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

Present and not voting, 2:

Cavanaugh Kolowski

Excused and not voting, 6:

Geist Scheer Wayne
Kolterman Stinner Wishart

The Chambers motion to reconsider failed with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO140](#)

Recommit to the Health and Human Services Committee.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Wednesday, February 5, 2020 1:00 p.m.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board

David J. Hansen - Nebraska Child Abuse Prevention Fund Board

LB1140

LB1141

LB1142

LB1143

LB1145

(Signed) Sara Howard, Chairperson

Natural Resources
Room 1525

Wednesday, February 5, 2020 1:30 p.m.

Sherry Vinton - Nebraska Environmental Trust Board

LB1201

LR288

LB1072

AM2171 to LB1072

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

Douglas Anderson - Environmental Quality Council

LB859

LB860

(Signed) Dan Hughes, Chairperson

General Affairs
Room 1510

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

LB1090

LB1163

LB971

LB990

LR295CA

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)
General Affairs

The General Affairs 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.

Cameron J. Arch - Nebraska Commission on Problem Gambling

Aye: 7. Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0. Recused: 1. Arch.

The General Affairs 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.

Claudia Louise Barthold - Nebraska Commission on Problem Gambling
Mark R. Canada - Nebraska Commission on Problem Gambling

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to [LB344](#):
[AM2039](#) is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to [LB347](#):
[MO137](#)
Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Committee [AM950](#), found on page 1024, First Session, 2019, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator La Grone name added to LB853.

Senator Stinner name added to LB962.

Senator Cavanaugh name added to LB962.

Senator Howard name added to LB962.

VISITOR(S)

Visitors to the Chamber were Grace Schleining from Malcolm High School; and members from the Scottsbluff/Gering United Chamber, Leadership Scotts Bluff Class XXXI, and Heartland Expressway Association.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 11:39 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 30, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

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

PRAYER

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

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht, Cavanaugh, M. Hansen, Lindstrom, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

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

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 518. Placed on Select File with amendment.**ER157**

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

LEGISLATIVE BILL 541. Placed on Select File with amendment.**ER158**

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

(Signed) Julie Slama, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
 LR306 Education

(Signed) Mike Hilgers, Chairperson
Executive Board**CONFLICT OF INTEREST STATEMENT**

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

AMENDMENT(S) - Print in Journal

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

(Amendments to E&R amendments, ER156)

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

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

(Amendments to E and R amendments, ER147)

- 1 1. On page 5, lines 10 and 16, strike "[in a digital advertisement](#)".

RESOLUTION(S)

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

PRESIDENT SIGNED

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

MOTION(S) - Withdraw LB787

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

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

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

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

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

LEGISLATIVE BILL 126. Title read. Considered.

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

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

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

Senator Bostelman offered the following motion:

[MO142](#)

Reconsider the adoption of AM2150.

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

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

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

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 926. Placed on General File.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 1003

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

LB813

LB1216

LB1160

LB1101

LB1103

Room 1524

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

LB927

LB928

LB1126

LB1127

LB1128

LB1129

(Signed) Matt Hansen, Chairperson

Revenue
Room 1524

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

LB1084

AM2207

Note: Amendment to LB720

(Signed) Lou Ann Linehan, Chairperson

Appropriations
Room 1524

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

LB827

LB874

LB877

LB1093

LB1215

Agency 25 - Health and Human Services

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

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

LB779

LB897

LB1100

LB1146

LB1161

Agency 25 - Health and Human Services

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

Room 1003

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

LB773

LB1026

LB1050

LB1069

LB1098

Agency 72 - Economic Development, Department of

Agency 50 - Nebraska State College System

Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

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

MOTION(S) - Print in Journal

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

AMENDMENT(S) - Print in Journal

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

(Amendments to E & R amendments, ER149)

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

ANNOUNCEMENT(S)

Priority designation(s) received:

Executive Board - LR279CA

RESOLUTION(S)

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

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

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

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

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

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

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

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

Laid over.

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

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

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

LEGISLATIVE BILL 643. Title read. Considered.

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

LEGISLATIVE BILL 387. Title read. Considered.

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

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

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 785. Placed on General File.

LEGISLATIVE BILL 831. Placed on General File.

LEGISLATIVE BILL 768. Placed on General File with amendment.

[AM2101](#)

1 1. Insert the following new section:

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

3 amended to read:

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

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

6 carrier transporting persons or property in interstate commerce for a

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

8 transporting persons or property in intrastate commerce for a violation

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

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

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

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

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

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

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

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

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

(Amendments to Standing Committee amendments, AM1183)

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

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

Senator Kolterman filed the following amendment to [LB205A](#):
[AM2166](#)

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

Senator Kolterman filed the following amendment to LB607A:

AM2165

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

UNANIMOUS CONSENT - Add Cointroducer(s)

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

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

WITHDRAW - Cointroducer(s)

Senator Bolz name withdrawn from LB1148.

VISITOR(S)

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 31, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 31, 2020

PRAYER

The prayer was offered by Pastor Mark Smith, Royal Assembly of God Church, Omaha.

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 Briese who was excused; and Senators Lowe and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 835. Placed on General File with amendment.
[AM2185](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 30, 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

Amack, Angela K.
Center for People in Need
Baumfalk, Benjamin
First Five Nebraska
Camino, Marie
Mercy For Animals, Inc.
Carroll-Shern, Linda
Pharmaceutical Research and Manufacturers of America
Kelley Governmental Relations, LLC
Jensen Rogert Associates, Inc.
Mueller Robak
Jensen Rogert Associates, Inc.
O'Hara Lindsay & Associates, Inc.
Millard United Sports
Motorola Solutions, Inc.
Pellett, Stacey
Deere & Company
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Emerick Wind LLC
Plum Creek Wind LLC
Ross, Thomas
GED Testing Service
Salesses, Scott
GED Testing Service
Schmeling, Richard
ProRail Nebraska, Inc.
Sims, Jim
NioCorp

REPORTS

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

MOTION(S) - Rerefer LB1046

Senator Wayne offered his motion, [MO134](#), found on page 454, to rerefer LB1046 to the Revenue Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

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

Voting in the affirmative, 12:

Blood	Hansen, M.	Kolowski	Vargas
Cavanaugh	Howard	Morfeld	Walz
Chambers	Hunt	Pansing Brooks	Wayne

Voting in the negative, 29:

Albrecht	Crawford	Halloran	La Grone	Murman
Arch	Dorn	Hansen, B.	Lindstrom	Scheer
Bostelman	Erdman	Hilgers	Linehan	Slama
Brandt	Friesen	Hilkemann	McCollister	Stinner
Brewer	Geist	Hughes	McDonnell	Williams
Clements	Groene	Kolterman	Moser	

Present and not voting, 4:

Bolz	DeBoer	Lathrop	Quick
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Excused and not voting, 4:

Briese	Gragert	Lowe	Wishart
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The Wayne motion to rerefer the bill failed with 12 ayes, 29 nays, 4 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 604. Placed on General File with amendment.
[AM576](#) is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 279CA. Placed on General File.

(Signed) Mike Hilgers, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 312. Placed on Select File with amendment.

[ER159](#)

1 1. In the Standing Committee amendments, AM1134, on page 1, line 9,
2 strike "2020" and insert "2021".

3 2. On page 1, line 4, after the semicolon insert "to provide a duty

4 for the Department of Health and Human Services and the Health and Human

5 Services Committee of the Legislature;".

LEGISLATIVE BILL 126. Placed on Select File with amendment.ER160

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 37-455, Revised Statutes Supplement, 2019, is

4 amended to read:

5 37-455 (1) The commission may issue a limited permit for deer,
6 antelope, wild turkey, or elk to a person who is a qualifying landowner
7 or leaseholder or a member of such person's immediate family as described
8 in this section. The commission may issue nonresident landowner limited
9 permits after preference has been given for the issuance of resident
10 permits as provided in rules and regulations adopted and promulgated by
11 the commission. Except as provided in subsection (4) of this section, a
12 permit shall be valid during the predetermined period established by the
13 commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or
14 37-457. Upon receipt of an application in proper form as prescribed by
15 the rules and regulations of the commission, the commission may issue (a)
16 a limited deer, antelope, or wild turkey permit valid for hunting on all
17 of the land which is owned or leased by the qualifying landowner or
18 leaseholder if such lands are identified in the application or (b) a
19 limited elk permit valid for hunting on the entire elk management unit of
20 which the land of the qualifying landowner or leaseholder included in the
21 application is a part.

22 (2)(a) The commission shall adopt and promulgate rules and
23 regulations prescribing procedures and forms and create requirements for
24 documentation by an applicant or permittee to determine whether the
25 applicant or permittee is a Nebraska resident and is a qualifying
26 landowner or leaseholder of the described property or is a member of the
27 immediate family of such qualifying landowner or leaseholder. The
28 commission may adopt and promulgate rules and regulations that create
29 requirements for documentation to designate one qualifying landowner
30 among partners of a partnership or officers or shareholders of a
31 corporation that owns or leases eighty acres or more of farm or ranch
32 land for agricultural purposes and among beneficiaries of a trust that
33 owns or leases eighty acres or more of farm or ranch land for
34 agricultural purposes. Only a person who is a qualifying landowner or
35 leaseholder or a member of such person's immediate family may apply for a
36 limited permit. An applicant may apply for no more than one permit per
37 species per year except as otherwise provided in subsection (4) of this
38 section and the rules and regulations of the commission. For purposes of
39 this section, member of a person's immediate family means and is limited
40 to the spouse of such person, any child or stepchild of such person or of
41 the spouse of such person, any spouse of any such child or stepchild, any
42 sibling of such person sharing ownership in the property, and any spouse
43 of any such sibling.

44 (b) The conditions applicable to permits issued pursuant to sections
45 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
46 shall apply to limited permits issued pursuant to this section, except
47 that the commission may pass commission orders for species harvest
48 allocation pertaining to the sex and age of the species harvested which
49 are different for a limited permit than for other hunting permits. For
50 purposes of this section, white-tailed deer and mule deer shall be
51 treated as one species.

52 (3)(a) To qualify for a limited permit to hunt deer or antelope, the
53 applicant shall be a Nebraska resident who (i) owns or leases eighty
54 acres or more of farm or ranch land for agricultural purposes or a member
55 of such person's immediate family or (ii) is the partner, officer,
56 shareholder, or beneficiary designated as the qualifying landowner by a
57 partnership, corporation, or trust as provided in the rules and
58 regulations under subdivision (2)(a) of this section or a member of the

1 immediate family of the partner, officer, shareholder, or beneficiary.

2 The number of limited permits issued annually per species for each farm
3 or ranch shall not exceed the total acreage of the farm or ranch divided
4 by eighty. The fee for a limited permit to hunt deer or antelope shall be
5 one-half the fee for the regular permit for such species.

6 (b) A nonresident of Nebraska who owns three hundred twenty acres or
7 more of farm or ranch land in the State of Nebraska for agricultural
8 purposes or a member of such person's immediate family may apply for a
9 limited deer or antelope permit. The number of limited permits issued
10 annually per species for each farm or ranch shall not exceed the total
11 acreage of the farm or ranch divided by three hundred twenty. The fee for
12 such a permit to hunt deer or antelope shall be one-half the fee for a
13 nonresident permit to hunt such species.

14 (c) The commission may adopt and promulgate rules and regulations
15 providing for the issuance of an additional limited deer permit to a
16 qualified individual for the taking of a deer without antlers at a fee
17 equal to or less than the fee for the original limited permit.

18 (4)(a) In addition to any limited permit to hunt deer issued to a
19 qualifying landowner under subsection (3) of this section, the commission
20 shall issue up to four free firearm deer hunting permits to hunt deer
21 during the five days of Saturday through Wednesday immediately preceding
22 the opening day of firearm deer hunting season to any landowner and
23 designated members of his or her immediate family. No more than four free
24 permits may be issued per qualified landowner to the landowner or
25 designated members of his or her immediate family, and for a Nebraska
26 resident, the number of free permits issued shall not exceed the total
27 acreage of the farm or ranch divided by eighty, and for a nonresident,
28 the number of free permits issued shall not exceed the total acreage of
29 the farm or ranch divided by three hundred twenty. For purposes of this
30 subsection, the qualifying criteria for a Nebraska resident described in
31 subdivisions (3)(a)(i) and (ii) of this section and the ownership
1 criteria for a nonresident of Nebraska described in subdivision (3)(b) of
2 this section apply.

3 (b) The commission may adopt and promulgate rules and regulations to
4 carry out the purposes of this subsection.

5 (5)(a) (4)(a) To qualify for a limited permit to hunt wild turkey,
6 the applicant shall be a Nebraska resident who (i) owns or leases eighty
7 acres or more of farm or ranch land for agricultural purposes or a member
8 of such person's immediate family or (ii) is the partner, officer,
9 shareholder, or beneficiary designated as the qualifying landowner by a
10 partnership, corporation, or trust as provided in the rules and
11 regulations under subdivision (2)(a) of this section or a member of the
12 immediate family of the partner, officer, shareholder, or beneficiary.
13 The number of limited permits issued annually per season for each farm or
14 ranch shall not exceed the total acreage of the farm or ranch divided by
15 eighty. An applicant may apply for no more than one limited permit per
16 season. The fee for a limited permit to hunt wild turkey shall be one-
17 half the fee for the regular permit to hunt wild turkey.

18 (b) A nonresident of Nebraska who owns three hundred twenty acres or
19 more of farm or ranch land in the State of Nebraska for agricultural
20 purposes or a member of such person's immediate family may apply for a
21 limited permit to hunt wild turkey. Only one limited wild turkey permit
22 per three hundred twenty acres may be issued annually for each wild
23 turkey season under this subdivision. The fee for such a permit to hunt
24 shall be one-half the fee for a nonresident permit to hunt wild turkey.

25 (6) (5) To qualify for a limited permit to hunt elk, (a) the
26 applicant shall be (i) a Nebraska resident who owns three hundred twenty
27 acres or more of farm or ranch land for agricultural purposes, (ii) a
28 Nebraska resident who leases six hundred forty acres or more of farm or
29 ranch land for agricultural purposes or has a leasehold interest and an

30 ownership interest in farm or ranch land used for agricultural purposes
 31 which when added together totals at least six hundred forty acres, (iii)
 1 a nonresident of Nebraska who owns at least one thousand two hundred
 2 eighty acres of farm or ranch land for agricultural purposes, or (iv) a
 3 member of such owner's or lessee's immediate family and (b) the
 4 qualifying farm or ranch land of the applicant shall be within an area
 5 designated as an elk management zone by the commission in its rules and
 6 regulations. An applicant shall not be issued a limited bull elk permit
 7 more than once every three years, and the commission may give preference
 8 to a person who did not receive a limited elk permit or a specified type
 9 of limited elk permit during the previous years. The fee for a resident
 10 landowner limited permit to hunt elk shall not exceed one-half the fee
 11 for the regular permit to hunt elk. The fee for a nonresident landowner
 12 limited permit to hunt elk shall not exceed three times the cost of a
 13 resident elk permit. The number of applications allowed for limited elk
 14 permits for each farm or ranch shall not exceed the total acreage of the
 15 farm or ranch divided by the minimum acreage requirements established for
 16 the property. No more than one person may qualify for the same described
 17 property.
 18 Sec. 2. Original section 37-455, Revised Statutes Supplement, 2019,
 19 is repealed.
 20 2. On page 1, strike lines 2 through 4 and insert "Revised Statutes
 21 Supplement, 2019; to provide for special landowner deer hunting permits
 22 as prescribed; and to repeal the original section."

LEGISLATIVE BILL 540. Placed on Select File with amendment.

[ER161](#)

1 1. On page 1, line 3, strike "eliminate" and insert "change".

LEGISLATIVE BILL 643. Placed on Select File with amendment.

[ER162](#)

1 1. On page 2, line 9, after the second comma insert "and".

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 880. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 206. [ER140](#), found on page 329, was adopted.

Senator Morfeld offered his amendment, [AM2136](#), found on page 401.

The Morfeld amendment was adopted with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Senator Clements offered the following amendment:

[AM2229](#)

(Amendments to Standing Committee amendments, AM430)

1 1. Strike section 2 and all amendments thereto.

Pending.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 255. Placed on General File.

(Signed) Sara Howard, Chairperson

Revenue

LEGISLATIVE BILL 242. Placed on General File with amendment.

[AM434](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Infrastructure Improvement and Replacement Assistance Act.
5 Sec. 2. (1) The Legislature finds that municipalities and sewer and
6 water utilities of this state face a need to construct, upgrade,
7 redevelop, and replace sewer and water infrastructure facilities and to
8 redevelop and replace obsolete sewer and water facilities. By providing
9 sewer and water facilities, municipalities and sewer and water utilities
10 provide the building blocks for economic development. Not only does the
11 investment in infrastructure generate an immediate stream of economic
12 activity, it also lays the groundwork for private investment that will
13 use the facilities so provided. Municipalities and sewer and water
14 utilities in this state currently are in critical need of assistance in
15 providing these facilities. Political subdivisions are limited in their
16 ability to finance major infrastructure projects. Political subdivisions
17 are able to use property taxes, local option sales taxes, bond funding,
18 fees for services, or a combination thereof. However, many of these
19 financing options contain statutory budget and tax levy restrictions. In
20 order to minimize the burden on property taxpayers in Nebraska, the
21 Legislature finds that it is fair and equitable to encourage the use of
22 fees for services to finance major infrastructure projects.
23 (2) The Legislature further finds that it is in the public interest
24 to assist municipalities and sewer and water utilities by establishing a
25 turnback of state sales tax revenue to provide funds to municipalities
26 and sewer and water utilities to be used to replace and redevelop sewer
27 and water infrastructure facilities and to redevelop and replace obsolete
1 sewer and water facilities. In order that this state and its residents
2 may receive long-term economic and fiscal benefits from such facilities,
3 a need exists to provide state assistance to municipalities and sewer and
4 water utilities endeavoring to construct, acquire, substantially
5 reconstruct, expand, operate, improve, or equip such facilities. It is in
6 the best interest of the state, its municipalities, and its sewer and
7 water utilities that the state assist municipalities and sewer and water
8 utilities in financing the construction, acquisition, substantial
9 reconstruction, expansion, operation, improvement, or equipping of sewer
10 and water infrastructure facilities and to permit municipalities and
11 sewer and water utilities to reissue bonds secured by amounts received
12 under the Infrastructure Improvement and Replacement Assistance Act and
13 from other sources.
14 Sec. 3. For purposes of the Infrastructure Improvement and
15 Replacement Assistance Act:
16 (1) Political subdivision means any local governmental body formed
17 and organized under state law and any joint entity or joint public agency
18 created under the Interlocal Cooperation Act or the Joint Public Agency
19 Act which has statutory authority to issue general obligation bonds;
20 (2) Sewer utility means any sewer utility operated by a political

21 ~~subdivision; and~~

22 ~~(3) Water utility means any water utility operated by a political~~

23 ~~subdivision.~~

24 ~~Sec. 4. (1) The state shall assist political subdivisions and sewer~~
 25 ~~and water utilities by turning back a percentage of certain state sales~~
 26 ~~tax revenue to political subdivisions and sewer and water utilities as~~
 27 ~~provided in this section.~~

28 ~~(2) The state shall pay to each political subdivision, sewer~~
 29 ~~utility, or water utility a percentage of the state sales tax imposed on~~
 30 ~~sewer and potable water fees and collected by such political subdivision~~
 31 ~~or utility as follows:~~

1 ~~(a) For sales taxes imposed from July 1, 2020, through June 30,~~
 2 ~~2021: 36.36 percent;~~

3 ~~(b) For sales taxes imposed from July 1, 2021, through June 30,~~
 4 ~~2023: 54.54 percent; and~~

5 ~~(c) For sales taxes imposed on and after July 1, 2023: 72.72~~
 6 ~~percent.~~

7 ~~(3) Funds received under this section shall be used exclusively to~~
 8 ~~assist in:~~

9 ~~(a) Paying for infrastructure improvements relating to constructing,~~
 10 ~~upgrading, redeveloping, or replacing sewer and water infrastructure~~
 11 ~~facilities;~~

12 ~~(b) Paying for the redevelopment and replacement of obsolete water~~
 13 ~~or sewer facilities; or~~

14 ~~(c) Repaying bonds issued and pledged for such work.~~

15 ~~Sec. 5. The Department of Revenue shall adopt and promulgate rules~~
 16 ~~and regulations as necessary to carry out the Infrastructure Improvement~~
 17 ~~and Replacement Assistance Act.~~

18 ~~Sec. 6. Since an emergency exists, this act takes effect when~~
 19 ~~passed and approved according to law.~~

LEGISLATIVE BILL 705. Placed on General File with amendment.

AM162

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

3 Section 1. Section 77-1403, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 77-1403 (1) Unless otherwise permitted under section 529A, the owner
 6 of an account shall be the designated beneficiary of the account, except
 7 that if the designated beneficiary of the account is a minor or has a
 8 custodian or other fiduciary appointed for the purposes of managing such
 9 beneficiary's financial affairs, a custodian or fiduciary for such
 10 designated beneficiary may serve as the account owner if such form of
 11 ownership is permitted or not prohibited under section 529A.

12 (2) Unless otherwise permitted under section 529A, the designated
 13 beneficiary of an account shall be a resident of the state or of a
 14 contracting state. The State Treasurer shall determine residency of
 15 Nebraska residents for such purpose in such manner as may be required or
 16 permissible under section 529A or, in the absence of any guidance under
 17 section 529A, by such other means as the State Treasurer shall consider
 18 advisable for purposes of satisfying the requirements of section 529A.

19 (3) Unless otherwise permitted under section 529A, a change in the
 20 designated beneficiary of an account is permitted only if (a) the change
 21 occurs during the life of the original designated beneficiary and (b) the
 22 new beneficiary is an individual with a disability and a sibling of the
 23 original designated beneficiary.

24 (4) At the time an account is established under the program and
 25 prior to any change in the designated beneficiary pursuant to subsection
 26 (3) of this section, the State Treasurer shall notify the owner of the
 27 account or the designated beneficiary of the potential tax consequences

1 of making a change in the designated beneficiary pursuant to subsection

2 (3) of this section.

3 Sec. 2. Original section 77-1403, Reissue Revised Statutes of

4 Nebraska, is repealed.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Jerome A. Fagerland - State Highway Commission

James W. Hawks - State Highway Commission

Douglas Leafgreen - State Highway Commission

Aye: 7. Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers.

Nay: 0. Absent: 0. Present and not voting: 1. Hughes.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 308. Introduced by Murman, 38.

WHEREAS, Daniel deFreese, a member of Troop 216 of Holdrege, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Daniel displayed his commitment to community service by adding two van accessible parking stalls and a covered entrance to a local non-profit theater; and

WHEREAS, Daniel, through his hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel deFreese on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Daniel deFreese.

Laid over.

SELECT FILE

LEGISLATIVE BILL 206. Senator Clements renewed his amendment, [AM2229](#), found in this day's Journal.

Pending.

LEGISLATIVE BILL 381. [ER149](#), found on page 383, was adopted.

Senator Hilgers offered his amendment, [AM2209](#), found on page 476.

The Hilgers amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477. [ER144](#), found on page 383, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477A. [ER145](#), found on page 383, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 68. [ER146](#), found on page 384, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. [ER148](#), found on page 384, was adopted.

Senator Dorn offered his amendment, [AM2117](#), found on page 416.

The Dorn amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 148. [ER147](#), found on page 384, was adopted.

Senator Groene offered his amendment, [AM2176](#), found on page 473.

The Groene amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 76. [ER150](#), found on page 389, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 236. [ER151](#), found on page 389, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 266. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. [ER154](#), found on page 434, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 534. [ER153](#), found on page 436, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 287. [ER156](#), found on page 459, was adopted.

Senator Quick offered his amendment, [AM2162](#), found on page 473.

The Quick amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Committee [AM1245](#), found on page 1258, First Session, 2019, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Scheer filed the following amendment to [LB206](#):

[FA93](#)

Amend AM430

On page 4, strike lines 11-18.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB540.
Senator McCollister name added to LB640.
Senator Blood name added to LB643.
Senator Hunt name added to LB850.
Senator M. Hansen name added to LB850.
Senator Lowe name added to LB911.
Senator M. Hansen name added to LB1020.
Senator Blood name added to LR294.

VISITOR(S)

Visitors to the Chamber were Caroline Hilgert; Senator Slama's sister, Emily, from Lincoln; students and teacher from Peru State College; members of Habitat for Humanity from across the state; students from Waverly Elementary; and students from Brownell Talbot, Omaha.

The Doctor of the Day was Dr. Kent Lacey from Scottsbluff.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Monday, February 3, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 3, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 2020

PRAYER

The prayer was offered by Pastor Dan Wiese, St. Paul's Lutheran Church, Cambridge.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators DeBoer, Geist, Groene, M. Hansen, Linehan, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Lindstrom - LB242

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 301, 302, 303, and 304 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 301, 302, 303, and 304.

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 464:

Public Employees Retirement Board
 Kelli M. Ackerman
 Michael D. Jahnke
 Allen Simpson

Voting in the affirmative, 38:

Albrecht	Chambers	Hansen, B.	La Grone	Quick
Blood	Clements	Hilgers	Lathrop	Scheer
Bolz	Crawford	Hilkemann	Lowe	Vargas
Bostelman	Dorn	Howard	McCollister	Walz
Brandt	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Hunt	Moser	Wishart
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Arch Lindstrom Morfeld

Excused and not voting, 8:

DeBoer	Groene	Linehan	Stinner
Geist	Hansen, M.	Slama	Wayne

The appointments were confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 464:

Nebraska Investment Council
 John M. Dinkel

Voting in the affirmative, 38:

Albrecht	Chambers	Hansen, B.	Lathrop	Scheer
Blood	Crawford	Hilgers	Lowe	Vargas
Bolz	DeBoer	Hilkemann	McCollister	Walz
Bostelman	Dorn	Hughes	McDonnell	Wayne
Brandt	Erdman	Hunt	Moser	Williams
Brewer	Friesen	Kolowski	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 5:

Arch	Clements	Howard	Lindstrom	Morfeld
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Excused and not voting, 6:

Geist	Hansen, M.	Slama
Groene	Linehan	Stinner

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 468:

Nebraska Commission on Problem Gambling
Cameron J. Arch

Voting in the affirmative, 36:

Albrecht	Chambers	Hilgers	Lowe	Walz
Blood	Crawford	Hilkemann	McCollister	Wayne
Bolz	DeBoer	Howard	McDonnell	Williams
Bostelman	Dorn	Hunt	Moser	Wishart
Brandt	Erdman	Kolowski	Murman	
Brewer	Friesen	Kolterman	Pansing Brooks	
Briese	Halloran	La Grone	Quick	
Cavanaugh	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Gragert	Lindstrom	Vargas
Clements	Hughes	Morfeld	

Excused and not voting, 6:

Geist	Hansen, M.	Slama
Groene	Linehan	Stinner

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 468:

Nebraska Commission on Problem Gambling

Claudia Louise Barthold

Mark R. Canada

Voting in the affirmative, 36:

Albrecht	Chambers	Hansen, B.	Lowe	Walz
Blood	Clements	Hilgers	McCollister	Wayne
Bolz	Crawford	Hilkemann	McDonnell	Williams
Bostelman	DeBoer	Howard	Moser	Wishart
Brandt	Erdman	Hunt	Murman	
Brewer	Friesen	Kolowski	Pansing Brooks	
Briese	Geist	Kolterman	Quick	
Cavanaugh	Halloran	La Grone	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Gragert	Lathrop	Morfeld
Dorn	Hughes	Lindstrom	Vargas

Excused and not voting, 5:

Groene	Hansen, M.	Linehan	Slama	Stinner
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 489:

State Highway Commission

Jerome A. Fagerland

James W. Hawks

Douglas Leafgreen

Voting in the affirmative, 37:

Albrecht	Chambers	Halloran	Linehan	Scheer
Blood	Clements	Hansen, B.	Lowe	Walz
Bolz	Crawford	Howard	McCollister	Wayne
Bostelman	DeBoer	Hunt	McDonnell	Williams
Brandt	Dorn	Kolowski	Moser	Wishart
Brewer	Erdman	Kolterman	Murman	
Briese	Friesen	La Grone	Pansing Brooks	
Cavanaugh	Geist	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Hilgers	Hughes	Morfeld
Gragert	Hilkemann	Lindstrom	Vargas

Excused and not voting, 4:

Groene	Hansen, M.	Slama	Stinner
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The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB752:

AM2102

1 I. Strike sections 14 to 17 and insert the following new sections:
 2 Sec. 14. (1) The Veterans' Health Task Force is created. The task
 3 force shall consist of the following members:
 4 (a) The chairperson of the Government, Military and Veterans Affairs
 5 Committee of the Legislature or another member of the committee as such
 6 chairperson's designee;
 7 (b) One additional member of the Government, Military and Veterans
 8 Affairs Committee of the Legislature designated by the chairperson of
 9 such committee;
 10 (c) The chairperson of the Health and Human Services Committee of
 11 the Legislature or another member of the committee as such chairperson's
 12 designee;
 13 (d) One additional member of the Health and Human Services Committee
 14 of the Legislature designated by the chairperson of such committee;
 15 (e) One representative from the Department of Health and Human
 16 Services designated by the chief executive officer of the Department of
 17 Health and Human Services;
 18 (f) One representative from the Department of Veterans' Affairs
 19 designated by the Director of Veterans' Affairs; and
 20 (g) One practicing psychologist in private practice appointed by the
 21 chairperson of the Health and Human Services Committee of the
 22 Legislature.
 23 (2) Members of the task force shall serve without compensation but
 24 shall be reimbursed for their actual and necessary expenses as provided
 25 in sections 81-1174 to 81-1177.
 26 (3) The chairperson of the Government, Military and Veterans Affairs

27 Committee of the Legislature or such chairperson's designee shall serve
1 as chairperson of the task force. Administrative and staff support for
2 the task force shall be provided by the Government, Military and Veterans
3 Affairs Committee of the Legislature and the Health and Human Services
4 Committee of the Legislature.

5 Sec. 15. (1) The Veterans' Health Task Force shall undertake a
6 study regarding development and implementation of a veteran health care
7 navigator program, administered by the Department of Veterans' Affairs,
8 as provided in this section.

9 (2) The program, if implemented, should provide for the hiring of a
10 suitable number of veteran health care navigators. Navigators should be
11 full-time employees of the department. Navigators should have direct
12 knowledge of the veteran communities they serve. The mission of the
13 navigators should be to:

14 (a) Increase access by veterans and their families to health care
15 coverage and services;

16 (b) Leverage existing resources and structures where veterans and
17 their families are likely to be found;

18 (c) Ensure that the needs of veterans and their families are
19 incorporated in all state efforts to expand access to affordable, quality
20 healthcare; and

21 (d) Ensure that veterans and their families have access to mental
22 health treatment, including for posttraumatic stress disorder,
23 depression, and suicide prevention.

24 (3) The program, if implemented, should provide the following duties
25 for veteran health care navigators:

26 (a) Identifying all federal and other health benefits, coverage, and
27 services available to veterans and their families;

28 (b) Coordinating with other local, state, and federal agencies and
29 departments, health care providers, and health insurance programs to help
30 veterans and their beneficiaries apply for coverage under such programs,
31 including helping veterans overcome barriers within the health care
1 system, to ensure enrollment in health plans and effective delivery and
2 coordination of health services;

3 (c) Ensuring that access to mental health coverage, services, and
4 treatment is a primary focus of their activities under the program;

5 (d) Connecting veterans to trained mental health care providers,
6 including those trained in veteran suicide prevention; and

7 (e) Carrying out such other duties as the Director of Veterans'
8 Affairs may assign to carry out the program.

9 (4) If the program is implemented, when carrying out their duties
10 under the program, the Department of Veterans' Affairs and the veteran
11 health care navigators should coordinate and collaborate with other
12 relevant local, state, and federal departments and agencies, including,
13 but not limited to, the behavioral health regions established in section
14 71-807, county veterans service officers, and the Department of Health
15 and Human Services.

16 (5) As part of the study required by this section, the Veterans'
17 Health Task Force shall also conduct an examination of all existing
18 health care and veterans' programs to:

19 (a) Evaluate whether the needs of veterans and their families are
20 met by such programs;

21 (b) Determine any necessary and appropriate steps that could be
22 taken to increase access to affordable, quality health care, including by
23 rule and regulation pursuant to existing statutory authority or through
24 new legislation; and

25 (c) Evaluate how the veteran health care navigator program proposed
26 under this section could improve access to affordable, quality health
27 care for veterans and their families.

28 (6) On or before January 1, 2022, the Veterans' Health Task Force

29 shall electronically submit a report to the Legislature regarding
30 development and implementation of a veteran health care navigator program
31 as provided in this section. The report shall include any recommended
1 legislation necessary to implement the program. The report shall also
2 summarize the task force's findings from the examination under subsection
3 (5) of this section.

4 Sec. 16. (1) The Veterans' Health Task Force shall conduct an
5 analysis of the impact medicaid expansion has had on veterans and their
6 families.

7 (2) On or before January 1, 2022, the task force shall
8 electronically submit a report to the Legislature summarizing its
9 findings under this section. The report shall include any changes made or
10 proposed to be made through rule and regulation and any recommended
11 legislation.

12 Sec. 17. (1) The Veterans' Health Task Force shall undertake a study
13 regarding development and implementation of a program to reduce barriers
14 to access to mental health services and treatment for veterans and their
15 families. If implemented, the program should provide for:

16 (a) Identifying structural and logistical barriers to accessing
17 treatment, including perceived stigma, long travel distances to receive
18 care, and any other barriers;

19 (b) Resolving all barriers identified in subdivision (1)(a) of this
20 section that can be resolved without legislative or budgetary action,
21 including through increased coordination between departments, nonprofit
22 organizations, service providers, and the federal government, application
23 for and use of private and federal grants, and any other actions;

24 (c) Enhancing and strengthening veteran suicide prevention programs
25 in keeping with proven best practices and research, including by:

26 (i) Identifying and applying for federal and private grants focused
27 on veteran suicide prevention;

28 (ii) Coordinating local, state, federal, and nonprofit programs that
29 include community-based approaches for at-risk veterans and veterans at
30 large;

31 (iii) Providing technical assistance to communities to develop
1 strategic plans to reduce veteran suicide, including through coordination
2 and participation by local leaders, faith communities, schools,
3 workplaces, and other stakeholders; and

4 (iv) Evaluating community strategic plans within Nebraska and
5 disseminating findings and best practices to optimize the impact of
6 efforts by all partners and stakeholders;

7 (d) Creating a centralized provider data base which identifies, by
8 region, mental health providers with the expertise and ability to assist
9 veterans and their families. The data base should highlight providers
10 with training or experience in the prevention and treatment of veteran
11 suicide;

12 (e) Using the report created by the Department of Health and Human
13 Services under section 13 of this act to compile data on the locations of
14 residency and death, length and location of service, branch of service,
15 and occupation and industry or business of each veteran included in such
16 report;

17 (f) Using the compilation provided for in subdivision (1)(e) of this
18 section in the Department of Veterans' Affairs' efforts to prevent
19 veteran suicides; and

20 (g) Identifying evidence-based best practices to increase awareness
21 of veteran suicide prevention hotlines in Nebraska and elsewhere and
22 other crisis resources with proven effectiveness to reduce veteran
23 suicide.

24 (2) If the program is implemented, when carrying out its duties
25 under the program, the Department of Veterans' Affairs should coordinate
26 and consult with:

27 (a) Other relevant local, state, and federal agencies and
 28 departments, including, but not limited to, the behavioral health regions
 29 established in section 71-807, county veterans service officers, and the
 30 Department of Health and Human Services;
 31 (b) Nonprofit organizations and service providers; and
 1 (c) Other localities and cities that have effective mental health
 2 treatment and prevention systems.
 3 (3) On or before January 1, 2022, the Veterans' Health Task Force
 4 shall electronically submit a report to the Legislature regarding
 5 development and implementation of the program to reduce barriers to
 6 access to mental health services and treatment for veterans and their
 7 families. The report shall include any recommended legislation necessary
 8 to implement the program.
 9 Sec. 18. (1) On or before January 1, 2022, the Veterans' Health Task
 10 Force shall develop a continuing education course for mental health
 11 providers in Nebraska to obtain expertise in veteran suicide assessment,
 12 prevention, treatment, and risk management. The course shall incorporate
 13 best practices and research from the United States Department of
 14 Veterans' Affairs and service providers in Nebraska and elsewhere. The
 15 course shall be made available at no cost to health care providers in
 16 areas of the state the Department of Veterans' Affairs has identified as
 17 lacking sufficient trained mental health care providers.
 18 (2) On or before January 1, 2022, the Veterans' Health Task Force
 19 shall electronically submit a report to the Legislature regarding the
 20 continuing education course developed under this section.
 21 (3) On or before January 1, 2023, the Veterans' Health Task Force
 22 shall electronically submit a report to the Legislature regarding
 23 utilization of the course by mental health providers.
 24 2. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB518:
AM2243

(Amendments to Standing Committee amendments, AM899)

1 1. On page 1, line 20, strike "and"; in line 23 strike the period
 2 and insert "; and"; and after line 23 insert the following new
 3 subdivision:
 4 "(g) Given the subject matter and intent of this legislative bill,
 5 it shall be considered within the context of the sordid history of
 6 America relative to human trafficking and sexual exploitation. Therefore
 7 it is appropriate to recognize and acknowledge some of the more renowned
 8 members of the "All American Pantheon and Register of Human Traffickers",
 9 which is hereby created. Charter members shall include (i) President
 10 George Washington, (ii) President Thomas Jefferson ["all men are created
 11 equal..."], (iii) President James Madison, (iv) President Andrew Jackson,
 12 (v) President James Monroe, (vi) Alexander Hamilton, (vii) Patrick Henry
 13 ["give me liberty or give me death"], (viii) Francis Scott Key ["the land
 14 of the free and the home of the brave..."], and (ix) John Hancock [slave
 15 smuggler]. Such register shall be kept, maintained, and prominently
 16 displayed on a wall of the Governor's meeting room. Additional names
 17 accompanied by factual documentation supporting placement on such
 18 register may be submitted by any person to the Governor for consideration
 19 for such placement. Following a public hearing in accordance with the
 20 Open Meetings Act, at a location determined by the Governor at which
 21 public comments shall be taken, a determination shall be made whether or
 22 not a suggested name, or names, shall be included in such register. The
 23 Governor, the Attorney General, and the Secretary of State, serving as a
 24 committee of three, shall make such determination by majority vote.
 25 Rejection of placement of a name shall not be a bar to resubmission of
 26 such name if it is accompanied by additional supportive facts."

COMMITTEE REPORT(S)

Education

The Education 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.

Glenn R. Wilson - Board of Educational Lands and Funds

Aye: 8. Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Dorothy C. Anderson - Nebraska Educational Telecommunications Commission
Jacque Carter - Nebraska Educational Telecommunications Commission

Aye: 8. Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

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

LB1111
LB1153
LB1151
LB1217

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 267. Committee [AM1245](#), found on page 1258, First Session, 2019, and considered on page 491, was renewed.

Senator La Grone offered the following motion:

[MO143](#)

Bracket until April 23, 2020.

SENATOR WILLIAMS PRESIDING

Senator La Grone withdrew his motion to bracket.

Senator La Grone offered the following amendment to the committee amendment:

[AM2265](#)

(Amendments to Standing Committee amendments, AM1245)

1 1. Strike amendment 1 and insert the following new amendment:

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

3 sections:

4 Section 1. Section 13-1304, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 13-1304 Any commission established under sections 13-1301 to 13-1312

7 shall have power to:

8 (1) Sue and be sued;

9 (2) Have a seal and alter the seal;

10 (3) Acquire, hold, and dispose of personal property for its

11 corporate purposes;

12 (4) Acquire in the name of the city and county, by gift, grant,

13 bequest, purchase, or condemnation, real property or rights and easements

14 thereon necessary or convenient for its corporate purposes and use such

15 property or rights and easements so long as its corporate existence

16 continues;

17 (5) Make bylaws for the management and regulation of its affairs and

18 make rules and regulations for the use of its projects;

19 (6) With the consent of the city or the county, as the case may be,

20 use the services of agents, employees, and facilities of the city or

21 county, for which the commission may reimburse the city or the county its

22 proper proportion of the compensation or cost thereof, and use the

23 services of the city attorney as legal advisor to the commission;

24 (7) Appoint officers, agents, and employees and fix their

25 compensation, except that the county treasurer shall be the ex officio

26 treasurer of the commission;

1 (8) Design, acquire, construct, maintain, operate, improve, remodel,

2 remove, and reconstruct, so long as its corporate existence continues,

3 such projects for the use both by the city and county as are approved by

4 the city and the county and all facilities necessary or convenient in

5 connection with any such projects;

6 (9) Enter into agreements with the city or county, or both, as to

7 the operation, maintenance, repair, and use of its projects. Such

8 agreements may provide that the city or county, or both, has

9 responsibility for a certain area within any building, structure, or

10 facility, including the maintenance, repair, use, furnishing, or

11 management of such area;

12 (10) With the approval of both the city and the county, enter into

13 agreements with the United States of America, the State of Nebraska, any

14 body, board, agency, corporation, or other governmental entity of either

15 of them, or other governmental units for use by them of any projects to

16 the extent that such use is not required by the city or the county;

17 (11) Make all other contracts, leases, and instruments necessary or

18 convenient to the carrying out of the corporate purposes or powers of the

19 commission;

20 (12) Annually levy, assess, and certify to the governing body of the

21 county the amount of tax to be levied for the purposes of the commission

22 subject to section 77-3443, not to exceed one and seven-tenths cents on

23 each one hundred dollars upon the taxable valuation of all the taxable

24 property in the county. The governing body of the county shall collect

25 the tax so certified at the same time and in the same manner as other

26 county taxes are levied and collected, and the proceeds of such taxes

27 when due and as collected shall be set aside and deposited in the special

28 account or accounts in which other revenue of the commission is

29 deposited;

30 (13) Accept grants, loans, or contributions from the United States
31 of America, the State of Nebraska, any agency or instrumentality of
1 either of them, the city, the county, any other governmental unit, or any
2 private person, firm, or corporation and expend the proceeds thereof for
3 any corporate purposes;

4 (14) Subject to section 13-1306, ~~incur~~ incur debt, issue bonds and
5 notes and provide for the rights of the holders thereof, and pledge and
6 apply to the payment of such bonds and notes the taxes and other
7 receipts, income, revenue, profits, and money of the commission;

8 (15) Enter on any lands, waters, and premises for the purpose of
9 making surveys, findings, and examinations; and

10 (16) Do all things necessary or convenient to carry out the powers
11 specially conferred on the commission by sections 13-1301 to 13-1312.
12 Sec. 2. Section 13-1306, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 13-1306 (1)(a) With the prior approval of both the city and the
15 county for which the commission was created, the commission shall have
16 the power and is hereby authorized from time to time to issue its bonds
17 for any corporate purpose in such amounts as may be required to carry out
18 and fully perform the purposes for which such commission is established.
19 No bonds shall be issued by any commission on or after the effective date
20 of this act until the question has been submitted to the qualified
21 electors of the county at an election called for that purpose as provided
22 in this subsection and a majority of the qualified electors voting on the
23 question voted in favor of issuing the same.

24 (b) The county board shall give notice of the election at least
25 fifty days prior to the election. The question of issuing bonds may be
26 submitted at the statewide primary or general election. The election
27 shall be conducted in accordance with the Election Act.

28 (c) The question of bond issues, when defeated, shall not be
29 resubmitted in substance for a period of six months from and after the
30 date of such election.

31 (d) Before the issuance of bonds pursuant to sections 13-1301 to
1 13-1312, the commission shall make a written statement of all proceedings
2 relative to the vote upon the issuance of such bonds and the notice of
3 the election, the manner and time of giving notice, the question
4 submitted, and the result of the canvass of the vote on the proposition
5 pursuant to which it is proposed to issue such bonds, together with a
6 full statement of the taxable valuation and the total bonded indebtedness
7 of the county. Such statement shall be certified to under oath.

8 (2) The commission shall have power from time to time and when
9 refunding is deemed expedient to issue bonds in amounts sufficient to
10 refund any bonds, including any premiums payable upon the redemption of
11 the bonds to be refunded and interest to their redemption date upon the
12 bonds to be refunded, by the issuance of new bonds, whether the bonds to
13 be refunded have or have not matured. It may issue bonds partly to refund
14 bonds then outstanding and partly for any other corporate purpose subject
15 to approval by the voters if required under subsection (1) of this
16 section. The refunding bonds may be exchanged for the bonds to be
17 refunded with such cash adjustment as may be agreed or may be sold and
18 the proceeds applied to the purchase, redemption, or payment of the bonds
19 to be refunded.

20 (3) All bonds shall be general obligations of the commission issuing
21 the same and shall be payable out of the tax and other receipts, revenue,
22 income receipts, profits, or other money of the commission.

23 (4) A commission shall have power from time to time to issue bond
24 anticipation notes referred to as notes in this section and from time to
25 time to issue renewal notes, such notes in any case to mature not later
26 than thirty months from the date of incurring the indebtedness
27 represented thereby in an amount not exceeding in the aggregate at any
28 time outstanding the amount of bonds then or theretofore authorized. Such

29 notes shall be general obligations of the commission. Payment of such
 30 notes shall be made from any money or revenue which the commission may
 31 have available for such purpose or from the proceeds of the sale of bonds
 1 of the commission or such notes may be exchanged for a like amount of
 2 such bonds.

3 (5) All such bonds and notes shall be authorized by a resolution or
 4 resolutions of the board, after approval by the voters if required under
 5 subsection (1) of this section, and shall bear such date or dates, mature
 6 at such time or times, bear interest at such rate or rates, be in such
 7 denominations, be in such form, either coupon or registered, carry such
 8 exchange privileges, be executed in such manner, be payable in such
 9 medium of payment at such place or places within or without the State of
 10 Nebraska and be subject to such terms of redemption and at such
 11 redemption premiums, as such resolution or resolutions may provide and
 12 the provisions of section 10-126, shall not be applicable to such bonds
 13 or notes. The bonds and notes may be sold at public or private sale for
 14 such price or prices as the commission shall determine. No proceedings
 15 for the issuance of bonds or notes of a commission shall be required
 16 other than those required by the provisions of sections 13-1301 to
 17 13-1312 and the provisions of all other laws and city charters, if any,
 18 relative to the terms and conditions for the issuance, payment,
 19 redemption, registration, sale or delivery of bonds of public bodies,
 20 corporations or political subdivisions of this state shall not be
 21 applicable to bonds and notes issued by commissions pursuant to sections
 22 13-1301 to 13-1312.

23 (6) The full faith and credit of the commission shall be pledged to
 24 the payment and security of the bonds and notes issued by it, whether or
 25 not such pledge shall be set forth in the bonds or notes. So long as any
 26 of its bonds or notes are outstanding, the commission shall have the
 27 power and be obligated to levy taxes within the limitation as provided in
 28 section 13-1304 to the extent required, together with any other money
 29 available to the commission therefor to pay the principal of and interest
 30 and premium, if any, on such bonds and notes as the same become due and
 31 payable.

1 (7) All bonds and notes issued pursuant to the provisions of
 2 sections 13-1301 to 13-1312 shall be and are hereby made negotiable
 3 instruments within the meaning of and for all the purposes of the Uniform
 4 Commercial Code subject only to any provisions contained in such bonds
 5 and notes for the registration of the principal thereof.

6 (8) A commission shall have power to purchase bonds or notes of the
 7 commission out of any money available therefor. Any bonds so purchased
 8 shall be canceled by the commission.

9 Sec. 3. Original sections 13-1304 and 13-1306, Reissue Revised
 10 Statutes of Nebraska, are repealed.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations
 Room 1003

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

LB1154

LB762

LB780

Agency 69 - Arts Council, Nebraska

Agency 13 - Education, Department of

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 54 - Historical Society, Nebraska State
Agency 31 - Military Department

Room 1524

Tuesday, February 18, 2020 1:30 p.m.

LB778
LB901
LB1018
LB1019
LB1102

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs
Room 1507

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

LB1193
LB1110
LB1119
LB1120
LB1086

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

LB1218
LB918
LB1187
LB1068

(Signed) Tom Brewer, Chairperson

Executive Board
Room 1507

Wednesday, February 12, 2020 12:00 p.m.

LB1157
LB1207

(Signed) Mike Hilgers, Chairperson

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources 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.

Jan K. tenBensel - Nebraska Ethanol Board

Aye: 7. Albrecht, Bostelman, Gragert, Halloran, Hughes, Moser, Quick.
Nay: 0. Absent: 1. Geist. Present and not voting: 0.

The Natural Resources 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.

Norris Marshall - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

The Revenue 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.

James D. Kuhn - Tax Equalization and Review Commission

Aye: 8. Briese, Crawford, Friesen, Groene, Kolterman, Lindstrom, Linehan, McCollister. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB1084:

AM2211

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Sections 1 to 26 of this act shall be known and may be
- 4 cited as the Nebraska Transformational Projects Act.
- 5 Sec. 2. For purposes of the Nebraska Transformational Projects Act,
- 6 the definitions found in sections 3 to 14 of this act shall be used.
- 7 Sec. 3. Applicant means a postsecondary institution having a
- 8 college of medicine located in the State of Nebraska.
- 9 Sec. 4. Continuation period means the period of five years
- 10 immediately following the end of the transformational period.
- 11 Sec. 5. Date of application means the date that a completed
- 12 application is filed under the Nebraska Transformational Projects Act.
- 13 Sec. 6. Director means the Director of Economic Development.
- 14 Sec. 7. Investment means the amount paid by the applicant for:
- 15 (1) Real property that is (a) constructed after the date of
- 16 application, (b) owned by the applicant, (c) located at the qualified
- 17 location, and (d) used to carry out the project; or
- 18 (2) Equipment that is (a) purchased after the date of application,
- 19 (b) owned by the applicant, (c) located at the qualified location, and
- 20 (d) used to carry out the project.
- 21 Sec. 8. Matching funds means the funds provided toward investment
- 22 at a project by the State of Nebraska pursuant to section 18 of this act.
- 23 Sec. 9. (1) Private dollars means dollars donated to the applicant

24 specifically for the project by any combination of one or more of the
25 following:

26 (a) An individual;

27 (b) An organization that is exempt from income tax under section
1 501(c) of the Internal Revenue Code; or

2 (c) Any nongovernmental organization.

3 (2) Private dollars does not include any direct or indirect funding
4 from any federal, state, or local government.

5 Sec. 10. Project means an investment by the applicant of at least
6 one billion six hundred million dollars at one qualified location which
7 is made to carry out the requirements for the qualified location to be
8 included in the program described in Title VII, Subtitle C, section 740
9 of Public Law 116-92.

10 Sec. 11. Qualified location means any parcel of real property, or
11 contiguous or adjacent parcels of real property, within the State of
12 Nebraska that is or are owned by the applicant, and such other parcels
13 owned by the applicant that are necessary to support the applicant's
14 project at such parcel or parcels. Except to the extent required for a
15 project to be included in the program described in Title VII, Subtitle C,
16 section 740 of Public Law 116-92, the award made for a qualified location
17 may not be used for athletic or recreational purposes, except that a
18 qualified location may contain space, totaling less than ten percent of
19 the facility square footage at the project, that may be used for food
20 service or for exercise or recreational purposes as is commonly used for
21 the health and well-being of employees, students, and patients.

22 Sec. 12. Related entity means any entity which is a subsidiary or
23 affiliated entity of the applicant or which has, as one of its purposes
24 for existence, the financial support of the applicant.

25 Sec. 13. Transformational period means the period of time from the
26 date of the complete application through the earlier of (1) the end of
27 the tenth year after the year in which the complete application was filed
28 with the director or (2) the end of the year in which the applicant
29 attains the one billion six hundred million dollar investment
30 requirement.

31 Sec. 14. Year means the fiscal year of the State of Nebraska.

1 Sec. 15. (1) In order to be eligible to receive the matching funds
2 allowed in the Nebraska Transformational Projects Act, the applicant
3 shall file an application with the director, on a form developed by the
4 director, requesting an agreement.

5 (2) The application shall:

6 (a) Identify the project, including the qualified location of such
7 project, and state that the applicant is pursuing a partnership with the
8 federal government pursuant to Title VII, Subtitle C, section 740 of
9 Public Law 116-92 for the project;

10 (b) State the estimated, projected amount of total new investment at
11 the project, which shall not be less than one billion six hundred million
12 dollars, including the estimated, projected amount of private dollars and
13 matching funds;

14 (c) Include an independent assessment of the economic impact to
15 Nebraska from the project and its construction, which shall be performed
16 by a professional economist or economics firm which is not in the regular
17 employ of the applicant. The assessment must show, to the reasonable
18 satisfaction of the director, an economic impact to Nebraska of at least
19 two billion seven hundred million dollars during the planning and
20 construction period and at least four billion nine hundred million
21 dollars during the ten-year period beginning either when construction is
22 commenced or when the application is approved;

23 (d) Include approval of the project and of submission of the
24 application by the governing body of the applicant. Approval of the
25 project may be subject to other federal, state, and local government

26 approvals needed to complete the project and subject to obtaining the
27 funding, financing, and donations needed for the project;
28 (e) State the E-Verify number or numbers that will be used by the
29 applicant for employees at the qualified location as provided by the
30 United States Citizenship and Immigration Services; and
31 (f) Contain a nonrefundable application fee of twenty-five thousand
1 dollars. The fee shall be remitted to the State Treasurer for credit to
2 the Nebraska Transformational Project Fund.
3 (3) An application must be complete to establish the date of the
4 application. An application shall be considered complete once it contains
5 the items listed in subsection (2) of this section.
6 (4) Once satisfied that the application is complete and that the
7 applicant is eligible to receive the matching funds allowed in the
8 Nebraska Transformational Projects Act, the director shall approve the
9 application.
10 (5) There shall be no new applications filed under this section
11 after December 31, 2021. Any complete application filed on or before
12 December 31, 2021, shall be considered by the director and approved if
13 the location and applicant qualify for approval. Agreements may be
14 executed with regard to any complete application filed on or before
15 December 31, 2021.
16 Sec. 16. (1) Within ninety days after approval of the application,
17 the director shall prepare and deliver a written agreement to the
18 applicant for the applicant's signature. The applicant and the director,
19 on behalf of the State of Nebraska, shall enter into such written
20 agreement. Under the agreement, the applicant shall agree to undertake
21 the project and report all investment at the project to the director
22 annually. The director, on behalf of the State of Nebraska, shall agree
23 to allow the applicant to receive the matching funds allowed in the
24 Nebraska Transformational Projects Act, subject to appropriation of such
25 funds by the Legislature. The application, and all supporting
26 documentation, to the extent approved, shall be considered a part of the
27 agreement. The agreement shall state:
28 (a) The qualified location;
29 (b) The type of documentation the applicant will need to document
30 its investment and receipt of private dollars under the act;
31 (c) The date the application was complete;
1 (d) A requirement that the applicant be and will stay registered for
2 the E-Verify Program provided by the United States Citizenship and
3 Immigration Services for the duration of the project;
4 (e) A requirement that the applicant update the director within
5 sixty days of the following events:
6 (i) Execution of an agreement for construction of real property at
7 the project;
8 (ii) Local approval for construction of real property at the
9 project;
10 (iii) A binding commitment for financing of the project by a private
11 lender, to the extent applicable;
12 (iv) Commencement of construction of real property at the project;
13 and
14 (v) The issuance of a certificate of occupancy for real property at
15 the project;
16 (f) A requirement that the applicant provide any information needed
17 by the director to perform his or her responsibilities under the Nebraska
18 Transformational Projects Act, in the manner specified by the director;
19 (g) A requirement that the applicant provide an annually updated
20 timetable showing the private dollars donated and received and the
21 investment at the project, in the manner specified by the director; and
22 (h) A requirement that the applicant update the director annually,
23 with its timetable or in the manner specified by the director, on any

24 changes in plans or circumstances which it reasonably expects will affect
25 the investment or expected donations for the project.

26 (2) Any failure by the applicant to timely provide the updates or
27 information required by the director or the act shall result in the loss
28 of the right to receive matching funds or may, in the discretion of the
29 director, result in the deferral of matching fund disbursements until
30 such updates and information have been provided to the director by the
31 applicant.

1 (3) The applicant shall provide documentation to the director
2 validating the receipt of private dollars.

3 (4) An agreement under the Nebraska Transformational Projects Act
4 shall have a duration of no more than fifteen years after the date of
5 application, consisting of up to the ten years of the transformational
6 period followed by the five-year continuation period, except such
7 agreement shall remain effective until all matching fund payments have
8 been received as provided for under the act.

9 (5) An agreement under the Nebraska Transformational Projects Act
10 must be approved by the governing body of the applicant to be valid.

11 Sec. 17. The following transactions or activities shall not create
12 investment under the Nebraska Transformational Projects Act except as
13 specifically allowed by this section:

14 (1) The renegotiation of any private donor commitment in existence
15 before the date of application, except to the extent of additional
16 donation commitments;

17 (2) The purchase of any property which was previously owned by the
18 applicant or a related entity. The first purchase by either the applicant
19 or a related entity shall be treated as investment if the item was first
20 placed in service in the state after the date of the application;

21 (3) The renegotiation of any agreement in existence on the date of
22 application which does not materially change any of the material terms of
23 the agreement shall be presumed to be a transaction entered into for the
24 purpose of facilitating benefits under the act and shall not be allowed
25 in the meeting of the required investment level under the act; and

26 (4) Any purchase of property from a related entity, except that the
27 applicant will be considered to have made investment under the act to the
28 extent the related entity would have been considered to have made
29 investment on the purchase of the property if the related entity was
30 considered the applicant.

31 Sec. 18. (1) Subject to section 21 of this act, an applicant shall,
1 upon the applicant's project being selected for the program established
2 under Title VII, Subtitle C, section 740 of Public Law 116-92 and the
3 receipt of federal dollars, be entitled to receive, from the State of
4 Nebraska, three hundred million dollars as matching funds for the three
5 hundred million dollars of private dollars received by the applicant
6 between the date of application and the end of the continuation period.

7 (2) Subject to section 21 of this act, the state shall pay the
8 available matching funds to the applicant on an annual basis.

9 Sec. 19. (1) The right to matching funds prescribed in section 18
10 of this act shall be established by filing the forms required by the
11 director. The matching funds may only be used by the applicant to make
12 investments at the project or to pay off debt financing for such
13 investments. Matching funds and private dollars shall be counted towards
14 the attainment of the one billion six hundred million dollar investment
15 requirement.

16 (2) Interest shall be due by the applicant on any repayment of
17 matching funds.

18 (3) All interpretations of the Nebraska Transformational Projects
19 Act shall be made by the director.

20 (4) An audit of a project shall be made by the director to the
21 extent and in the manner determined by the director. The director may

22 recover any matching funds which were erroneously allowed by issuing a
23 repayment determination within the later of three years from the date the
24 matching funds were paid or three years after the end of the continuation
25 period.

26 (5) Any determination by the director that the applicant does not
27 qualify, that a location is not a qualified location, that a project does
28 not qualify, that a private dollar donation does not qualify, or that
29 matching funds must be repaid may be protested by the applicant to the
30 director within sixty days after the mailing to the applicant of the
31 written notice of the proposed determination by the director. If the
1 notice of proposed determination is not protested in writing by the
2 applicant within the sixty-day period, the proposed determination is a
3 final determination. If the notice is protested, the director, after a
4 formal hearing by the director or by an independent hearing officer
5 appointed by the director, if requested by the applicant in such protest,
6 shall issue a written order resolving such protest.

7 Sec. 20. (1) The applicant must make an investment of one billion
8 six hundred million dollars at the project before the end of the
9 transformational period. If the applicant fails to reach such threshold,
10 all of the matching funds paid to the applicant under the Nebraska
11 Transformational Projects Act shall be repaid by the applicant to the
12 director, and the applicant shall be entitled to no matching funds for
13 the project.

14 (2) The applicant must maintain the required level of investment for
15 the entire continuation period. If the applicant fails to maintain the
16 required level of investment for the entire continuation period, all of
17 the matching funds paid to the applicant under the act shall be repaid by
18 the applicant to the director, and the applicant shall be entitled to no
19 matching funds for the project.

20 (3) If the applicant fails to receive, before the end of the
21 continuation period, three hundred million dollars of donations of
22 private dollars to be used for the project, then all matching funds paid
23 to the applicant under the act shall be repaid by the applicant to the
24 director.

25 (4) The repayment required by this section shall not occur if the
26 failure to receive a donation, or achieve or maintain the required level
27 of investment, was caused by an act of God or national emergency.
28 Sec. 21. The right to receive matching funds under the Nebraska
29 Transformational Projects Act:

30 (1) Shall be subject to the limitations provided in the act;

31 (2) Shall be subject to funds being appropriated by the Legislature;
1 and

2 (3) Shall not be transferable.

3 Sec. 22. If the applicant cannot be paid in full in any given
4 fiscal year, then the matching funds shall be paid in later years until
5 fully funded.

6 Sec. 23. Any complete application shall be considered a valid
7 application on the date submitted for the purposes of the Nebraska
8 Transformational Projects Act.

9 Sec. 24. (1) No later than October 1, 2022, and no later than
10 October 1 of each year thereafter, the director shall submit
11 electronically an annual report for the previous fiscal year to the
12 Legislature. The report shall be on a fiscal year, accrual basis that
13 satisfies the requirements set by the Governmental Accounting Standards
14 Board. The director shall, on or before December 15, 2022, and on or
15 before December 15 of each year thereafter, appear at a joint hearing of
16 the Appropriations Committee of the Legislature and the Revenue Committee
17 of the Legislature and present the report. Any supplemental information
18 requested by three or more committee members shall be presented within
19 thirty days after the request.

20 (2) The report shall state (a) the payment of matching funds made by
 21 the State of Nebraska, (b) the expected payments of matching funds still
 22 to be made by the State of Nebraska, and (c) the investment made by the
 23 applicant.

24 (3) The report shall provide an explanation of the audit and review
 25 processes of the Department of Economic Development in approving and
 26 rejecting the provision of matching funds and in enforcing matching funds
 27 repayment.

28 (4) No information shall be provided in the report or in
 29 supplemental information that is protected by state or federal
 30 confidentiality laws. The identity of private donors shall not be
 31 included in the report.

1 Sec. 25. Except as otherwise provided in the Nebraska
 2 Transformational Projects Act, the director may adopt and promulgate all
 3 procedures and rules and regulations necessary to carry out the purposes
 4 of the act.

5 Sec. 26. (1) The Nebraska Transformational Project Fund is hereby
 6 created. The fund shall receive money from application fees paid under
 7 the Nebraska Transformational Projects Act and from appropriations from
 8 the Legislature, grants, private contributions, repayments of matching
 9 funds, and all other sources. Any money in the fund available for
 10 investment shall be invested by the state investment officer pursuant to
 11 the Nebraska Capital Expansion Act and the Nebraska State Funds
 12 Investment Act.

13 (2) It is the intent of the Legislature that the State Treasurer
 14 shall transfer an amount not to exceed three hundred million dollars to
 15 the Nebraska Transformational Project Fund no later than fiscal year
 16 2026-27. No transfer shall be made to the fund until the applicant has
 17 been selected for participation in the program described in Title VII,
 18 Subtitle C, section 740 of Public Law 116-92 and commitments of at least
 19 one billion three hundred million dollars in total investment, including
 20 only federal dollars and private donations, have been secured.

21 Distributions may be made from the fund in amounts equal to the amount of
 22 private dollars received by the applicant for the project.

23 (3) Any money remaining in the fund after all obligations have been
 24 met shall be transferred to the General Fund.

25 Sec. 27. This act becomes operative on January 1, 2021.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 387. Placed on Select File with amendment.

[ER163](#)

- 1 1. On page 18, line 25, strike "subdivision" and insert
- 2 "subsection".
- 3 2. On page 19, line 23, after "a" insert "juror".
- 4 3. On page 34, line 25, strike "2020" and insert "2021".

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB106.

Senator Blood name added to LB607.
Senator Kolterman name added to LB770.
Senator Blood name added to LB803.
Senator Blood name added to LB825.
Senator Blood name added to LB850.
Senator Blood name added to LB911.
Senator Blood name added to LB945.
Senator Blood name added to LB972.
Senator Blood name added to LB1189.

WITHDRAW - Cointroducer(s)

Senator Murman name withdrawn from LB205.
Senator Brewer name withdrawn from LR284CA.

VISITOR(S)

Visitors to the Chamber were Reverend Michael Holder from Liberia and Pastor Jason Kirsch from Lincoln; a group from the Nebraska State Bar Association Leadership Academy from across the state; and a group from the Nebraska Children and Families Foundation from across the state.

ADJOURNMENT

At 11:43 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

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

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

PRAYER

The prayer was offered by Pastor Randall Klynsma, Omaha Reformed Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Brandt, Cavanaugh, Groene, Linehan, Lowe, Morfeld, Slama, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 763. Placed on General File.

LEGISLATIVE BILL 822. Placed on General File.

LEGISLATIVE BILL 911. Placed on General File.

LEGISLATIVE BILL 820. Placed on General File with amendment.

AM2225

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

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 850. Placed on General File with amendment.

AM2226

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

2 "Secretary of State".

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

4 and insert "general funds".

(Signed) Tom Brewer, Chairperson

RESOLUTION(S)

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

PRESIDENT SIGNED

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 68. Placed on Final Reading.

LEGISLATIVE BILL 76. Placed on Final Reading.

LEGISLATIVE BILL 107. Placed on Final Reading.

LEGISLATIVE BILL 148. Placed on Final Reading.

LEGISLATIVE BILL 236. Placed on Final Reading.

LEGISLATIVE BILL 266. Placed on Final Reading.

LEGISLATIVE BILL 381. Placed on Final Reading.

ST40

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

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

LEGISLATIVE BILL 477. Placed on Final Reading.

LEGISLATIVE BILL 477A. Placed on Final Reading.

LEGISLATIVE BILL 534. Placed on Final Reading.

LEGISLATIVE BILL 731. Placed on Final Reading.

LEGISLATIVE BILL 880. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 279CA. Read. Considered.

Senator Chambers offered the following motion:

MO144

Recommit to the Executive Board.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO145

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:

[MO146](#)

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

AMENDMENT(S) - Print in Journal

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

[AM2266](#)

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

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

[AM2279](#)

(Amendments to Standing Committee amendments, AM434)

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

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

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

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

MOTION(S) - Print in Journal

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

NOTICE OF COMMITTEE HEARING(S)

Revenue
 Room 1524

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

(Signed) Lou Ann Linehan, Chairperson

Agriculture
 Warner Chamber

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

(Signed) Steve Halloran, Chairperson

Education
 Room 1525

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

LB1134
LB1073

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications
Room 1113

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

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 1074. Placed on General File.

LEGISLATIVE BILL 1070. Placed on General File with amendment.

[AM2236](#)

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

(Signed) Lou Ann Linehan, Chairperson

VISITOR(S)

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 5, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 2020

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Crawford, Pansing Brooks, and Stinner who were excused; and Senators Cavanaugh, DeBoer, B. Hansen, Hilkemann, Hunt, Kolowski, La Grone, McCollister, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 3, 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 Board of Health:

John L. Kuehn, D.V.M., 1101 43 Road, Heartwell, NE 68935

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

February 4, 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 individuals are being appointed to the Board of Emergency Medical Services:

Michael Sheridan, 5119 Decatur St., Omaha, NE 68104
Todd Hovey, 504 E. 3rd St., McCook, NE 69001
Dion J. Neumiller, Nebraska State Patrol, 300 W. South River Road, North Platte, NE 69101

Contingent upon your approval, the following individual is being reappointed to the Board of Emergency Medical Services:

Michael Bailey, 80135 Highway 183, Westerville, NE 68881

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 501:

Board of Educational Lands and Funds
Glenn R. Wilson

Voting in the affirmative, 35:

Albrecht	Briese	Gragert	Kolterman	Murman
Arch	Chambers	Groene	Lathrop	Quick
Blood	Clements	Halloran	Linehan	Scheer
Bolz	Dorn	Hansen, M.	Lowe	Vargas
Bostelman	Erdman	Hilgers	McDonnell	Walz
Brandt	Friesen	Howard	Morfeld	Williams
Brewer	Geist	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Lindstrom

Excused and not voting, 13:

Cavanaugh	Hansen, B.	Kolowski	Pansing Brooks	Wayne
Crawford	Hilkemann	La Grone	Slama	
DeBoer	Hunt	McCollister	Stinner	

The appointment was confirmed with 35 ayes, 0 nays, 1 present and not voting, and 13 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 501:

Nebraska Educational Telecommunications Commission
 Dorothy C. Anderson
 Jacque Carter

Voting in the affirmative, 31:

Albrecht	Briese	Gragert	Linehan	Walz
Arch	Chambers	Groene	Lowe	Williams
Blood	Clements	Halloran	McDonnell	Wishart
Bolz	Dorn	Hilgers	Morfeld	
Bostelman	Erdman	Hughes	Moser	
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 5:

Hansen, M.	Howard	Lindstrom	Scheer	Vargas
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Excused and not voting, 13:

Cavanaugh	Hansen, B.	Kolowski	Pansing Brooks	Wayne
Crawford	Hilkemann	La Grone	Slama	
DeBoer	Hunt	McCollister	Stinner	

The appointments were confirmed with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 505:

Nebraska Ethanol Board
Jan K. tenBensel

Voting in the affirmative, 32:

Albrecht	Chambers	Gragert	La Grone	Quick
Arch	Clements	Groene	Lathrop	Vargas
Bostelman	DeBoer	Halloran	Linehan	Walz
Brandt	Dorn	Howard	Lowe	Williams
Brewer	Erdman	Hughes	Morfeld	
Briese	Friesen	Hunt	Moser	
Cavanaugh	Geist	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 8:

Blood	Hansen, M.	Lindstrom	Scheer
Bolz	Hilgers	McDonnell	Wishart

Excused and not voting, 9:

Crawford	Hilkemann	McCollister	Slama	Wayne
Hansen, B.	Kolowski	Pansing Brooks	Stinner	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 506:

Environmental Quality Council
Norris Marshall

Voting in the affirmative, 26:

Albrecht	Clements	Gragert	Lindstrom	Scheer
Blood	DeBoer	Groene	Linehan	Wishart
Bolz	Dorn	Halloran	Lowe	
Bostelman	Erdman	Hughes	Morfeld	
Briese	Friesen	Hunt	Moser	
Chambers	Geist	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 17:

Arch	Hansen, M.	Kolowski	McDonnell	Williams
Brandt	Hilgers	Kolterman	Murman	
Brewer	Hilkemann	Lathrop	Vargas	
Cavanaugh	Howard	McCollister	Walz	

Excused and not voting, 6:

Crawford	Pansing Brooks	Stinner
Hansen, B.	Slama	Wayne

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 506:

Tax Equalization and Review Commission
James D. Kuhn

Voting in the affirmative, 31:

Blood	DeBoer	Hunt	Lowe	Vargas
Bostelman	Dorn	Kolowski	McCollister	Wayne
Brandt	Erdman	Kolterman	McDonnell	Wishart
Brewer	Geist	La Grone	Moser	
Briese	Gragert	Lathrop	Quick	
Chambers	Halloran	Lindstrom	Scheer	
Clements	Hilkemann	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 14:

Albrecht	Cavanaugh	Hansen, M.	Hughes	Walz
Arch	Friesen	Hilgers	Morfeld	Williams
Bolz	Groene	Howard	Murman	

Excused and not voting, 4:

Crawford Hansen, B. Pansing Brooks Stinner

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

ANNOUNCEMENT(S)

Priority designation(s) received:

Education - LB920

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

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

Mark M. Bulger - Commission for the Blind and Visually Impaired

LB833

LB1053

LB1051

LB1138

LB840

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

Brent Heyen - Commission for the Blind and Visually Impaired

Kimberly Scherbarth - Commission for the Blind and Visually Impaired

LB893

LB1002

LB1124

LB1058

LB1183

(Signed) Sara Howard, Chairperson

Natural Resources
Room 1525

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

Dan C. Kreitman - Game and Parks Commission

LB1173

LB861

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 279CA. Senator Chambers offered his motion, [MO147](#), found on page 517, to recommit to the Executive Board.

Senator Chambers offered the following motion:

[MO148](#)

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

LEGISLATIVE BILL 242. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee [AM434](#), found on page 487, was offered.

Senator Lindstrom offered his amendment, [AM2279](#), found on page 516, to the committee amendment.

SENATOR HUGHES PRESIDING**SPEAKER SCHEER PRESIDING**

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Transportation and Telecommunications - LB992 and LB944

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bailey, Michael - Board of Emergency Medical Services - Health and Human Services

Hovey, Todd - Board of Emergency Medical Services - Health and Human Services

Kuehn, John L. - State Board of Health - Health and Human Services

Neumiller, Dion J. - Board of Emergency Medical Services - Health and Human Services

Sheridan, Michael - Board of Emergency Medical Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

COMMUNICATION(S)

February 5, 2020

Senator Mike Hilgers
Chairperson, Executive Board
Room 2108
State Capitol
Lincoln, NE 68509

Dear Senator Hilgers,

Enclosed is correspondence from History Nebraska. The correspondence relates to a request regarding a Cash Gift and an Addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park. History Nebraska requested permission to increase the project budget up \$200,000 for a total of \$1,929,770. The Governor approved this request as part of a Revised Program Statement on January 14, 2020. The additional funds have been pledged by the Kiewit Foundation.

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck
enclosure

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the request to accept a cash gift and an addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park to the Appropriations Committee for further consideration.

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 309. Introduced by Briese, 41.

WHEREAS, Megan Helberg, an English teacher from Burwell, was named 2020 Nebraska Teacher of the Year; and

WHEREAS, Ms. Helberg earned a bachelor's degree in business administration from Chadron State College and received her teaching

certificate through the Transition to Teach program at the University of Nebraska at Kearney; and

WHEREAS, Ms. Helberg's goal is to bring the world to her students, teaching them about various races, religions, and ways of life by creating innovative lessons and hosting video chats with speakers and classrooms from different countries; and

WHEREAS, Ms. Helberg has also been a Burwell Public School Leader in Technology Educator, a Museum Teacher Fellow in Washington, D.C., and received a Fund for Teachers grant to travel internationally; and

WHEREAS, the Nebraska Teacher of the Year program recognizes teachers who are exceptionally dedicated, knowledgeable, skilled, and able to inspire students of all backgrounds and abilities.

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

1. That the Legislature congratulates Megan Helberg for being named the 2020 Nebraska Teacher of the Year.
2. That a copy of this resolution be sent to Megan Helberg.

Laid over.

LEGISLATIVE RESOLUTION 310. Introduced by Briese, 41.

WHEREAS, the United States Army Ranger School is a 62-day small unit tactics and leadership course that develops functional skills directly related to military units whose mission is to engage the enemy in close combat and direct fire battles; and

WHEREAS, Ranger School is considered one of the most physically and mentally demanding courses in the United States Army; and

WHEREAS, Alex Kerkman of Neligh and Christian Zuhlke of Brunswick have graduated from Ranger School.

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

1. That the Legislature appreciates the service of Alex Kerkman and Christian Zuhlke and congratulates them on graduating from the United States Army Ranger School and wishes them continued success in their training and service.
2. That a copy of this resolution be sent to Alex Kerkman and Christian Zuhlke.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Briese, 41.

WHEREAS, the American Legion Auxiliary developed Girls State in the 1930s to train young women in the positive processes of self-government and good citizenship as practiced in democratic societies; and

WHEREAS, Girls State citizens receive instruction in parliamentary procedure and participate in mock political parties and elections to fill city, county, and state positions; and

WHEREAS, as part of the mock democratic process, the Girls State citizens are involved in other activities including legislative sessions, campaigns, party rallies, mock trials, and debates; and

WHEREAS, on June 5, 2019, Alyssa Moser of Clearwater was elected Governor of the 2019 Cornhusker Girls State; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Alyssa Moser for being elected Governor of the 2019 Cornhusker Girls State.
2. That a copy of this resolution be sent to Alyssa Moser.

Laid over.

COMMITTEE REPORT(S) Education

LEGISLATIVE BILL 965. Placed on General File with amendment.

[AM2234](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The Legislature hereby declares that American Sign
- 4 Language is recognized by the State of Nebraska as a distinct and
- 5 separate language.
- 6 Sec. 2. The State Department of Education may provide for the
- 7 teaching of American Sign Language in public, private, denominational,
- 8 and parochial schools. If a school offers a course in American Sign
- 9 Language, such course shall be offered to all students and may be used
- 10 for world language credits by the school.
- 11 Sec. 3. Any postsecondary educational institution may offer an
- 12 elective course in American Sign Language. Any credits earned in a course
- 13 in American Sign Language at a postsecondary educational institution may
- 14 be used for world language credits if recognized as such by the
- 15 postsecondary educational institution.
- 16 Sec. 4. For purposes of sections 4 to 6 of this act:
- 17 (1) Communication means a two-way, interactive process to convey
- 18 meaning from one person or group to another through the use of mutually
- 19 understood signs, symbols, or voice;
- 20 (2) Credentialed teacher of the deaf means a certificated teacher
- 21 with a special education endorsement in deaf or hard of hearing
- 22 education;
- 23 (3) English means English literacy, spoken English, signing exact
- 24 English and morphemic system of signs, conceptually accurate signed
- 25 English, cued speech, and any other visual supplements;
- 26 (4) Language means a complex and dynamic system of conventional
- 27 symbols that is used in various modes for thought and communication; and
- 1 (5) Literacy includes the developmental stages of literacy, which
- 2 are necessary beginning stages to master a language and which include
- 3 pre-emergent, emergent, and novice levels.
- 4 Sec. 5. (1) The State Department of Education, in collaboration

5 with the Commission for the Deaf and Hard of Hearing, shall establish and
6 coordinate a language assessment program for children who are deaf or
7 hard of hearing. The program shall assess, monitor, and track the
8 language developmental milestones for children from birth through five
9 years of age who are deaf or hard of hearing. The scope of the program
10 shall include children who use one or more communication modes in
11 American Sign Language, English literacy, and, if applicable, spoken
12 English and visual supplements.

13 (2) Language assessments shall be given as needed to each child who
14 is deaf or hard of hearing and who is less than six years of age in
15 compliance with the Special Education Act and the federal Individuals
16 with Disabilities Education Act, as such act existed on January 1, 2020.
17 Such language assessments shall be provided in accordance with the
18 provisions of this section and any recommendations adopted pursuant to
19 this section.

20 (3) On or before December 31, 2021, and on or before each December
21 31 thereafter, the State Department of Education and the Commission for
22 the Deaf and Hard of Hearing shall publish a joint report that is
23 specific to language and literacy developmental milestones for each age
24 from birth through five years of age of children who are deaf or hard of
25 hearing, including children who are deaf or hard of hearing and have
26 another disability, relative to such children's peers who are not deaf or
27 hard of hearing. Such report shall be based on existing data annually
28 reported by the State Department of Education in compliance with the
29 federally required state performance plan on pupils with disabilities.
30 The State Department of Education and the Commission for the Deaf and
31 Hard of Hearing shall each publish the report on their respective web
1 sites. The report shall be electronically submitted to the Education
2 Committee of the Legislature and the Clerk of the Legislature.

3 Sec. 6. (1) The Commission for the Deaf and Hard of Hearing shall
4 appoint an advisory committee to advise the commission regarding all
5 aspects of the language assessment program established pursuant to
6 section 5 of this act. The advisory committee shall consist of fourteen
7 members as follows:

8 (a) One member shall be a credentialed teacher of the deaf who uses
9 both American Sign Language and English during instruction;

10 (b) One member shall be a credentialed teacher of the deaf who uses
11 spoken English, with or without visual supplements, during instruction;

12 (c) One member shall be a credentialed teacher of the deaf who has
13 expertise in curriculum development and instruction for American Sign
14 Language and English;

15 (d) One member shall be a credentialed teacher of the deaf who has
16 expertise in assessing language development in both American Sign
17 Language and English;

18 (e) One member shall be a speech language pathologist who has
19 experience working with children from birth through five years of age;

20 (f) One member shall be a professional with a linguistic background
21 who conducts research on language outcomes of children who are deaf or
22 hard of hearing and who uses both American Sign Language and English;

23 (g) One member shall be a parent of a child who is deaf or hard of
24 hearing and who uses both American Sign Language and English;

25 (h) One member shall be a parent of a child who is deaf or hard of
26 hearing and who uses spoken English with or without visual supplements;

27 (i) One member shall be knowledgeable about teaching and using both
28 American Sign Language and English in the education of children who are
29 deaf or hard of hearing;

30 (j) One member shall be a community member representing the deaf
31 community;

1 (k) One member shall be a community member representing the hard of
2 hearing community;

3 (l) One member shall be the state liaison for any regional programs
4 for the education of children who are deaf or hard of hearing,
5 coordinated through the State Department of Education, or the state
6 liaison's designee;
7 (m) One member shall be a member of the Commission for the Deaf and
8 Hard of Hearing; and
9 (n) One member shall be the coordinator of a network that provides
10 service coordination for children with special needs who are below three
11 years of age or the coordinator's designee.
12 (2) On or before August 1, 2020, the executive director of the
13 Commission for the Deaf and Hard of Hearing shall call an organizational
14 meeting of the advisory committee. At such organizational meeting, the
15 members shall elect a chairperson and vice-chairperson from the
16 membership of the advisory committee. The advisory committee may meet at
17 any time and at any place within the state on the call of the
18 chairperson. A quorum of the advisory committee shall be six members. All
19 actions of the advisory committee shall be by motion adopted by a
20 majority of those members present when there is a quorum.
21 (3) On or before July 1, 2021, the advisory committee shall develop
22 specific action plans and make recommendations necessary to fully
23 implement the language assessment program. The advisory committee shall:
24 (a) Collaborate with the coordinating council for a network that
25 provides service coordination for children with special needs who are
26 below three years of age and an advisory council that provides policy
27 guidance to the State Department of Education;
28 (b) Solicit input from professionals trained in the language
29 development and education of children who are deaf or hard of hearing on
30 the selection of specific language developmental milestones;
31 (c) Review and recommend the use of existing and available language
1 assessments for children who are deaf or hard of hearing;
2 (d) Recommend qualifications for identifying language professionals
3 with knowledge of the use of evidence-based, best practices in English
4 and American Sign Language who can be available to advocate at
5 individualized family service plan or individualized education program
6 team meetings;
7 (e) Recommend qualifications for identifying language assessment
8 evaluators with knowledge of the use of evidence-based, best practices
9 with children who are deaf or hard of hearing and the resources for
10 locating such evaluators; and
11 (f) Recommend procedures and methods for communicating information
12 on language acquisition, assessment results, milestones, assessment tools
13 used, and progress of the child to the parent or legal guardian of such
14 child and the teachers and other professionals involved in the early
15 intervention and education of such child.
16 (4) The specific action plans and recommendations developed by the
17 advisory committee shall include, but are not limited to, the following:
18 (a) Language assessments that include data collection and timely
19 tracking of the child's development so as to provide information about
20 the child's receptive and expressive language compared to such child's
21 linguistically age-appropriate peers who are not deaf or hard of hearing;
22 (b) Language assessments conducted in accordance with standardized
23 norms and timelines in order to monitor and track language developmental
24 milestones in receptive, expressive, social, and pragmatic language
25 acquisition and developmental stages to show progress in American Sign
26 Language literacy, English literacy, or both, for all children from birth
27 through five years of age who are deaf or hard of hearing;
28 (c) Language assessments delivered in the child's mode of
29 communication and which have been validated for the specific purposes for
30 which each assessment is used, and appropriately normed;
31 (d) Language assessments administered by individuals who are

1 proficient in American Sign Language for American Sign Language
 2 assessments and English for English assessments;
 3 (e) Use of assessment results, in addition to the results of the
 4 assessment required by federal law, for guidance in the language
 5 developmental discussions by individualized family service plan or
 6 individualized education program team meetings when assessing the child's
 7 progress in language development;
 8 (f) Reporting of assessment results to the parents or legal guardian
 9 of the child and any applicable agency;
 10 (g) Reporting of assessment results on an aggregated basis to the
 11 Education Committee of the Legislature, the Clerk of the Legislature, and
 12 the Governor; and
 13 (h) Reporting of assessment results to the members of the child's
 14 individualized family service plan or individualized education program
 15 team, which assessment results may be used, in addition to the results of
 16 the assessment required by federal law, by the child's individualized
 17 family service plan or individualized education program team, as
 18 applicable, to track the child's progress, and to establish or modify the
 19 individualized family service plan or individualized education program.
 20 (5) The advisory committee appointed pursuant to this section shall
 21 terminate on July 1, 2021.
 22 Sec. 7. The Revisor of Statutes shall assign section 2 of this act
 23 to Chapter 79, article 7, and section 3 of this act to Chapter 85,
 24 article 9.

(Signed) Mike Groene, Chairperson

UNANIMOUS CONSENT - Room Change

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 10, 2020, in the Warner Chamber instead of Room 1003. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB794.
 Senator Bolz name added to LB817.
 Senator Hunt name added to LB866.
 Senator Kolowski name added to LB962.
 Senator Linehan name added to LB995.
 Senator Kolterman name added to LB1001.
 Senator Blood name added to LB1001.

VISITOR(S)

Visitors to the Chamber were Tim Lindahl from Sidney, Ryan Reiber from Alliance, and Brian Heithoff; a group from Seward County 4-H; students and teachers from Syracuse High School; Kurt Mantonya, Louise Niemann, and Melissa Bartels; students and teachers from Sterling Public Schools;

and a group from the Nebraska Association of County Extension Boards from all 93 counties and the University of Nebraska.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

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

TWENTY-FIRST DAY - FEBRUARY 10, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 2020

PRAYER

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Geist, Pansing Brooks, and Wishart who were excused; and Senators Chambers, Friesen, Groene, M. Hansen, Hunt, McCollister, Morfeld, Scheer, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 28. Placed on General File with amendment.
[AM2281](#)

1 I. On page 2, line 28, strike "2020" and insert "2021".

LEGISLATIVE BILL 247. Placed on General File with amendment.
[AM2206](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 790. Placed on General File.

LEGISLATIVE BILL 890. Placed on General File with amendment.[AM2274](#)

1 1. Strike original section 2 and insert the following new sections:
 2 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 13-2904 (1) Notwithstanding the procedures for public lettings in
 5 sections 73-101 to 73-106 or any other statute relating to the letting of
 6 bids by a political subdivision, a political subdivision which follows
 7 the Political Subdivisions Construction Alternatives Act may solicit and
 8 execute a design-build contract or a construction management at risk
 9 contract.
 10 (2) The governing body of the political subdivision shall adopt a
 11 resolution selecting the design-build contract or construction management
 12 at risk contract delivery system provided under the act prior to
 13 proceeding with the provisions of sections 13-2905 to 13-2914. The
 14 resolution shall require the affirmative vote of at least two-thirds of
 15 the governing body of the political subdivision. The resolution shall
 16 include a statement that the political subdivision has made a
 17 determination that the design-build contract or construction management
 18 at risk contract delivery system is in the public interest based, at a
 19 minimum, on one of the following criteria: (a) Savings in cost or time;
 20 or (b) requirement of specialized or complex construction methods
 21 suitable for the design-build contract or construction management at risk
 22 contract delivery system.
 23 Sec. 3. Original section 13-2904, Reissue Revised Statutes of
 24 Nebraska, and section 13-2914, Revised Statutes Supplement, 2019, are
 25 repealed.
 26 2. Renumber the remaining section accordingly.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to [LB949](#):

[AM2292](#)

1 1. On page 2, line 19, strike "three" and insert "one".

COMMUNICATION

Received communication to Senator Howard and the Health and Human Services Committee, from Gary J. Anthone, M.D., Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the reappointment of the following to the Nebraska Stem Cell Research Advisory Committee:

Dr. Rui Yi

GENERAL FILE

LEGISLATIVE BILL 242. Committee [AM434](#), found on page 487 and considered on page 525, was renewed.

Senator Lindstrom renewed his amendment, [AM2279](#), found on page 516 and considered on page 525, to the committee amendment.

Senator Lindstrom moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

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

Voting in the affirmative, 25:

Arch	DeBoer	Kolowski	McCollister	Stinner
Blood	Hilgers	Kolterman	McDonnell	Vargas
Bolz	Hilkemann	La Grone	Morfeld	Walz
Cavanaugh	Howard	Lathrop	Quick	Wayne
Crawford	Hughes	Lindstrom	Scheer	Williams

Voting in the negative, 2:

Albrecht Murman

Present and not voting, 11:

Bostelman	Briese	Erdman	Hansen, B.
Brandt	Clements	Gragert	Moser
Brewer	Dorn	Halloran	

Excused and not voting, 11:

Chambers	Groene	Linehan	Slama
Friesen	Hansen, M.	Lowe	Wishart
Geist	Hunt	Pansing Brooks	

The Lindstrom amendment was adopted with 25 ayes, 2 nays, 11 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

[AM2358](#)

(Amendments to Standing Committee amendments, AM434)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 6 of this act shall be known and may be

4 cited as the Infrastructure Improvement and Replacement Assistance Act.

5 Sec. 2. (1) The Legislature finds that municipalities and sewer

6 utilities of this state face a need to construct, upgrade, redevelop, and

7 replace sewer infrastructure facilities and to redevelop and replace

8 obsolete sewer facilities. By providing sewer facilities, municipalities

9 and sewer utilities provide the building blocks for economic development.

10 Not only does the investment in infrastructure generate an immediate

11 stream of economic activity, it also lays the groundwork for private

12 investment that will use the facilities so provided. Municipalities and
13 sewer utilities in this state currently are in critical need of
14 assistance in providing these facilities. Political subdivisions are
15 limited in their ability to finance major infrastructure projects.
16 Political subdivisions are able to use property taxes, local option sales
17 taxes, bond funding, fees for services, or a combination thereof.
18 However, many of these financing options contain statutory budget and tax
19 levy restrictions. In order to minimize the burden on property taxpayers
20 in Nebraska, the Legislature finds that it is fair and equitable to
21 encourage the use of fees for services to finance major infrastructure
22 projects.
23 (2) The Legislature further finds that it is in the public interest
24 to assist municipalities and sewer utilities by establishing a turnback
25 of state sales tax revenue to provide funds to municipalities and sewer
26 utilities to be used to replace and redevelop sewer infrastructure
1 facilities and to redevelop and replace obsolete sewer facilities. In
2 order that this state and its residents may receive long-term economic
3 and fiscal benefits from such facilities, a need exists to provide state
4 assistance to municipalities and sewer utilities endeavoring to
5 construct, acquire, substantially reconstruct, expand, operate, improve,
6 or equip such facilities. It is in the best interest of the state, its
7 municipalities, and its sewer utilities that the state assist
8 municipalities and sewer utilities in financing the construction,
9 acquisition, substantial reconstruction, expansion, operation,
10 improvement, or equipping of sewer infrastructure facilities and to
11 permit municipalities and sewer utilities to reissue bonds secured by
12 amounts received under the Infrastructure Improvement and Replacement
13 Assistance Act and from other sources.
14 Sec. 3. For purposes of the Infrastructure Improvement and
15 Replacement Assistance Act:
16 (1) Political subdivision means any local governmental body formed
17 and organized under state law and any joint entity or joint public agency
18 created under the Interlocal Cooperation Act or the Joint Public Agency
19 Act which has statutory authority to issue general obligation bonds; and
20 (2) Sewer utility means any sewer utility operated by a political
21 subdivision.
22 Sec. 4. (1) The state shall assist political subdivisions and sewer
23 utilities by turning back a percentage of certain state sales tax revenue
24 to political subdivisions and sewer utilities as provided in this
25 section.
26 (2) The state shall pay to each political subdivision or sewer
27 utility a percentage of the state sales tax imposed on sewer fees and
28 collected by such political subdivision or sewer utility as follows:
29 (a) For sales taxes imposed from July 1, 2020, through June 30,
30 2021: 36.36 percent;
31 (b) For sales taxes imposed from July 1, 2021, through June 30,
1 2023: 54.54 percent; and
2 (c) For sales taxes imposed on and after July 1, 2023: 72.72
3 percent.
4 (3) Funds received under this section shall be used exclusively to
5 assist in:
6 (a) Paying for infrastructure improvements relating to constructing,
7 upgrading, redeveloping, or replacing sewer infrastructure facilities;
8 (b) Paying for the redevelopment and replacement of obsolete sewer
9 facilities; or
10 (c) Repaying bonds issued and pledged for such work.
11 Sec. 5. (1) The Tax Commissioner shall certify to the State
12 Treasurer, on a quarterly basis, the amount of state sales tax revenue
13 collected by any political subdivision or sewer utility fees and the
14 applicable percentage which the state shall pay pursuant to section 4 of

15 this act.

16 (2) Upon receipt of the quarterly certification, the State Treasurer
17 shall transfer the amount certified from the General Fund to the
18 Infrastructure Improvement and Replacement Assistance Cash Fund. The
19 Infrastructure Improvement and Replacement Assistance Cash Fund is
20 created. Transfers may be made from the fund to the General Fund at the
21 direction of the Legislature. Any money in the Infrastructure Improvement
22 and Replacement Assistance Cash Fund available for investment shall be
23 invested by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (3) It is the intent of the Legislature to appropriate from the
26 Infrastructure Improvement and Replacement Assistance Cash Fund to any
27 political subdivision or sewer utility an amount equal to the percentage
28 of state sales taxes collected as provided in section 4 of this act.
29 (4) Distributions from the Infrastructure Improvement and
30 Replacement Assistance Cash Fund shall be made based on the certification
31 from the Tax Commissioner under subsection (1) of this section and shall
1 occur within fifteen days after receipt by the State Treasurer of such
2 certification.

3 (5) All payments to political subdivisions or sewer utilities under
4 the Infrastructure Improvement and Replacement Assistance Act are made
5 subject to specific appropriation for such purpose.

6 Sec. 6. The Department of Revenue may adopt and promulgate rules
7 and regulations as necessary to carry out the Infrastructure Improvement
8 and Replacement Assistance Act.

9 Sec. 7. Section 77-2701.16, Revised Statutes Supplement, 2019, is
10 amended to read:

11 77-2701.16 (1) Gross receipts means the total amount of the sale or
12 lease or rental price, as the case may be, of the retail sales of
13 retailers.

14 (2) Gross receipts of every person engaged as a public utility
15 specified in this subsection, as a community antenna television service
16 operator, or as a satellite service operator or any person involved in
17 connecting and installing services defined in subdivision (2)(a), (b), or
18 (d) of this section means:

19 (a)(i) In the furnishing of telephone communication service, other
20 than mobile telecommunications service as described in section
21 77-2703.04, the gross income received from furnishing ancillary services,
22 except for conference bridging services, and intrastate
23 telecommunications services, except for value-added, nonvoice data
24 service.

25 (ii) In the furnishing of mobile telecommunications service as
26 described in section 77-2703.04, the gross income received from
27 furnishing mobile telecommunications service that originates and
28 terminates in the same state to a customer with a place of primary use in
29 Nebraska;

30 (b) In the furnishing of telegraph service, the gross income
31 received from the furnishing of intrastate telegraph services;

1 (c)(i) In the furnishing of gas, sewer, ~~water~~, and electricity
2 service, other than electricity service to a customer-generator as
3 defined in section 70-2002, the gross income received from the furnishing
4 of such services upon billings or statements rendered to consumers for
5 such utility services. This subdivision shall not apply to the furnishing
6 of water service, which shall be exempt from sales and use taxes.

7 (ii) In the furnishing of electricity service to a customer-
8 generator as defined in section 70-2002, the net energy use upon billings
9 or statements rendered to customer-generators for such electricity
10 service;

11 (d) In the furnishing of community antenna television service or
12 satellite service, the gross income received from the furnishing of such

13 community antenna television service as regulated under sections 18-2201
14 to 18-2205 or 23-383 to 23-388 or satellite service; and
15 (e) The gross income received from the provision, installation,
16 construction, servicing, or removal of property used in conjunction with
17 the furnishing, installing, or connecting of any public utility services
18 specified in subdivision (2)(a) or (b) of this section or community
19 antenna television service or satellite service specified in subdivision
20 (2)(d) of this section, except when acting as a subcontractor for a
21 public utility, this subdivision does not apply to the gross income
22 received by a contractor electing to be treated as a consumer of building
23 materials under subdivision (2) or (3) of section 77-2701.10 for any such
24 services performed on the customer's side of the utility demarcation
25 point. This subdivision also does not apply to the gross income received
26 by a political subdivision of the state for the lease or use of electric
27 generation, transmission, distribution, or street lighting structures or
28 facilities owned by a political subdivision of the state.

29 (3) Gross receipts of every person engaged in selling, leasing, or
30 otherwise providing intellectual or entertainment property means:
31 (a) In the furnishing of computer software, the gross income
1 received, including the charges for coding, punching, or otherwise
2 producing any computer software and the charges for the tapes, disks,
3 punched cards, or other properties furnished by the seller; and
4 (b) In the furnishing of videotapes, movie film, satellite
5 programming, satellite programming service, and satellite television
6 signal descrambling or decoding devices, the gross income received from
7 the license, franchise, or other method establishing the charge.

8 (4) Gross receipts for providing a service means:
9 (a) The gross income received for building cleaning and maintenance,
10 pest control, and security;
11 (b) The gross income received for motor vehicle washing, waxing,
12 towing, and painting;
13 (c) The gross income received for computer software training;
14 (d) The gross income received for installing and applying tangible
15 personal property if the sale of the property is subject to tax. If any
16 or all of the charge for installation is free to the customer and is paid
17 by a third-party service provider to the installer, any tax due on that
18 part of the activation commission, finder's fee, installation charge, or
19 similar payment made by the third-party service provider shall be paid
20 and remitted by the third-party service provider;
21 (e) The gross income received for services of recreational vehicle
22 parks;
23 (f) The gross income received for labor for repair or maintenance
24 services performed with regard to tangible personal property the sale of
25 which would be subject to sales and use taxes, excluding motor vehicles,
26 except as otherwise provided in section 77-2704.26 or 77-2704.50;
27 (g) The gross income received for animal specialty services except
28 (i) veterinary services, (ii) specialty services performed on livestock
29 as defined in section 54-183, and (iii) animal grooming performed by a
30 licensed veterinarian or a licensed veterinary technician in conjunction
31 with medical treatment; and
1 (h) The gross income received for detective services.

2 (5) Gross receipts includes the sale of admissions. When an
3 admission to an activity or a membership constituting an admission is
4 combined with the solicitation of a contribution, the portion or the
5 amount charged representing the fair market price of the admission shall
6 be considered a retail sale subject to the tax imposed by section
7 77-2703. The organization conducting the activity shall determine the
8 amount properly attributable to the purchase of the privilege, benefit,
9 or other consideration in advance, and such amount shall be clearly
10 indicated on any ticket, receipt, or other evidence issued in connection
11 with the payment.

12 (6) Gross receipts includes the sale of live plants incorporated
 13 into real estate except when such incorporation is incidental to the
 14 transfer of an improvement upon real estate or the real estate.
 15 (7) Gross receipts includes the sale of any building materials
 16 annexed to real estate by a person electing to be taxed as a retailer
 17 pursuant to subdivision (1) of section 77-2701.10.
 18 (8) Gross receipts includes the sale of and recharge of prepaid
 19 calling service and prepaid wireless calling service.
 20 (9) Gross receipts includes the retail sale of digital audio works,
 21 digital audiovisual works, digital codes, and digital books delivered
 22 electronically if the products are taxable when delivered on tangible
 23 storage media. A sale includes the transfer of a permanent right of use,
 24 the transfer of a right of use that terminates on some condition, and the
 25 transfer of a right of use conditioned upon the receipt of continued
 26 payments.
 27 (10) Gross receipts includes any receipts from sales of tangible
 28 personal property made over a multivendor marketplace platform that acts
 29 as the intermediary by facilitating sales between a seller and the
 30 purchaser and that, either directly or indirectly through agreements or
 31 arrangements with third parties, collects payment from the purchaser and
 1 transmits payment to the seller.
 2 (11) Gross receipts does not include:
 3 (a) The amount of any rebate granted by a motor vehicle or motorboat
 4 manufacturer or dealer at the time of sale of the motor vehicle or
 5 motorboat, which rebate functions as a discount from the sales price of
 6 the motor vehicle or motorboat; or
 7 (b) The price of property or services returned or rejected by
 8 customers when the full sales price is refunded either in cash or credit.
 9 Sec. 8. This act becomes operative on July 1, 2020.
 10 Sec. 9. Original section 77-2701.16, Revised Statutes Supplement,
 11 2019, is repealed.
 12 Sec. 10. Since an emergency exists, this act takes effect when
 13 passed and approved according to law.

SENATOR HILGERS PRESIDING

SENATOR WILLIAMS PRESIDING

Pending.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 310. Placed on Final Reading.
LEGISLATIVE BILL 310A. Placed on Final Reading.

LEGISLATIVE BILL 734. Placed on Final Reading.
[ST42](#)

The following changes, required to be reported for publication in the Journal, have been made:
 1. On page 1, line 2, "53-116.01," has been inserted after the first comma; and line 4 and all amendments thereto have been struck and "provide for the regulation of charter bus services and the licensure of special party buses; to provide for" inserted.

LEGISLATIVE BILL 734A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Gragert - LB770

NOTICE OF COMMITTEE HEARING(S)

Executive Board
Room 1507

Tuesday, February 18, 2020 12:00 p.m.
LB1035
LR280CA

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1054. Title read. Considered.

SENATOR HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 267. Committee [AM1245](#), found on page 1258, First Session, 2019, and considered on pages 491 and 501, was renewed.

Senator La Grone renewed his amendment, [AM2265](#), found on page 502, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 944. Placed on General File with amendment. [AM2307](#) is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Natural Resources

LEGISLATIVE BILL 770. Placed on General File.

LEGISLATIVE RESOLUTION 288. Reported to the Legislature for further consideration.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

Douglas Anderson - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Sherry Vinton - Nebraska Environmental Trust Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 1507

Thursday, February 20, 2020 12:00 p.m.

LB1085

LB1191

Tuesday, February 25, 2020 12:00 p.m.

LB937

LB1197

Thursday, February 27, 2020 12:00 p.m.

LR282

LR297

(Signed) Mike Hilgers, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, February 18, 2020 1:30 p.m.

Stephan Budke - Nebraska Motor Vehicle Industry Licensing Board
Dennis Cloninger - Nebraska Motor Vehicle Industry Licensing Board
Brad Jacobs - Nebraska Motor Vehicle Industry Licensing Board
Clint Jones - Nebraska Motor Vehicle Industry Licensing Board
Joseph Kosiski - Nebraska Motor Vehicle Industry Licensing Board
Thomas R. McCaslin - Nebraska Motor Vehicle Industry Licensing Board
Matthew O'Daniel - Nebraska Motor Vehicle Industry Licensing Board
Curt Prohaska - Nebraska Motor Vehicle Industry Licensing Board
Dennis R. Schworer - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Walz name added to LB153.
Senator Blood name added to LB518.
Senator Hunt name added to LB770.
Senator Kolowski name added to LB840.
Senator Quick name added to LB962.
Senator Blood name added to LB963.

VISITOR(S)

Visitors to the Chamber were a group of Presidents and Student Organization Officers of Nebraska Career and Technical Organizations from across the state.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 11, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 2020

PRAYER

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church, Plattsmouth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Bolz, M. Hansen, Morfeld, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Crawford - LB1061

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1507

Wednesday, February 19, 2020 1:30 p.m.
LB758
LB848
LB1015

Thursday, February 20, 2020 1:30 p.m.

LB1167
LB878
LB935
LB936
LB1136

Friday, February 21, 2020 1:30 p.m.

LB981
LB982
LB1195

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to [LB752](#):

[AM2353](#)

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. The Department of Health and Human Services and
4 Department of Veterans' Affairs shall work jointly to encourage service
5 providers in their respective departments and in other state and local
6 agencies and departments to ask the question "Have you or a family member
7 ever served in the military?". The question should be included in intake
8 forms and interviews where appropriate, including, but not limited to, at
9 hospitals, mental health care centers, senior centers, employment
10 offices, courts, and schools and in encounters with law enforcement.

ANNOUNCEMENT

The Chair announced the birthday of Senator M. Hansen.

GENERAL FILE

LEGISLATIVE BILL 944. Title read. Considered.

Committee [AM2307](#), found on page 568, 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 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee [AM1436](#), found on page 1289, First Session, 2019, was offered.

SENATOR HILGERS PRESIDING

SENATOR LINDSTROM PRESIDING

Senator Kolterman moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 22:

Bolz	Hansen, M.	Kolterman	Scheer	Williams
Cavanaugh	Hilkemann	Lathrop	Slama	Wishart
Chambers	Howard	Lindstrom	Vargas	
Dorn	Hunt	McCollister	Walz	
Geist	Kolowski	Quick	Wayne	

Voting in the negative, 12:

Albrecht	Clements	Hansen, B.	McDonnell
Arch	Groene	La Grone	Moser
Brewer	Halloran	Lowe	Murman

Present and not voting, 11:

Blood	Briese	Erdman	Hilgers
Bostelman	Crawford	Friesen	Hughes
Brandt	DeBoer	Gragert	

Excused and not voting, 4:

Linehan	Morfeld	Pansing Brooks	Stinner
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The committee amendment lost with 22 ayes, 12 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Failed to advance to Enrollment and Review Initial with 15 ayes, 12 nays, 18 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 909. Placed on General File with amendment.
[AM2312](#) is available in the Bill Room.

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 387. Placed on Final Reading.**LEGISLATIVE BILL 518.** Placed on Final Reading.**[ST43](#)**

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

1. In the Blood amendment, AM2327, on page 1, lines 6 and 11, the last underscored periods have been struck and underscored semicolons inserted.
2. On page 1, line 1, "health and human services" has been struck and "government" inserted; and in line 3 "to provide duties regarding federal immigration forms relating to victims of certain crimes;" has been inserted after the semicolon.

LEGISLATIVE BILL 540. Placed on Final Reading.**LEGISLATIVE BILL 541.** Placed on Final Reading.**LEGISLATIVE BILL 643.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Banking, Commerce and Insurance - LB909

NOTICE OF COMMITTEE HEARING(S)Education
Room 1525

Tuesday, February 18, 2020 1:30 p.m.

Timothy Daniels - Coordinating Commission for Postsecondary Education

Charles Garman - Coordinating Commission for Postsecondary Education

Cindy Gray - Technical Advisory Committee for Statewide Assessment

Chad W. Buckendahl - Technical Advisory Committee for Statewide

Assessment

LB1001

LB1039

LR306

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in JournalSenator M. Hansen filed the following amendment to [LB926](#):**[AM2268](#)**

- 1 1. On page 2, line 21, strike "Any", show as stricken, and insert "A
- 2 contractor who is assessed an administrative penalty for a violation of
- 3 the Employee Classification Act shall pay such administrative penalty no
- 4 later than ten days after the date the penalty becomes final and not
- 5 subject to further appeal. A"; strike beginning with "citation" in line

6 21 through "Act" in line 22, show the old matter as stricken, and insert
7 "administrative penalty in violation of this subsection"; and in line 24
8 strike "citation" and insert "administrative penalty".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Yi, Rui - Stem Cell Research Advisory Committee - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 329. Title read. Considered.

Committee [AM1183](#), found on page 1295, First Session, 2019, was offered.

Senator Howard offered her amendment, [AM2186](#), found on page 478, to the committee amendment.

The Howard amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

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

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 607. Title read. Considered.

Committee [AM1462](#), found on page 1297, First Session, 2019, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 607A. Title read. Considered.

Senator Kolterman offered his amendment, [AM2165](#), found on page 480.

The Kolterman amendment was adopted with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 929. Placed on General File.

LEGISLATIVE BILL 1014. Placed on General File.

LEGISLATIVE BILL 1123. Placed on General File.

LEGISLATIVE BILL 760. Placed on General File with amendment.

[AM2232](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 44-7,107, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 44-7,107 (1) For purposes of this section:
6 (a) Asynchronous review means the acquisition and storage of medical
7 information at one site that is then forwarded to or retrieved by a
8 health care provider at another site for medical evaluation;
9 (b) Dermatologist means a board-certified physician who is trained
10 to evaluate and treat individuals with benign and malignant disorders of
11 the skin, hair, nails, and adjacent mucous membranes with a
12 specialization in the diagnosis and treatment of skin cancers, melanomas,
13 moles, and other tumors of the skin along with surgical techniques used
14 in dermatology and interpretation of skin biopsies; and
15 (c) Telehealth has the same meaning as in section 44-312.
16 (2) Any insurer offering (a) ~~(1)~~ any individual or group sickness
17 and accident insurance policy, certificate, or subscriber contract
18 delivered, issued for delivery, or renewed in this state, (b) ~~(2)~~ any
19 hospital, medical, or surgical expense-incurred policy, or (c) ~~(3)~~ any
20 self-funded employee benefit plan to the extent not preempted by federal
21 law, shall not exclude, in any policy, certificate, contract, or plan
22 offered or renewed on or after August 24, 2017, a service from coverage
23 solely because the service is delivered through telehealth ~~as defined in~~
24 ~~section 44-312~~ and is not provided through in-person consultation or
25 contact between a licensed health care provider and a patient.
26 (3)(a) Any insurer offering any policy, certificate, contract, or
27 plan described in subsection (2) of this section for which coverage of
1 benefits begins on or after January 1, 2021, shall not exclude from
2 coverage telehealth services provided by a dermatologist solely because
3 the service is delivered asynchronously.
4 (b) An insurer shall reimburse a health care provider for
5 asynchronous review by a dermatologist delivered through telehealth at a
6 rate negotiated between the provider and the insurer.
7 (c) It is not a violation of this subsection for an insurer to
8 include a deductible, copayment, or coinsurance requirement for a health
9 care service provided through telehealth if such costs do not exceed
10 those included for the same services provided through in-person contact.
11 (4) Nothing in this section shall be construed to require an insurer
12 to provide coverage for services that are not medically necessary.
13 (5) This section does not apply to any policy, certificate,
14 contract, or plan that provides coverage for a specified disease or other

15 limited-benefit coverage.

16 Sec. 2. Original section 44-7,107, Revised Statutes Cumulative

17 Supplement, 2018, is repealed.

(Signed) Matt Williams, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB770.

Senator Gragert name added to LB911.

VISITOR(S)

Visitors to the Chamber were students from the Wayne Leadership Class, Wayne State College, and Wayne High School; Ruthie Ostergard from Gothenburg; and members of Leadership Sarpy County.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 12, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 2020

PRAYER

The prayer was offered by Reverend Owen Derrick, First Presbyterian Church, Tekamah.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Department of the Sons of Union Veterans of the Civil War.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Briese, Lindstrom, and Wayne who were excused; and Senators Arch, Friesen, M. Hansen, Howard, Linehan, Lowe, Morfeld, Slama, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Halloran - LB344
Brandt - LB996

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510

Wednesday, February 19, 2020 1:30 p.m.

Robert J. Feit - Commission for the Deaf and Hard of Hearing
Candice Arteaga - Commission for the Deaf and Hard of Hearing
Jonathan Scherling - Commission for the Deaf and Hard of Hearing
LB1105
LB1184
LB1158
LB1204

Thursday, February 20, 2020 1:30 p.m.

Michael Bailey - Board of Emergency Medical Services
LB1037
LB1038
LB783
LB1011
LB1043
LB1104

Friday, February 21, 2020 1:00 p.m.

Michael Allen Christopher Greene - Nebraska Rural Health Advisory
Commission
Michael Sheridan - Board of Emergency Medical Services
LB1185
LB837
LB1049
LB917

(Signed) Sara Howard, Chairperson

Natural Resources
Room 1525

Wednesday, February 19, 2020 1:30 p.m.

Elizabeth A. Hilyard - Nebraska Power Review Board
John Arley Rundel - Nebraska Oil and Gas Conservation Commission
Timothy L. Else - Nebraska Ethanol Board
LB1071
LB1132

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB126:
AM2380

(Amendments to E&R amendments, ER160)

- 1 1. On page 3, strike lines 18 through 31 and insert the following
2 new subsection:
3 "(4)(a) In addition to any limited permit to hunt deer issued to a
4 qualifying landowner under subsection (3) of this section, the commission
5 shall issue up to four limited permits to hunt deer during the three days
6 of Saturday through Monday immediately preceding the opening day of
7 firearm deer hunting season to any qualifying landowner meeting the
8 requirements of subdivision (b) of this subsection and designated members
9 of his or her immediate family. The fee for each permit issued under this
10 subsection shall be five dollars. Permits shall be issued subject to the
11 following:
12 (i) No more than four permits may be issued per qualifying landowner
13 to the landowner or designated members of his or her immediate family,
14 except that no more than one permit shall be issued per person for the
15 qualifying landowner or any designated member of his or her immediate
16 family;
17 (ii) Of the four permits that may be issued, no more than two
18 permits may be issued to persons who are younger than nineteen years of
19 age and no more than two permits may be issued to persons who are
20 nineteen years of age or older; and
21 (iii) For a Nebraska resident landowner, the number of permits
22 issued shall not exceed the total acreage of the farm or ranch divided by
23 eighty, and for a nonresident landowner, the number of permits issued
24 shall not exceed the total acreage of the farm or ranch divided by three
25 hundred twenty.
26 (b) For purposes of this subsection, the qualifying criteria for a
1 Nebraska resident described in subdivisions (3)(a)(i) and (ii) of this
2 section and the ownership criteria for a nonresident of Nebraska
3 described in subdivision (3)(b) of this section apply.
4 (c) The commission may adopt and promulgate rules and regulations to
5 carry out this subsection."
6 2. On page 4, strike lines 1 through 4.

CONFLICT OF INTEREST STATEMENT

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR308 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR308.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 12, 2020, summarizing the recommended appropriations for the following biennium.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 569:

Nebraska Environmental Trust Board
Sherry Vinton

Voting in the affirmative, 33:

Albrecht	Chambers	Groene	Kolterman	Pansing Brooks
Blood	Crawford	Halloran	La Grone	Stinner
Bolz	DeBoer	Hansen, B.	Lathrop	Vargas
Bostelman	Dorn	Hilgers	McCollister	Williams
Brandt	Erdman	Hilkemann	McDonnell	Wishart
Brewer	Geist	Hunt	Moser	
Cavanaugh	Gragert	Kolowski	Murman	

Voting in the negative, 0.

Present and not voting, 4:

Clements	Hughes	Quick	Scheer
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Excused and not voting, 12:

Arch	Hansen, M.	Linehan	Slama
Briese	Howard	Lowe	Walz
Friesen	Lindstrom	Morfeld	Wayne

The appointment was confirmed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 569:

Environmental Quality Council
Douglas Anderson

Voting in the affirmative, 38:

Albrecht	Clements	Halloran	La Grone	Quick
Blood	Crawford	Hansen, B.	Lathrop	Scheer
Bolz	DeBoer	Hilgers	Linehan	Stinner
Bostelman	Dorn	Hilkemann	McCollister	Vargas
Brandt	Erdman	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Moser	Wishart
Cavanaugh	Gragert	Kolowski	Murman	
Chambers	Groene	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Walz

Excused and not voting, 10:

Arch	Friesen	Howard	Lowe	Slama
Briese	Hansen, M.	Lindstrom	Morfeld	Wayne

The appointment was confirmed with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 924. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, and 6 excused and not voting.

LEGISLATIVE BILL 770. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 219. Title read. Considered.

Committee [AM1472](#), found on page 1313, First Session, 2019, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 998. Placed on General File with amendment.

[AM2214](#)

- 1 1. Strike original sections 7 and 8.
- 2 2. On page 4, line 22, strike "June 30" and insert "August 1".
- 3 3. On page 8, line 5, strike "2024-25" and insert "2023-24"; and in
- 4 line 13 strike "offer" and insert "ensure that" and after "training"
- 5 insert "is offered".
- 6 4. On page 9, line 26, strike "such recommendation involves"; and in
- 7 line 27 after "services" insert "is involved".
- 8 5. On page 10, line 30; and page 11, line 30, strike "(6)" and
- 9 insert "(7)".
- 10 6. On page 11, line 6, strike "The" and insert "Except as otherwise
- 11 provided in subsection (6) of this section, the"; in line 26 strike
- 12 "December 1" and insert "August 10"; and after line 29 insert the
- 13 following new subsection:
- 14 "(6) For any school fiscal year when the amount available for
- 15 distribution in the Behavioral Training Cash Fund on August 10
- 16 immediately preceding such school fiscal year is less than the total of
- 17 the base training reimbursements for all schools as calculated pursuant
- 18 to subsection (3) of this section, the base training reimbursements shall
- 19 be reduced proportionally such that the total of the base training
- 20 reimbursements for all schools equals the amount available for
- 21 distribution. Payment shall not be made for any additional training
- 22 reimbursement units pursuant to subsections (4) and (5) of this section
- 23 for such school fiscal year."
- 24 7. On page 12, strike lines 5 through 13 and insert the following
- 25 new subsections:
- 26 "(8) The department shall not include behavioral training funding in
- 27 the calculation of formula resources pursuant to section 79-1017.01.
- 1 (9) Behavioral training funding shall be distributed directly to
- 2 school districts from the Behavioral Training Cash Fund in the same
- 3 manner as and in conjunction with funds distributed pursuant to section
- 4 79-1022."
- 5 8. On page 15, line 31, after the first comma and after "79-2,144,"
- 6 insert "and" and strike "and 79-1007.11,".
- 7 9. On page 16, strike beginning with "and" in line 1 through the
- 8 second comma in line 2.
- 9 10. Renumber the remaining section accordingly.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to [LB58](#):
[AM2367](#) is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, February 19, 2020 1:30 p.m.

LB1202

LB1087

LB1075

LB1106

LB1107

(Signed) Lou Ann Linehan, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 518A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 312. Introduced by Lathrop, 12.

WHEREAS, Tyler Richards, a member of Troop 282 of Millard, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. An Eagle Scout must have earned 21 merit badges, 13 of which are in required areas, demonstrated Scout Spirit and leadership within their troop, and completed an approved community service project; and

WHEREAS, Tyler displayed his commitment to community service by raising twenty thousand dollars to design and install a Tribute to First Responders to honor the heroic service of first responders in our communities, located in his hometown of Ralston; and

WHEREAS, Tyler, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tyler Richards on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Tyler Richards.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 448. Title read. Considered.

Committee [AM935](#), found on page 1527, First Session, 2019, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Committee [AM1673](#), found on page 1625, First Session, 2019, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 920. Placed on General File with amendment. [AM2388](#) is available in the Bill Room.

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1054. Placed on Select File.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to [LB929](#):

[AM2267](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 81-885.04, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 81-885.04 Except as to the requirements with respect to the

6 subdivision of land, the Nebraska Real Estate License Act shall not apply
7 to:

8 (1) Any person, partnership, limited liability company, or
9 corporation who as owner or lessor shall perform any of the acts
10 described in subdivision (2) of section 81-885.01 with reference to
11 property owned or leased by him, her, or it or to the regular employees
12 thereof, with respect to the property so owned or leased, when such acts
13 are performed in the regular course of or as an incident to the
14 management, sale, or other disposition of such property and the
15 investment therein, except that such regular employees shall not perform
16 any of the acts described in such subdivision in connection with a
17 vocation of selling or leasing any real estate or the improvements
18 thereon;

19 (2) An attorney in fact under a duly executed power of attorney to
20 convey real estate from the owner or lessor or the services rendered by
21 any attorney at law in the performance of his or her duty as such
22 attorney at law;

23 (3) Any person acting as receiver, trustee in bankruptcy, personal
24 representative, conservator, or guardian or while acting under a court
25 order or under the authority of a will or of a trust instrument or as a
26 witness in any judicial proceeding or other proceeding conducted by the
27 state or any governmental subdivision or agency;

1 (4) Any person acting as the resident manager of an apartment
2 building, duplex, apartment complex, or court, when such resident manager
3 resides on the premises and is engaged in the leasing of property in
4 connection with his or her employment, or any employee, parent, child,
5 brother, or sister of the owner or any employee of a licensed broker who
6 manages rental property for the owner of such property;

7 (5) Any officer or employee of a federal agency in the conduct of
8 his or her official duties;

9 (6) Any officer or employee of the state government or any political
10 subdivision thereof performing his or her official duties for real estate
11 tax purposes or performing his or her official duties related to the
12 acquisition of any interest in real property when the interest is being
13 acquired for a public purpose;

14 (7) Any person or any employee thereof who renders an estimate or
15 opinion of value of real estate or any interest therein when such
16 estimate or opinion of value is for the purpose of real estate taxation;
17 ~~or~~

18 (8) Any person who, for himself or herself or for others, purchases
19 or sells oil, gas, or mineral leases or performs any activities related
20 to the purchase or sale of such leases; ~~or~~ -

21 (9) Any person not required to be licensed under the act who
22 provides a list or lists of potential purchasers to a broker or
23 salesperson or who makes calls or facilitates the initial contact between
24 a potential client or customer as defined in sections 76-2407 and
25 76-2409, respectively, and a broker or salesperson. The unlicensed person
26 may only provide information regarding the broker or salesperson and the
27 broker's or salesperson's services in written information created by the
28 broker or salesperson that identifies the broker or salesperson and the
29 broker's or salesperson's place of business and which is sent by email,
30 United States mail, or by link to a web site created by the broker or
31 salesperson. The unlicensed person is not permitted to discuss with such
1 potential client or customer the services offered or to be offered by the
2 broker or salesperson. The unlicensed person acting under this exemption
3 may not discuss with such potential client or customer the client's or
4 customer's motivation, motivating factors, or price such potential client
5 or customer is willing to offer or accept. The unlicensed person does not
6 have the authority and shall not purport to have the authority to
7 obligate any such potential client or customer to work with a particular

8 broker or salesperson or particular broker's or salesperson's place of
9 business. The unlicensed person shall, at the beginning of any contact
10 with such potential client or customer, identify who the unlicensed
11 person is, the name of the entity that employs the unlicensed person, the
12 name of the broker or salesperson, and the name of the broker's or
13 salesperson's real estate business on whose behalf the contact is being
14 made. The unlicensed person shall not perform any other activity of a
15 broker or salesperson described in section 81-885.01, except those acts
16 specifically provided for in this subdivision.

17 Sec. 2. Section 81-885.24, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 81-885.24 The commission may, upon its own motion, and shall, upon
20 the sworn complaint in writing of any person, investigate the actions of
21 any broker, associate broker, salesperson, or subdivider, may censure the
22 licensee or certificate holder, revoke or suspend any license or
23 certificate issued under the Nebraska Real Estate License Act, or enter
24 into consent orders, and, alone or in combination with such disciplinary
25 actions, may impose a civil fine on a licensee pursuant to section
26 81-885.10, whenever the license or certificate has been obtained by false
27 or fraudulent representation or the licensee or certificate holder has
28 been found guilty of any of the following unfair trade practices:

29 (1) Refusing because of religion, race, color, national origin,

30 ethnic group, sex, familial status, or disability to show, sell, or rent

31 any real estate for sale or rent to prospective purchasers or renters;

1 (2) Intentionally using advertising which is misleading or

2 inaccurate in any material particular or in any way misrepresents any
3 property, terms, values, policies, or services of the business conducted;

4 (3) Failing to account for and remit any money coming into his or

5 her possession belonging to others;

6 (4) Commingling the money or other property of his or her principals

7 with his or her own;

8 (5) Failing to maintain and deposit in a separate trust account all
9 money received by a broker acting in such capacity, or as escrow agent or

10 the temporary custodian of the funds of others, in a real estate

11 transaction unless all parties having an interest in the funds have

12 agreed otherwise in writing;

13 (6) Accepting, giving, or charging any form of undisclosed

14 compensation, consideration, rebate, or direct profit on expenditures

15 made for a principal;

16 (7) Representing or attempting to represent a real estate broker,

17 other than the employer, without the express knowledge and consent of the
18 employer;

19 (8) Accepting any form of compensation or consideration by an

20 associate broker or salesperson from anyone other than his or her

21 employing broker without the consent of his or her employing broker;

22 (9) Acting in the dual capacity of agent and undisclosed principal

23 in any transaction;

24 (10) Guaranteeing or authorizing any person to guarantee future

25 profits which may result from the resale of real property;

26 (11) Placing a sign on any property offering it for sale or rent

27 without the written consent of the owner or his or her authorized agent;

28 (12) Offering real estate for sale or lease without the knowledge

29 and consent of the owner or his or her authorized agent or on terms other

30 than those authorized by the owner or his or her authorized agent;

31 (13) Inducing any party to a contract of sale or lease to break such

1 contract for the purpose of substituting, in lieu thereof, a new contract

2 with another principal;

3 (14) Negotiating a sale, exchange, listing, or lease of real estate

4 directly with an owner or lessor if he or she knows that such owner has a

5 written outstanding listing contract in connection with such property

6 granting an exclusive agency or an exclusive right to sell to another
7 broker or negotiating directly with an owner to withdraw from or break
8 such a listing contract for the purpose of substituting, in lieu thereof,
9 a new listing contract;
10 (15) Discussing or soliciting a discussion of, with an owner of a
11 property which is exclusively listed with another broker, the terms upon
12 which the broker would accept a future listing upon the expiration of the
13 present listing unless the owner initiates the discussion;
14 (16) Violating any provision of sections 76-2401 to 76-2430;
15 (17) Soliciting, selling, or offering for sale real estate by
16 offering free lots or conducting lotteries for the purpose of influencing
17 a purchaser or prospective purchaser of real estate;
18 (18) Providing any form of compensation or consideration to any
19 person for performing the services of a broker, associate broker, or
20 salesperson who has not first secured his or her license under the
21 Nebraska Real Estate License Act unless such person is (a) a nonresident
22 who is licensed in his or her resident regulatory jurisdiction or (b) a
23 citizen and resident of a foreign country which does not license persons
24 conducting the activities of a broker and such person provides reasonable
25 written evidence to the Nebraska broker that he or she is a resident
26 citizen of that foreign country, is not a resident of this country, and
27 conducts the activities of a broker in that foreign country;
28 (19) Failing to include a fixed date of expiration in any written
29 listing agreement and failing to leave a copy of the agreement with the
30 principal;
31 (20) Failing to deliver within a reasonable time a completed and
1 dated copy of any purchase agreement or offer to buy or sell real estate
2 to the purchaser and to the seller;
3 (21) Failing by a broker to deliver to the seller in every real
4 estate transaction, at the time the transaction is consummated, a
5 complete, detailed closing statement showing all of the receipts and
6 disbursements handled by such broker for the seller, failing to deliver
7 to the buyer a complete statement showing all money received in the
8 transaction from such buyer and how and for what the same was disbursed,
9 and failing to retain true copies of such statements in his or her files;
10 (22) Making any substantial misrepresentations;
11 (23) Acting for more than one party in a transaction without the
12 knowledge of all parties for whom he or she acts;
13 (24) Failing by an associate broker or salesperson to place, as soon
14 after receipt as practicable, in the custody of his or her employing
15 broker any deposit money or other money or funds entrusted to him or her
16 by any person dealing with him or her as the representative of his or her
17 licensed broker;
18 (25) Filing a listing contract or any document or instrument
19 purporting to create a lien based on a listing contract for the purpose
20 of casting a cloud upon the title to real estate when no valid claim
21 under the listing contract exists;
22 (26) Violating any rule or regulation adopted and promulgated by the
23 commission in the interest of the public and consistent with the Nebraska
24 Real Estate License Act;
25 (27) Failing by a subdivider, after the original certificate has
26 been issued, to comply with all of the requirements of the Nebraska Real
27 Estate License Act;
28 (28) Conviction of a felony or entering a plea of guilty or nolo
29 contendere to a felony charge by a broker or salesperson;
30 (29) Demonstrating negligence, incompetency, or unworthiness to act
31 as a broker, associate broker, or salesperson, whether of the same or of
1 a different character as otherwise specified in this section;
2 (30) Inducing or attempting to induce a person to transfer an
3 interest in real property, whether or not for monetary gain, or

4 discouraging another person from purchasing real property, by
 5 representing that (a) a change has occurred or will or may occur in the
 6 composition with respect to religion, race, color, national origin,
 7 ethnic group, sex, familial status, or disability of the owners or
 8 occupants in the block, neighborhood, or area or (b) such change will or
 9 may result in the lowering of property values, an increase in criminal or
 10 antisocial behavior, or a decline in the quality of schools in the block,
 11 neighborhood, or area;
 12 (31) Failing by a team leader to provide a current list of all team
 13 members to his or her designated broker;
 14 (32) Failing by a designated broker to maintain a record of all team
 15 leaders and team members working under him or her;
 16 (33) Utilizing advertising which does not prominently display the
 17 name under which the designated broker does business as filed with the
 18 commission;
 19 (34) Utilizing team advertising or a team name suggesting the team
 20 is an independent real estate brokerage; ~~or~~
 21 (35) Charging or collecting, as part or all of his or her
 22 compensation or consideration, any part of the earnest money or other
 23 money paid to him or her or the entity under which he or she does
 24 business in connection with any real estate transaction until the
 25 transaction has been consummated or terminated. However, a payment for
 26 goods or services rendered by a third party on behalf of the client shall
 27 not be considered compensation or consideration if such payment does not
 28 include any profit, compensation, or payment for services rendered by the
 29 broker and the broker retains a record of the payment to the third party
 30 for such goods or services; ~~or~~
 31 (36) Failing to provide a copy of section 81-885.04 or written
 1 instructions explaining the provisions of the exemption from licensure as
 2 set forth in subdivision (9) of section 81-885.04 to any unlicensed
 3 person who assists in procuring a potential client or customer as defined
 4 in sections 76-2407 and 76-2409, respectively, for the purpose of the
 5 listing, sale, purchase, exchange, renting, leasing, or optioning of any
 6 real estate.
 7 Sec. 3. Original section 81-885.04, Reissue Revised Statutes of
 8 Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement,
 9 2018, are repealed.

Senator Stinner filed the following amendment to LB817:
AM2416

1 1. Insert the following new sections:
 2 Sec. 10. Collaborative practice agreement means a written agreement
 3 between a prescribing psychologist with a prescription certificate and a
 4 licensed physician that meets the requirements of section 18 of this act.
 5 Sec. 18. (1) A collaborative practice agreement shall establish
 6 clinical protocols and practice guidelines relevant to the scope of
 7 practice of the prescribing psychologist with a prescription certificate
 8 and not the autonomous practice of psychology. The practice guidelines
 9 may include limitations on the prescribing of psychotropic medication by
 10 a prescribing psychologist with a prescription certificate and protocols
 11 for prescribing to special populations.
 12 (2) The department, in consultation with the board and the advisory
 13 committee, shall adopt and promulgate rules and regulations to establish
 14 criteria for (a) practice guidelines to be included in collaborative
 15 practice agreements and (b) protocols for prescribing medication for
 16 special populations.
 17 2. On page 14, line 5, strike "39" and insert "41"; and in line 8
 18 strike "16" and insert "17".
 19 3. On page 22, after line 8 insert the following new paragraph:
 20 "It shall be a condition of practice under a prescription

21 certificate that the prescribing psychologist is a party to a

22 collaborative practice agreement."

23 4. Renumber the remaining sections and correct internal references

24 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Brewer, 43; Arch, 14; Bostelman, 23; Clements, 2; Gragert, 40; Kolowski, 31.

WHEREAS, the American Legion was founded in Paris on March 15, 1919, as a patriotic veterans organization devoted to mutual helpfulness; and

WHEREAS, the American Legion is chartered and incorporated by Congress, operating departments in all 50 states, the District of Columbia, Puerto Rico, France, Mexico, and the Philippines; and

WHEREAS, the American Legion was instrumental to the passage of the Servicemen's Readjustment Act of 1944, otherwise known as the "GI Bill"; and

WHEREAS, the Nebraska American Legion has over 31,000 members in 355 posts statewide; and

WHEREAS, the Nebraska American Legion supports youth through programs including Boys State, County Government Day, Legion Baseball, and Oratorical Contests, and recognizes civil servants through awards like Teacher of the Year, Firefighter/EMS of the Year, and Law Enforcement Officer of the Year; and

WHEREAS, the American Legion has been a stalwart advocate for the well-being of Nebraskan veterans; and

WHEREAS, the American Legion will continue to be an institution across Nebraska and in other American communities for years to come; and

WHEREAS, March 15, 2020, marks the 101st anniversary of the founding of the American Legion.

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

1. That the Legislature congratulates the American Legion on its 101st anniversary.

2. That copies of this resolution be sent to the American Legion Posts of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1015.

Senator Brewer name added to LB1015.

VISITOR(S)

Visitors to the Chamber were Hannah Mayo and Savannah Leseberg from Wayne and Ashley Marquez from Wakefield; a group from the Nebraska Early Childhood Policy Leadership Academy from across the state; Ginna Claussen from Lincoln; and members of the League of Women Voters from across the state.

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 10:41 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 13, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 2020

PRAYER

The prayer was offered by Reverend Chris Jorgensen, Hanscom Park United Methodist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Bolz who was excused; and Senators B. Hansen, Hunt, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Select File with amendment.

ER168

1 1. On page 1, strike beginning with "the" in line 1 through line 17
2 and insert "transportation; to amend sections 18-1214, 38-129, 60-142.01,
3 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03,
4 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska,
5 sections 4-111, 60-192, 60-3,205, 60-484.04, 60-484.05, 60-4,113,
6 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356,
7 Revised Statutes Cumulative Supplement, 2018, and sections 60-107,
8 60-119.01, 60-144, 60-302.01, 60-336.01, 60-386, 60-395, 60-3,113.04,
9 60-3,193.01, 60-3,198, 60-3,238, 60-3,240, 60-3,242, 60-462.01,
10 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182,
11 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363,
12 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to
13 change provisions relating to the federal REAL ID Act of 2005 and certain
14 motor vehicle fees imposed by cities and villages; to update certain
15 federal references; to change provisions relating to a certificate of
16 title for a junked vehicle and odometer statements; to provide for a

17 refund or credit of fees for a loss of possession due to natural
 18 disaster; to update a reference to the International Registration Plan;
 19 to eliminate provisions relating to certain replacement permanent plates;
 20 to authorize temporary license stickers as prescribed; to provide for
 21 electronic delivery of an operator's license or state identification card
 22 and for a remote knowledge inquiry; to change provisions relating to
 23 restrictions to a commercial driver's license and a commercial learner's
 24 permit, lifetime disqualifications from operating a commercial motor
 25 vehicle, the point system for traffic violations, and vehicle length and
 26 weight limits; to provide for the crossing of a controlled-access highway
 27 by an all-terrain vehicle or utility-type vehicle as prescribed; to
 1 change provisions relating to the International Fuel Tax Agreement Act;
 2 to define and redefine terms; to change certain civil penalties; to
 3 change provisions relating to the unified carrier registration plan and
 4 agreement; to harmonize provisions; and to repeal the original
 5 sections."

LEGISLATIVE BILL 329. Placed on Select File with amendment.

[ER165](#)

1 1. On page 1, strike beginning with "child" in line 1 through line 5
 2 and insert "social services; to amend section 68-1206, Revised Statutes
 3 Supplement, 2019; to change the eligibility level for transitional child
 4 care assistance under the federal Child Care Subsidy program; and to
 5 repeal the original section."

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 12, 2020

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 4, 4A, 30, 68, 76, 93, 107, 148, 230, 236, 582,
 731, 740, 741, and 880 were received in my office on February 6, 2020.

These bills were signed and delivered to the Secretary of State on
 February 12, 2020.

Sincerely,
 (Signed) Pete Ricketts
 Governor

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 996. Placed on General File.

LEGISLATIVE BILL 961. Placed on General File with amendment.**AM2324**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 15 of this act shall be known and may be
4 cited as the Peer-to-Peer Vehicle Sharing Program Act.
5 Sec. 2. For purposes of the Peer-to-Peer Vehicle Sharing Program
6 Act, unless the context otherwise requires:
7 (1) Agreement means an agreement established through a peer-to-peer
8 vehicle sharing program that serves as a contract between a program, an
9 owner, and a driver and describes the specific terms and conditions of
10 the agreement that govern the use of a vehicle through such program,
11 including the sharing period and location or locations for transfer of
12 control of vehicle. Agreement does not mean a rental agreement as defined
13 in section 44-4067;
14 (2) Delivery period means the period of time during which a vehicle
15 is being delivered to the location at which the start time begins, if
16 applicable, as documented by the agreement;
17 (3) Driver means an individual who has been authorized to drive a
18 vehicle by an owner under an agreement;
19 (4) Owner means the registered owner, or a person or entity
20 designated by the registered owner, of a vehicle made available for
21 sharing through a peer-to-peer vehicle sharing program;
22 (5) Peer-to-peer vehicle sharing program or program means a business
23 platform that connects vehicle owners with drivers to enable the sharing
24 of vehicles for financial consideration. A program is not a
25 transportation network company as defined in section 75-323 or a rental
26 car company as defined in section 44-4067;
27 (6) Sharing means the authorized use of a vehicle by an individual
1 other than an owner through a peer-to-peer vehicle sharing program;
2 (7) Sharing period means the period of time that commences with the
3 delivery period or, if there is no delivery period, that commences with
4 the start time and, in either case, ends at the termination time;
5 (8) Start time means the time when a vehicle becomes subject to the
6 control of a driver at or after the time the reservation is scheduled to
7 begin as documented in the records of a program;
8 (9) Termination time means the earliest of the following events:
9 (a) The expiration of the agreed upon period of time established for
10 the use of a vehicle according to the terms of the agreement, if the
11 vehicle is delivered to the location agreed upon in the agreement;
12 (b) When a vehicle is returned to a location as alternatively agreed
13 upon by the owner and driver as communicated through the peer-to-peer
14 vehicle sharing program; or
15 (c) When an owner, or his or her authorized designee, takes
16 possession and control of a vehicle; and
17 (10) Vehicle means a personal motor vehicle that is available for
18 use through a peer-to-peer vehicle sharing program. Vehicle does not mean
19 a rental vehicle as defined in section 44-4067.
20 Sec. 3. (1) Notwithstanding any other provision of law or any
21 provision in an owner's policy of motor vehicle liability insurance, in
22 the event of a loss or injury that occurs during a sharing period, a
23 program shall:
24 (a) Except as provided in subsection (2) of this section, assume the
25 liability of the owner for bodily injury or property damage to third
26 parties, uninsured and underinsured motorist benefits, and personal
27 injury protection losses during the sharing period in an amount stated in
28 the agreement, and which amount may not be less than that set forth in
29 section 60-310; and
30 (b) Retain such liability regardless of a lapse in, or otherwise
31 absence of, any coverage under which a program is insured.

1 (2) Notwithstanding the definition of termination time, a program
2 shall not be liable when an owner:
3 (a) Makes a material, intentional, or fraudulent misrepresentation,
4 or a material, intentional, or fraudulent omission to a program before
5 the sharing period in which the loss occurred; or
6 (b) Acts in concert with a driver who fails to return a vehicle
7 pursuant to the terms of an agreement.
8 Sec. 4. (1) A program shall ensure that, during each sharing
9 period, financial responsibility for a vehicle is provided in amounts no
10 less than the minimum amounts set forth in section 60-310 that:
11 (a) Recognizes that the vehicle is made available and used through
12 the program; or
13 (b) Does not exclude use of the vehicle by a driver through the
14 program.
15 (2) The financial responsibility required under subsection (1) of
16 this section may be satisfied by motor vehicle liability insurance or
17 other acceptable means of demonstrating financial responsibility in this
18 state, voluntarily maintained by:
19 (a) The owner;
20 (b) The driver;
21 (c) The program; or
22 (d) Any combination of owner, driver, and program.
23 (3) The financial responsibility required in subsection (1) of this
24 section and satisfied pursuant to subsection (2) of this section shall be
25 the primary responsibility for losses during the sharing period.
26 (4) A program shall:
27 (a) Assume primary financial responsibility for a claim when it is
28 in whole or in part providing the financial responsibility required under
29 section 3 of this act if:
30 (i) A dispute exists as to who was in control of the vehicle at the
31 time of the loss; and
1 (ii) The program does not have available, did not retain, or fails
2 to provide the information required by section 7 of this act; and
3 (b) Be indemnified by the owner's personal policy of motor vehicle
4 liability insurance to the extent of such policy's obligation, if any, if
5 it is determined that the owner was in control of the vehicle at the time
6 of the loss.
7 (5) If insurance maintained by the owner or the driver in accordance
8 with subsection (2) of this section has lapsed or does not provide the
9 required financial responsibility, the program or its insurer shall
10 provide the coverage required by subsection (1) of this section beginning
11 with the first dollar of a claim and have the duty to defend such claim
12 except under circumstances as set forth in subsection (2) of section 3 of
13 this act.
14 (6) Financial responsibility maintained by the program shall not be
15 dependent on another automobile insurer first denying a claim, nor shall
16 another automobile insurance policy be required to first deny a claim.
17 (7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:
18 (a) Limits the liability of a program for any act or omission of the
19 program itself that results in injury to any person as a result of the
20 use of a vehicle through the program; or
21 (b) Limits the ability of a program, by contract, to seek
22 indemnification from an owner or a driver for economic loss sustained by
23 the program resulting from a breach of the terms and conditions of an
24 agreement.
25 Sec. 5. At the time an owner registers a vehicle for use through
26 the program and again prior to the time such owner makes such vehicle
27 available for use through such program, the program shall notify the
28 owner that if the vehicle has a lien against it, the use of the vehicle
29 through the program, including use without physical damage coverage, may

30 violate the terms of the contract with the lienholder.
31 Sec. 6. (1) An authorized insurer that writes motor vehicle
1 liability insurance in this state may exclude any and all coverage and
2 the duty to defend or indemnify for any claim afforded under the owner's
3 motor vehicle liability insurance policy, including, but not limited to:
4 (a) Liability coverage for bodily injury and property damage;
5 (b) Personal injury protection coverage as defined;
6 (c) Uninsured and underinsured motorist coverage;
7 (d) Medical payments coverage;
8 (e) Comprehensive physical damage coverage; and
9 (f) Collision physical damage coverage.
10 (2) Nothing in the Peer-to-Peer Vehicle Sharing Program Act
11 invalidates or limits an exclusion contained in a motor vehicle liability
12 insurance policy, including any insurance policy in use or approved for
13 use that excludes coverage for motor vehicles made available for rent,
14 hire, or for any business use, including sharing.
15 Sec. 7. (1) A program shall collect and verify records pertaining
16 to the use of a vehicle, including, but not limited to, sharing periods,
17 sharing period pick-up and drop-off locations, fees paid by a driver, and
18 revenue received by an owner.
19 (2) A program shall provide the information collected pursuant to
20 subsection (1) of this section upon request to the owner, the owner's
21 insurer, and the driver's insurer to facilitate a claim coverage
22 investigation.
23 (3) A program shall retain the records required in this section for
24 a time period not less than four years.
25 Sec. 8. A motor vehicle insurer that defends or indemnifies a claim
26 arising from the operation of a vehicle that is excluded under the terms
27 of its policy shall have the right to seek contribution against a program
28 if the claim is made against the owner or driver for loss or injury that
29 occurs during the sharing period.
30 Sec. 9. (1) Notwithstanding any other provision of law, a program
31 shall have an insurable interest in a vehicle during the sharing period.
1 (2) Nothing in this section shall impose liability on a program to
2 maintain the coverage required by section 3 of this act.
3 (3) A program may own and maintain as the named insured one or more
4 policies of motor vehicle liability insurance that provides coverage for:
5 (a) Liabilities assumed by the program under the agreement;
6 (b) Liability of an owner;
7 (c) Damage or loss to a vehicle; or
8 (d) Liability of a driver.
9 Sec. 10. A program and an owner shall be exempt from vicarious
10 liability in accordance with 49 U.S.C. 30106(a) and under any state or
11 local law that imposes liability solely based on vehicle ownership.
12 Sec. 11. (1) Each agreement made in this state shall disclose to
13 each owner and driver:
14 (a) Any right of the program to seek indemnification from an owner
15 or a driver for economic loss sustained by the program resulting from a
16 breach of the terms and conditions of the agreement;
17 (b) That a motor vehicle liability insurance policy issued to an
18 owner for the vehicle, or to a driver, may not provide a defense or
19 indemnity for any claim asserted by the program;
20 (c) That a program's financial responsibility afforded to each owner
21 and driver is available only during the sharing period;
22 (d) That for any use of a vehicle by a driver after the termination
23 time, a driver or owner may not have coverage;
24 (e) The daily rate, fees, costs, and, if applicable, any insurance
25 or protection package costs that are charged to an owner or a driver; and
26 (f) That an owner's motor vehicle liability insurance may not
27 provide coverage for the vehicle.

28 (2) Each agreement made in this state shall disclose to each driver:
29 (a) An emergency telephone number to personnel capable of fielding
30 roadside assistance and other customer service inquiries; and
31 (b) Any conditions under which a driver must maintain a personal
1 automobile insurance policy and any required coverage limits on a primary
2 basis in order to use a vehicle through the program.
3 Sec. 12. A program shall have sole responsibility for any
4 equipment, such as a global positioning system or other special
5 equipment, that is put in or on a vehicle to monitor or facilitate
6 sharing and shall agree to indemnify and hold harmless the owner for any
7 damage to or theft of such equipment during the sharing period not caused
8 by the owner. A program has the right to seek indemnity from a driver for
9 any loss or damage to such equipment that occurs during the sharing
10 period.
11 Sec. 13. (1) At the time an owner registers a vehicle for use by a
12 program, and prior to the time when the owner makes a vehicle available
13 for use by such program, the program shall:
14 (a) Verify that the vehicle does not have any safety recalls for
15 which the repairs have not been made; and
16 (b) Notify the owner of the requirements under subsection (2) of
17 this section.
18 (2) An owner shall:
19 (a) Not make a vehicle available for use through a program if the
20 owner has received actual notice of a safety recall on such vehicle until
21 the safety recall repair has been made;
22 (b) Upon receipt of actual notice of a safety recall on a vehicle
23 when such vehicle is available for use through a program, remove the
24 vehicle from availability as soon as practicably possible and until the
25 safety recall repair has been made; and
26 (c) Upon receipt of actual notice of a safety recall on a vehicle,
27 and when the vehicle is in the possession of a driver, notify the program
28 of the safety recall so that the program may notify the driver and the
29 vehicle can be removed from use until the owner makes the necessary
30 safety recall repair.
31 Sec. 14. (1) A program shall not enter into an agreement with any
1 driver unless such driver:
2 (a) Holds a driver's license issued in this state authorizing the
3 driver to operate vehicles of the class of vehicle used by the program;
4 or
5 (b) Is a nonresident who:
6 (i) Holds a driver's license issued by the state or country of the
7 driver's residence that authorizes the driver in that state or country to
8 drive vehicles of the class of vehicle used by the program; and
9 (ii) Is at least the same age as that required of a resident to
10 drive in this state.
11 (2) A program shall keep a record of:
12 (a) The name and address of each driver; and
13 (b) The driver's license number and place of issuance for each
14 driver who operates a vehicle under the agreement.
15 Sec. 15. Nothing in the Peer-to-Peer Vehicle Sharing Program Act
16 shall be construed to limit the powers of an airport authority under
17 Nebraska law.
18 Sec. 16. This act becomes operative on January 1, 2021.

(Signed) Curt Friesen, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Geist - LB814

Kolowski - LB1188

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 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

Beasley, Daniel
Home School Legal Defense Association
Bugel, Madeleine
National Electrical Manufacturers Association
Kelley Plucker, LLC
Anthem, Inc. and Its Affiliates
Kline, Audrey
National Vote at Home Institute
Lautenbaugh, Scott
K12, Inc.
Nebraska Vape Vendors Association
Peetz & Company
Friends of Knox County
Potter, Cara E.
Anthem, Inc. and Its Affiliates
WellCare Health Plans, Inc. and Its Subsidiaries (Withdrawn 02/06/2020)

GENERAL FILE

LEGISLATIVE BILL 518A. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB287 with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 287.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-317, 37-407, 37-409, 37-415, 37-426, 37-438, 37-447, 37-449, 37-450, 37-4,111, 37-527, 37-1215, and 37-1219, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-202, and 37-1214, Revised Statutes Supplement, 2019; to define terms; to provide and change powers of the Game and Parks Commission relating to dissemination of promotional materials, reduced-rate permits and stamps, and replacement permit fees; to change provisions relating to lifetime, multiple-year, and annual permits, stamps, and fees; to change annual and temporary motor vehicle permit fee provisions; to provide for resident and nonresident fees for preference points or bonus points in lieu of applying for certain permits or entering certain random drawings; to provide for rules and regulations relating to hunter orange; to change motorboat registration fees as prescribed; to change and eliminate provisions relating to fees for the Aquatic Invasive Species Program; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 6:

Chambers	La Grone	Slama
Hilgers	Lowe	Stinner

Excused and not voting, 2:

Bolz	Morfeld
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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 310.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2906, Reissue Revised Statutes of Nebraska, and section 77-5601, Revised Statutes Supplement, 2019; to provide deadlines for the determination of tax credits, change provisions relating to appeals, and provide a fee under the Nebraska Job Creation and Mainstreet Revitalization Act; to authorize the use of certain fees for revenue enforcement; 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:

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

Voting in the negative, 0.

Present and not voting, 3:

Groene	Hansen, B.	Lowe
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Excused and not voting, 2:

Bolz	Stinner
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 310A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Bolz Stinner

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 LB381 with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 381.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3405, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901,

2-5003, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2304, 43-1302, 43-1903, 43-3342.05, 43-3401, 43-4001, 45-603, 46-538, 48-1116, 49-233, 50-415, 51-402, 53-112, 53-113, 58-228, 66-1335, 68-953, 68-1105, 70-719, 71-219.03, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-3406, 71-4504, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-201, 72-224.03, 72-1239, 72-2007, 72-2103, 75-104, 77-27.157, 77-5004, 77-5206, 79-317, 79-546, 79-808, 79-861, 79-863, 79-1104.04, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-885.07, 81-8,189, 81-8,267, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1409, 81-1421, 81-1449, 81-1505.03, 81-15,171, 81-15,211, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 84-931, 84-1204, 85-104, 85-301, 85-1408, 86-461, 86-515, and 86-571, Reissue Revised Statutes of Nebraska, sections 2-3951.01, 9-1004, 29-2252, 39-2106, 43-2411, 49-14,120, 54-191, 55-604, 57-904, 58-819, 79-760.03, 79-760.07, 79-1217, 79-2204, 81-1348, 81-1430, 83-1212.01, 84-1501, 86-1025.01, and 86-1102, Revised Statutes Cumulative Supplement, 2018, and sections 3-104, 43-4202, 53-302, 53-502, 70-1003, 76-2222, 81-5,212, 81-1503, 81-1504, 81-15,175, 81-15,245, 84-1502, 85-1509, and 86-570, Revised Statutes Supplement, 2019; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 81-1181, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Stinner

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 LB387 with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 387.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue Revised Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised Statutes Cumulative Supplement, 2018; to name the Jury Selection Act; to define terms; to change terminology relating to juries; to transfer, change, and eliminate provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to change penalty provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Stinner

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 541.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4819, Reissue Revised Statutes of Nebraska; to change provisions relating to public education regarding bone marrow donors; to provide powers and duties for the Department of Health and Human Services; to authorize the providing of bone marrow registry information to patients by physicians as prescribed; 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	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Stinner

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

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to emergency response personnel; to amend section 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability prima facie evidence requirements

for a firefighter or firefighter-paramedic as prescribed; 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	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Stinner

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 LB734 with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-116.01, 53-117, 53-117.07, 53-123, 53-124, 53-124.01, 53-125, and 53-130, Revised Statutes Cumulative Supplement, 2018; to provide for the regulation of charter bus services and the licensure of special party buses; to provide for procedures and fees; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Albrecht	Bostelman	Geist	Lindstrom	Slama
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Excused and not voting, 2:

Bolz	Stinner
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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 734A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, One Hundred Sixth Legislature, Second Session, 2020.

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, 39:

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

Voting in the negative, 0.

Present and not voting, 8:

Albrecht	Erdman	Groene	Lowe
Bostelman	Geist	Lindstrom	Slama

Excused and not voting, 2:

Bolz Stinner

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

SELECT FILE

LEGISLATIVE BILL 312. [ER159](#), found on page 483, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126. [ER160](#), found on page 484, was adopted.

Senator Hughes offered his amendment, [AM2380](#), found on page 581.

The Hughes amendment was adopted with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

Senator Bostelman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 238. Title read. Considered.

Pending.

COMMITTEE REPORT(S) Banking, Commerce and Insurance

LEGISLATIVE BILL 1199. Placed on General File.

LEGISLATIVE BILL 886. Placed on General File with amendment.

[AM2276](#)

1 1. Strike original sections 2 and 4.

2 2. On page 3, strike lines 19 through 22 and insert the following
 3 new subsections:
 4 "~~(4) A facility may advertise or hold itself out as a network~~
 5 ~~provider if the facility is a network provider of the health insurer.~~
 6 ~~(5) A facility shall not place the name or logo of a health insurer~~
 7 ~~in any signage or marketing materials if the facility is not a network~~
 8 ~~provider for the health insurer."~~; and in line 23 strike "(5)" and insert
 9 "(6)".
 10 3. Renumber the remaining section accordingly.

(Signed) Matt Williams, Chairperson

Business and Labor

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 1016. Placed on General File with amendment.

[AM2350](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-622.03, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 48-622.03 (1) There is hereby created the Nebraska Worker Training
 6 Board. The board shall consist of seven members appointed and serving for
 7 terms determined by the Governor as follows:
 8 (a) A representative of employers in Nebraska;
 9 (b) A representative of employees in Nebraska;
 10 (c) A representative of the public;
 11 (d) The Commissioner of Labor or a designee;
 12 (e) The Director of Economic Development or a designee;
 13 (f) The Commissioner of Education or a designee; and
 14 (g) The chairperson of the governing board of the Nebraska Community
 15 College Association or a designee.
 16 (2) The chairperson of the Nebraska Worker Training Board shall be
 17 the representative of the employers in Nebraska.
 18 (3) By July 1 of each year, the board shall prepare an annual
 19 program plan for the upcoming fiscal year containing guidelines for the
 20 program financed by the Nebraska Training and Support Cash Fund. The
 21 guidelines shall include, but not be limited to, guidelines for
 22 certifying training providers, criteria for evaluating requests for the
 23 use of money under section 48-622.02, and guidelines for requiring
 24 employers to provide matching funds. The guidelines shall give priority
 25 to training that contributes to the expansion of the Nebraska workforce
 26 and increasing the pool of highly skilled workers in Nebraska.
 27 (4) By ~~December 31~~ ~~July 1~~ of each year, the Department of Labor
 1 shall provide a report to the Governor covering the activities of the
 2 program financed by the Nebraska Training and Support Cash Fund for the
 3 previous fiscal year. The report shall contain an assessment of the
 4 effectiveness of the program and its administration.
 5 Sec. 2. Section 48-1228, Revised Statutes Cumulative Supplement,
 6 2018, is amended to read:
 7 48-1228 Sections 48-1228 to 48-1234 and sections 3 and 6 of this act
 8 shall be known and may be cited as the Nebraska Wage Payment and
 9 Collection Act.
 10 Sec. 3. An employer shall not retaliate or discriminate against an
 11 employee because the employee:
 12 (1) Files a suit or complaint under the Nebraska Wage Payment and

13 Collection Act; or

14 (2) Testifies, assists, or participates in an investigation,

15 proceeding, or action concerning a violation of the act.

16 Sec. 4. Section 48-1231, Revised Statutes Cumulative Supplement,

17 2018, is amended to read:

18 48-1231 (1) An employee having a claim for wages which are not paid

19 within thirty days of the regular payday designated or agreed upon may

20 institute suit for such unpaid wages in the proper court. If an employee

21 establishes a claim and secures judgment on the claim, such employee

22 shall be entitled to recover ~~(a) the full amount of the judgment and all~~

23 ~~costs of such suit, including reasonable attorney's fees and (b) if such~~

24 ~~employee has employed an attorney in the case, an amount for attorney's~~

25 ~~fees assessed by the court, which fees shall not be less than twenty-five~~

26 ~~percent of the unpaid wages.~~ If the cause is taken to an appellate court

27 and the employee plaintiff recovers a judgment, the appellate court shall

28 award reasonable attorney's fees to the employee tax as costs in the

29 action, to be paid to the plaintiff, an additional amount for attorney's

30 fees in such appellate court, which fees shall not be less than twenty-

31 five percent of the unpaid wages. If the employee fails to recover a

1 judgment in excess of the amount that may have been tendered within

2 thirty days of the regular payday by an employer, such employee shall not

3 recover the attorney's fees provided by this subsection section. If the

4 court finds that no reasonable dispute existed as to the fact that wages

5 were owed or as to the amount of such wages, the court may order the

6 employee to pay the employer's attorney's fees and costs of the action as

7 assessed by the court.

8 (2) If an employee works for an employer that is not subject to the

9 Nebraska Fair Employment Practice Act and such employee is aggrieved by a

10 violation of section 3 of this act, the employee may bring a suit against

11 such employer in the proper court to recover the damages sustained by

12 reason of such violation. If an employee prevails in a suit brought

13 pursuant to this subsection, such employee shall be entitled to recover

14 the full amount of the judgment and all costs of such suit, including

15 reasonable attorney's fees. If the cause is taken to an appellate court

16 and the employee recovers a judgment, the appellate court shall award

17 reasonable attorney's fees to the employee.

18 (3) (2) An employer who fails to furnish a wage statement under

19 subsection (2) of section 48-1230 shall be guilty of an infraction as

20 defined in section 29-431 and shall be subject to a fine pursuant to

21 section 29-436.

22 (4) If an employee institutes suit against an employer under

23 subsection (1) or (2) of this section, any citation that is issued

24 against such employer under section 48-1234 and that relates directly to

25 the facts in dispute shall be admitted into evidence unless specifically

26 excluded by the court. If a citation has been contested as described in

27 subsection (3) of section 48-1234, it shall not be admitted into evidence

28 under this subsection until after such contest has been resolved.

29 Sec. 5. Section 48-1234, Revised Statutes Supplement, 2019, is

30 amended to read:

31 48-1234 (1) The Commissioner of Labor shall issue a citation to an

1 employer when an investigation reveals that the employer may have

2 violated the Nebraska Wage Payment and Collection Act, other than a

3 violation of subsection (2) of section 48-1230.

4 (2) When a citation is issued, the commissioner shall notify the

5 employer of the proposed administrative penalty, if any, by certified

6 mail or any other manner of delivery by which the United States Postal

7 Service can verify delivery or by any method of service recognized under

8 Chapter 25, article 5. The administrative penalty shall be not more than

9 five hundred dollars in the case of a first violation and not more than

10 five thousand dollars in the case of a second or subsequent violation.

11 (3) The employer has fifteen working days after the date of the
12 citation or penalty to contest such citation or penalty. Notice of
13 contest shall be sent to the commissioner who shall provide a hearing in
14 accordance with the Administrative Procedure Act.

15 (4) Any employer who has an unpaid citation for a violation of the
16 Nebraska Wage Payment and Collection Act shall be barred from contracting
17 with the state or any political subdivision until such citation is paid.
18 If a citation has been contested as described in subsection (3) of this
19 section, it shall not be considered an unpaid citation under this
20 subsection until after such contest has been resolved.

21 (5) Citations issued under this section and the names of employers
22 who have been issued a citation shall be made available to the public
23 upon request, except that this subsection shall not apply to any
24 citations that are being contested as described in subsection (3) of this
25 section.

26 Sec. 6. No later than December 1 of each year, the Department of
27 Labor shall post information on its web site regarding compliance with
28 and enforcement of the Nebraska Wage Payment and Collection Act and shall
29 provide notice to the Legislature that the information was posted. The
30 information shall include, but not be limited to, (1) the total number of
31 reports of unpaid wages filed with the department in the prior calendar
1 year, (2) the total number of reports investigated in the prior calendar
2 year, (3) the results of all investigations completed in the prior
3 calendar year, including, but not limited to, the number of cases in
4 which wages were found to be owed to an employee, the number of cases in
5 which the employer paid wages owed to the employee during the course of
6 the investigation, and the number of cases in which it was found that no
7 wages were owed to an employee, (4) the number of citations issued
8 pursuant to section 48-1234 in the prior calendar year, (5) the total
9 amount of wages owed to employees according to the citations issued in
10 the prior calendar year, (6) the number of employers with more than two
11 citations in the previous five years, and (7) the number and names of
12 employers with at least one unpaid citation from the previous five years.

13 Sec. 7. Section 48-2107, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-2107 (1) Each application or renewal under section 48-2105 shall
16 be signed by the applicant and accompanied by a fee not to exceed of
17 forty dollars. The commissioner may adopt and promulgate rules and
18 regulations to establish the criteria for acceptability of filing
19 documents and making payments electronically. The criteria may include
20 requirements for electronic signatures. The commissioner may refuse to
21 accept any electronic filings or payments that do not meet the criteria
22 established. The fee shall not be required when an amendment to an
23 application is submitted. The commissioner shall remit the fees collected
24 under this subsection to the State Treasurer for credit to the Contractor
25 and Professional Employer Organization Registration Cash Fund.

26 (2) A contractor shall not be required to pay the fee under
27 subsection (1) of this section if (a) the contractor is self-employed and
28 does not pay more than three thousand dollars annually to employ other
29 persons in the business and the application contains a statement made
30 under oath or equivalent affirmation setting forth such information or
31 (b) the contractor only engages in the construction of water wells or
1 installation of septic systems. At any time that a contractor no longer
2 qualifies for exemption from the fee, the fee shall be paid to the
3 department. Any false statement made under subdivision (2)(a) of this
4 section shall be a violation of section 28-915.01.

5 (3) The commissioner shall charge an additional fee of twenty-five
6 dollars for the registration of each nonresident contractor and a fee of
7 twenty-five dollars for the registration of each contract to which a
8 nonresident contractor is a party if the total contract price or

9 compensation to be received is more than ten thousand dollars. The
 10 commissioner shall remit the fees collected under this subsection to the
 11 State Treasurer for credit to the General Fund.
 12 Sec. 8. Section 48-2907, Revised Statutes Cumulative Supplement,
 13 2018, is amended to read:
 14 48-2907 (1) In addition to any other fines or penalties provided by
 15 law, if the commissioner may issue a citation to a contractor when an
 16 investigation reveals ~~finds, after notice and hearing,~~ that a contractor
 17 has violated the Employee Classification Act, ~~the contractor shall be~~
 18 ~~assessed, by the commissioner, a five-hundred-dollar fine~~
 19 (2) When a citation is issued, the commissioner shall notify the
 20 contractor of the proposed administrative penalty, if any, by certified
 21 mail or any other manner of delivery by which the United States Postal
 22 Service can verify delivery or by any method of service recognized under
 23 Chapter 25, article 5. The administrative penalty shall be not more than
 24 five hundred dollars per each misclassified individual for the first
 25 offense and ~~not more than five thousand dollars~~ ~~a five-thousand-dollar~~
 26 ~~fine per each misclassified individual for each second or and subsequent~~
 27 offense.
 28 (3) ~~The contractor has fifteen working days after the date of the~~
 29 ~~citation or penalty to contest such citation or penalty. Notice of~~
 30 ~~contest shall be sent to the commissioner who shall provide a hearing in~~
 31 ~~accordance with the Administrative Procedure Act.~~
 1 (4) A contractor who is assessed an administrative penalty for a
 2 ~~violation of the Employee Classification Act shall pay such~~
 3 ~~administrative penalty no later than ten days after the date the penalty~~
 4 ~~becomes final and not subject to further appeal. A (2) Any contractor who~~
 5 ~~has an unpaid administrative penalty in violation of this subsection~~
 6 ~~faces for a violation of the Employee Classification Act shall be barred~~
 7 ~~from contracting with the state or any political subdivision until such~~
 8 ~~administrative penalty is fines are paid.~~
 9 Sec. 9. Sections 2, 3, 4, 5, 6, and 11 of this act become operative
 10 on October 1, 2020. The other sections of this act become operative on
 11 their effective date.
 12 Sec. 10. Original sections 48-2107 and 48-2907, Revised Statutes
 13 Cumulative Supplement, 2018, and section 48-622.03, Revised Statutes
 14 Supplement, 2019, are repealed.
 15 Sec. 11. Original sections 48-1228 and 48-1231, Revised Statutes
 16 Cumulative Supplement, 2018, and section 48-1234, Revised Statutes
 17 Supplement, 2019, are repealed.
 18 Sec. 12. The following sections are outright repealed: Sections
 19 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505,
 20 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515,
 21 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524,
 22 Reissue Revised Statutes of Nebraska.
 23 Sec. 13. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

Natural Resources

LEGISLATIVE BILL 858. Placed on General File with amendment.
[AM2346](#) is available in the Bill Room.

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Health and Human Services - LB1140
Business and Labor - LB1016

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 24, 2020 1:30 p.m.
LB1206
LB1023
LB1177

(Signed) Mike Groene, Chairperson

General Affairs
Room 1510

Monday, February 24, 2020 1:30 p.m.
David Hunter - State Electrical Board
James S. Brummer - State Electrical Board
Janelle Beveridge - State Racing Commission
Kelly J. Lambert - Nebraska Commission on Problem Gambling
Mark Laughlin - Nebraska Arts Council

(Signed) Tom Briese, Chairperson

Revenue
Room 1524

Thursday, February 20, 2020 1:30 p.m.
LB1025
LB1034
LB1045
LB1179

Friday, February 21, 2020 1:30 p.m.
LB829
LB812
LB930
LR284CA

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Thursday, February 20, 2020 1:30 p.m.
Seth B. Harder - Environmental Quality Council
LR294
LB845

(Signed) Dan Hughes, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2020, at 9:46 a.m. were the following: LBs 287, 310, 310A, 381, 387, 541, 643, 734, and 734A.

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

GENERAL FILE

LEGISLATIVE BILL 238. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Committee [AM1549](#), found on page 1793, First Session, 2019, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S) Agriculture

LEGISLATIVE BILL 803. Placed on General File.

LEGISLATIVE BILL 972. Placed on General File.

(Signed) Steve Halloran, Chairperson

Revenue

LEGISLATIVE BILL 974. Placed on General File with amendment.
[AM2433](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 314.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review the most recent experience study required under section 84-1503. The Public Employees Retirement Board is required to obtain such experience study at least every four years for all retirement systems administered by the board. The board administers the retirement systems provided for in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, and the State Employees Retirement Act. The next experience study is scheduled for 2020.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 315. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review a separate compliance audit obtained by the Public Employees Retirement Board, as required under section 84-1503, of the state-administered retirement systems. The compliance audit includes, but is not limited to, an examination of records, files, and other documents and an evaluation of all policies and procedures to determine compliance with all state and federal laws.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 316. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the Nebraska Public Employees Retirement Systems administered by the Public Employees Retirement Board as provided in the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retire Act, and the State Employees Retirement Act. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to carry out section 13-2402 which requires the Nebraska Retirement Systems Committee of the Legislature to monitor defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with defined benefit plans that are underfunded.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318. Introduced by Kolterman, 24.

PURPOSE: The purpose of this interim study is to review progress in complying with sections 79-9,120 to 79-9,123, which require the Public Employees Retirement Board, in consultation with the Nebraska Retirement Systems Committee of the Legislature, the Omaha School Employees

Retirement System, the Omaha Public Schools, and other stakeholders, to prepare a work plan that identifies the tasks, process, costs, and timeline involved in transferring management and actuarial services of the Omaha School Employees Retirement System to the Public Employees Retirement Board. The work plan is required to be completed and submitted to the Legislature by June 30, 2020, and shall include:

(1) A comparison of the annual administration costs of the Omaha School Employees Retirement System to the estimated cost for the Nebraska Public Employees Retirement System to manage the Omaha School Employees Retirement System plan;

(2) The identification of the necessary tasks and costs to transfer management from the Omaha School Employees Retirement System to the Public Employees Retirement Board, including assessment of the following categories:

- (a) Administration;
- (b) Actuarial service;
- (c) Accounting;
- (d) Computer infrastructure;
- (e) Information technology;
- (f) Member data and record transfer;
- (g) Necessary statutory changes;
- (h) Staff training and assessment of staffing needs; and
- (i) Educational and communication plans to fully inform all system stakeholders and affected governmental entities regarding management changes; and

(3) Establishment of timelines for completion of identified tasks.

The management transfer is not to include a merger or consolidation of the Omaha School Employees Retirement System with the School Employees Retirement System nor is it to include assumption of liability for the unfunded balance by the State of Nebraska, the Nebraska Public Employees Retirement Systems, or the Public Employees Retirement Board.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Kolterman, 24.

WHEREAS, Tom Sieck served on the Seward County Public Power District Board of Directors for 38 years before serving on the Norris Public Power District Board of Directors for the past two years; and

WHEREAS, Nebraska is unique in that it is the only state in the country served entirely by public electric utilities; and

WHEREAS, in 1933, the Legislature passed Senate File 310, which provided for the creation of public power and irrigation districts to provide electric service in areas which had previously been denied central station electric power; and

WHEREAS, the Nebraska Power Review Board approved the merger of the Seward County Public Power District and the Norris Public Power District effective May 1, 2017; and

WHEREAS, the Norris Public Power District's mission is to safely provide electricity and related services to customers at competitive prices, in the most reliable, efficient, and environmentally responsible manner; and

WHEREAS, Tom Sieck has served for forty years on public power district boards to further the mission of public power.

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

1. That the Legislature recognizes and thanks Tom Sieck for his forty years of service on public power district boards.
2. That a copy of this resolution be sent to Tom Sieck.

Laid over.

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services 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.

Jillian Chance - Nebraska Child Abuse Prevention Fund Board
David J. Hansen - Nebraska Child Abuse Prevention Fund Board
Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

Agriculture

The Agriculture 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.

Britt D. Anderson - Beginning Farmer Board
Bradley D. Lubben - Beginning Farmer Board
Dave W. Nielsen - Beginning Farmer Board
Wade E. Thornburg - Beginning Farmer Board

Aye: 8. Blood, Brandt, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Revenue - LB974
Morfeld - LB997

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB786.
Senator DeBoer name added to LB1208.

VISITOR(S)

Visitors to the Chamber were Steve Louder Back from Ashland; students, teacher, and sponsors from South Sioux City; and students and teachers from the Nebraska Civic Leadership Program from Omaha.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 18, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 2020

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Arch, Chambers, Linehan, Morfeld, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 607. Placed on Select File with amendment.

[ER169](#)

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 38-1001, Revised Statutes Supplement, 2019, is
3 amended to read:
4 38-1001 Sections 38-1001 to 38-10,172 and sections 4, 7, 8, 12, 17,
5 25, 27, 28, and 30 to 36 of this act shall be known and may be cited as
6 the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
7 Practice Act.
8 2. On page 1, line 5, strike "and"; in line 6, strike "38-1001,";
9 and in line 8 after "2018" insert ", and section 38-1001, Revised
10 Statutes Supplement, 2019".
11 3. On page 4, line 4, after "or" insert "a".
12 4. On page 20, line 12, strike the second "and"; in line 13, strike
13 "38-1001,"; and in line 15 after the second comma insert "and section
14 38-1001, Revised Statutes Supplement, 2019,".

LEGISLATIVE BILL 607A. Placed on Select File.

LEGISLATIVE BILL 924. Placed on Select File.

LEGISLATIVE BILL 770. Placed on Select File with amendment.

[ER170](#)

1 1. On page 1, line 4, after the semicolon insert "to provide powers
2 for the Game and Parks Commission;"

LEGISLATIVE BILL 106. Placed on Select File.

LEGISLATIVE BILL 219. Placed on Select File with amendment.

[ER166](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 43-1311.03, Revised Statutes Supplement, 2019, is
4 amended to read:
5 43-1311.03 (1) When a child placed in foster care turns fourteen
6 years of age or enters foster care and is at least fourteen years of age,
7 a written independent living transition proposal shall be developed by
8 the Department of Health and Human Services at the direction and
9 involvement of the child to prepare for the transition from foster care
10 to successful adulthood. Any revision or addition to such proposal shall
11 also be made in consultation with the child. The transition proposal
12 shall be personalized based on the child's needs and shall describe the
13 services needed for the child to transition to a successful adulthood as
14 provided in the Nebraska Strengthening Families Act. The transition
15 proposal shall include, but not be limited to, the following needs and
16 the services needed for the child to transition to a successful adulthood
17 as provided in the Nebraska Strengthening Families Act:
18 (a) Education;
19 (b) Employment services and other workforce support;
20 (c) Health and health care coverage, including the child's potential
21 eligibility for medicaid coverage under the federal Patient Protection
22 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
23 and section existed on January 1, 2013;
24 (d) Behavioral health treatment and support needs and access to such
25 treatment and support;
26 (e) Financial assistance, including education on credit card
27 financing, banking, and other services;
1 (f) Housing;
2 (g) Relationship development and permanent connections; ~~and~~
3 (h) Adult services, if the needs assessment indicates that the child
4 is reasonably likely to need or be eligible for services or other support
5 from the adult services system; ~~and~~ -
6 (i) Information, planning, and assistance to obtain a driver's
7 license as allowed under state law and consistent with subdivision (9)(b)
8 (iv) of this section, including, but not limited to, providing the child
9 with a copy of a driver's manual, identifying driver safety courses and
10 resources to access a driver safety course, and identifying potential
11 means by which to access a motor vehicle for such purposes.
12 (2) The transition proposal shall be developed and frequently
13 reviewed by the department in collaboration with the child's transition
14 team. The transition team shall be comprised of the child, the child's
15 caseworker, the child's guardian ad litem, individuals selected by the
16 child, and individuals who have knowledge of services available to the
17 child. As provided in the Nebraska Strengthening Families Act, one of the
18 individuals selected by the child may be designated as the child's
19 advisor and, as necessary, advocate for the child with respect to the
20 application of the reasonable and prudent parent standard and for the

21 child on normalcy activities. The department may reject an individual
22 selected by the child to be a member of the team if the department has
23 good cause to believe the individual would not act in the best interests
24 of the child.

25 (3) The transition proposal shall be considered a working document
26 and shall be, at the least, updated for and reviewed at every permanency
27 or review hearing by the court. The court shall determine whether the
28 transition proposal includes the services needed to assist the child to
29 make the transition from foster care to a successful adulthood.

30 (4) The transition proposal shall document what efforts were made to
31 involve and engage the child in the development of the transition
1 proposal and any revisions or additions to the transition proposal. As
2 provided in the Nebraska Strengthening Families Act, the court shall ask
3 the child, in an age or developmentally appropriate manner, about his or
4 her involvement in the development of the transition proposal and any
5 revisions or additions to such proposal. As provided in the Nebraska
6 Strengthening Families Act, the court shall make a finding as to the
7 child's involvement in the development of the transition proposal and any
8 revisions or additions to such proposal.

9 (5) The final transition proposal prior to the child's leaving
10 foster care shall specifically identify how the need for housing will be
11 addressed.

12 (6) If the child is interested in pursuing higher education, the
13 transition proposal shall provide for the process in applying for any
14 applicable state, federal, or private aid.

15 (7) The department shall provide without cost a copy of any consumer
16 report as defined in 15 U.S.C. 1681a(d), as such section existed on
17 January 1, 2016, pertaining to the child each year until the child is
18 discharged from care and assistance, including when feasible, from the
19 child's guardian ad litem, in interpreting and resolving any inaccuracies
20 in the report as provided in the Nebraska Strengthening Families Act.

21 (8)(a) Any child who is adjudicated to be a juvenile described in
22 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
23 placement or (ii) subdivision (8) of section 43-247 and whose
24 guardianship or state-funded adoption assistance agreement was disrupted
25 or terminated after the child had attained the age of sixteen years,
26 shall receive information regarding the Young Adult Bridge to
27 Independence Act and the bridge to independence program available under
28 the act.

29 (b) The department shall create a clear and developmentally
30 appropriate written notice discussing the rights of eligible young adults
31 to participate in the program. The notice shall include information about
1 eligibility and requirements to participate in the program, the extended
2 services and support that young adults are eligible to receive under the
3 program, and how young adults can be a part of the program. The notice
4 shall also include information about the young adult's right to request a
5 client-directed attorney to represent the young adult pursuant to section
6 43-4510 and the benefits and role of an attorney.

7 (c) The department shall disseminate this information to any child
8 who was adjudicated to be a juvenile described in subdivision (3)(a) of
9 section 43-247 and who is in an out-of-home placement at sixteen years of
10 age and any child who was adjudicated to be a juvenile under subdivision
11 (8) of section 43-247 and whose guardianship or state-funded adoption
12 assistance agreement was disrupted or terminated after the child had
13 attained the age of sixteen years. The department shall disseminate this
14 information to any such child yearly thereafter until such child attains
15 the age of nineteen years and not later than ninety days prior to the
16 child's last court review before attaining nineteen years of age or being
17 discharged from foster care to independent living. In addition to
18 providing the written notice, not later than ninety days prior to the

19 child's last court review before attaining nineteen years of age or being
 20 discharged from foster care to independent living, a representative of
 21 the department shall explain the information contained in the notice to
 22 the child in person and the timeline necessary to avoid a lapse in
 23 services and support.

24 (9)(a) The department shall provide the child with the documents,
 25 information, records, and other materials described in subdivision (9)(b)
 26 of this section, (i) if the child is leaving foster care, on (9) On or
 27 before the date the child reaches eighteen or nineteen years of age or
 28 twenty-one years of age if the child participates in the bridge to
 29 independence program, and (ii) at the age or as otherwise prescribed in
 30 subdivision (9)(b) of this section, if the child is leaving foster care,
 31 the

1 (b) The department shall provide the child with:

2 (i) (a) A certified copy of the child's birth certificate and
 3 facilitate securing a federal social security card when the child is
 4 eligible for such card;
 5 (ii) (b) Health insurance information and all documentation required
 6 for enrollment in medicaid coverage for former foster care children as
 7 available under the federal Patient Protection and Affordable Care Act,
 8 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
 9 January 1, 2013;
 10 (iii) (c) A copy of the child's medical records;
 11 (iv) (d) A driver's license or identification card issued by a state
 12 in accordance with the requirements of section 202 of the REAL ID Act of
 13 2005, as such section existed on January 1, 2016, and when requested by a
 14 child fourteen years of age or older, all documents necessary to obtain
 15 such license or card;

16 (v) (e) A copy of the child's educational records;

17 (vi) (f) A credit report check;

18 (vii) (g) Contact information, with permission, for family members,
 19 including siblings, with whom the child can maintain a safe and
 20 appropriate relationship, and other supportive adults;

21 (viii) (h) A list of local community resources, including, but not
 22 limited to, support groups, health clinics, mental and behavioral health
 23 and substance abuse treatment services and support, pregnancy and
 24 parenting resources, and employment and housing agencies;

25 (ix) (i) Written information, including, but not limited to, contact
 26 information, for disability resources or benefits that may assist the
 27 child as an adult, specifically including information regarding state
 28 programs established pursuant to 42 U.S.C. 677, as such section existed
 29 on January 1, 2016, and disability benefits, including supplemental
 30 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
 31 existed on January 1, 2016, or social security disability insurance
 1 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
 2 the child may be eligible as an adult;

3 (x) (j) An application for public assistance and information on how
 4 to access the system to determine public assistance eligibility;

5 (xi) (k) A letter prepared by the department that verifies the
 6 child's name and date of birth, dates the child was in foster care, and
 7 whether the child was in foster care on his or her eighteenth,
 8 nineteenth, or twenty-first birthday and enrolled in medicaid while in
 9 foster care;

10 (xii) (l) Written information about the child's Indian heritage or
 11 tribal connection, if any; and

12 (xiii) (m) Written information on how to access personal documents
 13 in the future.

14 (c) All fees associated with securing the certified copy of the
 15 child's birth certificate or obtaining a driver's ~~an operator's~~ license
 16 or a state identification card shall be waived by the state.

17 (d) The transition proposal shall document that the child was
 18 provided all of the documents listed in this subsection. The court shall
 19 make a finding as to whether the child has received the documents as part
 20 of the independence hearing as provided in subdivision (2)(d) of section
 21 43-285.

22 Sec. 2. Section 43-4704, Revised Statutes Cumulative Supplement,
 23 2018, is amended to read:

24 43-4704 (1) Every child placed by the department in a foster family
 25 home or child-care institution shall be entitled to access to reasonable
 26 opportunities to participate in age or developmentally appropriate
 27 extracurricular, enrichment, cultural, and social activities.

28 (2) A child in foster care shall not be required, by virtue of his
 29 or her status as a child in foster care, to meet any more requirements
 30 for a driver's license under the Motor Vehicle Operator's License Act
 31 than any other child applying for the same license.

1 Sec. 3. Original section 43-4704, Revised Statutes Cumulative
 2 Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement,
 3 2019, are repealed.

4 2. On page 1, strike beginning with "sections" in line 1 through
 5 line 8 and insert "section 43-4704, Revised Statutes Cumulative
 6 Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement,
 7 2019; to provide requirements for foster care transition proposals and
 8 provision of materials relating to acquiring a driver's license; to
 9 provide for a child in foster care to obtain a driver's license; and to
 10 repeal the original sections."

LEGISLATIVE BILL 448. Placed on Select File with amendment.

ER167

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. Section 48-122, Revised Statutes Supplement, 2019, is
 4 amended to read:

5 48-122 (1) If death results from injuries and the deceased employee
 6 leaves one or more dependents dependent upon his or her earnings for
 7 support at the time of injury, the compensation, subject to section
 8 48-123, shall be not more than the maximum weekly income benefit
 9 specified in section 48-121.01 nor less than the minimum weekly income
 10 benefit specified in section 48-121.01, except that if at the time of
 11 injury the employee receives wages of less than the minimum weekly income
 12 benefit specified in section 48-121.01, then the compensation shall be
 13 the full amount of such wages per week, payable in the amount and to the
 14 persons enumerated in section 48-122.01 subject to the maximum limits
 15 specified in this section and section 48-122.03.

16 (2) When death results from injuries suffered in employment, if
 17 immediately prior to the accident the rate of wages was fixed by the day
 18 or hour, or by the output of the employee, the weekly wages shall be
 19 taken to be computed upon the basis of a workweek of a minimum of five
 20 days, if the wages are paid by the day, or upon the basis of a workweek
 21 of a minimum of forty hours, if the wages are paid by the hour, or upon
 22 the basis of a workweek of a minimum of five days or forty hours,
 23 whichever results in the higher weekly wage, if the wages are based on
 24 the output of the employee.

25 (3) Upon the death of an employee, resulting through personal
 26 injuries as defined in section 48-151, whether or not there are
 27 dependents entitled to compensation, the reasonable expenses of burial,
 1 not exceeding an amount equal to twelve times the state average weekly
 2 wage determined pursuant to section 48-121.02 for the calendar year in
 3 which the death occurred ~~ten thousand dollars~~, without deduction of any
 4 amount previously paid or to be paid for compensation or for medical
 5 expenses, shall be paid to his or her dependents, or if there are no

6 dependents, then to his or her personal representative.

7 (4) Compensation under the Nebraska Workers' Compensation Act to
 8 alien dependents who are not residents of the United States shall be the
 9 same in amount as is provided in each case for residents, except that at
 10 any time within one year after the death of the injured employee the
 11 employer may at his or her option commute all future installments of
 12 compensation to be paid to such alien dependents. The amount of the
 13 commuted payment shall be determined as provided in section 48-138.
 14 (5)(a)(i) Except as provided in subdivision (5)(a)(ii) of this
 15 section, the consular officer of the nation of which the employee, whose
 16 injury results in death, is a citizen shall be regarded as the sole legal
 17 representative of any alien dependents of the employee residing outside
 18 of the United States and representing the nationality of the employee.
 19 (ii) At any time prior to the final settlement, a nonresident alien
 20 dependent may file with the Nebraska Workers' Compensation Court a power
 21 of attorney designating any suitable person residing in this state to act
 22 as attorney in fact in proceedings under the Nebraska Workers'
 23 Compensation Act. If the compensation court determines that the interests
 24 of the nonresident alien dependent will be better served by such person
 25 than by the consular officer, the compensation court shall appoint such
 26 person to act as attorney in fact in such proceedings. In making such
 27 determination the court shall consider, among other things, whether a
 28 consular officer's jurisdiction includes Nebraska and the responsiveness
 29 of the consular officer to attempts made by an attorney representing the
 30 employee to engage such consular officer in the proceedings.
 31 (b) Such consular officer or appointed person shall have in behalf
 1 of such nonresident alien dependents the exclusive right to institute
 2 proceedings for, adjust, and settle all claims for compensation provided
 3 by the Nebraska Workers' Compensation Act and to receive the distribution
 4 to such nonresident alien dependents of all compensation arising
 5 thereunder.
 6 (c) A person appointed under subdivision (5)(a)(ii) of this section
 7 shall furnish a bond satisfactory to the compensation court conditioned
 8 upon the proper application of any money received as compensation under
 9 the Nebraska Workers' Compensation Act. Before the bond is discharged,
 10 such appointed person shall file with the compensation court a verified
 11 account of receipts and disbursements of such money.
 12 (d) For purposes of this section, consular officer means a consul
 13 general, vice consul general, or vice consul or the representative of any
 14 such official residing within the State of Nebraska.
 15 (6) The changes made to this section by Laws 2019, LB418, apply to
 16 cases under the Nebraska Workers' Compensation Act that are pending on
 17 September 1, 2019, and to cases filed on or after such date.
 18 Sec. 2. Original section 48-122, Revised Statutes Supplement, 2019,
 19 is repealed.
 20 2. On page 1, line 2, strike "Revised Statutes Cumulative
 21 Supplement, 2018" and insert "Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 515. Placed on Select File with amendment.

[ER171](#)

1 1. On page 1, line 2, after "sections" insert "79-254," and strike
 2 "79-271,".

LEGISLATIVE BILL 518A. Placed on Select File.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Natural Resources - LB858
Blood - LB755

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 309, 310, and 311 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 309, 310, and 311.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 618:

Nebraska Child Abuse Prevention Fund Board
Jillian Chance
David J. Hansen
Shelly K. McQuillan

Voting in the affirmative, 38:

Albrecht	Clements	Hansen, B.	La Grone	Quick
Blood	Crawford	Hansen, M.	Lindstrom	Scheer
Bolz	DeBoer	Hilgers	Lowe	Stinner
Bostelman	Dorn	Hilkemann	McCollister	Vargas
Brandt	Erdman	Howard	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Hunt	Murman	
Cavanaugh	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 4:

Friesen	Groene	Kolowski	Lathrop
---------	--------	----------	---------

Excused and not voting, 7:

Arch	Linehan	Slama	Wishart
Chambers	Morfeld	Wayne	

The appointments were confirmed with 38 ayes, 0 nays, 4 present and not

voting, and 7 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 618:

- Beginning Farmer Board
- Britt D. Anderson
- Bradley D. Lubben
- Dave W. Nielsen
- Wade E. Thornburg

Voting in the affirmative, 37:

Albrecht	Crawford	Hansen, B.	Lathrop	Scheer
Blood	DeBoer	Hilgers	Lindstrom	Stinner
Bostelman	Erdman	Hilkemann	Lowe	Vargas
Brandt	Friesen	Howard	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Hunt	Murman	
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Clements	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Hansen, M.	McCollister
Dorn	Kolowski	Morfeld

Excused and not voting, 6:

Arch	Linehan	Wayne
Chambers	Slama	Wishart

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT(S)

Priority designation(s) received:

Hunt - LB962

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 126. Placed on Final Reading.

[ST44](#)

The following changes, required to be reported for publication in the Journal, have been made:
1. In the E and R amendments, ER160, on page 5, line 21, "special" has been struck and "additional limited" inserted.

LEGISLATIVE BILL 312. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1080. Placed on General File.

(Signed) Mike Groene, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Tuesday, February 25, 2020 1:30 p.m.

LB1156

LB967

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 909. Title read. Considered.

Committee [AM2312](#), found on page 573, was offered.

SENATOR LINDSTROM PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

DeBoer - LB1073

Murman - LB147

Dorn - LB1014

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to [LB944](#):

[AM2414](#)

(Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new sections:

2 Sec. 59. Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16,

3 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,

4 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,

5 53, 54, 55, 56, 57, 58, and 60 of this act become operative three

6 calendar months after adjournment of this legislative session. The other
7 sections of this act become operative on their effective date.

8 Sec. 61. Original section 60-142.01, Reissue Revised Statutes of
9 Nebraska, and section 60-144, Revised Statutes Supplement, 2019, are
10 repealed.

11 Sec. 62. Since an emergency exists, this act takes effect when
12 passed and approved according to law.

13 2. On page 100, line 17, strike "60-142.01,"; and in line 22 strike
14 "60-144,".

15 3. Renumber the remaining section accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 320. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Jim and Susanne Blue at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, in 1991, Jim was hired to serve as president of Youth Services System. It merged with Cedars Home for Children in 1996, at which time he became president and chief executive officer of Cedars Home for Children and proceeded to take it to new levels of service and outreach. Cedars Home for Children provides out-of-home services to children and youth who have nowhere else to stay, along with other out-of-home services, prevention planning, and juvenile justice work; and

WHEREAS, in 1999, the Matt Talbot and Outreach board of directors took a leap of faith and hired Susanne Blue as its first executive director, the position she still holds. She accepted the immense challenge of expanding services beyond meeting the basic nutritional needs of families in need. Expanding from just hunger relief, Matt Talbot Kitchen services now include housing, case management, substance abuse counseling, and nutrition programming; and

WHEREAS, Jim received the Lifetime Achievement Award from the National Association of Social Workers in 2015; and

WHEREAS, Susanne was honored in New York City by the Institute for Children, Poverty, and Homelessness (ICPH) where she received the 2020 Beyond Housing Award for her tireless leadership in reducing the impact of homelessness on children and families; and

WHEREAS, Jim directs over 200 employees at Cedars Home for Children providing services to thousands of children and youth. Governor Pete Ricketts has twice appointed Jim to the Nebraska Children's Commission, and he now serves on its executive committee; and

WHEREAS, Susanne has led Matt Talbot Kitchen for 21 years developing many programs designed to comprehensively address the needs of those in need. Matt Talbot Kitchen has served over 2.3 million meals to homeless and near homeless since its founding in 1992; and

WHEREAS, Jim and Susanne have dedicated their lives and talents to serving others in the Lincoln community. They are wonderful examples of

servant leaders who have made tremendous differences in the lives of many youth and adults in Southeast Nebraska; and

WHEREAS, Jim and Susanne have been married 34 years and have two adult children and a feisty Papillon pug.

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

1. That the Legislature congratulates Jim and Susanne Blue as recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Jim Blue and Susanne Blue.

Laid over.

LEGISLATIVE RESOLUTION 321. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Keith and Doris Olsen at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Keith and Doris Olsen have farmed since they were married in 1969 and assumed management of the family's Perkins County farm purchased in 1917. Their love of Nebraska and agriculture has led them to become leaders in no-till, dryland farming and supporting the growth of agriculture in Nebraska; and

WHEREAS, Keith Olsen was born in Imperial in 1944 and raised on the family farm near Venango in the southwest corner of Perkins County. Keith's grandfather bought the original land in 1917, and the farm was recognized by Aksarben as a Centennial Farm in 2017; and

WHEREAS, Keith and Doris met on a blind date when Keith was attending the University of Nebraska-Lincoln and Doris was a student at Immanuel School of Nursing in Omaha. After their marriage in 1969, Doris joined Keith on the Olsen farm where Keith had begun farming in 1967 with his father. Keith and Doris assumed management and operation of the Olsen farm after his father passed away in 1969; and

WHEREAS, Keith, Doris, and their son Jeff, operate a no-till, dryland farm raising wheat, dry peas, and corn. In 2013, the Nebraska Crop Improvement Association recognized them for producing certified seed for 30 years. Using the latest no-till technology has helped them increase the productivity of the farm; and

WHEREAS, Keith served as the president of the Nebraska Farm Bureau Federation from August 2002 to December 2011. He traveled extensively on international trade missions with Nebraska Governors and the American Farm Bureau Federation meeting with foreign officials and farmers to promote opening new markets for Nebraska agricultural products. He also sustains close relationships with city and civic leaders in Lincoln, Omaha, and other communities in Nebraska, to help them understand issues facing rural Nebraska and agriculture; and

WHEREAS, Keith and Doris use their shared passion for agriculture by being involved with Future Farmers of America, 4-H, and the Nebraska Agriculture in the Classroom program. A favorite activity is serving as "Ag in the Classroom" pen pals to kindergarten classes in Lincoln. Each year they visit their class to interact with the young students; and

WHEREAS, Keith and Doris support the Nebraska State Fair and the University of Nebraska, especially the Institute of Agricultural and Natural Resources and the Nebraska College of Technical Agriculture, and have served on department advisory boards and various search committees; and

WHEREAS, Keith and Doris have three sons and eight grandchildren.

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

1. That the Legislature congratulates Keith and Doris Olsen as recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Keith and Doris Olsen.

Laid over.

LEGISLATIVE RESOLUTION 322. Introduced by Scheer, 19.

WHEREAS, on February 29, 2020, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to David G. Brown at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, David G. Brown is president and chief executive officer of the Greater Omaha Chamber since 2003, one of the largest, most highly accredited chambers in the nation and the Association of Chamber of Commerce Executives' (ACCE) 2015 Chamber of the Year; and

WHEREAS, under David's steady leadership, the Greater Omaha Economic Development Partnership has successfully landed more than 850 projects, representing in excess of 40,000 jobs and more than \$11 billion in capital investment since 2004; and

WHEREAS, David serves the chamber mission of the Greater Omaha Chamber - to champion a thriving business community and a prosperous region - with bold vision, comprehensive understanding, and contagious enthusiasm; and

WHEREAS, David, along with staff and volunteers of the Greater Omaha Chamber, works in earnest on behalf of more than 3,000 member businesses, encouraging their success by advocating for a strong business climate, creating opportunities for member visibility and business connections, pursuing investment and jobs for the region, strengthening leaders and the community, and enhancing the region's brand and image; and

WHEREAS, David graduated from Dartmouth College, majoring in geography with a minor in environmental studies, played on the 1978 Ivy League championship team, and received the Earl P. Hamilton Award. He

also completed courses at the National Development Council, the American Management Association, Bell Leadership Academy, and Gallup University; and

WHEREAS, David previously served as president of the Monroe County Industrial Development Corporation in Michigan and director of the Port of Monroe. He served the Greater Fort Wayne Chamber of Commerce in Indiana as vice president of economic development and later president. He also served as the president and chief executive officer of the Greater Greenville Chamber of Commerce in South Carolina before coming to Omaha; and

WHEREAS, David contributes considerable time and expertise to numerous community service organizations including the Aksarben Future Trust, Scouts BSA, College World Series of Omaha, Greater Omaha Alliance for Business Ethics, Opera Omaha, the University of Nebraska at Omaha Entrepreneurship Advisory Board, United Way of the Midlands, and the United States Strategic Command Consultation Committee; and

WHEREAS, David serves on the Association of Chamber of Commerce Executives' Executive Board and is currently chairman. He is also a member of the United States Chamber of Commerce Committee of 100; and

WHEREAS, David and his wife Maggie have been married for 37 years and have two sons, Gregory and Elijah.

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

1. That the Legislature congratulates David G. Brown as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to David G. Brown.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 909. Committee [AM2312](#), found on page 573 and considered in this day's Journal, was renewed.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?"

Senator Morfeld moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 45:

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

Voting in the negative, 2:

Clements Lowe

Excused and not voting, 2:

Groene Scheer

The motion to cease debate prevailed with 45 ayes, 2 nays, and 2 excused and not voting.

The committee amendment was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 996. Title read. Considered.

SENATOR HILGERS PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Moser - LB899

Stinner - LB424

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 238. Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Wednesday, February 26, 2020 1:30 p.m.

LB1121
LB1122
LB1005
LR286CA

Thursday, February 27, 2020 1:30 p.m.

LR292CA
LB1022
LB744
LB752

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 984. Placed on General File.

LEGISLATIVE BILL 95. Placed on General File with amendment.

[AM2399](#)

1 1. On page 2, line 25, strike "2020" and insert "2022"; and in line
2 29 after the period insert "For purposes of this subsection, a building
3 or structure owned by the state or any state agency for which the
4 construction or repair is completed in phases shall be deemed constructed
5 or repaired on the date the first phase of construction or repair
6 begins."

LEGISLATIVE BILL 800. Placed on General File with amendment.

[AM2393](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 18-132, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 18-132 (1) The city council of any city or village board of any
6 village may adopt by ordinance the conditions, provisions, limitations,
7 and terms of a plumbing code, an electrical code, a fire prevention code,
8 a building or construction code, and any other standard code which
9 contains rules and regulations printed as a code in book or pamphlet
10 form, by reference to such code, or portions thereof, alone, without
11 setting forth in the ordinance the conditions, provisions, limitations,
12 and terms of such code. When any such code, or portion thereof, has been
13 incorporated by reference into such ordinance, as provided in this
14 section, it shall have the same force and effect as though it had been
15 written in its entirety in such ordinance without further or additional
16 publication thereof.
17 (2) Not less than one copy of such standard code, or portion
18 thereof, shall be kept for use and examination by the public in the
19 office of the city or village clerk prior to the adoption thereof and as

20 long as such standard code is in effect in such city or village.

21 (3) Any building or construction code implemented under this section
22 shall be adopted and enforced as provided in section 71-6406.

23 (4) If there is no ordinance adopting a plumbing code in effect in a
24 city or village, the ~~2018 2009~~ Uniform Plumbing Code designated
25 accredited by the American National Standards Institute as an American
26 National Standard shall serve as the plumbing code for all the area
27 within the jurisdiction of the city or village. Nothing in this section
1 shall be interpreted as creating an obligation for the city or village to
2 inspect plumbing work done within its jurisdiction to determine
3 compliance with the plumbing code.

4 Sec. 2. Section 18-1915, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-1915 The State of Nebraska shall permit cities and villages to
7 collect permit fees and inspect all sanitary plumbing installed or
8 repaired, except for a single-family dwelling or a farm or ranch
9 structure, within the State of Nebraska outside of the zoning
10 jurisdiction of cities and villages. The city or village nearest the
11 construction site shall have jurisdiction to collect such permit fees and
12 conduct the inspection of the sanitary plumbing. If the city or village
13 has a plumbing ordinance in force and effect, such ordinance will govern
14 the installation of the sanitary plumbing. If there is no city ordinance
15 in effect for such city or village, the ~~2018 2009~~ Uniform Plumbing Code
16 designated accredited by the American National Standards Institute as an
17 American National Standard shall apply to all buildings except single-
18 family dwellings and farm and ranch structures. Any code or ordinance
19 enacted by a city or village which is at least equal to the ~~2018 2009~~
20 Uniform Plumbing Code designated accredited by the American National
21 Standards Institute as an American National Standard shall take
22 preference over the provisions of the immediately preceding sentence.

23 Sec. 3. Section 23-172, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 23-172 (1) The county board may adopt by resolution, which shall
26 have the force and effect of law, the conditions, provisions,
27 limitations, and terms of a building or construction code, a plumbing
28 code, an electrical code, a fire prevention code, or any other code
29 relating to building or relating to the erection, construction,
30 reconstruction, alteration, repair, conversion, maintenance, placing, or
31 using of any building, structure, automobile trailer, house trailer, or
1 cabin trailer. For this purpose, the county board may adopt any standard
2 code which contains rules or regulations printed as a code in book or
3 pamphlet form by reference to such code or portions thereof without
4 setting forth in the resolution the conditions, provisions, limitations,
5 or terms of such code. When such code or any such standard code or
6 portion thereof is incorporated by reference into such resolution, it
7 shall have the same force and effect as though it had been written in its
8 entirety in such resolution without further or additional publication.

9 (2) Not less than one copy of such code or such standard code or
10 portion thereof shall be kept for use and examination by the public in
11 the office of the clerk of such county prior to the adoption thereof and
12 as long as such standard code is in effect in such county.

13 (3) Any building or construction code implemented under this section
14 shall be adopted and enforced as provided in section 71-6406.

15 (4) If there is no county resolution adopting a plumbing code in
16 effect for such county, the ~~2018 2009~~ Uniform Plumbing Code designated
17 accredited by the American National Standards Institute as an American
18 National Standard shall apply to all buildings.

19 (5) Any code adopted and approved by the county board, as provided
20 in this section, or if there is no county resolution adopting a plumbing
21 code in effect for such county, the ~~2018 2009~~ Uniform Plumbing Code

22 ~~designated~~ ~~accredited~~ by the American National Standards Institute as an
 23 American National Standard, and the building permit requirements or
 24 occupancy permit requirements imposed by such code or by sections
 25 23-114.04 and 23-114.05, shall apply to all of the county except within
 26 the limits of any incorporated city or village and except within an
 27 unincorporated area where a city or village has been granted zoning
 28 jurisdiction and is exercising such jurisdiction.

29 (6) Nothing in this section shall be interpreted as creating an
 30 obligation for the county to inspect plumbing work done within its
 31 jurisdiction to determine compliance with the plumbing code.

1 Sec. 4. Section 71-6403, Revised Statutes Supplement, 2019, is
 2 amended to read:

3 71-6403 (1) There is hereby created the state building code. The
 4 Legislature hereby adopts by reference:

5 (a) The International Building Code (IBC), ~~chapter 13 of the 2018~~
 6 ~~edition, and all but such chapter of the 2018 edition~~, published by the
 7 International Code Council, except that (i) section 305.2.3 applies to a
 8 facility having twelve or fewer children and (ii) section 310.4.1 applies
 9 to a care facility for twelve or fewer persons;

10 (b) The International Residential Code (IRC), ~~chapter 11 of the 2018~~
 11 ~~edition, and all but such chapter of the 2018 edition~~, except section
 12 R313, published by the International Code Council; and

13 (c) The International Existing Building Code, 2018 edition,
 14 published by the International Code Council.

15 (2) The codes adopted by reference in subsection (1) of this section
 16 and the minimum standards for radon resistant new construction adopted
 17 under section 76-3504 shall constitute the state building code except as
 18 amended pursuant to the Building Construction Act or as otherwise
 19 authorized by state law.

20 Sec. 5. Section 71-6405, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 71-6405 (1) All state agencies, including all state constitutional
 23 offices, state administrative departments, and state boards and
 24 commissions, the University of Nebraska, and the Nebraska state colleges,
 25 shall comply with the state building code. The state building code shall
 26 be the legally applicable code in all buildings and structures owned by
 27 the state or any state agency regardless of whether the state, state
 28 agency, or applicable county, city, or village has provided for the
 29 administration or enforcement of the state building code.

30 (2) No state agency may adopt, promulgate, or enforce any rule or
 31 regulation in conflict with the state building code unless otherwise
 1 specifically authorized by statute to (a) adopt, promulgate, or enforce
 2 any rule or regulation in conflict with the state building code or (b)
 3 adopt or enforce a building or construction code other than the state
 4 building code.

5 (3) Nothing in the Building Construction Act shall authorize any
 6 state agency to apply such act to manufactured homes or recreational
 7 vehicles regulated by the Uniform Standard Code for Manufactured Homes
 8 and Recreational Vehicles or to modular housing units regulated by the
 9 Nebraska Uniform Standards for Modular Housing Units Act.

10 Sec. 6. Section 71-6406, Revised Statutes Supplement, 2019, is
 11 amended to read:

12 71-6406 (1)(a) Any county, city, or village may enact, administer,
 13 or enforce a local building or construction code if or as long as such
 14 county, city, or village:

15 (i) Adopts the state building code; or

16 (ii) Adopts a building or construction code that conforms generally
 17 with the state building code.

18 (b) If a county, city, or village does not adopt a code as

19 authorized under subdivision (a) of this subsection within two years

20 after an update to the state building code, the state building code shall
 21 apply in the county, city, or village, except that such code shall not
 22 apply to construction on a farm or for farm purposes.

23 (2) A local building or construction code shall be deemed to conform
 24 generally with the state building code if it:

25 (a) Adopts a special or differing building standard by amending,
 26 modifying, or deleting any portion of the state building code in order to
 27 reduce unnecessary costs of construction, increase safety, durability, or
 28 efficiency, establish best building or construction practices within the
 29 county, city, or village, or address special local conditions within the
 30 county, city, or village;

31 (b) Adopts any supplement, new edition, appendix, or component or
 1 combination of components of the state building code;

2 (c) Adopts section 305 or 310 of the 2018 edition of the
 3 International Building Code without the exceptions described in
 4 subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition
 5 of the International Residential Code;

6 (d) Adopts a plumbing code, an electrical code, a fire prevention
 7 code, or any other standard code as authorized under section 14-419,
 8 15-905, 18-132, or 23-172;

9 (e) Adopts a local energy code as authorized under section 81-1618;
 10 or

11 (f) Adopts minimum standards for radon resistant new construction
 12 which meet the minimum standards adopted under section 76-3504.

13 (3) A local building or construction code shall not be deemed to
 14 conform generally with the state building code if it:

15 (a) Includes a prior edition of any component or combination of
 16 components of the state building code; or

17 (b) Does not include minimum standards for radon resistant new
 18 construction that meet the minimum standards adopted under section
 19 76-3504.

20 (4) A county, city, or village shall notify the Department of
 21 Environment and Energy State Energy Office if it amends or modifies its
 22 local building or construction code in such a way as to delete any
 23 portion of (a) chapter 13 of the 2018 edition of the International
 24 Building Code or (b) chapter 11 of the 2018 edition of the International
 25 Residential Code. The notification shall be made within thirty days after
 26 the adoption of such amendment or modification.

27 (5) A county, city, or village shall not adopt or enforce a local
 28 building or construction code other than as provided by this section.

29 (6) A county, city, or village which adopts or enforces a local
 30 building or construction code under this section shall regularly update
 31 its code. For purposes of this section, a code shall be deemed to be
 1 regularly updated if the most recently enacted state building code or a
 2 code that conforms generally with the state building code is adopted by
 3 the county, city, or village within two years after an update to the
 4 state building code.

5 (7) A county, city, or village may adopt amendments for the proper
 6 administration and enforcement of its local building or construction code
 7 including organization of enforcement, qualifications of staff members,
 8 examination of plans, inspections, appeals, permits, and fees. Any
 9 amendment adopted pursuant to this section shall be published separately
 10 from the local building or construction code. Any local building or
 11 construction code adopted under subdivision (1)(a) of this section or the
 12 state building code if applicable under subdivision (1)(b) of this
 13 section shall be the legally applicable code regardless of whether the
 14 county, city, or village has provided for the administration or
 15 enforcement of its local building or construction code under this
 16 subsection.

17 (8) A county, city, or village which adopts one or more standard

18 codes as part of its local building or construction code under this
 19 section shall keep at least one copy of each adopted code, or portion
 20 thereof, for use and examination by the public in the office of the clerk
 21 of the county, city, or village prior to the adoption of the code and as
 22 long as such code is in effect.
 23 (9) Notwithstanding the provisions of the Building Construction Act,
 24 a public building of any political subdivision shall be built in
 25 accordance with the applicable local building or construction code. Fees,
 26 if any, for services which monitor a builder's application of codes shall
 27 be negotiable between the political subdivisions involved, but such fees
 28 shall not exceed the actual expenses incurred by the county, city, or
 29 village doing the monitoring.
 30 Sec. 7. This act becomes operative on July 1, 2020.
 31 Sec. 8. Original sections 18-1915 and 71-6405, Reissue Revised
 1 Statutes of Nebraska, sections 18-132 and 23-172, Revised Statutes
 2 Cumulative Supplement, 2018, and sections 71-6403 and 71-6406, Revised
 3 Statutes Supplement, 2019, are repealed.
 4 Sec. 9. Since an emergency exists, this act takes effect when
 5 passed and approved according to law.

LEGISLATIVE BILL 870. Placed on General File with amendment.

[AM2182](#)

1 1. On page 3, lines 18 through 24, strike the new matter and
 2 reinstate the stricken matter.

(Signed) Justin Wayne, Chairperson

Health and Human Services

LEGISLATIVE BILL 849. Placed on General File with amendment.

[AM2149](#)

1 1. On page 2, lines 4 and 10, after "state" insert "or tribal"; and
 2 strike beginning with "become" in line 16 through "age" in line 18 and
 3 insert "attained the age of majority under tribal law".

LEGISLATIVE BILL 1061. Placed on General File with amendment.

[AM2417](#)

1 1. Insert the following new section:
 2 Sec. 8. Section 43-4203, Revised Statutes Supplement, 2019, is
 3 amended to read:
 4 43-4203 (1) ~~The Nebraska Children's Commission shall create a~~
 5 ~~committee to examine state policy regarding the prescription of~~
 6 ~~psychotropic drugs for children who are wards of the state and the~~
 7 ~~administration of such drugs to such children. Such committee shall~~
 8 ~~review the policy and procedures for prescribing and administering such~~
 9 ~~drugs and make recommendations to the commission for changes in such~~
 10 ~~policy and procedures.~~
 11 (1) ~~(2)~~ The Nebraska Children's Commission ~~commission~~ shall create a
 12 committee to examine the Office of Juvenile Services and the Juvenile
 13 Services Division of the Office of Probation Administration. Such
 14 committee shall review the role and effectiveness of out-of-home
 15 placements utilized in the juvenile justice system, including the youth
 16 rehabilitation and treatment centers, and make recommendations to the
 17 commission on the juvenile justice continuum of care, including what
 18 populations should be served in out-of-home placements and what treatment
 19 services should be provided at the centers in order to appropriately
 20 serve those populations. Such committee shall also review how mental and

21 behavioral health services are provided to juveniles in residential
22 placements and the need for such services throughout Nebraska and make
23 recommendations to the commission relating to those systems of care in
24 the juvenile justice system. The committee shall collaborate with the
25 Juvenile Justice Institute at the University of Nebraska at Omaha, the
26 Center for Health Policy at the University of Nebraska Medical Center,
27 the behavioral health regions as established in section 71-807, and state
1 and national juvenile justice experts to develop recommendations. The
2 recommendations shall include a plan to implement a continuum of care in
3 the juvenile justice system to meet the needs of Nebraska families,
4 including specific recommendations for the rehabilitation and treatment
5 model. The recommendations shall be delivered to the commission and
6 electronically to the Judiciary Committee of the Legislature annually by
7 September 1.

8 ~~(2)~~ ~~(3)~~ The commission shall collaborate with juvenile justice
9 specialists of the Office of Probation Administration and county
10 officials with respect to any county-operated practice model
11 participating in the Crossover Youth Program of the Center for Juvenile
12 Justice Reform at Georgetown University.

13 ~~(3)~~ ~~(4)~~ The commission shall analyze case management workforce
14 issues and make recommendations to the Health and Human Services
15 Committee of the Legislature regarding:

16 (a) Salary comparisons with other states and the current pay
17 structure based on job descriptions;

18 (b) Utilization of incentives for persons who work in the area of
19 child welfare;

20 (c) Evidence-based training requirements for persons who work in the
21 area of child welfare and their supervisors; and

22 (d) Collaboration with the University of Nebraska to increase and
23 sustain such workforce.

24 ~~(4)~~ ~~(5)~~ The Foster Care Reimbursement Rate Committee created
25 pursuant to section 43-4216, the Nebraska Strengthening Families Act
26 Committee created pursuant to section 43-4716, and the Bridge to
27 Independence Advisory Committee created pursuant to section 43-4513 shall
28 be under the jurisdiction of the commission.

29 ~~(5)~~ ~~(6)~~ The commission shall work with the office of the State Court
30 Administrator, as appropriate, and entities which coordinate facilitated
31 conferencing as described in section 43-247.03.

1 ~~(6)~~ ~~(7)~~ The commission shall work with administrators from each of
2 the service areas designated pursuant to section 81-3116, the teams
3 created pursuant to section 28-728, local foster care review boards,
4 child advocacy centers, the teams created pursuant to the Supreme Court's
5 Through the Eyes of the Child Initiative, community stakeholders, and
6 advocates for child welfare programs and services to establish networks
7 in each of such service areas. Such networks shall permit collaboration
8 to strengthen the continuum of services available to child welfare
9 agencies and to provide resources for children and juveniles outside the
10 child protection system.

11 ~~(7)~~ ~~(8)~~ The commission may organize subcommittees as it deems
12 necessary. Members of the subcommittees may be members of the commission
13 or may be individuals who have knowledge of the subcommittee's subject
14 matter, professional expertise to assist the subcommittee in completing
15 its assigned responsibilities, or the ability to collaborate within the
16 subcommittee and with the commission to carry out the powers and duties
17 of the commission. A subcommittee shall meet as necessary to complete the
18 work delegated by the commission and shall report its findings to the
19 relevant committee within the commission.

20 ~~(8)~~ ~~(9)~~ No member of any committee or subcommittee created pursuant
21 to this section shall have any private financial interest, profit, or
22 benefit from any work of such committee or subcommittee.

- 23 2. On page 9, line 12, strike "or"; in line 14 strike the period and
 24 insert "; or"; and after line 14 insert the following:
 25 "(xi) A history of termination of parental rights."
 26 3. On page 19, line 5, strike the second "and" and insert a comma
 27 and after the last comma insert "and 43-4203,"
 28 4. Renumber the remaining sections accordingly.

(Signed) Sara Howard, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 997. Placed on General File with amendment.

AM2431

- 1 1. Strike original sections 3, 16, and 17 and insert the following
 2 new sections:
 3 Sec. 10. Insurer means an entity that contracts to provide,
 4 deliver, arrange for, pay for, or reimburse any of the costs of health
 5 care services under a health benefits plan, including (1) any individual
 6 or group sickness and accident insurance policy or subscriber contract
 7 delivered, issued for delivery, or renewed in this state and any
 8 hospital, medical, or surgical expense-incurred policy, except for a
 9 policy that provides coverage for a specified disease or other limited-
 10 benefit coverage, and (2) any self-funded employee benefit plan to the
 11 extent not preempted by federal law.
 12 Sec. 16. (1) If a covered person receives emergency services at an
 13 in-network or out-of-network health care facility, the insurer shall
 14 ensure that the covered person incurs no greater out-of-pocket costs than
 15 the covered person would have incurred with an in-network health care
 16 provider for covered services.
 17 (2) With respect to emergency services at an in-network or out-of-
 18 network health care facility, if the out-of-network health care provider
 19 bills an insurer directly, any reimbursement paid by the insurer shall be
 20 paid directly to the out-of-network health care provider. The insurer
 21 shall provide the out-of-network health care provider with a written
 22 remittance of payment that specifies the proposed reimbursement and the
 23 applicable deductible, copayment, or coinsurance amounts owed by the
 24 covered person.
 25 (3) If emergency services provided at an in-network or out-of-
 26 network health care facility are performed, the out-of-network health
 27 care provider may bill the insurer for the services rendered. The insurer
 1 may pay the billed amount. A claim or a payment shall be presumed
 2 reasonable if it is based on the higher of (a) the contracted rate under
 3 any then-existing in-network contractual relationship between the insurer
 4 and the out-of-network health care provider for the same or similar
 5 services or (b) one hundred seventy-five percent of the payment rate for
 6 medicare services received from the federal Centers for Medicare and
 7 Medicaid Services for the same or similar services in the same geographic
 8 area. If the out-of-network health care provider deems the payment made
 9 by the insurer unreasonable, the out-of-network health care provider
 10 shall return payment to the insurer and utilize the dispute resolution
 11 procedure under section 17 of this act.
 12 Sec. 17. (1) If an insurer or an out-of-network health care
 13 provider provides notification that it considers a claim or payment to be
 14 not reasonable, the insurer and the health care provider shall have
 15 thirty days after the date of such notification to negotiate a
 16 settlement. If a settlement has not been reached after such thirty-day
 17 period, the insurer and the health care provider shall engage in
 18 mediation in accordance with the Uniform Mediation Act. The insurer may
 19 attempt to negotiate a final reimbursement amount with the out-of-network

20 health care provider which differs from the amount paid by the insurer
 21 pursuant to this section.
 22 (2) Following completion of the mediation process, the cost of
 23 mediation shall be split evenly and paid by the insurer and the health
 24 care provider.
 25 (3) Mediation shall not be used when the insurer and the health care
 26 provider agree to a separate payment arrangement.
 27 2. On page 2, lines 8 and 27 and 28, strike "a carrier" and insert
 28 "an insurer".
 29 3. Renumber the remaining sections accordingly.

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Slama filed the following amendment to LB790:
AM2436

1 1. Strike original section 4 and insert the following new sections:
 2 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 13-2904 (1) Notwithstanding the procedures for public lettings in
 5 sections 73-101 to 73-106 or any other statute relating to the letting of
 6 bids by a political subdivision, a political subdivision which follows
 7 the Political Subdivisions Construction Alternatives Act may solicit and
 8 execute a design-build contract or a construction management at risk
 9 contract.
 10 (2) The governing body of the political subdivision shall adopt a
 11 resolution selecting the design-build contract or construction management
 12 at risk contract delivery system provided under the act prior to
 13 proceeding with the provisions of sections 13-2905 to 13-2914. The
 14 resolution shall require the affirmative vote of at least two-thirds of
 15 the governing body of the political subdivision. The resolution shall
 16 include a statement that the political subdivision has made a
 17 determination that the design-build contract or construction management
 18 at risk contract delivery system is in the public interest based, at a
 19 minimum, on one of the following criteria: (a) Savings in cost or time;
 20 or (b) requirement of specialized or complex construction methods
 21 suitable for the design-build contract or construction management at risk
 22 contract delivery system.
 23 Sec. 2. Section 13-2914, Revised Statutes Supplement, 2019, is
 24 amended to read:
 25 13-2914 (1) A political subdivision shall not use a design-build
 26 contract or construction management at risk contract under the Political
 27 Subdivisions Construction Alternatives Act for a project, in whole or in
 1 part, for road, street, or highway, ~~water, wastewater, utility, or sewer~~
 2 construction. ¶
 3 (2) ~~A~~ except that a city of the metropolitan class may use a design-
 4 build contract or construction management at risk contract under the
 5 Political Subdivisions Construction Alternatives Act for the purpose of
 6 complying with state or federal requirements to control or minimize
 7 overflows from combined sewers.
 8 (3) A political subdivision may use a design-build contract or
 9 construction management at risk contract under the Political Subdivisions
 10 Construction Alternatives Act for a project, in whole or in part, for
 11 water, wastewater, utility, or sewer construction.
 12 Sec. 3. Original sections 13-2904, 73-507, 81-153, and 81-1118.06,
 13 Reissue Revised Statutes of Nebraska, and section 13-2914, Revised
 14 Statutes Supplement, 2019, are repealed.
 15 2. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 323. Introduced by Lindstrom, 18.

WHEREAS, Sage Kehr of Omaha, Nebraska, and a student at Omaha North High Magnet School, has achieved national recognition for exemplary volunteer service by receiving a 2020 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Kehr earned this award by giving generously of his time and energy by regularly volunteering his time on his high school's student council. As co-fundraising officer and vice president, he helped raise more than \$12,000 for the Make-A-Wish Foundation and delivered more than 150 Thanksgiving dinners to families in need; and

WHEREAS, Mr. Kehr is also a member of the youth advisory board for Memories For Kids, a nonprofit organization for children who have a parent with terminal cancer; and

WHEREAS, the success of the State of Nebraska, the strength of Nebraska communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Kehr who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Sage Kehr as a recipient of the Prudential Spirit of Community Award.
2. That the Legislature recognizes Mr. Kehr's outstanding record of volunteer service, peer leadership, and community spirit.
3. That a copy of this resolution be sent to Sage Kehr.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Government, Military and Veterans Affairs - LB790 and LB1055

GENERAL FILE

LEGISLATIVE BILL 996. Senator Hunt offered the following motion:

[MO151](#)

Recommit to Transportation and Telecommunications Committee.

Senator Hunt withdrew her motion to recommit to committee.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, February 26, 2020 1:30 p.m.

LB1162
LB1175
LB1214
LB1220
LB946

Thursday, February 27, 2020 1:30 p.m.

LB1012
LB1125
LB1192
LB1212
LB1213

(Signed) Lou Ann Linehan, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Albrecht name added to LB879.
Senator Blood name added to LB909.
Senator McDonnell name added to LB962.
Senator Hunt name added to LB996.
Senator Blood name added to LB996.
Senator Albrecht name added to LB998.

VISITOR(S)

Visitors to the Chamber were students from Wahoo Elementary; and a group from Leadership Lincoln County from North Platte.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 19, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 2020

PRAYER

The prayer was offered by Father Mike Swanton, St. Bonaventure's Catholic Church, Columbus.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Geist who was excused; and Senators B. Hansen, Hunt, Morfeld, and Wishart who were excused until they arrive.

SENATOR HILGERS PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 283. Placed on General File with amendment.

[AM2481](#)

1 1. Strike original section 1 and insert the following new section:
2 Section 1. The Legislature finds that:
3 (1) Pests, drought, floods, high winds, and other extreme weather
4 events present serious, diverse, and ongoing issues for Nebraska. Many
5 sectors and resources are impacted by such extreme weather, including
6 agriculture, water, health care, energy generation and usage, ecosystems,
7 forestry, rural and urban communities, transportation, and commerce and
8 industry. Nebraska's life-giving water and soil resources continue to be
9 subject to new stressors and risks;
10 (2) Opportunities exist for the people of Nebraska to respond
11 appropriately to these risks, including economic opportunities through
12 development of renewable energy from our abundant wind and solar
13 resources, biofuels, and nuclear power, through reduction of pollutants,

14 through efforts to reduce the use of fossil fuels, through strengthened
 15 private property rights by having public input on infrastructure and
 16 reduced eminent domain use, and through development of new technologies,
 17 new agricultural crops and harvesting methods, and new products that
 18 match Nebraska's vibrant and changing needs and resources;
 19 (3) The report Understanding and Assessing Climate Change:
 20 Implications for Nebraska, University of Nebraska-Lincoln, 2014, provides
 21 a fundamental basis for understanding the impacts of extreme weather
 22 events or climate change for our state;
 23 (4) The 2015 Nebraska Rural Poll found that sixty-one percent of
 24 rural Nebraskans agree or strongly agree that the state should develop a
 25 plan to address the impacts of extreme weather events or climate change;
 26 (5) Appropriate planning is needed to develop strategies to mitigate
 27 and adapt to the impacts of extreme weather events or climate change on
 1 the health and well-being of Nebraskans;
 2 (6) The state must invest in research and data gathering, planning,
 3 education, and coordination of efforts related to mitigation of and
 4 adaptation to the impacts of extreme weather events or climate change;
 5 and
 6 (7) An effective plan to meet the challenges of extreme weather
 7 events or climate change will enable the state and its communities to
 8 take advantage of opportunities resulting from adaptation and mitigation
 9 strategies, including attracting new businesses and investment to
 10 Nebraska, as well as reducing the potential negative impacts of extreme
 11 weather events or climate change.
 12 2. On page 3, line 28, after "impacts" insert "of extreme weather
 13 events or" and after "change" insert an underscored comma.
 14 3. On page 5, line 5, strike "Waste Reduction and Recycling
 15 Incentive" and insert "Petroleum Release Remedial Action Collection".

(Signed) Mike Hilgers, Chairperson

Education

LEGISLATIVE BILL 1083. Placed on General File with amendment.

[AM2454](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 85-2802, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 85-2802 For purposes of the Meadowlark Act:
 6 (1) Eligible educational institution has the same meaning as in
 7 section 85-1802;
 8 (2) Nebraska educational savings plan trust has the same meaning as
 9 in section 85-1802;
 10 (3) Qualified higher education expenses has the same meaning as in
 11 section 85-1802;
 12 (4) Qualified individual means an individual born on or after
 13 January 1, 2020, who is a resident of this state at the time of birth;
 14 and
 15 (5) Qualified private contribution means a contribution from an
 16 individual or private entity which is made for the purpose of providing a
 17 ~~an ongoing~~ source of funding for the Meadowlark Program established in
 18 section 85-2804.
 19 Sec. 2. Section 85-2803, Revised Statutes Supplement, 2019, is
 20 amended to read:
 21 85-2803 (1) There is hereby established in the state treasury a
 22 trust fund to be known as the Meadowlark Endowment Fund. The fund shall
 23 be administered by the State Treasurer and shall consist of qualified

24 private contributions and any amounts appropriated or transferred to the
 25 fund by the Legislature. No General Funds shall be transferred to the
 26 Meadowlark Endowment Fund. Any money in the fund available for investment
 27 shall be invested by the state investment officer pursuant to the
 1 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
 2 Act. No portion of the principal of the fund shall be expended for any
 3 purpose except investment pursuant to this subsection.
 4 (2) The State Treasurer ~~may~~ shall accept qualified private
 5 contributions and shall credit all such contributions received either to
 6 the Meadowlark Endowment Fund or to accounts opened under the Meadowlark
 7 Program, at the direction of the donor. The State Treasurer shall
 8 determine the total amount of qualified private contributions received
 9 under this subsection and shall transfer an equal amount from the College
 10 Savings Plan Expense Fund or the Unclaimed Property Escheat Trust Fund,
 11 as determined by the State Treasurer, to the Meadowlark Endowment Fund or
 12 to accounts opened under the Meadowlark Program. The amount transferred
 13 by the State Treasurer from the College Savings Plan Expense Fund or the
 14 Unclaimed Property Escheat Trust Fund shall be equally distributed across
 15 all Meadowlark accounts opened in such year.
 16 Sec. 3. Original sections 85-2802 and 85-2803, Revised Statutes
 17 Supplement, 2019, are repealed.

(Signed) Mike Groene, Chairperson

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

Wednesday, February 26, 2020 1:30 p.m.
 Dion J. Neumiller - Board of Emergency Medical Services
 John L. Kuehn - State Board of Health
 LB1044
 LB838
 LB1170
 LB1182

(Signed) Sara Howard, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Walz - LB956

MESSAGE(S) FROM THE GOVERNOR

February 14, 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:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718

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

February 14, 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 Nebraska Environmental Trust Board:

Felix B. Davidson, 83 Peppermill Point, Valley, NE 68064

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

February 14, 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 Board of Trustees of the Nebraska State Colleges:

Marjean C. Terrell, 4412 436th Trail, Hay Springs, NE 69347

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

February 14, 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 Board of Health:

Daniel J. Rosenthal, P.E., 7211 Woody Creek Lane, Lincoln, NE 68516

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

February 18, 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 Board of Public Roads Classifications and Standards:

Steven D. Rames, 1900 Claycomb Road, Wayne, NE 68787

Also, contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506
John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116
Lisa Kramer, 13263 County Road 38, Kennard, NE 68034
Darold E. Tagge, 204 W. 15 Avenue, Holdrege, NE 68983
Timothy W. Weander, 17734 Castelar Circle, Omaha, NE 68130

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 18, 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 individuals are being reappointed to the Rural Health Advisory Commission:

April J. Dexter, 84866 477th Avenue, Amelia, NE 68711
Martin L. Fattig, 73091 643A Avenue, Auburn, NE 68305
Jessye A. Goertz, 74983 Highway 2, Berwyn, NE 68814
Benjamin R. Iske, 1006 Main Street, Bridgeport, NE 69336
Lynette D. Kramer, 2612 Hill View Drive, Albion, NE 68620

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 18, 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 Board of Emergency Medical Services:

Carolyn Petersen, 421 N. Valentine Street, Valentine, NE 69201

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

February 18, 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 Nebraska Oil and Gas Commission:

Dallen R. Juelfs, 1301 S. 50th Street, Lincoln, NE 68510

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 974. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee [AM2433](#), found on page 614, was offered.

Senator Chambers offered the following motion:

[MO152](#)

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Pansing Brooks offered the following motion:

[MO153](#)

Bracket until April 23, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

Senator Linehan offered the following amendment to the committee amendment:

[AM2500](#)

(Amendments to Standing Committee amendments, AM2433)

1 1. On page 9, lines 2 and 6, strike "each", show as stricken, and

2 insert "any".

SENATOR LINDSTROM PRESIDING

SENATOR HUNT PRESIDING

Pending.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 344. Placed on General File with amendment.

[AM2486](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB974:

[AM2499](#)

(Amendments to Standing Committee amendments, AM2433)

1 1. On page 1, line 10, strike "its".

Senator La Grone filed the following amendments to LB974:

[AM2521](#)

1 1. Strike section 7.
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

[AM2520](#)

1 1. Strike section 6.
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

[AM2519](#)

1 1. Strike section 5.
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

[AM2518](#)

1 1. Strike section 4.
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

Senator M. Hansen filed the following amendment to LB720:

[AM2453](#)

(Amendments to AM2207)

1 1. Strike section 10 and insert the following new section:
2 Sec. 57. For purposes of the Key Employer and Jobs Retention Act:
3 (1) Hours worked by part-time employees shall not be considered for
4 purposes of determining the number of full-time employees; and
5 (2) Only full-time employees, as defined and described in section
6 4980H of the Internal Revenue Code of 1986, as amended, and the
7 regulations for such section, shall be included in the calculation of
8 total hours paid.
9 2. On page 3, strike lines 10 through 28 and insert "the number of
10 full-time employees that are employed at the qualified location or
11 locations during a year that are in excess of the number of full-time
12 employees during the base year, not to exceed the number of full-time
13 employees employed at the qualified location or locations during a year
14 who are not base-year employees, who meet the health coverage requirement
15 of subsection (7) of this section, and who are paid wages at a rate equal
16 to at least one hundred fifty percent of the Nebraska statewide average
17 hourly wage for the year of application."; and strike beginning with
18 "lesser" in line 30 through line 31 and insert "number of full-time
19 employees that are employed at the qualified location or locations during
20 a year that are in excess of the number of full-time employees during the
21 base year, not to exceed the number of full-time employees employed at
22 the qualified location or locations during a year who are not base-year
23 employees, who meet the health coverage requirement of subsection (7) of
24 this section, and who are paid wages at a rate equal to at least ninety
25 percent of the Nebraska statewide average hourly wage for the year of
26 application.".

1 3. On page 4, strike lines 1 through 16; and strike beginning with
 2 "lesser" in line 18 through line 31 and insert "number of full-time
 3 employees that are employed at the qualified location or locations during
 4 a year that are in excess of the number of full-time employees during the
 5 base year, not to exceed the number of full-time employees employed at
 6 the qualified location or locations during a year who are not base-year
 7 employees, who meet the health coverage requirement of subsection (7) of
 8 this section, and who are paid wages at a rate equal to at least seventy-
 9 five percent of the Nebraska statewide average hourly wage for the year
 10 of application."

11 4. On page 5, strike lines 1 through 5; strike beginning with
 12 "lesser" in line 7 through line 24 and insert "number of full-time
 13 employees that are employed at the qualified location or locations during
 14 a year that are in excess of the number of full-time employees during the
 15 base year, not to exceed the number of full-time employees employed at
 16 the qualified location or locations during a year who are not base-year
 17 employees, who meet the health coverage requirement of subsection (7) of
 18 this section, and who are paid wages at a rate equal to at least seventy
 19 percent of the Nebraska statewide average hourly wage for the year of
 20 application."; and strike beginning with "lesser" in line 26 through line
 21 31 and insert "number of full-time employees that are employed at the
 22 qualified location or locations during a year that are in excess of the
 23 number of full-time employees during the base year, not to exceed the
 24 number of full-time employees employed at the qualified location or
 25 locations during a year who are not base-year employees, who meet the
 26 health coverage requirement of subsection (7) of this section, and who
 27 are paid wages at a rate equal to at least one hundred percent of the
 28 Nebraska statewide average hourly wage for the year of application."

29 5. On page 6, strike lines 1 through 12; and strike lines 27 through
 30 30 and insert the following new subsection:

31 "(8) For purposes of this section:

1 (a) Hours worked by part-time employees shall not be considered for
 2 purposes of determining the number of full-time employees; and

3 (b) Only full-time employees, as defined and described in section
 4 4980H of the Internal Revenue Code of 1986, as amended, and the
 5 regulations for such section, shall be included in the calculation of
 6 total hours paid."

7 6. On page 50, lines 18 and 28; page 51, lines 14 and 16; and page
 8 52, line 2, strike "equivalent" and insert "full-time".

9 7. On page 71, line 31, strike "11, 15, 19," and insert "10, 14, 18,
 10 20, 21, 30, 33, 41, 50, 54, 57, and 61 of this act".

11 8. On page 72, line 1, strike the new matter.

12 9. Renumber the remaining sections and correct internal references
 13 accordingly.

14 10. Correct the operative date section so that the section added by
 15 this amendment becomes operative on August 1, 2020.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 324. Introduced by Bolz, 29; Slama, 1.

WHEREAS, Ken Malone began teaching agricultural education in 1976;
 and

WHEREAS, Mr. Malone has been the agriculture educator, welding
 instructor, and FFA advisor at Palmyra High School since 1988; and

WHEREAS, Mr. Malone has been instrumental in using distance
 education to extend his agricultural education lessons beyond Palmyra High
 School; and

WHEREAS, Mr. Malone served as the anaphylaxis and asthma team coordinator and the CPR training coordinator and monitor at Palmyra High School; and

WHEREAS, Mr. Malone was selected as the Nebraska Farm Bureau FFA Advisor at the state FFA convention in 2014; and

WHEREAS, Mr. Malone was named Educator of the Year in 2016 by the Nebraska Association of Resources Districts, where he has also served as the State Land Judging Coordinator for over 25 years; and

WHEREAS, Mr. Malone has given back to his community as an emergency medical technician in the Palmyra Fire and Rescue Department and by serving on the Palmyra Planning and Zoning Commission; and

WHEREAS, Mr. Malone has taught thousands of students at Palmyra High School and has made true and lasting contributions to Nebraska's agricultural industry; and

WHEREAS, Mr. Malone has instilled a sense of community service and leadership skills in his students that has served them throughout their education and careers; and

WHEREAS, Mr. Malone will retire at the conclusion of the 2019-2020 school year.

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

1. That the Legislature thanks Ken Malone for 44 years in education and wishes him well in retirement.

2. That copies of this resolution be sent to Ken Malone and Palmyra High School.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Pansing Brooks - LB627

Wishart - LB1052

Executive Board - LB681

Erdman - LR300CA

Banking, Commerce and Insurance - LB774

Williams - LB808

M. Hansen - LB881

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Davidson, Felix B. - Nebraska Environmental Trust Board - Natural Resources

Dexter, April J. - Nebraska Rural Health Advisory Commission - Health and Human Services

Fattig, Martin L. - Nebraska Rural Health Advisory Commission - Health and Human Services
 Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Goertz, Jessye A. - Nebraska Rural Health Advisory Commission - Health and Human Services
 Greckel, Shane - State Racing Commission - General Affairs
 Iske, Benjamin R. - Nebraska Rural Health Advisory Commission - Health and Human Services
 Juelfs, Dallen R. - Oil and Gas Conservation Commission - Natural Resources
 Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Kramer, Lisa - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Kramer, Lynette D. - Nebraska Rural Health Advisory Commission - Health and Human Services
 Petersen, Carolyn - Board of Emergency Medical Services - Health and Human Services
 Rames, Steven D. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Rosenthal, Daniel J. - State Board of Health - Health and Human Services
 Tagge, Darold E. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Terrell, Marjean C. - Board of Trustees of the Nebraska State Colleges - Education
 Weander, Timothy W. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

(Signed) Mike Hilgers, Chairperson
 Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1003.
 Senator Brewer name added to LB1202.
 Senator Halloran name added to LB1202.
 Senator Hunt name added to LR280CA.

VISITOR(S)

Visitors to the Chamber were a group from Leadership York; a group from Leadership Beatrice; students from Lincoln North Star; students and teacher from Mount Michael Benedictine School, Elkhorn; and a group from the American Federation for Children Future Leaders Fellowship.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 20, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 2020

PRAYER

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, Howard, Morfeld, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORT(S)
Enrollment and Review**

LEGISLATIVE BILL 909. Placed on Select File with amendment.

ER172

1 1. In the Standing Committee amendments, AM2312, on page 2, line 1,
2 strike the new matter and insert "as a deputy director, a counsel, an
3 attorney, or a financial".
4 2. On page 1, strike beginning with "finance" in line 1 through line
5 19 and insert "banking and finance; to amend sections 8-224.01, 30-3205,
6 45-191.02, 45-191.09, 45-601, 45-602, 45-605, 45-606, 45-609, 45-610,
7 45-611, 45-620, 45-623, 45-905, 45-906, 45-912, 45-915, 45-1017, 45-1033,
8 and 59-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103,
9 8-141, 8-167, 45-901, 45-902, 45-910, 45-911, 52-1308, and 59-1722,
10 Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01,
11 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1103,
12 8-1111, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, 69-2112, 77-2398,
13 and 77-23,100, Revised Statutes Supplement, 2019, section 9-513A, Uniform
14 Commercial Code, Revised Statutes Cumulative Supplement, 2018, and
15 section 4A-108, Uniform Commercial Code, Revised Statutes Supplement,

16 2019; to change financial institution loan provisions relating to
 17 Department of Banking and Finance employees; to redefine a term and
 18 update a federal reference relating to loan limits; to update and change
 19 references to certain federal provisions under the Nebraska Banking Act,
 20 building and loan association provisions, the Securities Act of Nebraska,
 21 the Commodity Code, the Seller-Assisted Marketing Plan Act, and the
 22 Consumer Rental Purchase Agreement Act; to eliminate a bank reporting
 23 notice requirement and exemption; to redefine terms under the Securities
 24 Act of Nebraska; to revise powers of state-chartered banks, building and
 25 loan associations, and credit unions; to authorize financial institutions
 26 to place a hold on certain customer transactions in cases of financial
 27 exploitation; to provide exceptions from certain prohibited investments
 1 and authorize investments in certain securities, shares, and interests by
 2 trust companies; to change obsolete civil penalty provisions; to change
 3 the fund for remittance of loan broker filing fees; to authorize
 4 licensees under the Collection Agency Act to be licensed and registered
 5 through the Nationwide Mortgage Licensing System and Registry, define and
 6 redefine terms, and change certain fee and license renewal provisions; to
 7 update a definition, define a term, add a processing fee, and change
 8 licensing provisions under the Delayed Deposit Services Licensing Act; to
 9 change provisions relating to examinations under the Nebraska Installment
 10 Loan Act; to change provisions relating to farm product liens and actions
 11 relating to termination statements; to change provisions relating to
 12 secured deposits and pooled collateral and change reporting requirements
 13 under the Public Funds Deposit Security Act; to harmonize provisions; to
 14 provide operative dates; to repeal the original sections; to outright
 15 repeal section 8-167.01, Revised Statutes Supplement, 2019; and to
 16 declare an emergency."

LEGISLATIVE BILL 996. Placed on Select File.

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 2020

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 287, 310, 310A, 381, 387, 541, 643, 734, and 734A were received in my office on February 13, 2020.

These bills were signed and delivered to the Secretary of State on February 19, 2020.

Sincerely,
 (Signed) Pete Ricketts
 Governor

ANNOUNCEMENT(S)

Priority designation(s) received:

Clements - LB870

Slama - LR288

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB816:

AM2498

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 69-2402, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 69-2402 For purposes of sections 69-2401 to 69-2425 and section 8 of
6 this act:
7 (1) Antique handgun or pistol means any handgun or pistol, including
8 those with a matchlock, flintlock, percussion cap, or similar type of
9 ignition system, manufactured in or before 1898 and any replica of such a
10 handgun or pistol if such replica (a) is not designed or redesigned for
11 using rimfire or conventional centerfire fixed ammunition or (b) uses
12 rimfire or conventional centerfire fixed ammunition which is no longer
13 manufactured in the United States and which is not readily available in
14 the ordinary channels of commercial trade;
15 (2) Criminal history record check includes a check of the criminal
16 history records of the Nebraska State Patrol and a check of the Federal
17 Bureau of Investigation's National Instant Criminal Background Check
18 System;
19 (3) Firearm-related disability means a person is not permitted to
20 (a) purchase, possess, ship, transport, or receive a firearm under either
21 state or federal law, (b) obtain a certificate to purchase, lease, rent,
22 or receive transfer of a handgun under section 69-2404, or (c) obtain a
23 permit to carry a concealed handgun under the Concealed Handgun Permit
24 Act; and
25 (4) Handgun means any firearm with a barrel less than sixteen inches
26 in length or any firearm designed to be held and fired by the use of a
27 single hand.
1 Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is
2 amended to read:
3 69-2404 Any person desiring to purchase, lease, rent, or receive
4 transfer of a handgun shall apply with the chief of police or sheriff of
5 the applicant's place of residence for a certificate. The application may
6 be made in person or by mail. The application form and certificate shall
7 be made on forms approved by the Superintendent of Law Enforcement and
8 Public Safety. The application shall include the applicant's full name,
9 address, date of birth, and country of citizenship. If the applicant is
10 not a United States citizen, the application shall include the
11 applicant's place of birth and his or her alien or admission number. If
12 the application is made in person, the applicant shall also present a
13 current Nebraska motor vehicle operator's license, state identification
14 card, or military identification card, or if the application is made by
15 mail, the application form shall describe the license or card used for
16 identification and be notarized by a notary public who has verified the
17 identification of the applicant through such a license or card. An
18 applicant shall receive a certificate if he or she is twenty-one years of
19 age or older and is not prohibited from purchasing or possessing a
20 handgun by 18 U.S.C. 922. A fee of ten ~~five~~ dollars shall be charged for

21 each application for a certificate to cover the cost of a criminal
 22 history record check.
 23 Sec. 3. Section 69-2405, Reissue Revised Statutes of Nebraska, is
 24 amended to read:
 25 69-2405 (1) Upon the receipt of an application for a certificate,
 26 the chief of police or sheriff shall issue a certificate or deny a
 27 certificate and furnish the applicant the specific reasons for the denial
 28 in writing. The chief of police or sheriff shall be permitted up to five
 29 ~~three~~ days in which to conduct an investigation to determine whether the
 30 applicant is prohibited by law from purchasing or possessing a handgun.
 31 If the certificate or denial is mailed to the applicant, it shall be
 1 mailed to the applicant's address by first-class mail within the five-day
 2 ~~three-day~~ period but no sooner than forty-eight hours after receipt of
 3 the application. If it is determined that the purchase or possession of a
 4 handgun by the applicant would be in violation of applicable federal,
 5 state, or local law, the chief of police or sheriff shall deny the
 6 certificate.
 7 (2) In computing the five-day ~~three-day~~ period, the day of receipt
 8 of the application shall not be included and the last day of the five-day
 9 ~~three-day~~ period shall be included. The five-day ~~three-day~~ period shall
 10 expire at 11:59 p.m. of the fifth ~~third~~ day unless it is a Saturday,
 11 Sunday, or legal holiday in which event the period shall run until 11:59
 12 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.
 13 (3)(a) Subject to subdivision (3)(b) of this, ~~no~~ later than the
 14 end of the five-day ~~three-day~~ period the chief of police or sheriff shall
 15 issue or deny such certificate and, if the certificate is denied, furnish
 16 the applicant the specific reasons for denial in writing.
 17 (b) A certificate shall not be issued sooner than forty-eight hours
 18 after receipt of the application.
 19 (4) When issuing any certificate under this section, the chief of
 20 police or sheriff shall include with the certificate informational
 21 materials regarding suicide prevention and firearm safety. Such materials
 22 shall provide evidence-based information aligned with best practices in
 23 suicide prevention.
 24 (5) No civil liability shall arise to any law enforcement agency if
 25 such law enforcement agency complies with sections 69-2401, 69-2403 to
 26 69-2408, and 69-2409.01.
 27 Sec. 4. Section 69-2406, Reissue Revised Statutes of Nebraska, is
 28 amended to read:
 29 69-2406 Any person who is denied a certificate, whose certificate is
 30 revoked, or who has not been issued a certificate upon expiration of the
 31 five-day ~~three-day~~ period in section 69-2405 may appeal within ten days
 1 ~~of receipt of the denial or revocation~~ to the county court of the county
 2 of the applicant's place of residence. The appeal shall be filed within
 3 ten days after receipt of the denial or revocation or, in the case of a
 4 certificate not issued within the five-day period in section 69-2405,
 5 within ten days after expiration of such period. The applicant shall file
 6 with the court the specific reasons for the denial or revocation by the
 7 chief of police or sheriff and pay a filing fee of ten dollars in lieu of
 8 any other filing fee required by law. The court shall issue its decision
 9 within thirty days of the filing of the appeal.
 10 Sec. 5. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is
 11 amended to read:
 12 69-2409.01 (1) For purposes of sections 69-2401 to 69-2425 and
 13 section 8 of this act, the Nebraska State Patrol shall be furnished with
 14 only such information as may be necessary for the sole purpose of
 15 determining whether an individual is disqualified from purchasing or
 16 possessing a handgun pursuant to state law or is subject to the
 17 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information
 18 shall be furnished by the Department of Health and Human Services. The

19 clerks of the various courts shall furnish to the Department of Health
20 and Human Services and Nebraska State Patrol, as soon as practicable but
21 within thirty days after an order of commitment or discharge is issued or
22 after removal of firearm-related disabilities pursuant to section 71-963,
23 all information necessary to set up and maintain the data base required
24 by this section. This information shall include (a) information regarding
25 those persons who are currently receiving mental health treatment
26 pursuant to a commitment order of a mental health board or who have been
27 discharged, (b) information regarding those persons who have been
28 committed to treatment pursuant to section 29-3702, and (c) information
29 regarding those persons who have had firearm-related disabilities removed
30 pursuant to section 71-963. The mental health board shall notify the
31 Department of Health and Human Services and the Nebraska State Patrol
1 when such disabilities have been removed. The Department of Health and
2 Human Services shall also maintain in the data base a listing of persons
3 committed to treatment pursuant to section 29-3702. To ensure the
4 accuracy of the data base, any information maintained or disclosed under
5 this subsection shall be updated, corrected, modified, or removed, as
6 appropriate, and as soon as practicable, from any data base that the
7 state or federal government maintains and makes available to the National
8 Instant Criminal Background Check System. The procedures for furnishing
9 the information shall guarantee that no information is released beyond
10 what is necessary for purposes of this section.

11 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
12 and this section, the Nebraska State Patrol shall provide to the chief of
13 police or sheriff of an applicant's place of residence or a licensee in
14 the process of a criminal history record check pursuant to section
15 69-2411 only the information regarding whether or not the applicant is
16 disqualified from purchasing or possessing a handgun.

17 (3) Any person, agency, or mental health board participating in good
18 faith in the reporting or disclosure of records and communications under
19 this section is immune from any liability, civil, criminal, or otherwise,
20 that might result by reason of the action.

21 (4) Any person who intentionally causes the Nebraska State Patrol to
22 request information pursuant to this section without reasonable belief
23 that the named individual has submitted a written application under
24 section 69-2404 or has completed a consent form under section 69-2410
25 shall be guilty of a Class II misdemeanor in addition to other civil or
26 criminal liability under state or federal law.

27 (5) The Nebraska State Patrol and the Department of Health and Human
28 Services shall report electronically to the Clerk of the Legislature on a
29 biannual basis the following information about the data base: (a) The
30 number of total records of persons unable to purchase or possess firearms
31 because of disqualification or disability shared with the National
1 Instant Criminal Background Check System; (b) the number of shared
2 records by category of such persons; (c) the change in number of total
3 shared records and change in number of records by category from the
4 previous six months; (d) the number of records existing but not able to
5 be shared with the National Instant Criminal Background Check System
6 because the record was incomplete and unable to be accepted by the
7 National Instant Criminal Background Check System; and (e) the number of
8 hours or days, if any, during which the data base was unable to share
9 records with the National Instant Criminal Background Check System and
10 the reason for such inability. The report shall also be published on the
11 web sites of the Nebraska State Patrol and the Department of Health and
12 Human Services.

13 Sec. 6. Section 69-2421, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 69-2421 Any licensed importer, manufacturer, or dealer who knowingly
16 and intentionally sells or delivers a handgun in violation of sections

17 69-2401 to 69-2425 and section 8 of this act shall be guilty of a Class
18 IV felony.

19 Sec. 7. Section 69-2422, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 69-2422 For purposes of sections 69-2401 to 69-2425 and section 8 of
22 this act, any person who knowingly and intentionally obtains a handgun
23 for the purposes of transferring it to a person who is prohibited from
24 receipt or possession of a handgun by state or federal law shall be
25 guilty of a Class IV felony.

26 Sec. 8. (1) At any gun show there shall be present a dealer
27 licensed pursuant to 18 U.S.C. 923. Any sale, purchase, or other transfer
28 of a handgun occurring at the gun show shall be reviewed or conducted by
29 the dealer to ensure compliance with sections 69-2401 to 69-2425 and
30 section 8 of this act.

31 (2) A person selling, purchasing, or otherwise transferring a
32 handgun who does not comply with subsection (1) of this section shall be
33 guilty of a Class I misdemeanor. As a part of the judgment of conviction,
34 the court may order the confiscation of the handgun.

35 (3) A person sponsoring, organizing, or managing a gun show that
36 does not comply with subsection (1) of this section shall be guilty of a
37 Class IV felony.

38 (4) For purposes of this section, gun show means any event at which
39 fifty or more firearms are offered or exhibited for sale, exchange, or
40 transfer. The term gun show does not include an offer or exhibit of
41 firearms for sale, exchange, or transfer by an individual from the
42 personal collection of that individual, at the private residence of that
43 individual, if the individual is not required to be licensed under 18
44 U.S.C. 923, as such section existed on January 1, 2020.

45 Sec. 9. Section 69-2424, Reissue Revised Statutes of Nebraska, is
46 amended to read:

47 69-2424 The Nebraska State Patrol shall adopt and promulgate rules
48 and regulations to carry out sections 69-2401 to 69-2425 and section 8 of
49 this act.

50 Sec. 10. Section 69-2425, Reissue Revised Statutes of Nebraska, is
51 amended to read:

52 69-2425 Any city or village ordinance existing on September 6, 1991,
53 shall not be preempted by sections 69-2401 to 69-2425 and section 8 of
54 this act.

55 Sec. 11. Section 69-2426, Reissue Revised Statutes of Nebraska, is
56 amended to read:

57 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:
58 (a) Shall ~~Dealers of firearms~~ distribute to all firearm
59 purchasers information developed by the Department of Health and Human
60 Services regarding the dangers of leaving loaded firearms unattended
61 around children; and -

62 (b) May distribute to any firearm purchaser other informational
63 materials regarding suicide prevention and firearm safety, including
64 materials that provide evidence-based information aligned with best
65 practices in suicide prevention.

66 (2) There is hereby created the Firearm Information Fund. Private
67 contributions shall be credited by the State Treasurer to such fund for
68 the implementation of the provisions of this section.

69 Sec. 12. Section 69-2432, Reissue Revised Statutes of Nebraska, is
70 amended to read:

71 69-2432 (1) The Nebraska State Patrol shall prepare and publish
72 minimum training and safety requirements for and adopt and promulgate
73 rules and regulations governing handgun training and safety courses and
74 handgun training and safety course instructors. Minimum safety and
75 training requirements for a handgun training and safety course shall
76 include, but not be limited to:

15 (a) Knowledge and safe handling of a handgun;
 16 (b) Knowledge and safe handling of handgun ammunition;
 17 (c) Safe handgun shooting fundamentals;
 18 (d) A demonstration of competency with a handgun with respect to the
 19 minimum safety and training requirements;
 20 (e) Knowledge of federal, state, and local laws pertaining to the
 21 purchase, ownership, transportation, and possession of handguns;
 22 (f) Knowledge of federal, state, and local laws pertaining to the
 23 use of a handgun, including, but not limited to, use of a handgun for
 24 self-defense and laws relating to justifiable homicide and the various
 25 degrees of assault;
 26 (g) Knowledge of ways to avoid a criminal attack and to defuse or
 27 control a violent confrontation; ~~and~~
 28 (h) Knowledge of proper storage practices for handguns and
 29 ammunition, including storage practices which would reduce the
 30 possibility of accidental injury to a child; ~~and~~ -
 31 (i) Suicide prevention training. Such training shall consist of
1 evidenced-based information aligned with best practices in suicide
2 prevention.
 3 (2) A person or entity conducting a handgun training and safety
 4 course and the course instructors shall be approved by the patrol before
 5 operation. The patrol shall issue a certificate evidencing its approval.
 6 (3) A certificate of completion of a handgun training and safety
 7 course shall be issued by the person or entity conducting a handgun
 8 training and safety course to persons successfully completing the course.
 9 The certificate of completion shall also include certification from the
 10 instructor that the person completing the course does not suffer from a
 11 readily discernible physical infirmity that prevents the person from
 12 safely handling a handgun.
 13 (4) Any fee for participation in a handgun training and safety
 14 course is the responsibility of the applicant.
 15 Sec. 13. Original sections 69-2402, 69-2404, 69-2405, 69-2406,
 16 69-2409.01, 69-2421, 69-2422, 69-2424, 69-2425, 69-2426, and 69-2432,
 17 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 312 and 313 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 312 and 313.

GENERAL FILE

LEGISLATIVE BILL 974. Senator DeBoer offered the following motion:

[MO154](#)

Bracket until February 25, 2020.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

General Affairs - LB1056 and LB1064

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to [LB974](#):
[AM2452](#)

(Amendments to Standing Committee amendments, AM2433)

1 1. Strike sections 1, 8, and 10 to 34 and insert the following new
2 section:
3 Sec. 8. Section 77-4212, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-4212 (1) For tax year 2007, the amount of relief granted under
6 the Property Tax Credit Act shall be one hundred five million dollars.
7 For tax year 2008, the amount of relief granted under the act shall be
8 one hundred fifteen million dollars. It is the intent of the Legislature
9 to fund the Property Tax Credit Act for tax years after tax year 2008
10 using available revenue. For tax year 2017, the amount of relief granted
11 under the act shall be two hundred twenty-four million dollars. For tax
12 year 2020, the amount of relief granted under the act shall be three
13 hundred eighty million dollars. The relief shall be in the form of a
14 property tax credit which appears on the property tax statement.
15 (2)(a) For tax years prior to tax year 2017, to determine the amount
16 of the property tax credit, the county treasurer shall multiply the
17 amount disbursed to the county under subdivision (4)(a) of this section
18 by the ratio of the real property valuation of the parcel to the total
19 real property valuation in the county. The amount determined shall be the
20 property tax credit for the property.
21 (b) Beginning with tax year 2017, to determine the amount of the
22 property tax credit, the county treasurer shall multiply the amount
23 disbursed to the county under subdivision (4)(b) of this section by the
24 ratio of the credit allocation valuation of the parcel to the total
25 credit allocation valuation in the county. The amount determined shall be
26 the property tax credit for the property.
1 (3) If the real property owner qualifies for a homestead exemption
2 under sections 77-3501 to 77-3529, the owner shall also be qualified for
3 the relief provided in the act to the extent of any remaining liability
4 after calculation of the relief provided by the homestead exemption. If
5 the credit results in a property tax liability on the homestead that is
6 less than zero, the amount of the credit which cannot be used by the
7 taxpayer shall be returned to the State Treasurer by July 1 of the year
8 the amount disbursed to the county was disbursed. The State Treasurer
9 shall immediately credit any funds returned under this subsection to the
10 Property Tax Credit Cash Fund. Upon the return of any funds under this
11 subsection, the county treasurer shall electronically file a report with
12 the Property Tax Administrator, on a form prescribed by the Tax
13 Commissioner, indicating the amount of funds distributed to each taxing
14 unit in the county in the year the funds were returned, any collection
15 fee retained by the county in such year, and the amount of unused credits
16 returned.
17 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
18 each county shall be equal to the amount available for disbursement
19 determined under subsection (1) of this section multiplied by the ratio
20 of the real property valuation in the county to the real property
21 valuation in the state. By September 15, the Property Tax Administrator

22 shall determine the amount to be disbursed under this subdivision to each
 23 county and certify such amounts to the State Treasurer and to each
 24 county. The disbursements to the counties shall occur in two equal
 25 payments, the first on or before January 31 and the second on or before
 26 April 1. After retaining one percent of the receipts for costs, the
 27 county treasurer shall allocate the remaining receipts to each taxing
 28 unit levying taxes on taxable property in the tax district in which the
 29 real property is located in the same proportion that the levy of such
 30 taxing unit bears to the total levy on taxable property of all the taxing
 31 units in the tax district in which the real property is located.
 1 (b) Beginning with tax year 2017, the amount disbursed to each
 2 county shall be equal to the amount available for disbursement determined
 3 under subsection (1) of this section multiplied by the ratio of the
 4 credit allocation valuation in the county to the credit allocation
 5 valuation in the state. By September 15, the Property Tax Administrator
 6 shall determine the amount to be disbursed under this subdivision to each
 7 county and certify such amounts to the State Treasurer and to each
 8 county. The disbursements to the counties shall occur in two equal
 9 payments, the first on or before January 31 and the second on or before
 10 April 1. After retaining one percent of the receipts for costs, the
 11 county treasurer shall allocate the remaining receipts to each taxing
 12 unit based on its share of the credits granted to all taxpayers in the
 13 taxing unit.
 14 (5) For purposes of this section, credit allocation valuation means
 15 the taxable value for all real property except agricultural land and
 16 horticultural land, one hundred twenty percent of taxable value for
 17 agricultural land and horticultural land that is not subject to special
 18 valuation, and one hundred twenty percent of taxable value for
 19 agricultural land and horticultural land that is subject to special
 20 valuation.
 21 (6) The State Treasurer shall transfer from the General Fund to the
 22 Property Tax Credit Cash Fund one hundred five million dollars by August
 23 1, 2007, and one hundred fifteen million dollars by August 1, 2008.
 24 (7) The Legislature shall have the power to transfer funds from the
 25 Property Tax Credit Cash Fund to the General Fund.
 26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

Senator Friesen filed the following amendment to LB944:
[AM2396](#)

(Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new sections:
 2 Sec. 59. Sections 59 to 73 of this act shall be known and may be
 3 cited as the Peer-to-Peer Vehicle Sharing Program Act.
 4 Sec. 60. For purposes of the Peer-to-Peer Vehicle Sharing Program
 5 Act, unless the context otherwise requires:
 6 (1) Agreement means an agreement established through a peer-to-peer
 7 vehicle sharing program that serves as a contract between a program, an
 8 owner, and a driver and describes the specific terms and conditions of
 9 the agreement that govern the use of a vehicle through such program,
 10 including the sharing period and location or locations for transfer of
 11 control of vehicle. Agreement does not mean a rental agreement as defined
 12 in section 44-4067;
 13 (2) Delivery period means the period of time during which a vehicle
 14 is being delivered to the location at which the start time begins, if
 15 applicable, as documented by the agreement;
 16 (3) Driver means an individual who has been authorized to drive a
 17 vehicle by an owner under an agreement;
 18 (4) Owner means the registered owner, or a person or entity
 19 designated by the registered owner, of a vehicle made available for

20 sharing through a peer-to-peer vehicle sharing program;
 21 (5) Peer-to-peer vehicle sharing program or program means a business
 22 platform that connects vehicle owners with drivers to enable the sharing
 23 of vehicles for financial consideration. A program is not a
 24 transportation network company as defined in section 75-323 or a rental
 25 car company as defined in section 44-4067;
 26 (6) Sharing means the authorized use of a vehicle by an individual
 1 other than an owner through a peer-to-peer vehicle sharing program;
 2 (7) Sharing period means the period of time that commences with the
 3 delivery period or, if there is no delivery period, that commences with
 4 the start time and, in either case, ends at the termination time;
 5 (8) Start time means the time when a vehicle becomes subject to the
 6 control of a driver at or after the time the reservation is scheduled to
 7 begin as documented in the records of a program;
 8 (9) Termination time means the earliest of the following events:
 9 (a) The expiration of the agreed upon period of time established for
 10 the use of a vehicle according to the terms of the agreement, if the
 11 vehicle is delivered to the location agreed upon in the agreement;
 12 (b) When a vehicle is returned to a location as alternatively agreed
 13 upon by the owner and driver as communicated through the peer-to-peer
 14 vehicle sharing program; or
 15 (c) When an owner, or his or her authorized designee, takes
 16 possession and control of a vehicle; and
 17 (10) Vehicle means a personal motor vehicle that is available for
 18 use through a peer-to-peer vehicle sharing program. Vehicle does not mean
 19 a rental vehicle as defined in section 44-4067.
 20 Sec. 61. (1) Notwithstanding any other provision of law or any
 21 provision in an owner's policy of motor vehicle liability insurance, in
 22 the event of a loss or injury that occurs during a sharing period, a
 23 program shall:
 24 (a) Except as provided in subsection (2) of this section, assume the
 25 liability of the owner for bodily injury or property damage to third
 26 parties, uninsured and underinsured motorist benefits, and personal
 27 injury protection losses during the sharing period in an amount stated in
 28 the agreement, and which amount may not be less than that set forth in
 29 section 60-310; and
 30 (b) Retain such liability regardless of a lapse in, or otherwise
 31 absence of, any coverage under which a program is insured.
 1 (2) Notwithstanding the definition of termination time, a program
 2 shall not be liable when an owner:
 3 (a) Makes a material, intentional, or fraudulent misrepresentation,
 4 or a material, intentional, or fraudulent omission to a program before
 5 the sharing period in which the loss occurred; or
 6 (b) Acts in concert with a driver who fails to return a vehicle
 7 pursuant to the terms of an agreement.
 8 Sec. 62. (1) A program shall ensure that, during each sharing
 9 period, financial responsibility for a vehicle is provided in amounts no
 10 less than the minimum amounts set forth in section 60-310 that:
 11 (a) Recognizes that the vehicle is made available and used through
 12 the program; or
 13 (b) Does not exclude use of the vehicle by a driver through the
 14 program.
 15 (2) The financial responsibility required under subsection (1) of
 16 this section may be satisfied by motor vehicle liability insurance or
 17 other acceptable means of demonstrating financial responsibility in this
 18 state, voluntarily maintained by:
 19 (a) The owner;
 20 (b) The driver;
 21 (c) The program; or
 22 (d) Any combination of owner, driver, and program.

23 (3) The financial responsibility required in subsection (1) of this
24 section and satisfied pursuant to subsection (2) of this section shall be
25 the primary responsibility for losses during the sharing period.
26 (4) A program shall:
27 (a) Assume primary financial responsibility for a claim when it is
28 in whole or in part providing the financial responsibility required under
29 section 61 of this act if:
30 (i) A dispute exists as to who was in control of the vehicle at the
31 time of the loss; and
1 (ii) The program does not have available, did not retain, or fails
2 to provide the information required by section 65 of this act; and
3 (b) Be indemnified by the owner's personal policy of motor vehicle
4 liability insurance to the extent of such policy's obligation, if any, if
5 it is determined that the owner was in control of the vehicle at the time
6 of the loss.
7 (5) If insurance maintained by the owner or the driver in accordance
8 with subsection (2) of this section has lapsed or does not provide the
9 required financial responsibility, the program or its insurer shall
10 provide the coverage required by subsection (1) of this section beginning
11 with the first dollar of a claim and have the duty to defend such claim
12 except under circumstances as set forth in subsection (2) of section 61
13 of this act.
14 (6) Financial responsibility maintained by the program shall not be
15 dependent on another automobile insurer first denying a claim, nor shall
16 another automobile insurance policy be required to first deny a claim.
17 (7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:
18 (a) Limits the liability of a program for any act or omission of the
19 program itself that results in injury to any person as a result of the
20 use of a vehicle through the program; or
21 (b) Limits the ability of a program, by contract, to seek
22 indemnification from an owner or a driver for economic loss sustained by
23 the program resulting from a breach of the terms and conditions of an
24 agreement.
25 Sec. 63. At the time an owner registers a vehicle for use through
26 the program and again prior to the time such owner makes such vehicle
27 available for use through such program, the program shall notify the
28 owner that if the vehicle has a lien against it, the use of the vehicle
29 through the program, including use without physical damage coverage, may
30 violate the terms of the contract with the lienholder.
31 Sec. 64. (1) An authorized insurer that writes motor vehicle
1 liability insurance in this state may exclude any and all coverage and
2 the duty to defend or indemnify for any claim afforded under the owner's
3 motor vehicle liability insurance policy, including, but not limited to:
4 (a) Liability coverage for bodily injury and property damage;
5 (b) Personal injury protection coverage as defined;
6 (c) Uninsured and underinsured motorist coverage;
7 (d) Medical payments coverage;
8 (e) Comprehensive physical damage coverage; and
9 (f) Collision physical damage coverage.
10 (2) Nothing in the Peer-to-Peer Vehicle Sharing Program Act
11 invalidates or limits an exclusion contained in a motor vehicle liability
12 insurance policy, including any insurance policy in use or approved for
13 use that excludes coverage for motor vehicles made available for rent,
14 hire, or for any business use, including sharing.
15 Sec. 65. (1) A program shall collect and verify records pertaining
16 to the use of a vehicle, including, but not limited to, sharing periods,
17 sharing period pick-up and drop-off locations, fees paid by a driver, and
18 revenue received by an owner.
19 (2) A program shall provide the information collected pursuant to
20 subsection (1) of this section upon request to the owner, the owner's

21 insurer, and the driver's insurer to facilitate a claim coverage
22 investigation.
23 (3) A program shall retain the records required in this section for
24 a time period not less than four years.
25 Sec. 66. A motor vehicle insurer that defends or indemnifies a
26 claim arising from the operation of a vehicle that is excluded under the
27 terms of its policy shall have the right to seek contribution against a
28 program if the claim is made against the owner or driver for loss or
29 injury that occurs during the sharing period.
30 Sec. 67. (1) Notwithstanding any other provision of law, a program
31 shall have an insurable interest in a vehicle during the sharing period.
1 (2) Nothing in this section shall impose liability on a program to
2 maintain the coverage required by section 61 of this act.
3 (3) A program may own and maintain as the named insured one or more
4 policies of motor vehicle liability insurance that provides coverage for:
5 (a) Liabilities assumed by the program under the agreement;
6 (b) Liability of an owner;
7 (c) Damage or loss to a vehicle; or
8 (d) Liability of a driver.
9 Sec. 68. A program and an owner shall be exempt from vicarious
10 liability in accordance with 49 U.S.C. 30106(a), as such section existed
11 on January 1, 2020, and under any state or local law that imposes
12 liability solely based on vehicle ownership.
13 Sec. 69. (1) Each agreement made in this state shall disclose to
14 each owner and driver:
15 (a) Any right of the program to seek indemnification from an owner
16 or a driver for economic loss sustained by the program resulting from a
17 breach of the terms and conditions of the agreement;
18 (b) That a motor vehicle liability insurance policy issued to an
19 owner for the vehicle, or to a driver, may not provide a defense or
20 indemnity for any claim asserted by the program;
21 (c) That a program's financial responsibility afforded to each owner
22 and driver is available only during the sharing period;
23 (d) That for any use of a vehicle by a driver after the termination
24 time, a driver or owner may not have coverage;
25 (e) The daily rate, fees, costs, and, if applicable, any insurance
26 or protection package costs that are charged to an owner or a driver; and
27 (f) That an owner's motor vehicle liability insurance may not
28 provide coverage for the vehicle.
29 (2) Each agreement made in this state shall disclose to each driver:
30 (a) An emergency telephone number to personnel capable of fielding
31 roadside assistance and other customer service inquiries; and
1 (b) Any conditions under which a driver must maintain a personal
2 automobile insurance policy and any required coverage limits on a primary
3 basis in order to use a vehicle through the program.
4 Sec. 70. A program shall have sole responsibility for any
5 equipment, such as a global positioning system or other special
6 equipment, that is put in or on a vehicle to monitor or facilitate
7 sharing and shall agree to indemnify and hold harmless the owner for any
8 damage to or theft of such equipment during the sharing period not caused
9 by the owner. A program has the right to seek indemnity from a driver for
10 any loss or damage to such equipment that occurs during the sharing
11 period.
12 Sec. 71. (1) At the time an owner registers a vehicle for use by a
13 program, and prior to the time when the owner makes a vehicle available
14 for use by such program, the program shall:
15 (a) Verify that the vehicle does not have any safety recalls for
16 which the repairs have not been made; and
17 (b) Notify the owner of the requirements under subsection (2) of
18 this section.

19 (2) An owner shall:

20 (a) Not make a vehicle available for use through a program if the
21 owner has received actual notice of a safety recall on such vehicle until
22 the safety recall repair has been made;

23 (b) Upon receipt of actual notice of a safety recall on a vehicle
24 when such vehicle is available for use through a program, remove the
25 vehicle from availability as soon as practicably possible and until the
26 safety recall repair has been made; and

27 (c) Upon receipt of actual notice of a safety recall on a vehicle,
28 and when the vehicle is in the possession of a driver, notify the program
29 of the safety recall so that the program may notify the driver and the
30 vehicle can be removed from use until the owner makes the necessary
31 safety recall repair.

1 Sec. 72. (1) A program shall not enter into an agreement with any
2 driver unless such driver:

3 (a) Holds a driver's license issued in this state authorizing the
4 driver to operate vehicles of the class of vehicle used by the program;
5 or

6 (b) Is a nonresident who:

7 (i) Holds a driver's license issued by the state or country of the
8 driver's residence that authorizes the driver in that state or country to
9 drive vehicles of the class of vehicle used by the program; and

10 (ii) Is at least the same age as that required of a resident to
11 drive in this state.

12 (2) A program shall keep a record of:

13 (a) The name and address of each driver; and

14 (b) The driver's license number and place of issuance for each
15 driver who operates a vehicle under the agreement.

16 Sec. 73. Nothing in the Peer-to-Peer Vehicle Sharing Program Act
17 shall be construed to limit the powers of an airport authority under
18 Nebraska law.

19 Sec. 74. Sections 59 to 73 of this act become operative on January
20 1, 2021. The other sections become operative on their effective date.

21 2. Renumber the remaining section accordingly.

Senator Howard filed the following amendment to LB1059:

AM2511

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

3 Section 1. Section 28-710, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-710 (1) Sections 28-710 to 28-727 and section 3 of this act shall
6 be known and may be cited as the Child Protection and Family Safety Act.

7 (2) For purposes of the Child Protection and Family Safety Act:

8 (a) Alcohol and drug testing means the use of biological sources,
9 including, but not limited to, urine, saliva, sweat, hair, breath, blood,
10 and meconium, to identify the concentration or presence of specific
11 substances or their metabolites in an individual's system;

12 (b) (a) Alternative response means a comprehensive assessment of (i)
13 child safety, (ii) the risk of future child abuse or neglect, (iii)
14 family strengths and needs, and (iv) the provision of or referral for
15 necessary services and support. Alternative response is an alternative to
16 traditional response and does not include an investigation or a formal
17 determination as to whether child abuse or neglect has occurred, and the
18 subject of the report shall not be entered into the central registry of
19 child protection cases maintained pursuant to section 28-718;

20 (c) (b) Child abuse or neglect means knowingly, intentionally, or
21 negligently causing or permitting a minor child to be:

22 (i) Placed in a situation that endangers his or her life or physical
23 or mental health;

24 (ii) Cruelly confined or cruelly punished;
 25 (iii) Deprived of necessary food, clothing, shelter, or care;
 26 (iv) Left unattended in a motor vehicle if such minor child is six
 27 years of age or younger;
 1 (v) Placed in a situation to be sexually abused;
 2 (vi) Placed in a situation to be sexually exploited through sex
 3 trafficking of a minor as defined in section 28-830 or by allowing,
 4 encouraging, or forcing such person to engage in debauchery, public
 5 indecency, or obscene or pornographic photography, films, or depictions;
 6 or
 7 (vii) Placed in a situation to be a trafficking victim as defined in
 8 section 28-830;
 9 ~~(d)~~ ~~(e)~~ Comprehensive assessment means an analysis of child safety,
 10 risk of future child abuse or neglect, and family strengths and needs on
 11 a report of child abuse or neglect. Comprehensive assessment does not
 12 include a determination as to whether the child abuse or neglect occurred
 13 but does determine the need for services and support to address the
 14 safety of children and the risk of future abuse or neglect;
 15 ~~(e)~~ ~~(d)~~ Department means the Department of Health and Human
 16 Services;
 17 ~~(f)~~ ~~(e)~~ Investigation means fact gathering related to the current
 18 safety of a child and the risk of future child abuse or neglect that
 19 determines whether child abuse or neglect has occurred and whether child
 20 protective services are needed;
 21 ~~(g)~~ ~~(f)~~ Law enforcement agency means the police department or town
 22 marshal in incorporated municipalities, the office of the sheriff in
 23 unincorporated areas, and the Nebraska State Patrol;
 24 ~~(h)~~ ~~(g)~~ Out-of-home child abuse or neglect means child abuse or
 25 neglect occurring outside of a child's family home, including in day care
 26 homes, foster homes, day care centers, residential child-caring agencies
 27 as defined in section 71-1926, other child care facilities or
 28 institutions, and the community. Out-of-home child abuse or neglect also
 29 includes cases in which the subject of the report of child abuse or
 30 neglect is not a member of the child's household, no longer has access to
 31 the child, is unknown, or cannot be identified;
 1 ~~(i)~~ ~~(h)~~ Review, Evaluate, and Decide Team means an internal team of
 2 staff within the department and shall include no fewer than two
 3 supervisors or administrators and two staff members knowledgeable on the
 4 policies and practices of the department, including, but not limited to,
 5 the structured review process. County attorneys, child advocacy centers,
 6 or law enforcement agency personnel may attend team reviews upon request
 7 of a party;
 8 ~~(j)~~ ~~(i)~~ Traditional response means an investigation by a law
 9 enforcement agency or the department pursuant to section 28-713 which
 10 requires a formal determination of whether child abuse or neglect has
 11 occurred; and
 12 ~~(k)~~ ~~(j)~~ Subject of the report of child abuse or neglect or subject
 13 of the report means the person or persons identified in the report as
 14 responsible for the child abuse or neglect.
 15 Sec. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 28-710.01 (1) The Legislature declares that the public policy of the
 18 State of Nebraska is to protect children whose health or welfare may be
 19 jeopardized by abuse or neglect. The Legislature recognizes that most
 20 families want to keep their children safe, but circumstances or
 21 conditions sometimes interfere with their ability to do so. Families and
 22 children are best served by interventions that engage their protective
 23 capacities and address immediate safety concerns and ongoing risks of
 24 child abuse or neglect. In furtherance of this public policy and the
 25 family policy and principles set forth in sections 43-532 and 43-533, it
 26 is the intent of the Legislature to strengthen the family and make the

27 home, school, and community safe for children by promoting responsible
 28 child care in all settings and to provide, when necessary, a safe
 29 temporary or permanent home environment for abused or neglected children.
 30 (2) In addition, it is the policy of this state to: Require the
 31 reporting of child abuse or neglect in home, school, and community
 1 settings; provide for alternative response to reports as permitted by law
 2 and the rules and regulations of the department; provide for traditional
 3 response to reports as required by law and the rules and regulations of
 4 the department; and provide protective and supportive services designed
 5 to preserve and strengthen the family in appropriate cases.
 6 Sec. 3. (1) The department shall recognize that:
 7 (a) Alcohol and other drugs are often contributing factors in child
 8 abuse and neglect;
 9 (b) Alcohol and other drugs can impair a parent or caretaker's
 10 judgment and ability to provide consistent care, supervision, and
 11 protection; and
 12 (c) Effective alcohol and drug testing is often necessary as one
 13 tool to provide evidence of or rule out substance abuse as part of an
 14 investigation or assessment of a child's safety or risk, to monitor
 15 whether a parent or caretaker is continuing to use substances, and to
 16 ensure treatment compliance.
 17 (2) Alcohol and drug testing shall be a service available for all
 18 court, non-court-involved, traditional response, or alternative response
 19 cases. Alcohol and drug testing shall be one component of initial
 20 assessment and ongoing case management to identify or eliminate substance
 21 abuse as a contributing factor to child abuse and neglect in cases in
 22 which drug or alcohol use or exposure is suspected.
 23 (3) The department shall adopt and promulgate rules and regulations
 24 or policies consistent with this section and shall revoke any rules and
 25 regulations or policies inconsistent with this section by July 1, 2020.
 26 Sec. 4. Original section 28-710.01, Reissue Revised Statutes of
 27 Nebraska, and section 28-710, Revised Statutes Supplement, 2019, are
 28 repealed.
 29 Sec. 5. Since an emergency exists, this act takes effect when
 30 passed and approved according to law.

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

Thursday, February 27, 2020 1:30 p.m.
 Todd Hovey - Board of Emergency Medical Services
 LB875
 LB815
 LB1065
 LB1059

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 325. Introduced by Howard, 9;
 McCollister, 20.

WHEREAS, Leona R. Doll was born on February 22, 1920, on a farm
 near Rising City in Butler County; and

WHEREAS, Leona was the third child of ten born to Henry and Alice Klingemann; and

WHEREAS, Leona has been a lifelong Nebraska resident for 100 years; and

WHEREAS, Leona married Charles H. Doll on February 3, 1942, and they farmed near 102nd and West Center Road in Douglas County until 1955; and

WHEREAS, Leona has two children, Clifford and Nora, four grandchildren, and five great-grandchildren; and

WHEREAS, Leona will celebrate her 100th birthday on February 22, 2020.

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

1. That the Legislature congratulates Leona R. Doll on her 100th birthday.
2. That a copy of this resolution be sent to Leona R. Doll.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1016. Title read. Considered.

Committee [AM2350](#), found on page 609, was offered.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

[MO156](#)

Bracket until April 22, 2020.

SENATOR WAYNE PRESIDING

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.

Committee [AM2431](#), found on page 641, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present

and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 1060. Placed on General File.

LEGISLATIVE BILL 963. Placed on General File with amendment.

[AM2523](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-101.01, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 48-101.01 (1) The Legislature finds and declares:
6 (a) The occupations of first responders are recognized as stressful
7 occupations. Only our nation's combat soldiers endure more stress.
8 Similar to military personnel, first responders face unique and uniquely
9 dangerous risks in their sworn mission to keep the public safe. They rely
10 on each other for survival to protect the communities they serve;
11 (b) On any given day, first responders can be called on to make life
12 and death decisions, witness a young child dying with the child's grief-
13 stricken family, make a decision that will affect a community member for
14 the rest of such person's life, or be exposed to a myriad of communicable
15 diseases and known carcinogens;
16 (c) On any given day, first responders protect high-risk individuals
17 from themselves and protect the community from such individuals;
18 (d) First responders are constantly at significant risk of bodily
19 harm or physical assault while they perform their duties;
20 (e) Constant, cumulative exposure to horrific events make first
21 responders uniquely susceptible to the emotional and behavioral impacts
22 of job-related stressors;
23 (f) Trauma-related injuries can become overwhelming and manifest in
24 post-traumatic stress, which may result in substance use disorders and
25 even, tragically, suicide; and
26 (g) It is imperative for society to recognize occupational injuries
27 related to post-traumatic stress and to promptly seek diagnosis and
1 treatment without stigma. This includes recognizing that mental injury
2 and mental illness as a result of trauma is not disordered, but is a
3 normal and natural human response to trauma, the negative effects of
4 which can be ameliorated through diagnosis and effective treatment.
5 (2) (4) Personal injury includes mental injuries and mental illness
6 unaccompanied by physical injury for an employee who is a first responder
7 or frontline state employee if such first responder or frontline state
8 employee:
9 (a) Establishes, ~~by a preponderance of the evidence~~, that the
10 employee's employment conditions causing the mental injury or mental
11 illness were extraordinary and unusual in comparison to the normal
12 conditions of the particular employment; and
13 (b) Establishes, ~~through a mental health professional by a~~
14 ~~preponderance of the evidence~~, the medical causation between the mental
15 injury or mental illness and the employment conditions by medical
16 evidence.
17 (3) The employee bears the burden of establishing the matters
18 described in subsection (2) of this section by a preponderance of the
19 evidence.
20 (4) A first responder may establish prima facie evidence of a
21 personal injury that is a mental injury or mental illness if the first
22 responder:

23 (a) Presents evidence that the first responder underwent a mental
 24 health examination upon entry into such service or subsequent to such
 25 entry and before the onset of the mental injury or mental illness and
 26 such examination did not reveal the mental injury or mental illness for
 27 which the first responder seeks compensation;

28 (b) Presents testimony or an affidavit from a mental health
 29 professional stating the first responder suffers from a mental injury or
 30 mental illness caused by one or more events or series of events which
 31 cumulatively produced the mental injury or mental illness which brought
 1 about the need for medical attention and the interruption of employment;

2 (c) Presents evidence that such events or series of events arose out
 3 of and in the course of the first responder's employment; and

4 (d) Presents evidence that, prior to the employment conditions which
 5 caused the mental injury or mental illness, the first responder had
 6 participated in resilience training and updated the training at least
 7 annually thereafter.

8 (5) ~~(2)~~ For purposes of this section, mental injuries and mental
 9 illness arising out of and in the course of employment unaccompanied by
 10 physical injury are not considered compensable if they result from any
 11 event or series of events which are incidental to normal employer and
 12 employee relations, including, but not limited to, personnel actions by
 13 the employer such as disciplinary actions, work evaluations, transfers,
 14 promotions, demotions, salary reviews, or terminations.

15 (6)(a) The Department of Health and Human Services shall reimburse a
 16 first responder for the cost of annual resilience training not reimbursed
 17 by the first responder's employer. The department shall pay reimbursement
 18 at a rate determined by the Critical Incident Stress Management Program
 19 under section 71-7104. Reimbursement shall be subject to the annual limit
 20 set by such program under section 71-7104.

21 (b) To obtain reimbursement under this subsection, a first responder
 22 shall submit an application to the Department of Health and Human
 23 Services on a form and in a manner prescribed by the department.

24 (7) The Department of Health and Human Services shall maintain and
 25 annually update records of first responders who have completed annual
 26 resilience training.

27 (8) ~~(3)~~ For purposes of this section:

28 (a) First responder means a sheriff, a deputy sheriff, a police
 29 officer, an officer of the Nebraska State Patrol, a volunteer or paid
 30 firefighter, or a volunteer or paid individual licensed under a licensure
 31 classification in subdivision (1) of section 38-1217 who provides medical
 1 care in order to prevent loss of life or aggravation of physiological or
 2 psychological illness or injury;

3 (b) Frontline state employee means an employee of the Department of
 4 Correctional Services or the Department of Health and Human Services
 5 whose duties involve regular and direct interaction with high-risk
 6 individuals;

7 (c) High-risk individual means an individual in state custody for
 8 whom violent or physically intimidating behavior is common, including,
 9 but not limited to, a committed offender as defined in section 83-170, a
 10 patient at a regional center as defined in section 71-911, and a juvenile
 11 committed to the Youth Rehabilitation and Treatment Center-Kearney or the
 12 Youth Rehabilitation and Treatment Center-Geneva; and

13 (d) Mental health professional means:

14 (i) A practicing physician licensed to practice medicine in this
 15 state under the Medicine and Surgery Practice Act;

16 (ii) A practicing psychologist licensed to engage in the practice of
 17 psychology in this state as provided in section 38-3111 or as provided in
 18 similar provisions of the Psychology Interjurisdictional Compact; or

19 (iii) A person licensed as a mental health practitioner under the
 20 Mental Health Practice Act;

21 (e) Resilience training means training that meets the guidelines
 22 established by the Critical Incident Stress Management Program under
 23 section 71-7104 and that teaches how to adapt to, manage, and recover
 24 from adversity, trauma, tragedy, threats, or significant sources of
 25 stress; and

26 (f) (4) State custody means under the charge or control of a state
 27 institution or state agency and includes time spent outside of the state
 28 institution or state agency.

29 Sec. 2. Section 71-7104, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 71-7104 There is hereby created the Critical Incident Stress
 1 Management Program. The focus of the program shall be to minimize the
 2 harmful effects of critical incident stress for emergency service
 3 personnel, with a high priority on confidentiality and respect for the
 4 individuals involved. The program shall:

5 (1) Provide a stress management session to emergency service
 6 personnel who appropriately request such assistance in an effort to
 7 address critical incident stress;
 8 (2) Assist in providing the emotional and educational support
 9 necessary to ensure optimal functioning of emergency service personnel;

10 (3) Conduct preincident educational programs to acquaint emergency
 11 service personnel with stress management techniques;

12 (4) Promote interagency cooperation; ~~and~~

13 (5) Provide an organized statewide response to the emotional needs
 14 of emergency service personnel impacted by critical incidents; -

15 (6) Develop guidelines for resilience training for first responders
 16 under section 48-101.01;

17 (7) Set reimbursement rates for resilience training under section
 18 48-101.01; and

19 (8) Set an annual limit on the hours or quantity of resilience
 20 training for which reimbursement is required under section 48-101.01.

21 Sec. 3. Original section 71-7104, Reissue Revised Statutes of
 22 Nebraska, and section 48-101.01, Revised Statutes Cumulative Supplement,
 23 2018, are repealed.

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Albrecht - LB1186
 Bostelman - LB1002
 Health and Human Services - LB1053
 Howard - LB1144
 Arch - LB1158
 Linehan - LB1202

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to LB770:

[AM2443](#)

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

3 Section 1. Section 37-438, Reissue Revised Statutes of Nebraska, as

4 amended by section 10, Legislative Bill 287, One Hundred Sixth

5 Legislature, Second Session, 2020, is amended to read:

6 37-438 (1) The commission shall devise annual, permits in two forms:

7 Annual and temporary, and disabled veteran permits.

8 (2) The annual permit may be purchased by any person and shall be
9 valid through December 31 in the year for which the permit is issued. The
10 fee for the annual permit for a resident motor vehicle shall be not more
11 than thirty-five dollars per permit. The fee for the annual permit for a
12 nonresident motor vehicle shall not be less than the fee for a resident
13 motor vehicle and not more than ~~sixty-five~~ fifty-five dollars. The
14 commission shall establish such fees by the adoption and promulgation of
15 rules and regulations.

16 (3) A temporary permit may be purchased by any person and shall be
17 valid until noon of the day following the date of issue. The fee for the
18 temporary permit for a resident motor vehicle shall be not more than
19 seven dollars. The fee for the temporary permit for a nonresident motor
20 vehicle shall be not more than ~~twelve~~ ten dollars. The commission shall
21 establish such fees by the adoption and promulgation of rules and
22 regulations. The commission may issue temporary permits which are either
23 valid for any area or valid for a single area.

24 (4)(a) A veteran who is a resident of Nebraska shall, upon
25 application and without payment of any fee, be issued one disabled
26 veteran permit for a resident motor vehicle if the veteran:

27 (i) Was discharged or separated with a characterization of honorable
1 or general (under honorable conditions); and

2 (ii)(A) Is rated by the United States Department of Veterans Affairs
3 as fifty percent or more disabled as a result of service in the armed
4 forces of the United States; or

5 (B) Is receiving a pension from the United States Department of
6 Veterans Affairs as a result of total and permanent disability, which
7 disability was not incurred in the line of duty in the military service.

8 (b) All disabled veteran permits issued pursuant to this subsection
9 shall be perpetual and shall become void only upon termination of
10 eligibility as provided in this subsection.

11 (c) The commission may adopt and promulgate rules and regulations
12 necessary to carry out this subsection.

13 (5) (4) The commission may offer permits or combinations of permits
14 at temporarily reduced rates for specific events or during specified
15 timeframes.

16 Sec. 2. Original section 37-438, Reissue Revised Statutes of
17 Nebraska, as amended by section 10, Legislative Bill 287, One Hundred
18 Sixth Legislature, Second Session, 2020, is repealed.

GENERAL FILE

LEGISLATIVE BILL 858. Title read. Considered.

Committee [AM2346](#), found on page 612, was adopted with 33 ayes, 0 nays,
14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Senator Slama offered her amendment, [AM2436](#), found on page 642.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Appropriations - LB1198 and LB780

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB1014:

[AM2449](#)

1 1. Strike section 8 and insert the following new section:
 2 Sec. 8. A multiple employer welfare arrangement that provides
 3 health care coverage to self-employed individuals shall comply with the
 4 Patient Protection and Affordable Care Act, Public Law 111-148, as
 5 amended by the Health Care and Education Reconciliation Act of 2010,
 6 Public Law 111-152, as such acts existed on January 1, 2020, and the
 7 following protections for covered individuals that would otherwise be
 8 required under the Employee Retirement Income Security Act of 1974:
 9 (a) Fiduciary duties in section 404 of the Employee Retirement
 10 Income Security Act of 1974, 29 U.S.C. 1104;
 11 (b) Claims and appeal procedures in section 503 of the Employee
 12 Retirement Income Security Act of 1974, 29 U.S.C. 1133;
 13 (c) The Paul Wellstone and Pete Domenici Mental Health Parity and
 14 Addiction Equity Act of 2008, 29 U.S.C. 1185a;
 15 (d) The Newborns' and Mothers' Health Protection Act of 1996, 29
 16 U.S.C. 1185; and
 17 (e) The Genetic Information Nondiscrimination Act of 2008, 29 U.S.C.
 18 1182.
 19 (2) A multiple employer welfare arrangement that provides health
 20 care coverage to covered individuals who are self-employed individuals
 21 shall establish and maintain a surplus in the trust established pursuant
 22 to section 44-7607 in an amount equal to at least seven hundred fifty
 23 thousand dollars. The director may increase the amount required to be
 24 deposited in the trust based on the director's determination that such an
 25 increase is necessary after considering the level of aggregate and
 26 specific stop-loss insurance provided with respect to such multiple
 27 employer welfare arrangement and other factors related to solvency risk,
 1 such as the multiple employer welfare arrangement's projected levels of
 2 participation or claims, the nature of the multiple employer welfare
 3 arrangement's liabilities, and the types of assets available to assure
 4 that such liabilities are met.

Senator M. Hansen filed the following amendment to LB962:

[AM2541](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Nebraska Fair Pay to Play Act.
 5 Sec. 2. For purposes of the Nebraska Fair Pay to Play Act:
 6 (1) Athletic grant-in-aid means the money given to a student-athlete
 7 by a postsecondary institution for tuition, fees, room, board, and

8 textbooks as consideration for the student-athlete's participation in an
 9 intercollegiate sport for such postsecondary institution and does not
 10 include compensation for the use of the student-athlete's name, image, or
 11 likeness rights or athletic reputation;

12 (2) Collegiate athletic association means any athletic association,
 13 conference, or other group or organization with authority over
 14 intercollegiate sports;

15 (3) Compensation for the use of a student-athlete's name, image, or
 16 likeness rights or athletic reputation includes, but is not limited to,
 17 consideration received pursuant to an endorsement contract as defined in
 18 section 48-2602;

19 (4) Intercollegiate sport has the same meaning as in section
 20 48-2602;

21 (5) Postsecondary institution has the same meaning as in section
 22 85-2403;

23 (6) Professional representation includes, but is not limited to,
 24 representation provided by an athlete agent holding a certificate of
 25 registration under the Nebraska Uniform Athlete Agents Act, a financial
 26 advisor registered under the Securities Act of Nebraska, or an attorney
 27 admitted to the bar by order of the Supreme Court of this state;

1 (7) Sponsor means an individual or organization that pays money or
 2 provides goods or services in exchange for advertising rights;

3 (8) Student-athlete has the same meaning as in section 48-2602; and

4 (9) Team contract means a contract between a postsecondary
 5 institution or a postsecondary institution's athletic department and a
 6 sponsor.

7 Sec. 3. (1) No postsecondary institution shall uphold any rule,
 8 requirement, standard, or limitation that prevents a student-athlete from
 9 fully participating in an intercollegiate sport for such postsecondary
 10 institution because such student-athlete earns compensation for the use
 11 of such student-athlete's name, image, or likeness rights or athletic
 12 reputation.

13 (2) No collegiate athletic association shall penalize a student-
 14 athlete or prevent a student-athlete from fully participating in an
 15 intercollegiate sport because such student-athlete earns compensation for
 16 the use of such student-athlete's name, image, or likeness rights or
 17 athletic reputation.

18 (3) No collegiate athletic association shall penalize a
 19 postsecondary institution or prevent a postsecondary institution from
 20 fully participating in an intercollegiate sport because a student-athlete
 21 participating in an intercollegiate sport for such postsecondary
 22 institution earns compensation for the use of such student-athlete's
 23 name, image, or likeness rights or athletic reputation.

24 (4) No postsecondary institution shall allow compensation earned by
 25 a student-athlete for the use of such student-athlete's name, image, or
 26 likeness rights or athletic reputation to affect the duration, amount, or
 27 eligibility for or renewal of any athletic grant-in-aid or other
 28 institutional scholarship, except that compensation earned by a student-
 29 athlete for the use of such student-athlete's name, image, or likeness
 30 rights or athletic reputation may be used for the calculation of income
 31 for determining eligibility for a need-based scholarship.

1 Sec. 4. Any student-athlete who enters into a contract that
 2 provides compensation for the use of such student-athlete's name, image,
 3 or likeness rights or athletic reputation shall disclose such contract to
 4 an official of the postsecondary institution for which such student-
 5 athlete participates in an intercollegiate sport. The official to which
 6 such contract shall be disclosed shall be designated by each
 7 postsecondary institution, and the designation shall be communicated in
 8 writing to each student-athlete participating in an intercollegiate sport
 9 for such postsecondary institution. Each postsecondary institution shall

10 be prohibited from disclosing any terms of such contract that the
11 student-athlete or the student-athlete's professional representation
12 deems to be a trade secret or otherwise nondisclosable.
13 Sec. 5. (1) No student-athlete shall enter into a contract with a
14 sponsor that provides compensation to the student-athlete for use of the
15 student-athlete's name, image, and likeness rights or athletic reputation
16 if (a) such contract requires such student-athlete to display such
17 sponsor's apparel or to otherwise advertise for the sponsor during
18 official team activities and (b) compliance with such contract
19 requirement would conflict with a team contract. Any postsecondary
20 institution asserting such conflict shall disclose to the student-athlete
21 and the student-athlete's professional representation, if applicable, the
22 full team contract that is asserted to be in conflict. The student-
23 athlete and the student-athlete's professional representation, if
24 applicable, shall be prohibited from disclosing any terms of a team
25 contract that the postsecondary institution deems to be a trade secret or
26 otherwise nondisclosable.
27 (2) No team contract shall prevent a student-athlete from receiving
28 compensation for the use of such student-athlete's name, image, and
29 likeness rights or athletic reputation when the student-athlete is not
30 engaged in official team activities.
31 Sec. 6. (1) No postsecondary institution or collegiate athletic
1 association shall penalize a student-athlete or prevent a student-athlete
2 from fully participating in an intercollegiate sport because such
3 student-athlete obtains professional representation in relation to a
4 contract or legal matter.
5 (2) No collegiate athletic association shall penalize a
6 postsecondary institution or prevent a postsecondary institution from
7 fully participating in an intercollegiate sport because a student-athlete
8 participating in an intercollegiate sport for such postsecondary
9 institution obtains professional representation in relation to a contract
10 or legal matter.
11 Sec. 7. (1) The Nebraska Fair Pay to Play Act shall not be applied
12 in a manner that violates any contract in effect prior to the date
13 determined by a postsecondary institution pursuant to section 9 of this
14 act with regard to such postsecondary institution or any student-athlete
15 who participates in an intercollegiate sport for such postsecondary
16 institution for as long as such contract remains in effect without
17 modification.
18 (2) On and after the date determined by a postsecondary institution
19 pursuant to section 9 of this act, such postsecondary institution shall
20 not enter into, modify, or renew any contract in a manner that conflicts
21 with the Nebraska Fair Pay to Play Act.
22 Sec. 8. (1) A student-athlete or a postsecondary institution
23 aggrieved by a violation of the Nebraska Fair Pay to Play Act may bring a
24 civil action against the postsecondary institution or collegiate athletic
25 association committing such violation.
26 (2) A plaintiff who prevails in an action under the Nebraska Fair
27 Pay to Play Act shall be entitled to:
28 (a) Actual damages;
29 (b) Such preliminary and other equitable or declaratory relief as
30 may be appropriate; and
31 (c) Reasonable attorney's fees and other litigation costs reasonably
1 incurred.
2 (3) A public postsecondary institution may be sued upon claims
3 arising under the Nebraska Fair Pay to Play Act in the same manner as
4 provided for suits against a private postsecondary institution.
5 Sec. 9. Each postsecondary institution shall determine a date on or
6 before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall
7 begin to apply to such postsecondary institution and the student-athletes

8 who participate in an intercollegiate sport for such postsecondary
 9 institution and to any collegiate athletic association or professional
 10 representation in interactions with such postsecondary institution or
 11 student-athlete.

12 Sec. 10. Section 48-2610, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 48-2610 (1) An agency contract must be in a record, signed or
 15 otherwise authenticated by the parties.

16 (2) An agency contract must state or contain:

17 (a) The amount and method of calculating the consideration to be
 18 paid by the student-athlete for services to be provided by the athlete
 19 agent under the contract and any other consideration the athlete agent
 20 has received or will receive from any other source for entering into the
 21 contract or for providing the services;

22 (b) The name of any person not listed in the application for
 23 registration or renewal of registration who will be compensated because
 24 the student-athlete signed the agency contract;

25 (c) A description of any expenses that the student-athlete agrees to
 26 reimburse;

27 (d) A description of the services to be provided to the student-
 28 athlete;

29 (e) The duration of the contract; and

30 (f) The date of execution.

31 (3) An agency contract must contain, in close proximity to the
 1 signature of the student-athlete, a conspicuous notice in boldface type
 2 in capital letters stating:

3 WARNING TO STUDENT-ATHLETE

4 IF YOU SIGN THIS CONTRACT:

5 (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-
 6 SPORTS-SERVICES CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
 7 STUDENT-ATHLETE IN YOUR SPORT;

8 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING
 9 INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
 10 ATHLETIC DIRECTOR; AND

11 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
 12 CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

13 (4) An agency contract that does not conform to this section is
 14 voidable by the student-athlete. If a student-athlete voids an agency
 15 contract, the student-athlete is not required to pay any consideration
 16 under the contract or to return any consideration received from the
 17 athlete agent to induce the student-athlete to enter into the contract.

18 (5) The athlete agent shall give a record of the signed or otherwise
 19 authenticated agency contract to the student-athlete at the time of
 20 execution.

21 Sec. 11. Section 48-2614, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 48-2614 (1) An athlete agent, with the intent to induce a student-
 24 athlete to enter into an agency contract, may not:

25 (a) Give any materially false or misleading information or make a
 26 materially false promise or representation;

27 (b) Furnish anything of value to a student-athlete before the
 28 student-athlete enters into the agency contract; or

29 (c) Furnish anything of value to any individual other than the
 30 student-athlete or another registered athlete agent.

31 (2) An athlete agent may not intentionally:

1 (a) Initiate contact with a student-athlete unless registered under
 2 the Nebraska Uniform Athlete Agents Act;

3 (b) Refuse or fail to retain or permit inspection of the records
 4 required to be retained by section 48-2613;

5 (c) Fail to register when required by section 48-2604;

6 (d) Provide materially false or misleading information in an
7 application for registration or renewal of registration;
8 (e) Predate or postdate an agency contract; or
9 (f) Fail to notify a student-athlete before the student-athlete
10 signs or otherwise authenticates an agency contract for a particular
11 sport that entering into negotiations for, or signing, a professional-
12 sports-services contract the signing or authentication may make the
13 student-athlete ineligible to participate as a student-athlete in that
14 sport.
15 Sec. 12. If any section in this act or any part of any section is
16 declared invalid or unconstitutional, the declaration shall not affect
17 the validity or constitutionality of the remaining portions.
18 Sec. 13. Original sections 48-2610 and 48-2614, Reissue Revised
19 Statutes of Nebraska, are repealed.

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB720:

[MO157](#)

Bracket until April 23, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB997.

Senator Groene name added to LB997.

Senator Hilgers name added to LB997.

Senator M. Hansen name added to LB1015.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska Health Care Association LEAD class from across the state; and former Senator Tom Baker and members of the Nebraska Petroleum Producers Association.

The Doctor of the Day was Dr. Nathan Krug from Central City.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Friday, February 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 21, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 2020

PRAYER

The prayer was offered by Pastor Greg Lawhorn, Community of Believers Church, Creighton.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Cavanaugh, B. Hansen, Lathrop, Morfeld, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 876. Placed on General File.

LEGISLATIVE BILL 801. Placed on General File with amendment.

[AM2142](#)

1 1. On page 5, line 9, strike "renewal", show as stricken, and insert
2 "redevelopment".

LEGISLATIVE BILL 993. Placed on General File with amendment.

[AM2138](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 19-612, Revised Statutes Supplement, 2019, is
4 amended to read:
5 19-612 City council members in a city under the city manager plan of
6 government shall be nominated and elected as provided in section 32-538.
7 The number of city council members shall be determined by the class and

8 population of the city. In cities having one thousand or more but not
 9 more than forty thousand inhabitants as determined by the most recent
 10 federal decennial census or the most recent revised certified count by
 11 the United States Bureau of the Census, there shall be five members, and
 12 in cities having more than forty thousand but less than two hundred
 13 thousand inhabitants as determined by the most recent federal decennial
 14 census or the most recent revised certified count by the United States
 15 Bureau of the Census, there shall be seven members, except that in cities
 16 having between ten thousand and forty thousand inhabitants as determined
 17 by the most recent federal decennial census or the most recent revised
 18 certified count by the United States Bureau of the Census, the city
 19 council may by ordinance provide for seven members. The terms of office
 20 of all such members shall commence on the first regular meeting of such
 21 city council in December following their election.
 22 Sec. 2. Section 32-538, Revised Statutes Supplement, 2019, is
 23 amended to read:

24 32-538 (1) In a city which adopts the city manager plan of
 25 government pursuant to the City Manager Plan of Government Act, the
 26 number of city council members shall be nominated at the statewide
 27 primary election and elected at the statewide general election.
 1 determined by the class and population of the city. In cities having one
 2 thousand or more but not more than forty thousand inhabitants as
 3 determined by the most recent federal decennial census or the most recent
 4 revised certified count by the United States Bureau of the Census, there
 5 shall be five members, and in cities having more than forty thousand but
 6 less than two hundred thousand inhabitants as determined by the most
 7 recent federal decennial census or the most recent revised certified
 8 count by the United States Bureau of the Census, there shall be seven
 9 members, except that in cities having between twenty-five thousand and
 10 forty thousand inhabitants as determined by the most recent federal
 11 decennial census or the most recent revised certified count by the United
 12 States Bureau of the Census, the city council may by ordinance provide
 13 for seven members. Council
 14 (2) City council members shall be elected from the city at large
 15 unless the city council by ordinance provides for the election of all or
 16 some of the city its council members by wards, the number and boundaries
 17 of which are provided for in section 16-104. City council Council members
 18 shall serve for terms of four years or until their successors are elected
 19 and qualified. The city council members shall meet the qualifications
 20 found in sections 19-613 and 19-613.01.
 21 (3) The first election under an ordinance changing the number of
 22 city council members or their manner of election shall take place at the
 23 next statewide primary and general elections regular city election. City
 24 council Council members whose terms of office expire after the election
 25 shall continue in office until the expiration of the terms for which they
 26 were elected and until their successors are elected and qualified. At the
 27 first election under an ordinance changing the number of city council
 28 members or their manner of election, one-half or the bare majority of
 29 city council members elected at large, as the case may be, who receive
 30 the highest number of votes shall serve for four years and the other or
 31 others, if needed, for two years. At such first election, one-half or the
 1 bare majority of city council members, as the case may be, who are
 2 elected by wards shall serve for four years and the other or others, if
 3 needed, for two years, as provided in the ordinance. If only one city
 4 council member is to be elected at large at such first election, such
 5 member shall serve for four years.
 6 (2) Commencing with the statewide primary election in 1976, and
 7 every two years thereafter, those candidates whose terms will be expiring
 8 shall be nominated at the statewide primary election and elected at the
 9 statewide general election.

10 Sec. 3. Original sections 19-612 and 32-538, Revised Statutes
11 Supplement, 2019, are repealed.

LEGISLATIVE BILL 1178. Placed on General File with amendment.
[AM2539](#)

1 1. On page 4, line 30, strike "purposes" and insert "purpose"; and
2 in line 31 after "entity" insert " , except that a land bank may enter
3 into such an agreement for the purpose of providing clear title to such
4 real property, but in no case shall such agreement exceed a term of one
5 year".

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Urban Affairs - LB866 and LB1003
Lowe - LB783
Agriculture - LB1152
Lathrop - LB912
Education - LB1131

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 1131. Placed on General File with amendment.
[AM2456](#) is available in the Bill Room.

(Signed) Mike Groene, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 20, 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
as the Director of the Nebraska Department of Health and Human Services -
Division of Children and Family Services:

Stephanie Beasley, MSW, DHHS - Division of Children and Family
Services, 301 Centennial Mall South, Lincoln, NE 68509

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

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 20, 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

Beck, Craig
OpenSky Policy Institute
D'Angelo, Nicholas
Eaton Corporation
Linehan, Katie
American Federation for Children
Pappas, James E.
Independent Cattlemen of Nebraska (ICON)
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
ACLU Nebraska
American Institute of Architects, Nebraska Chapter
Townsend, Julie
Advance America

SELECT FILE

LEGISLATIVE BILL 1054. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 944. [ER168](#), found on page 593, was adopted.

Senator Bostelman offered his amendment, [AM2414](#), found on page 629.

The Bostelman amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Friesen offered his amendment, [AM2396](#), found on page 669.

Pending.

LEGISLATIVE BILL 924. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. [ER170](#), found on page 622, was adopted.

Senator Gragert offered his amendment, [AM2443](#), found on page 679.

The Gragert amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Pansing Brooks offered the following motion:

[MO158](#)

Recommit to the Natural Resources Committee.

Senator Pansing Brooks withdrew her motion to recommit to committee.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 899. Placed on General File with amendment.

[AM2487](#)

1 1. On page 3, line 22, after "sell" insert "at wholesale advanced";
2 and in line 23 strike "which help reduce" and insert "and fuel byproducts
3 so long as the development, manufacture, use, purchase, or sale of such
4 biofuels and biofuel byproducts and other fuels and fuel byproducts is
5 done to help offset".

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1088. Placed on General File with amendment.

[AM2448](#) is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 767. Placed on General File with amendment.

[AM2412](#) is available in the Bill Room.

LEGISLATIVE BILL 954. Placed on General File with amendment.

[AM2536](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For the purposes of this section:
4 (a) Contracting entity means a person or entity that enters into

5 direct contracts with providers for the delivery of dental services in
6 the ordinary course of business, including a dental carrier or third-
7 party administrator;
8 (b) Dental carrier means a dental insurance company, a prepaid
9 limited health service organization, or any other entity authorized to
10 offer an insurance plan that provides dental services;
11 (c) Dental services means services for the diagnosis, prevention,
12 treatment, or cure of a dental condition, illness, injury, or disease.
13 Dental services does not include services delivered by a provider that
14 are billed as medical services under a health insurance plan;
15 (d) Provider means an individual or entity that provides dental
16 services or supplies, as defined by the health benefits plan or dental
17 benefits plan, including a dentist or physician, but not a physician
18 organization that leases or rents its network to a third party;
19 (e) Provider network contract means a contract between a contracting
20 entity and a provider that specifies the rights and responsibilities of
21 the contracting entity and provides for the delivery and payment of
22 dental services to an enrollee; and
23 (f) Third party means a person or entity that enters into a contract
24 with a contracting entity or with another third party to gain access to
25 the dental services or contractual discounts of a provider network
26 contract. Third party does not include an employer or other group for
27 whom the dental carrier or contracting entity provides administrative
1 services.
2 (2) A dental insurance plan, contract, or provider network contract
3 with a provider shall not include any restrictions on methods of claim
4 payment for dental services in which the only acceptable payment method
5 is a credit card payment.
6 (3) A dental carrier may grant a third party access to a provider
7 network contract, or a provider's dental services or contractual
8 discounts provided pursuant to a provider network contract if, at the
9 time the provider network contract is entered into or renewed, the dental
10 carrier allows a provider who is part of a dental carrier's provider
11 network to choose not to participate in third-party access to the
12 provider network contract. The third-party access provision of the
13 provider network contract shall be clearly identified. A dental carrier
14 shall not grant a third party access to the provider network contract of
15 any provider who does not participate in third-party access to the
16 provider network contract.
17 (4) A contracting entity may grant a third party access to a
18 provider network contract, or a provider's dental services or contractual
19 discounts provided pursuant to a provider network contract, if the
20 following requirements are met:
21 (a) The contracting entity identifies all third parties in existence
22 in a list on its Internet web site that is updated at least once every
23 ninety days;
24 (b) The provider network contract specifically states that the
25 contracting entity may enter into an agreement with a third party that
26 would allow the third party to obtain the contracting entity's rights and
27 responsibilities as if the third party were the contracting entity, and
28 when the contracting entity is a dental carrier, the provider chose to
29 participate in third-party access at the time the provider network
30 contract was entered into; and
31 (c) The third party accessing the provider network contract agrees
1 to comply with all applicable terms of the provider network contract.
2 (5) A provider is not bound by and is not required to perform dental
3 treatment or services under a provider network contract granted to a
4 third party in violation of this section.
5 (6) Subsections (3), (4), and (5) of this section shall not apply if
6 any of the following is true:

7 (a) The provider network contract is for dental services provided to
 8 a beneficiary of the federal medicare program pursuant to Title XVIII of
 9 the federal Social Security Act, 42 U.S.C. 1395 et seq., or the federal
 10 medicaid program pursuant to Title XIX of the federal Social Security
 11 Act, 42 U.S.C. 1396 et seq., as such sections existed on January 1, 2020;
 12 or
 13 (b) Access to a provider network contract is granted to a dental
 14 carrier or an entity operating in accordance with the same brand licensee
 15 program as the contracting entity or to an entity that is an affiliate of
 16 the contracting entity. A list of the contracting entity's affiliates
 17 shall be made available to a provider on the contracting entity's web
 18 site.
 19 (7) This section shall take effect on January 1, 2021, and shall
 20 apply to all provider network contracts that are delivered, issued for
 21 delivery, or executed in this state on or after the effective date of
 22 this act.
 23 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
 24 to Chapter 44, article 7.

(Signed) Matt Williams, Chairperson

Revenue

LEGISLATIVE BILL 187. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File with amendment.

[AM2571](#)

1 1. On page 9, line 19, strike "twenty" and insert "ten".

LEGISLATIVE BILL 1033. Placed on General File with amendment.

[AM2187](#)

1 1. On page 3, line 24, strike "under the authority and
 2 administration of" and insert "at any public-use airport licensed by".

LEGISLATIVE BILL 1042. Placed on General File with amendment.

[AM2181](#)

1 1. Strike original section 3.
 2 2. On page 16, line 31, strike ", 85-1802,".
 3 3. Renumber the remaining sections accordingly.

(Signed) Lou Ann Linehan, Chairperson

Health and Human Services

LEGISLATIVE BILL 840. Placed on General File with amendment.

[AM2512](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 71-5716, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 71-5716 Sections 71-5716 to 71-5735 and sections 4 and 5 of this act
 6 shall be known and may be cited as the Nebraska Clean Indoor Air Act.
 7 Sec. 2. Section 71-5717, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
10 protect the public health and welfare by prohibiting smoking in public
11 places and places of employment with limited exceptions for guestrooms
12 and suites, research, tobacco retail outlets, electronic smoking device
13 retail outlets, and cigar shops. The limited exceptions permit smoking in
14 public places where the public would reasonably expect to find persons
15 smoking, including guestrooms and suites which are subject to
16 expectations of privacy like private residences, institutions engaged in
17 research related to smoking, and tobacco retail outlets, electronic
18 smoking device retail outlets, and cigar shops which provide the public
19 legal retail outlets to sample, use, and purchase tobacco products and
20 products related to smoking. The act shall not be construed to prohibit
21 or otherwise restrict smoking in outdoor areas. The act shall not be
22 construed to permit smoking where it is prohibited or otherwise
23 restricted by other applicable law, ordinance, or resolution. The act
24 shall be liberally construed to further its purpose.

25 Sec. 3. Section 71-5718, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
1 definitions found in sections 71-5719 to 71-5728 and sections 4 and 5 of
2 this act apply.

3 Sec. 4. Electronic smoking device means any product containing or
4 delivering nicotine or any other substance intended for human consumption
5 that can be used by a person in any manner for the purpose of inhaling
6 vapor or aerosol from the product. The term includes any such device
7 regardless of whether it is manufactured, distributed, marketed, or sold
8 as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any
9 other product name or descriptor.

10 Sec. 5. Electronic smoking device retail outlet means a store that
11 is licensed as provided under sections 28-1421 and 28-1422, that sells
12 only electronic smoking devices and products directly related to
13 electronic smoking devices, and that does not allow a person under the
14 age of twenty-one years to enter such store. Products directly related to
15 electronic smoking devices do not include alcohol, coffee, soft drinks,
16 candy, groceries, or gasoline.

17 Sec. 6. Section 71-5727, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
20 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
21 other lighted or heated tobacco or plant product intended for inhalation,
22 whether natural or synthetic, in any manner or in any form. The term
23 includes the use of an electronic smoking device which creates an aerosol
24 or vapor, in any manner or in any form the lighting of any cigarette,
25 cigar, pipe, or other smoking material or the possession of any lighted
26 cigarette, cigar, pipe, or other smoking material, regardless of its
27 composition.

28 Sec. 7. Section 71-5730, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-5730 (1) The following indoor areas are exempt from section
31 71-5729:

- 1 (a) Guestrooms and suites that are rented to guests and that are
2 designated as smoking rooms, except that not more than twenty percent of
3 rooms rented to guests in an establishment may be designated as smoking
4 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
5 from such rooms shall not infiltrate into areas where smoking is
6 prohibited under the Nebraska Clean Indoor Air Act;
- 7 (b) Indoor areas used in connection with a research study on the
8 health effects of smoking conducted in a scientific or analytical
9 laboratory under state or federal law or at a college or university
10 approved by the Coordinating Commission for Postsecondary Education;

11 (c) Tobacco retail outlets; and

12 (d) Cigar shops as defined in section 53-103.08.

13 (2) Electronic smoking device retail outlets are exempt from section

14 71-5729 as it relates to the use of electronic smoking devices only.

15 ~~(3)(a)~~ ~~(2)(a)~~ The Legislature finds that allowing smoking in tobacco

16 retail outlets as a limited exception to the Nebraska Clean Indoor Air

17 Act does not interfere with the original intent that the general public

18 and employees not be unwillingly subjected to second-hand smoke since the

19 general public does not frequent tobacco retail outlets and should

20 reasonably expect that there would be second-hand smoke in tobacco retail

21 outlets and could choose to avoid such exposure. The products that

22 tobacco retail outlets sell are legal for customers who meet the age

23 requirement. Customers should be able to try them within the tobacco

24 retail outlet, especially given the way that tobacco customization may

25 occur in how tobacco is blended and cigars are produced. The Legislature

26 finds that exposure to second-hand smoke is inherent in the selling and

27 sampling of cigars and pipe tobacco and that this exposure is

28 inextricably connected to the nature of selling this legal product,

29 similar to other inherent hazards in other professions and employment.

30 (b) It is the intent of the Legislature to allow cigar and pipe

31 smoking in tobacco retail outlets that meet specific statutory criteria

1 not inconsistent with the fundamental nature of the business. This

2 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in

3 accordance with the intent of the act to protect public places and places

4 of employment.

5 ~~(4)(a)~~ ~~(3)(a)~~ The Legislature finds that allowing smoking in cigar

6 shops as a limited exception to the Nebraska Clean Indoor Air Act does

7 not interfere with the original intent that the general public and

8 employees not be unwillingly subjected to second-hand smoke. This

9 exception poses a de minimis restriction on the public and employees

10 given the limited number of cigar shops compared to other businesses that

11 sell alcohol, cigars, and pipe tobacco, and any member of the public

12 should reasonably expect that there would be second-hand smoke in a cigar

13 shop given the nature of the business and could choose to avoid such

14 exposure.

15 (b) The Legislature finds that (i) cigars and pipe tobacco have

16 different characteristics than other forms of tobacco such as cigarettes,

17 (ii) cigars are customarily paired with various spirits such as cognac,

18 single malt whiskey, bourbon, rum, rye, port, and others, and (iii)

19 unlike cigarette smokers, cigar and pipe smokers may take an hour or

20 longer to enjoy a cigar or pipe while cigarettes simply serve as a

21 mechanism for delivering nicotine. Cigars paired with selected liquor

22 creates a synergy unique to the particular pairing similar to wine paired

23 with particular foods. Cigars are a pure, natural product wrapped in a

24 tobacco leaf that is typically not inhaled in order to enjoy the taste of

25 the smoke, unlike cigarettes that tend to be processed with additives and

26 wrapped in paper and are inhaled. Cigars have a different taste and smell

27 than cigarettes due to the fermentation process cigars go through during

28 production. Cigars tend to cost considerably more than cigarettes, and

29 their quality and characteristics vary depending on the type of tobacco

30 plant, the geography and climate where the tobacco was grown, and the

31 overall quality of the manufacturing process. Not only does the

1 customized blending of the tobacco influence the smoking experience, so

2 does the freshness of the cigars, which is dependent on how the cigars

3 were stored and displayed. These variables are similar to fine wines,

4 which can also be very expensive to purchase. It is all of these

5 variables that warrant a customer wanting to sample the product before

6 making such a substantial purchase.

7 (c) The Legislature finds that exposure to second-hand smoke is

8 inherent in the selling and sampling of cigars and pipe tobacco and that

9 this exposure is inextricably connected to the nature of selling this
 10 legal product, similar to other inherent hazards in other professions and
 11 employment.
 12 (d) It is the intent of the Legislature to allow cigar and pipe
 13 smoking in cigar shops that meet specific statutory criteria not
 14 inconsistent with the fundamental nature of the business. This exception
 15 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
 16 with the intent of the act to protect public places and places of
 17 employment.
 18 Sec. 8. Section 71-5735, Reissue Revised Statutes of Nebraska, is
 19 amended to read:
 20 71-5735 (1) The owner of a tobacco retail outlet shall post a sign
 21 on all entrances to the tobacco retail outlet, on the outside of each
 22 door, in a conspicuous location slightly above or next to the door, with
 23 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
 24 THIS BUSINESS. SMOKING OF CIGARETTES AND ELECTRONIC SMOKING DEVICES IS
 25 NOT ALLOWED.
 26 (2) Beginning November 1, 2015, the owner shall provide to the
 27 Division of Public Health a copy of a waiver signed prior to employment
 28 by each employee on a form prescribed by the division. The waiver shall
 29 expressly notify the employee that he or she will be exposed to second-
 30 hand smoke, and the employee shall acknowledge that he or she understands
 31 the risks of exposure to second-hand smoke.
 1 (3) The owner shall not allow cigarette smoking or the use of an
 2 electronic smoking device in the tobacco retail outlet.
 3 Sec. 9. Original sections 71-5716, 71-5717, 71-5718, 71-5727,
 4 71-5730, and 71-5735, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)
 Health and Human Services

The Health and Human Services 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.

Mark M. Bulger - Commission for the Blind and Visually Impaired
 Brent Heyen - Commission for the Blind and Visually Impaired
 Kimberly Scherbarth - Commission for the Blind and Visually Impaired

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Stephan Budke - Nebraska Motor Vehicle Industry Licensing Board
Dennis Cloninger - Nebraska Motor Vehicle Industry Licensing Board
Brad Jacobs - Nebraska Motor Vehicle Industry Licensing Board
Clint Jones - Nebraska Motor Vehicle Industry Licensing Board
Joseph Kosiski - Nebraska Motor Vehicle Industry Licensing Board
Thomas R. McCaslin - Nebraska Motor Vehicle Industry Licensing Board
Matthew O'Daniel - Nebraska Motor Vehicle Industry Licensing Board
Curt Prohaska - Nebraska Motor Vehicle Industry Licensing Board
Dennis R. Schworer - Nebraska Motor Vehicle Industry Licensing Board

Aye: 7. Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Hilgers, Hughes.
Nay: 0. Absent: 1. Geist. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB909:

AM2544

(Amendments to Standing Committee amendments, AM2312)

1 1. On page 98, line 10, after "(5)" insert "A licensee may offer a
2 delayed deposit services business only at an office designated as its
3 principal place of business and any branch office established pursuant to
4 this section.
5 (6)".

ANNOUNCEMENT(S)

Priority designation(s) received:

Business and Labor - LB1160
Revenue - LB1074
La Grone - LB1042
Quick - LB840
Bolz - LB43
Agriculture - LB791
Hilkemann - LB1148
State-Tribal Relations - LB848
Cavanaugh - LB1060
Briese - LB930
McCollister - LB283
McDonnell - LB963
Friesen - LB461
Hilgers - LB1183

GENERAL FILE

LEGISLATIVE BILL 1061. Title read. Considered.

SENATOR SLAMA PRESIDING

Committee [AM2417](#), found on page 639, was offered.

The committee amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, and 6 present and not voting.

LEGISLATIVE BILL 1014. Title read. Considered.

Senator Lindstrom offered his amendment, [AM2449](#), found on page 681.

The Lindstrom amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1016. Placed on Select File with amendment.

[ER174](#)

1 1. On page 1, strike beginning with "and" in line 1 through line 5
2 and insert ", 48-1231, 48-2107, and 48-2907, Revised Statutes Cumulative
3 Supplement, 2018, and sections 48-622.03 and 48-1234, Revised Statutes
4 Supplement, 2019; to change reporting requirements for the Department of
5 Labor; to prohibit retaliation or discrimination by employers as
6 prescribed; to provide and change requirements for claims under the
7 Nebraska Wage Payment and Collection Act; to provide restrictions on
8 employers with unpaid citations under the act; to require public posting
9 of certain information related to compliance with the act; to change fee
10 provisions under the Contractor Registration Act; to change enforcement
11 provisions under the Employee Classification Act; to eliminate provisions
12 related to service letters, high voltage lines, and private employment
13 agencies; to harmonize provisions; to provide operative dates; to repeal
14 the original sections; to outright repeal sections 48-209, 48-210,
15 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505, 48-506, 48-507,
16 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515, 48-516, 48-517,
17 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524, Reissue Revised
18 Statutes of Nebraska; and to declare an emergency."

LEGISLATIVE BILL 997. Placed on Select File with amendment.

[ER173](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 17 of this act shall be known and may be

4 cited as the Out-of-Network Emergency Medical Care Act.

5 Sec. 2. For purposes of the Out-of-Network Emergency Medical Care
6 Act, the definitions found in sections 3 to 13 of this act apply.

7 Sec. 3. Covered person means a person on whose behalf an insurer is
8 obligated to pay health care expense benefits or provide health care
9 services.

10 Sec. 4. Emergency medical condition means a medical or behavioral
11 condition, the onset of which is sudden, that manifests itself by
12 symptoms of sufficient severity, including, but not limited to, severe
13 pain, that a prudent layperson, possessing an average knowledge of
14 medicine and health, could reasonably expect the absence of immediate
15 medical attention to result in (1) placing the health of the person
16 afflicted with such condition in serious jeopardy or, in the case of a
17 behavioral condition, placing the health of such persons or others in
18 serious jeopardy, (2) serious impairment to such person's bodily
19 functions, (3) serious impairment of any bodily organ or part of such
20 person, or (4) serious disfigurement of such person.

21 Sec. 5. Emergency services means health care services medically
22 necessary to screen and stabilize a covered person in connection with an
23 emergency medical condition.

24 Sec. 6. (1) Health benefits plan means a benefits plan which pays
25 or provides hospital and medical expense benefits for covered services
26 and is delivered or issued for delivery in this state by or through an
27 insurer.

1 (2) Health benefits plan does not include the medical assistance
2 program, medicare, medicare advantage, accident-only, credit, disability,
3 or long-term care coverage, TRICARE supplement coverage, coverage arising
4 out of a workers' compensation or similar law, automobile medical payment
5 insurance, personal injury protection insurance, and hospital confinement
6 indemnity coverage.

7 Sec. 7. Health care facility means a general acute hospital,
8 satellite emergency department, or ambulatory surgical center licensed
9 pursuant to the Health Care Facility Licensure Act.

10 Sec. 8. Health care professional means an individual who is
11 credentialed pursuant to the Uniform Credentialing Act, who is acting
12 within the scope of his or her credential, and who provides a covered
13 service defined by the health benefits plan.

14 Sec. 9. Health care provider means a health care professional or
15 health care facility.

16 Sec. 10. Insurer means an entity that contracts to provide,
17 deliver, arrange for, pay for, or reimburse any of the costs of health
18 care services under a health benefits plan, including (1) any individual
19 or group sickness and accident insurance policy or subscriber contract
20 delivered, issued for delivery, or renewed in this state and any
21 hospital, medical, or surgical expense-incurred policy, except for a
22 policy that provides coverage for a specified disease or other limited-
23 benefit coverage, and (2) any self-funded employee benefit plan to the
24 extent not preempted by federal law.

25 Sec. 11. Medical assistance program means the medical assistance
26 program established pursuant to the Medical Assistance Act.

27 Sec. 12. Medically necessary means a health care service that a
28 health care provider, exercising his or her prudent clinical judgment,
29 would provide to a covered person for the purpose of evaluating,
30 diagnosing, or treating an illness, an injury, or a disease, or its
31 symptoms, and that is in accordance with the generally accepted standards
1 of medical practice; that is clinically appropriate, in terms of type,
2 frequency, extent, site, and duration, and considered effective for the
3 covered person's illness, injury, or disease; that is not primarily for
4 the convenience of the covered person or the health care provider; and
5 that is not more costly than an alternative service or sequence of

6 services at least as likely to produce equivalent therapeutic or
7 diagnostic results as to the diagnosis or treatment of that covered
8 person's illness, injury, or disease.

9 Sec. 13. TRICARE means a health care program of the United States
10 Department of Defense Military Health System.

11 Sec. 14. If a covered person receives emergency services at any
12 health care facility, the facility shall not bill the covered person in
13 excess of any deductible, copayment, or coinsurance amount applicable to
14 in-network services pursuant to the covered person's health benefits
15 plan.

16 Sec. 15. If a covered person receives emergency services at an in-
17 network or out-of-network health care facility, the health care provider
18 performing those services shall not bill the covered person in excess of
19 any deductible, copayment, or coinsurance amount applicable to in-network
20 services pursuant to the covered person's health benefits plan.

21 Sec. 16. (1) If a covered person receives emergency services at an
22 in-network or out-of-network health care facility, the insurer shall
23 ensure that the covered person incurs no greater out-of-pocket costs than
24 the covered person would have incurred with an in-network health care
25 provider for covered services.

26 (2) With respect to emergency services at an in-network or out-of-
27 network health care facility, if the out-of-network health care provider
28 bills an insurer directly, any reimbursement paid by the insurer shall be
29 paid directly to the out-of-network health care provider. The insurer
30 shall provide the out-of-network health care provider with a written
31 remittance of payment that specifies the proposed reimbursement and the
1 applicable deductible, copayment, or coinsurance amounts owed by the
2 covered person.

3 (3) If emergency services provided at an in-network or out-of-
4 network health care facility are performed, the out-of-network health
5 care provider may bill the insurer for the services rendered. The insurer
6 may pay the billed amount. A claim or a payment shall be presumed
7 reasonable if it is based on the higher of (a) the contracted rate under
8 any then-existing in-network contractual relationship between the insurer
9 and the out-of-network health care provider for the same or similar
10 services or (b) one hundred seventy-five percent of the payment rate for
11 medicare services received from the federal Centers for Medicare and
12 Medicaid Services for the same or similar services in the same geographic
13 area. If the out-of-network health care provider deems the payment made
14 by the insurer unreasonable, the out-of-network health care provider
15 shall return payment to the insurer and utilize the dispute resolution
16 procedure under section 17 of this act.

17 Sec. 17. (1) If an insurer or an out-of-network health care
18 provider provides notification that it considers a claim or payment to be
19 not reasonable, the insurer and the health care provider shall have
20 thirty days after the date of such notification to negotiate a
21 settlement. If a settlement has not been reached after such thirty-day
22 period, the insurer and the health care provider shall engage in
23 mediation in accordance with the Uniform Mediation Act. The insurer may
24 attempt to negotiate a final reimbursement amount with the out-of-network
25 health care provider which differs from the amount paid by the insurer
26 pursuant to this section.

27 (2) Following completion of the mediation process, the cost of
28 mediation shall be split evenly and paid by the insurer and the health
29 care provider.

30 (3) Mediation shall not be used when the insurer and the health care
31 provider agree to a separate payment arrangement.

1 Sec. 18. This act becomes operative on January 1, 2021.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB424](#):
[AM2568](#)

(Amendments to AM2122)

- 1 1. On page 11, line 30, strike "To", show as stricken, and insert
- 2 "Except as provided in subsection (8) of section 8 of this act, to".
- 3 2. On page 13, after line 22 insert the following new subsection:
- 4 "(8) Beginning on the effective date of this act, a land bank shall
- 5 not enter into an agreement with any nonprofit corporation or other
- 6 private entity for the purpose of temporarily holding real property for
- 7 such nonprofit corporation or private entity, except that a land bank may
- 8 enter into such an agreement for the purpose of providing clear title to
- 9 such real property, but in no case shall such agreement exceed a term of
- 10 one year.".
- 11 3. On page 19, lines 4, 13, and 16, after "taxes" insert "or special
- 12 assessments".

Senator M. Hansen filed the following amendment to [LB962](#):
[AM2580](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and may be
- 4 cited as the Nebraska Fair Pay to Play Act.
- 5 Sec. 2. For purposes of the Nebraska Fair Pay to Play Act:
- 6 (1) Athletic grant-in-aid means the money given to a student-athlete
- 7 by a postsecondary institution for tuition, fees, room, board, and
- 8 textbooks as consideration for the student-athlete's participation in an
- 9 intercollegiate sport for such postsecondary institution and does not
- 10 include compensation for the use of the student-athlete's name, image, or
- 11 likeness rights or athletic reputation;
- 12 (2) Collegiate athletic association means any athletic association,
- 13 conference, or other group or organization with authority over
- 14 intercollegiate sports;
- 15 (3) Compensation for the use of a student-athlete's name, image, or
- 16 likeness rights or athletic reputation includes, but is not limited to,
- 17 consideration received pursuant to an endorsement contract as defined in
- 18 section 48-2602;
- 19 (4) Intercollegiate sport has the same meaning as in section
- 20 48-2602;
- 21 (5) Postsecondary institution has the same meaning as in section
- 22 85-2403;
- 23 (6) Professional representation includes, but is not limited to,
- 24 representation provided by an athlete agent holding a certificate of
- 25 registration under the Nebraska Uniform Athlete Agents Act, a financial
- 26 advisor registered under the Securities Act of Nebraska, or an attorney
- 27 admitted to the bar by order of the Supreme Court of this state;
- 1 (7) Sponsor means an individual or organization that pays money or
- 2 provides goods or services in exchange for advertising rights;
- 3 (8) Student-athlete has the same meaning as in section 48-2602; and
- 4 (9) Team contract means a contract between a postsecondary
- 5 institution or a postsecondary institution's athletic department and a
- 6 sponsor;
- 7 Sec. 3. (1) No postsecondary institution shall uphold any rule,
- 8 requirement, standard, or limitation that prevents a student-athlete from
- 9 fully participating in an intercollegiate sport for such postsecondary
- 10 institution because such student-athlete earns compensation for the use

11 of such student-athlete's name, image, or likeness rights or athletic
12 reputation.
13 (2) No collegiate athletic association shall penalize a student-
14 athlete or prevent a student-athlete from fully participating in an
15 intercollegiate sport because such student-athlete earns compensation for
16 the use of such student-athlete's name, image, or likeness rights or
17 athletic reputation.

18 (3) No collegiate athletic association shall penalize a
19 postsecondary institution or prevent a postsecondary institution from
20 fully participating in an intercollegiate sport because a student-athlete
21 participating in an intercollegiate sport for such postsecondary
22 institution earns compensation for the use of such student-athlete's
23 name, image, or likeness rights or athletic reputation.

24 (4) No postsecondary institution shall allow compensation earned by
25 a student-athlete for the use of such student-athlete's name, image, or
26 likeness rights or athletic reputation to affect the duration, amount, or
27 eligibility for or renewal of any athletic grant-in-aid or other
28 institutional scholarship, except that compensation earned by a student-
29 athlete for the use of such student-athlete's name, image, or likeness
30 rights or athletic reputation may be used for the calculation of income
31 for determining eligibility for a need-based scholarship.

1 Sec. 4. Any student-athlete who enters into a contract that
2 provides compensation for the use of such student-athlete's name, image,
3 or likeness rights or athletic reputation shall disclose such contract to
4 an official of the postsecondary institution for which such student-
5 athlete participates in an intercollegiate sport. The official to which
6 such contract shall be disclosed shall be designated by each
7 postsecondary institution, and the designation shall be communicated in
8 writing to each student-athlete participating in an intercollegiate sport
9 for such postsecondary institution. Unless otherwise required by law,
10 each postsecondary institution shall be prohibited from disclosing any
11 terms of such contract that the student-athlete or the student-athlete's
12 professional representation deems to be a trade secret or otherwise
13 nondisclosable.

14 Sec. 5. (1) No student-athlete shall enter into a contract with a
15 sponsor that provides compensation to the student-athlete for use of the
16 student-athlete's name, image, and likeness rights or athletic reputation
17 if (a) such contract requires such student-athlete to display such
18 sponsor's apparel or to otherwise advertise for the sponsor during
19 official team activities and (b) compliance with such contract
20 requirement would conflict with a team contract. Any postsecondary
21 institution asserting such conflict shall disclose to the student-athlete
22 and the student-athlete's professional representation, if applicable, the
23 full team contract that is asserted to be in conflict. The student-
24 athlete and the student-athlete's professional representation, if
25 applicable, shall be prohibited from disclosing any terms of a team
26 contract that the postsecondary institution deems to be a trade secret or
27 otherwise nondisclosable.

28 (2) No team contract shall prevent a student-athlete from receiving
29 compensation for the use of such student-athlete's name, image, and
30 likeness rights or athletic reputation when the student-athlete is not
31 engaged in official team activities.

1 Sec. 6. (1) No postsecondary institution or collegiate athletic
2 association shall penalize a student-athlete or prevent a student-athlete
3 from fully participating in an intercollegiate sport because such
4 student-athlete obtains professional representation in relation to a
5 contract or legal matter.

6 (2) No collegiate athletic association shall penalize a
7 postsecondary institution or prevent a postsecondary institution from
8 fully participating in an intercollegiate sport because a student-athlete

9 participating in an intercollegiate sport for such postsecondary
10 institution obtains professional representation in relation to a contract
11 or legal matter.
12 Sec. 7. (1) The Nebraska Fair Pay to Play Act shall not be applied
13 in a manner that violates any contract in effect prior to the date
14 determined by a postsecondary institution pursuant to section 9 of this
15 act with regard to such postsecondary institution or any student-athlete
16 who participates in an intercollegiate sport for such postsecondary
17 institution for as long as such contract remains in effect without
18 modification.
19 (2) On and after the date determined by a postsecondary institution
20 pursuant to section 9 of this act, such postsecondary institution shall
21 not enter into, modify, or renew any contract in a manner that conflicts
22 with the Nebraska Fair Pay to Play Act.
23 Sec. 8. (1) A student-athlete or a postsecondary institution
24 aggrieved by a violation of the Nebraska Fair Pay to Play Act may bring a
25 civil action against the postsecondary institution or collegiate athletic
26 association committing such violation.
27 (2) A plaintiff who prevails in an action under the Nebraska Fair
28 Pay to Play Act shall be entitled to:
29 (a) Actual damages;
30 (b) Such preliminary and other equitable or declaratory relief as
31 may be appropriate; and
1 (c) Reasonable attorney's fees and other litigation costs reasonably
2 incurred.
3 (3) A public postsecondary institution may be sued upon claims
4 arising under the Nebraska Fair Pay to Play Act only to the extent
5 allowed under the State Tort Claims Act, the State Contract Claims Act,
6 or the State Miscellaneous Claims Act.
7 Sec. 9. Each postsecondary institution shall determine a date on or
8 before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall
9 begin to apply to such postsecondary institution and the student-athletes
10 who participate in an intercollegiate sport for such postsecondary
11 institution and to any collegiate athletic association or professional
12 representation in interactions with such postsecondary institution or
13 student-athlete.
14 Sec. 10. Section 48-2610, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 48-2610 (1) An agency contract must be in a record, signed or
17 otherwise authenticated by the parties.
18 (2) An agency contract must state or contain:
19 (a) The amount and method of calculating the consideration to be
20 paid by the student-athlete for services to be provided by the athlete
21 agent under the contract and any other consideration the athlete agent
22 has received or will receive from any other source for entering into the
23 contract or for providing the services;
24 (b) The name of any person not listed in the application for
25 registration or renewal of registration who will be compensated because
26 the student-athlete signed the agency contract;
27 (c) A description of any expenses that the student-athlete agrees to
28 reimburse;
29 (d) A description of the services to be provided to the student-
30 athlete;
31 (e) The duration of the contract; and
1 (f) The date of execution.
2 (3) An agency contract must contain, in close proximity to the
3 signature of the student-athlete, a conspicuous notice in boldface type
4 in capital letters stating:
5 **WARNING TO STUDENT-ATHLETE**
6 **IF YOU SIGN THIS CONTRACT:**

7 (1) ~~IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-~~
8 ~~SPORTS-SERVICES CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A~~
9 ~~STUDENT-ATHLETE IN YOUR SPORT;~~
10 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING
11 INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
12 ATHLETIC DIRECTOR; AND
13 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
14 ~~CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.~~
15 (4) An agency contract that does not conform to this section is
16 voidable by the student-athlete. If a student-athlete voids an agency
17 contract, the student-athlete is not required to pay any consideration
18 under the contract or to return any consideration received from the
19 athlete agent to induce the student-athlete to enter into the contract.
20 (5) The athlete agent shall give a record of the signed or otherwise
21 authenticated agency contract to the student-athlete at the time of
22 execution.
23 Sec. 11. Section 48-2614, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 48-2614 (1) An athlete agent, with the intent to induce a student-
26 athlete to enter into an agency contract, may not:
27 (a) Give any materially false or misleading information or make a
28 materially false promise or representation;
29 (b) Furnish anything of value to a student-athlete before the
30 student-athlete enters into the agency contract; or
31 (c) Furnish anything of value to any individual other than the
1 student-athlete or another registered athlete agent.
2 (2) An athlete agent may not intentionally:
3 (a) Initiate contact with a student-athlete unless registered under
4 the Nebraska Uniform Athlete Agents Act;
5 (b) Refuse or fail to retain or permit inspection of the records
6 required to be retained by section 48-2613;
7 (c) Fail to register when required by section 48-2604;
8 (d) Provide materially false or misleading information in an
9 application for registration or renewal of registration;
10 (e) Predate or postdate an agency contract; or
11 (f) Fail to notify a student-athlete before the student-athlete
12 signs or otherwise authenticates an agency contract for a particular
13 sport that ~~entering into negotiations for, or signing, a professional-~~
14 ~~sports-services contract~~ ~~the signing or authentication~~ may make the
15 student-athlete ineligible to participate as a student-athlete in that
16 sport.
17 Sec. 12. If any section in this act or any part of any section is
18 declared invalid or unconstitutional, the declaration shall not affect
19 the validity or constitutionality of the remaining portions.
20 Sec. 13. Original sections 48-2610 and 48-2614, Reissue Revised
21 Statutes of Nebraska, are repealed.

Senator Vargas filed the following amendment to LB283:
AM2576

(Amendments to Standing Committee amendments, AM2481)

1 1. On page 2, line 15, strike "Collection" and insert "Cash".

ANNOUNCEMENT(S)

Priority designation(s) received:

Hughes - LB931
Natural Resources - LB632
Groene - LB1021
Wayne - LB1218
Legislature's Planning - LB1155
Judiciary - LB1004 and LB1062
Vargas - LB1089
B. Hansen - LB1203
Scheer - LB1106

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Gragert name added to LB752.
Senator Wayne name added to LB770.
Senator M. Hansen name added to LB866.
Senator Wayne name added to LB876.
Senator Wayne name added to LB984.
Senator M. Hansen name added to LB997.
Senator Wayne name added to LB1003.
Senator Hilgers name added to LB1046.

ANNOUNCEMENT(S)

Senator Groene announced the Education Committee will meet February 25, 2020, at 1:00 p.m. instead of 1:30 p.m. in Room 1525.

VISITOR(S)

Visitors to the Chamber were a group from the Nebraska School Counselor Association, Senator McDonnell's niece, Josie McDonnell, and Megan McDougal, Tasha Osten, and Loni Watson; Morgan Wallace from Scottsbluff; and students and teacher from South High School, Omaha.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Monday, February 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 24, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 2020

PRAYER

The prayer was offered by Chaplain Deb Badeer, Grand Lodge at the Preserve and Lincoln Chaplaincy Corps, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Brewer, Cavanaugh, DeBoer, Friesen, La Grone, Lindstrom, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 20-001

SUBJECT: Whether Legislation Authorizing City Airport Authorities To Provide Minimum Revenue Guarantees To Private Airlines Offering To Furnish New And Additional Services Would Violate Neb. Const. Art. XIII, § 3

REQUESTED BY: Senator Mike Hilgers
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office concerning a proposed bill that would amend Neb. Rev. Stat. § 3-504.02 (2012) to authorize airport authorities of all classes of cities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." According to your letter, the services would "be funded through local property tax, which are levied under authorization of § 3-504.02." You add that minimum revenue guarantees "occur when a governmental entity agrees to compensate a private contractor if actual project revenue falls below a specified threshold in order to mitigate the risk taken by the private sector contractor."

You ask whether legislation authorizing an airport authority to offer minimum revenue guarantees to private airlines would violate art. XIII, § 3 of the Nebraska Constitution which, with certain exceptions not applicable here, prohibits extending the credit of the state to any private individual, association or corporation.

ARTICLE XIII, § 3 AND APPLICABLE STATUTES

Neb. Const. art. XIII, § 3 provides: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature."

Turning to the statutes most relevant to your questions, Neb. Rev. Stat. § 3-502(1) (Cum. Supp. 2018) provides that a city may create an airport authority to be managed and controlled by a board. Subsection (2) then provides that each board "shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established." *Id.*

Neb. Rev. Stat. § 3-504.02 (2012) provides, in part: "An airport authority may, and in cities of the primary class shall, in addition to the powers enumerated in section 3-504, encourage, foster, and promote the development of commercial and general aviation for the city which it serves, and advance the interests of such city in aeronautics and in commercial air transportation and its scheduling." You inquire about a proposed bill that would amend § 3-504.02 to authorize all city airport authorities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." You are concerned about the constitutionality of a city airport authority offering minimum revenue guarantees to private airlines.

ANALYSIS

I. Whether A City Airport Authority Is Governed by the Constitutional Prohibition Against Lending the Credit of the State

The Nebraska Supreme Court has held that the prohibition contained in art. XIII, § 3 applies to the State and all political subdivisions of the State. "Political subdivisions of the State exist at the will of the State exercised through the Legislature. For us to say that the State may not loan its credit to an individual, association, or corporation, but that it might create a political subdivision and authorize it to do that which the State itself is prohibited from doing would be, to say the least, a very anomalous situation." *State ex rel. Beck v. City of York*, 164 Neb. 223, 224-4, 82 N.W.2d 269, 271 (1957). "Article XIII, § 3 of the Nebraska Constitution prevents the state or any of its governmental subdivisions from extending the state's credit to private enterprise." *Japp v. Papio-Missouri River Natural Resources Dist.*, 273 Neb. 779, 787, 733 N.W.2d 551, 558 (2007).

For purposes of the Cities Airport Authorities Act, Neb. Rev. Stat. §§ 3-501 to 3-514 (2012 and Cum. Supp. 2018), an "authority" is defined as "an airport authority which shall be a body politic and corporate organized pursuant to section 3-502." Neb. Rev. Stat. 3-501(1) (2012). Any city may create an airport authority to be managed by a board and that board "shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established." Neb. Rev. Stat. § 3-502 (Cum. Supp. 2018). An airport authority is granted extensive powers, including the authority to issue bonds and to levy taxes. Neb. Rev. Stat. § 3-504(12) and (15) (2012).

While an airport authority is described at § 3-502 as "an agency of the city" the Nebraska Supreme Court has held that a city airport authority is a separate and independent corporate entity and not "merely an agent of the city in the same sense as a municipal department, commission, or board" as argued by the plaintiff in *Lock v. City of Imperial*, 182 Neb. 526, 529, 155 N.W.2d 924, 925 (1968) ["*Lock*"]. In that personal injury action, the Court held that the City of Imperial was not the proper party defendant because the airport authority "is a supplementary, separate, and independent public corporation, and the parent municipal corporation is not liable for the torts of the authority." *Id.* at 531, 155 N.W.2d at 927.

In a more recent case, *Brothers v. Kimball County Hospital*, 289 Neb. 879, 857 N.W.2d 789 (2015), the Court was required to determine whether a county hospital was a separate and distinct political subdivision from the county for purposes of the Political Subdivisions Tort Claims Act. In its analysis the Court referred to *Lock* as a case holding "that a city airport authority was an independent political subdivision." *Id.* at 886, 857 N.W.2d at 796.

Our office has previously determined that a city airport authority is a political subdivision in an opinion considering whether the Atkinson Airport Authority was subject to inspection by the State Electrical Division. Op. Att'y Gen. No. 91030 (April 16, 1991). We also concluded that a city airport authority is a political subdivision for purposes of a bill that required that the county clerk set a preliminary tax rate for each political subdivision which levied property taxes in the county the previous year. Op. Att'y Gen. No. 96065 (August 22, 1996).

In our view, a city airport authority is a political subdivision which is governed by the constitutional prohibition against lending the credit of the state.

II. Whether Authorizing A City Airport Authority To Offer Minimum Revenue Guarantees Violates The Prohibition On Lending The Credit Of the State.

You ask whether a proposed bill, that would amend Neb. Rev. Stat. § 3-504.02 to authorize city airport authorities to offer minimum revenue guarantees to airlines offering to provide new service to cities, would violate the constitutional prohibition on lending the credit of the state. As stated above, Neb. Const. art. XIII, § 3 prohibits extending the credit of the state to any individual, association, or corporation.¹

The Nebraska Supreme Court interpreted art. XIII, § 3 in *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991) ["*Haman*"]. At issue in *Haman* was legislation which appropriated state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska. The Court set out a three-prong test, stating that a plaintiff had to prove each of the following elements to establish a law violated this constitutional provision: (1) The credit of the state (2) was given or loaned, (3) in aid of any individual, association, or corporation. *Id.* at 719, 467 N.W.2d at 850.²

Regarding the first element of the test, the credit of the state, the Court distinguished the loaning of the state's credit from the loaning of state funds. "The state's credit is inherently the power to levy taxes and involves the obligation of its general fund. There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." *Id.* at 719-20, 467 N.W.2d at 850 (citation omitted). The Court further explained that "the purpose of article XIII, § 3 of Nebraska's Constitution is to prevent the state or any of its governmental subdivisions from extending the state's credit to private enterprise. It is designed to prohibit the state from acting as a surety or guarantor of the debt of another." *Id.* at 718, 467 N.W.2d at 850 (citation omitted). Therefore, the bill in question in *Haman*, which would have obligated the state's general fund to pay off the guaranties of a private corporation, was held to violate article XIII, § 3.

Haman is consistent with prior Nebraska cases finding violations of art. XIII, § 3. See *Oxnard Beet Sugar Co. v. State*, 73 Neb. 57, 105 N.W. 716 (1905) (Statute offering compensation or a bounty to private companies to encourage the manufacture of sugar and chicory violated this constitutional prohibition); *State ex rel. Beck v. City of York*, 164 Neb. 223, 82 N.W.2d 269 (1957) (City's issuance of revenue bonds in its name and use of those bonds for a private project unconstitutionally loaned its credit for the benefit of a private party). On the other hand, the Court has found no constitutional violation when the legislation in question did not put the state or one of its political subdivisions in the position of a debtor or guarantor. Statutes creating an ethanol tax credit program were found to be constitutional in *Callan v. Balka*, 248 Neb. 469, 536 N.W.2d 47 (1995). Although the motor fuel taxes collected were reduced because of the ethanol credits, the state remained a creditor of the taxpayer and was never obligated to pay any money or extend the credit of the state. And, in *Japp v. Papio-Missouri River Natural Resources Dist.*, 273 Neb. 779, 733 N.W.2d 551 (2007), the Court found no constitutional violation when a natural resources district agreed to pay for the construction of two dams in a private commercial and residential development. The Court first noted that the projects fulfilled the statutory purpose of the District. Further, the Court found that the "state merely agreed to *expend* funds; it did not pledge its credit as an inducement to gain benefit or provide financial backing for the private developers." *Id.* at 789, 733 N.W.2d at 559 (emphasis in original).

CONCLUSION

Your request relates to legislation that would authorize city airport authorities to "make grants and loans, and offer revenue guarantees, to airlines offering to provide new and additional service to such cities." Your specific concern is the language that would authorize minimum revenue guarantees by which the airport authority would agree to compensate a private contractor if actual revenue fell below a specified threshold. Based on the analysis above, it is our opinion that legislation authorizing a city airport authority to offer minimum revenue guarantees to a private contractor would violate art. XIII, § 3 as it would obligate the airport authority to lend the credit of the state and place the airport authority in the position of a guarantor.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-655-30

¹ Your letter states that the proposed minimum revenue guarantees would be funded through property taxes levied pursuant to Neb. Rev. Stat. § 3-504.02. Our determination whether the offering of guarantees would violate art. XIII, § 3 might be different if the funding source for the guarantees was non-state funds. For example, in a prior opinion, we stated the expenditure of federal funds received by the state would generally not be restricted by art. XIII, § 3. Op. Att'y Gen. No. 95034 (April 26, 1995). However we also pointed out that, if the state was placed in the position of a surety or guarantor as a term or condition of receiving the federal funds, the receipt and expenditure of federal funds under those conditions would still violate this constitutional prohibition.

² "Closely related to the prohibition against the giving or lending of the state's credit, although technically not part of the prohibition . . . is the principle of law that public funds cannot be expended for private purposes." *Haman* at 721-22, 467 N.W.2d at 851. We will not discuss whether the proposed bill you describe would entail the expenditure of public funds for private purposes as the Court has also stated that the prohibition of art. XIII, § 3 "against the pledge of the state's credit does not hinge on whether the legislation achieves a 'public purpose', when the pledge benefits a private individual, association, or corporation." *Id.* at 722, 467 N.W.2d at 852. As we conclude that the legislation would run afoul of art. XIII, § 3, it is unnecessary to engage in a discussion of public purpose.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR319 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR319.

GENERAL FILE

LEGISLATIVE BILL 790. Senator Slama renewed her amendment, [AM2436](#), found on page 642 and considered on page 680.

The Slama amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 424. Committee [AM509](#), found on page 705 and considered on pages 1198, 1199, and 1451, First Session, 2019, was renewed.

Senator Hilgers withdrew his amendment, [AM1401](#), found on page 1199 and considered on pages 1207 and 1451, First Session, 2019.

Senator Hilgers withdrew his amendments, [AM1403](#), [AM1404](#), [AM1402](#), and [AM1400](#), found on pages 1210, 1454, and 1455, First Session, 2019.

Senator Quick withdrew his amendment, [AM1513](#), found on page 1427, First Session, 2019.

Senator Quick offered his amendment, [AM2122](#), found on page 401, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 326. Introduced by Wishart, 27.

WHEREAS, Leonard Mozer was born in Lincoln, Nebraska, in January of 1931 to Max and Mary Mozer; and

WHEREAS, Leonard graduated from Lincoln High School and later from the University of Nebraska where he earned a bachelor's degree in Business Administration and was a member of the Sigma Alpha Mu Fraternity; and

WHEREAS, Leonard spent two years in the United States Army (1951-1953) and was stationed in Germany during the Korean War; and

WHEREAS, Leonard married Lincoln native Reva Gittelman in 1953 at the Lincoln Hotel; and

WHEREAS, in February of 1958, Leonard and Reva opened what was then called Leonard's House of Color in Lincoln, in a building owned by his father who ran a poultry business in the space from the 1920s through the 1940s; and

WHEREAS, Leonard originally sold paint and unfinished furniture and later expanded the business to include wallpaper and self-constructed dollhouses, eventually changing the name to Leonard's Unfinished Furniture; and

WHEREAS, during 62 years of operating a business in downtown Lincoln, Leonard earned a reputation as an honest, helpful, and respectful businessman; and

WHEREAS, Leonard is a long-time member of the Congregation Tifereth Israel, was a board member of the Mount Carmel Cemetery, and is a member of B'Nai B'rith and the Benevolent and Protective Order of Elks; and

WHEREAS, Leonard and Reva have a flourishing family of three proud children and four grandchildren.

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

1. That the Legislature recognizes Leonard Mozer for his lifetime of public service to the Lincoln community, including his distinguished 62-year career as the owner of Leonard's Unfinished Furniture.

2. That a copy of this resolution be sent to Leonard Moser and his family.

Laid over.

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 1159. Placed on General File.

(Signed) Steve Halloran, Chairperson

Urban Affairs

LEGISLATIVE BILL 1155. Placed on General File with amendment.

[AM2482](#)

1 1. On page 3, line 29, strike "of" and insert "described in 26
 2 U.S.C. 42(d)(5)(B), as such section existed on".
 3 2. On page 4, strike lines 3 through 9 and insert the following new
 4 subdivisions:
 5 "(c) Owner-occupied housing units that have an after-construction
 6 appraised value of at least one hundred fifty thousand dollars but not
 7 more than two hundred fifty thousand dollars. For purposes of this
 8 subdivision (c) and subdivision (d) of this subsection, housing unit
 9 after-construction appraised value shall be updated annually by the
 10 department based upon the most recent increase or decrease in the
 11 Producer Price Index for all commodities, published by the United States
 12 Department of Labor, Bureau of Labor Statistics;
 13 (d) Owner-occupied housing units for which the cost to substantially
 14 rehabilitate such units exceeds fifty percent of a unit's before-
 15 construction assessed value, and the after-construction appraised value
 16 is at least one hundred fifty thousand dollars but not more than two
 17 hundred fifty thousand dollars;".
 18 3. On page 5, line 7, strike "consolidated plan" and insert "most
 19 recent consolidated plan submitted under 24 C.F.R. part 91, subpart D, as
 20 such subpart existed on January 1, 2020".

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)
Agriculture

The Agriculture 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.

Beth Smith - Nebraska State Fair Board

Aye: 7. Blood, Brandt, Halloran, Hansen, B., Lathrop, Moser, Slama. Nay: 0. Absent: 1. Chambers. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 849A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 963A. Introduced by Brewer, 43; Hansen, M., 26; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, One Hundred Sixth Legislature, Second Session, 2020.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB238:
AM2551

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 83-970, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 83-970 (1) Besides the Director of Correctional Services and those
6 persons required to be present under the execution protocol, the
7 following persons, and no others, except as provided in section 83-971,
8 may be present at the execution: (a) ~~(1)~~ The member of the clergy in
9 attendance upon the convicted person; (b) ~~(2)~~ no more than three persons
10 selected by the convicted person; (c) ~~(3)~~ no more than three persons
11 representing the victim or victims of the crime; and (d) (4) such other
12 persons, not exceeding six in number, as the director may designate. At
13 least two persons designated by the director shall be professional
14 members of the Nebraska news media.
15 (2) Except as provided in subsection (3) of this section, the
16 Director of Correctional Services and those persons required to be
17 present under the execution protocol:
18 (a) Shall continuously witness the execution process from the moment
19 the convicted person enters the execution chamber until the convicted
20 person is declared dead or the execution is halted; and
21 (b) Shall not authorize or permit any person to obstruct, limit,
22 shield, or otherwise impede the witnessing or viewing of an execution by
23 any person permitted or required to be present at such execution.
24 (3) The person or persons administering or conducting the execution
25 under the execution protocol may, upon request, wear a mask or otherwise
26 conceal their personal identity from the witnesses.
27 Sec. 2. Original section 83-970, Revised Statutes Cumulative
1 Supplement, 2018, is repealed.

GENERAL FILE

LEGISLATIVE BILL 424. The Quick amendment, AM2122, found on page 401 and considered in this day's Journal, to the committee amendment,

was renewed.

The Quick amendment was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Senator Wayne offered his amendment, [AM2568](#), found on page 701, to the committee amendment.

The Wayne amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Hilgers offered the following amendment to the committee amendment:

[FA101](#)

Amend AM2122

Strike section 5, 11(b), page 8, lines 27-29.

Pending.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to [LB424](#):

[FA102](#)

Amend AM2122

Strike Section 7(1)(k), and page 11, lines 12-14 and renumber sections accordingly and strike page 15, line 19 at ", for income" through line 21.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB283.

Senator M. Hansen name added to LB627.

Senator Kolterman name added to LB1018.

VISITOR(S)

Visitors to the Chamber were Evan Schmeits and Shanna Murphy from Omaha; students from UNMC; a group from the Nebraska AFL-CIO and Nebraska Labor Unity Council from across the state; Chad, Emerson, and Hudson Waldow from Norfolk; and presidents, board members, and students from Southeast, Northeast, Central, Mid-Plains, and Western Nebraska Community Colleges.

The Doctor of the Day was Dr. Lynette Kramer from Albion.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 25, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 2020

PRAYER

The prayer was offered by Evangelist Watson Chipako, Forward in Faith, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 758. Placed on General File.

LEGISLATIVE BILL 807. Placed on General File.

LEGISLATIVE BILL 781. Placed on General File with amendment.

AM2445

1 1. Strike original section 8 and insert the following new sections:

2 Sec. 8. Sections 1, 2, 3, 4, 5, 6, and 9 of this act become

3 operative three calendar months after the adjournment of this legislative

4 session. The other sections of this act become operative on their

5 effective date.

6 Sec. 9. Original sections 14-553, 15-317, and 23-1601, Reissue

7 Revised Statutes of Nebraska, sections 17-605 and 17-606, Revised

8 Statutes Cumulative Supplement, 2018, and section 16-318, Revised

9 Statutes Supplement, 2019, are repealed.

10 Sec. 10. Original section 84-304, Revised Statutes Supplement,

11 2019, is repealed.

12 Sec. 11. Since an emergency exists, this act takes effect when
13 passed and approved according to law.

14 2. On page 9, line 2, after "Revision" insert "for audit periods

15 ending before June 30, 2020, or 2018 Revision for audit periods ending on
16 or after June 30, 2020".

17 3. On page 13, line 25, strike "To" and insert "In consultation with

18 statewide associations representing (a) counties and (b) cities and

19 villages, to".

LEGISLATIVE BILL 848. Placed on General File with amendment.

AM2578

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

2 sections:

3 Section 1. The second Monday in October of each year shall be

4 Indigenous Peoples' Day and Columbus Day and shall be set apart to

5 recognize the historic, cultural, and contemporary significance of the

6 people indigenous to the lands that are now known as the Americas,

7 including Nebraska, and the many contributions of such people.

8 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 25-2221 Except as may be otherwise more specifically provided, the

11 period of time within which an act is to be done in any action or

12 proceeding shall be computed by excluding the day of the act, event, or

13 default after which the designated period of time begins to run. The last

14 day of the period so computed shall be included unless it is a Saturday,

15 a Sunday, or a day during which the offices of courts of record may be

16 legally closed as provided in this section, in which event the period

17 shall run until the end of the next day on which the office will be open.

18 All courts and their offices may be closed on Saturdays, Sundays,

19 days on which a specifically designated court is closed by order of the

20 Chief Justice of the Supreme Court, and these holidays: New Year's Day,

21 January 1; Birthday of Martin Luther King, Jr., the third Monday in

22 January; President's Day, the third Monday in February; Arbor Day, the

23 last Friday in April; Memorial Day, the last Monday in May; Independence

24 Day, July 4; Labor Day, the first Monday in September; Indigenous

25 Peoples' Day and Columbus Day, the second Monday in October; Veterans

26 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the

27 day after Thanksgiving; Christmas Day, December 25; and all days declared

1 by law or proclamation of the Governor to be holidays. Such days shall be

2 designated as nonjudicial days. If any such holiday falls on Sunday, the

3 following Monday shall be a holiday. If any such holiday falls on

4 Saturday, the preceding Friday shall be a holiday. Court services shall

5 be available on all other days. If the date designated by the state for

6 observance of any legal holiday pursuant to this section, except Veterans

7 Day, is different from the date of observance of such holiday pursuant to

8 a federal holiday schedule, the federal holiday schedule shall be

9 observed.

10 Sec. 3. Section 62-301, Reissue Revised Statutes of Nebraska, is

11 amended to read:

12 62-301 (1) For the purposes of the Uniform Commercial Code and

13 section 62-301.01, the following days shall be holidays: New Year's Day,

14 January 1; Birthday of Martin Luther King, Jr., the third Monday in

15 January; President's Day, the third Monday in February; Arbor Day, the

16 last Friday in April; Memorial Day, the last Monday in May; Independence

17 Day, July 4; Labor Day, the first Monday in September; Indigenous

18 Peoples' Day and Columbus Day, the second Monday in October; Veterans

19 Day, November 11, and the federally recognized holiday therefor, or

20 either of them; Thanksgiving Day, the fourth Thursday in November; the

21 day after Thanksgiving; and Christmas Day, December 25. If any such

22 holiday falls on Sunday, the following Monday shall be a holiday. If the

23 date designated by the state for observance of any legal holiday
 24 enumerated in this section, except Veterans Day, is different from the
 25 date of observance of such holiday pursuant to a federal holiday
 26 schedule, the federal holiday schedule shall be observed.
 27 (2) Any bank doing business in this state may, by a brief written
 28 notice at, on, or near its front door, fully dispense with or restrict,
 29 to such extent as it may determine, the hours within which it will be
 30 open for business.
 31 (3) Any bank may close on Saturday if it states such fact by a brief
 1 written notice at, on, or near its front door. When such bank will, in
 2 observance of such a notice, not be open for general business, such day
 3 shall, with respect to the particular bank, be the equivalent of a
 4 holiday as fully as if such day were listed in subsection (1) of this
 5 section, and any act authorized, required, or permitted to be performed
 6 at, by, or with respect to such bank which will, in observance of such
 7 notice, not be open for general business, acting in its own behalf or in
 8 any capacity whatever, may be performed on the next succeeding business
 9 day and no liability or loss of rights on the part of any person shall
 10 result from such delay.
 11 (4) Any bank which, by the notice provided for by subsection (3) of
 12 this section, has created the holiday for such bank may, without
 13 destroying the legal effect of the holiday for it and solely for the
 14 convenience of its customers, remain open all or part of such day in a
 15 limited fashion by treating every transaction with its customers on such
 16 day as though the transaction had taken place immediately upon the
 17 opening of such bank on the first following business day.
 18 (5) Whenever the word bank is used in this section it includes
 19 building and loan association, savings and loan association, credit
 20 union, savings bank, trust company, investment company, and any other
 21 type of financial institution.
 22 Sec. 4. Original sections 25-2221 and 62-301, Reissue Revised
 23 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1047. Placed on General File with amendment.

[AM2192](#)

1 1. On page 2, lines 6, 8, and 9, strike "printed" and insert
 2 "published"; and in line 12 strike "printer" and insert "newspaper".

LEGISLATIVE BILL 1068. Placed on General File with amendment.

[AM2135](#)

1 1. On page 9, line 3, strike "Secretary of", and after "State"
 2 insert "Treasurer".

(Signed) Tom Brewer, Chairperson

Agriculture

LEGISLATIVE BILL 1152. Placed on General File with amendment.

[AM2581](#)

1 1. Strike original sections 1 and 14.
 2 2. On page 3, lines 16 and 17, strike the new matter and reinstate
 3 the stricken matter; and in line 17 after "products" insert "or hemp
 4 seeds".
 5 3. On page 6, line 26, strike "and"; after line 26 insert the
 6 following new subdivision:
 7 "(j) Recordkeeping requirements and procedures; and"; and in line 27
 8 strike "(j)" and insert "(k)".

9 4. On page 9, line 11, strike "other than hemp seeds".
 10 5. On page 11, line 17, after "(1)" insert "The department shall
 11 receive and process all completed license applications and issue licenses
 12 to all qualified applicants."
 13 6. On page 13, line 3, strike "Testing of samples", show as
 14 stricken, and insert "Reimbursement of the department for expenses
 15 relating to sampling and testing".
 16 7. On page 16, line 18, strike "Hemp from", show as stricken, and
 17 insert "At the licensee's expense, hemp from each lot grown at"; in line
 18 20 strike "within fifteen days"; in line 22 strike "at the licensee's
 19 expense", show as stricken, and insert ". After such lot sample is taken,
 20 the lot represented by the sample shall be harvested within fifteen
 21 days"; and in lines 22 and 23 strike the new matter.
 22 8. On page 17, line 16, after "the" insert "federal".
 23 9. On page 18, lines 6 and 13, strike each occurrence of "Any", show
 24 as stricken, and insert "Except as provided in subsection (4) of this
 25 section, any"; strike beginning with the comma in line 8 through the
 26 comma in line 11; and strike lines 17 through 23 and insert the following
 27 new subsections:
 1 "(3)(a) A licensee shall maintain a record of shipments of hemp
 2 shipped from or received by the licensee. Such record shall, for each
 3 shipment of hemp, indicate the date of shipment, identify the point of
 4 origin and destination, identify the name of the person sending and
 5 receiving the shipment, and include the vehicle identification number of
 6 the vehicle transporting the hemp. Each shipment of hemp shall be entered
 7 on the record of shipments kept by the licensee by the close of the
 8 business day the shipment is shipped from or received by the licensee.
 9 (b) A licensee may give notice to the Nebraska State Patrol up to
 10 seven days prior to a shipment of hemp to be shipped from or received by
 11 the licensee. Such notification shall be given in a manner and form
 12 prescribed by the Nebraska State Patrol and shall not be considered a
 13 public record for purposes of sections 84-712 to 84-712.09.
 14 (4) Any licensee transporting hemp cultivated or processed under the
 15 Nebraska Hemp Farming Act shall not be required to carry a copy of the
 16 test results relating to such hemp as provided in subsection (1) or (2)
 17 of this section if such licensee carries with the hemp being transported
 18 a copy of the applicable license and is transporting:
 19 (a) Hemp between two registered sites listed on the licensee's
 20 license application;
 21 (b) Samples of hemp for testing to determine the THC level for
 22 private testing purposes prior to testing pursuant to section 2-514; or
 23 (c) Live hemp plants to a registered site listed on the licensee's
 24 license application prior to cultivating such hemp plants."
 25 10. On page 23, line 30, after "hemp" insert "and preserving and
 26 developing Nebraska heirloom hemp varieties that possess characteristics
 27 of a unique and specialized cannabis sativa L. seed variety that exist as
 28 uncultivated, naturalized plants in the environment or historically have
 29 been commercially cultivated in Nebraska".
 30 11. On page 25, strike beginning with "Qualified" in line 3 through
 31 the period in line 4 and show as stricken.
 1 12. On page 26, line 31, strike "and" and insert "under".
 2 13. On page 27, line 1, after "thereunder" insert ", a tribal hemp
 3 production plan approved by the United States Secretary of Agriculture,
 4 or the United States Department of Agriculture Domestic Hemp Production
 5 Plan".
 6 14. Renumber the remaining sections and correct internal references
 7 accordingly.

(Signed) Steve Halloran, Chairperson

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB147:
AM2247

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-254 Sections 79-254 to 79-294 and sections 3 through 5 of this
6 act shall be known and may be cited as the Student Discipline Act.
7 Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, is
8 amended to read:
9 79-258 Administrative and teaching personnel may take actions
10 regarding student behavior, other than those specifically provided in the
11 Student Discipline Act, which are reasonably necessary to aid the
12 student, further school purposes, or prevent interference with the
13 educational process. Such actions may include, but need not be limited
14 to, physical intervention, counseling of students, parent conferences,
15 referral to restorative justice practices or services, rearrangement of
16 schedules, requirements that a student remain in school after regular
17 hours to do additional work, restriction of extracurricular activity, or
18 requirements that a student receive counseling, psychological evaluation,
19 or psychiatric evaluation upon the written consent of a parent or
20 guardian to such counseling or evaluation.
21 Sec. 3. (1) Unless prohibited by the federal Individuals with
22 Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed
23 pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794,
24 as such acts existed on January 1, 2020, after every reasonable effort
25 has been made to de-escalate a potentially harmful situation, teachers
26 and other school personnel may use reasonable physical intervention to
27 safely manage the behavior of a student to:
28 (a) Protect such student, another student, a teacher or other school
1 personnel, or another person from physical injury; or
2 (b) Secure property in the possession of such student if the
3 possession of such property by such student poses a threat of physical
4 injury to such student, another student, a teacher or other school
5 personnel, or another person.
6 (2) Any physical intervention used by a teacher or other school
7 personnel pursuant to this section shall not be used for the purpose of
8 inflicting bodily pain as a penalty for disapproved behavior.
9 (3) Following the use of physical intervention pursuant to this
10 section, a teacher or other school personnel shall ensure that the parent
11 or guardian of the student is contacted and notified of such physical
12 intervention. The school district shall submit a written report to the
13 State Department of Education describing the incident, the events leading
14 up to the incident, steps that were taken to de-escalate the situation,
15 and how the incident was resolved.
16 (4) No teacher or other school personnel shall be subject to
17 professional or administrative discipline for the use of physical
18 intervention pursuant to subsection (1) of this section if such physical
19 intervention was reasonable. Nothing in this section shall be construed
20 to limit any defense that may be available under any provision of law,
21 including, but not limited to, any defense relating to self-protection or
22 the protection of others.
23 Sec. 4. (1) Each school district shall have a policy that describes
24 the process of removing a student from a class and returning a student to
25 a class. Such policy shall: (a) Describe how and when a student may be
26 removed from a class and returned to a class; (b) use a discipline
27 process that is proactive, instructive, and restorative; (c) require
28

29 appropriate communication between administrators, teachers or other
 30 school personnel, students, and parents or guardians. Such policy shall
 31 be made available to the public.
 1 (2) Unless prohibited by the federal Individuals with Disabilities
 2 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
 3 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
 4 acts existed on January 1, 2020, an administrator or administrator's
 5 designee shall immediately remove a student from a class upon request by
 6 a teacher or other school personnel if such teacher or other school
 7 personnel has followed school policy in requesting the removal of such
 8 student.
 9 (3) When a student is removed from a class, the goal must be to
 10 return the student to the class as soon as possible after appropriate
 11 instructional or behavioral interventions or supports have been
 12 implemented to increase the likelihood the student will be successful.
 13 For a student with a pattern of disruptive behavior, the school shall
 14 provide additional interventions or supports.
 15 (4) No teacher or other school personnel shall be subject to
 16 professional or administrative discipline for the removal of a student
 17 from a class pursuant to this section if such teacher or other school
 18 personnel acted in a reasonable manner and in accordance with school
 19 policy.
 20 Sec. 5. The State Board of Education may adopt and promulgate rules
 21 and regulations to carry out sections 3 and 4 of this act.
 22 Sec. 6. Original section 79-254, Reissue Revised Statutes of
 23 Nebraska, and section 79-258, Revised Statutes Supplement, 2019, are
 24 repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 320, 321, 322, and 323 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320, 321, 322, and 323.

GENERAL FILE

LEGISLATIVE BILL 424. Senator Hilgers renewed his amendment, [FA101](#), found on page 716, to the committee amendment.

Senator Hilgers moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Senator Hilgers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Albrecht	Clements	Groene	Hughes	Moser
Arch	Erdman	Halloran	La Grone	Murman
Bostelman	Friesen	Hansen, B.	Linehan	Scheer
Briese	Geist	Hilgers	Lowe	

Voting in the negative, 24:

Blood	DeBoer	Howard	McDonnell	Vargas
Bolz	Dorn	Hunt	Morfeld	Walz
Cavanaugh	Gragert	Kolowski	Pansing Brooks	Wayne
Chambers	Hansen, M.	Lathrop	Quick	Williams
Crawford	Hilkemann	McCollister	Stinner	

Present and not voting, 3:

Brandt Kolterman Lindstrom

Excused and not voting, 3:

Brewer Slama Wishart

The Hilgers amendment lost with 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hilgers offered his amendment, [FA102](#), found on page 716, to the committee amendment.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525

Thursday, March 5, 2020 1:00 p.m.

Dennis D. Grams - Environmental Quality Council
Dallen R. Juelfs - Oil and Gas Conservation Commission
Felix B. Davidson - Nebraska Environmental Trust Board

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 769. Placed on General File.

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 931. Placed on General File with amendment.

[AM2128](#)

1 1. On page 8, line 3, after "stockpile" insert "or farm storage".

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB518:
[AM2588](#)

(Amendments to Final Reading copy)

1 1. On page 2, line 18, strike "and"; in line 21 strike the period
 2 and insert "; and" and after line 21 insert the following new
 3 subdivision:
 4 "(g) Given the subject matter and intent of this legislative bill,
 5 it shall be considered within the context of the sordid history of
 6 America relative to human trafficking and sexual exploitation visited
 7 upon enslaved persons by slaveholders. Therefore it is appropriate to
 8 recognize and acknowledge some of the more renowned members of the "All
 9 American Pantheon and Register of Human Traffickers", which is hereby
 10 created. Charter members shall include (i) President George Washington,
 11 (ii) President Thomas Jefferson ["all men are created equal..."], (iii)
 12 President James Madison, (iv) President Andrew Jackson, (v) President
 13 James Monroe, (vi) Alexander Hamilton, (vii) Patrick Henry ["give me
 14 liberty or give me death"], (viii) Francis Scott Key ["the land of the
 15 free and the home of the brave..."], (ix) John Hancock [slave smuggler],
 16 and (x) Chief Justice of the United States Supreme Court Roger Brooke
 17 Taney ["Black men have no rights that a white man is bound to respect."].
 18 Such register shall be kept, maintained, and prominently displayed in a
 19 location determined by the Governor and accessible for public viewing.
 20 Additional names accompanied by factual documentation supporting
 21 placement on such register may be submitted by any person to the Governor
 22 for consideration for such placement. Following a public hearing in
 23 accordance with the Open Meetings Act, at a location determined by the
 24 Governor at which public comments shall be taken, a determination shall
 25 be made whether or not a suggested name, or names, shall be included in
 26 such register. The Governor, the Attorney General, and the Secretary of
 1 State, serving as a committee of three, shall make such determination by
 2 majority vote. Rejection of placement of a name shall not be a bar to
 3 resubmission of such name if it is accompanied by additional supportive
 4 facts."

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 858. Placed on Select File with amendment.

[ER176](#)

1 1. In the standing committee amendments, AM2346, on page 22, line
 2 30, strike "77-2007" and insert "72-2007".
 3 2. On page 1, strike beginning with "the" in line 1 through line 10
 4 and insert "natural resources; to amend sections 18-2409, 18-2410,
 5 18-2413, 18-2414, 18-2420, 18-2427, 18-2435, 18-2436, 18-2439, 18-2445,
 6 18-2446, 18-2451, 18-2461, 66-1519, 66-1523, 66-1525, 72-2007, and
 7 81-1566, Reissue Revised Statutes of Nebraska, section 81-1558, Revised
 8 Statutes Cumulative Supplement, 2018, and section 66-1529.02, Revised
 9 Statutes Supplement, 2019; to redefine terms and change provisions of the
 10 Municipal Cooperative Financing Act relating to directors,
 11 municipalities, bonds, audits, and agency restrictions; to extend use of
 12 the Petroleum Release Remedial Action Cash Fund; to eliminate legislative
 13 confirmation for certain Niobrara Council members; to eliminate
 14 provisions relating to fund transfers and extend a termination date under
 15 the Nebraska Litter Reduction and Recycling Act; to harmonize provisions;
 16 to provide operative dates; to repeal the original sections; and to
 17 declare an emergency."

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
General Affairs

The General Affairs 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.

Janelle Beveridge - State Racing Commission

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

The General Affairs 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.

James S. Brummer - State Electrical Board
David Hunter - State Electrical Board

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Kelly J. Lambert - Nebraska Commission on Problem Gambling

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Mark Laughlin - Nebraska Arts Council

Aye: 8. Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

(Signed) Tom Briese, Chairperson

GENERAL FILE

LEGISLATIVE BILL 962. Title read. Considered.

Senator M. Hansen withdrew his amendment, [AM2541](#), found on page 681.

Senator M. Hansen offered his amendment, [AM2580](#), found on page 701.

Senator La Grone offered the following amendment to the M. Hansen amendment:

[AM2605](#)

(Amendments to AM2580)

- 1 1. On page 2, line 31, strike "a need-based scholarship" and insert
- 2 "need-based financial aid".
- 3 2. On page 5, line 6, after "Act" insert ", except that a civil
- 4 action for a violation of the Nebraska Fair Pay to Play Act may only be
- 5 brought within one year after the cause of action has accrued".

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

The La Grone amendment, to the M. Hansen amendment, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

The M. Hansen amendment, as amended, was adopted with 26 ayes, 2 nays, and 21 present and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Beasley, Stephanie - Director - Division of Children and Family Services -
Department of Health and Human Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1042A. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1042, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

LEGISLATIVE BILL 1056A. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1056, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 803A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 803, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

ANNOUNCEMENT(S)

Speaker priority bill/resolution designations are as follows:

LBs 247, 705, 751, 760, 781, 797, 803, 832, 835, 850, 865, 889, 910, 911, 918, 923, 965, 966, 1028, 1080, 1107, 1124, 1130, 1166, and 1185.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 327. Introduced by Kolterman, 24.

WHEREAS, Justin Mitchell Slawnyk, a member of Troop 180 of Utica, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, for his Eagle Scout service project, Justin constructed and installed three large metal crosses at St. Patrick's Catholic Cemetery near Utica; and

WHEREAS, Justin, through hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Justin Mitchell Slawnyk on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Justin Mitchell Slawnyk.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1061. Placed on Select File with amendment.[ER175](#)

- 1 1. On page 1, strike beginning with "the" in line 1 through line 13
 2 and insert "children; to amend sections 28-710.01, 43-4331, and 71-3405,
 3 Reissue Revised Statutes of Nebraska, sections 28-712 and 28-712.01,
 4 Revised Statutes Cumulative Supplement, 2018, and sections 28-710,
 5 28-713, and 43-4203, Revised Statutes Supplement, 2019; to change the
 6 Child Protection and Family Safety Act; to eliminate a committee of the
 7 Nebraska Children's Commission; to harmonize provisions; and to repeal
 8 the original sections."
 9 2. On page 11, line 23, strike "an intake", show as stricken, and
 10 insert "a report".
 11 3. On page 16, line 3, strike "to" and insert "for".

LEGISLATIVE BILL 1014. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 770. Placed on Final Reading.[ST45](#)

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

1. On page 1, line 2, ", as amended by section 10, Legislative Bill 287, One Hundred Sixth Legislature, Second Session, 2020" has been inserted after "Nebraska".

LEGISLATIVE BILL 924. Placed on Final Reading.**LEGISLATIVE BILL 1054.** Placed on Final Reading.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LB997.

Senator Wayne name added to LB1155.

Senator Lindstrom name added to LB1155.

Senator Albrecht name added to LB1186.

VISITOR(S)

Visitors to the Chamber were a group from the Young Bankers of Nebraska from across the state.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 26, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 2020

PRAYER

The prayer was offered by Pastor Andrew Anderson, Country Bible Church, Blair.

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 M. Hansen who was excused; and Senators Briese, DeBoer, Groene, Linehan, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1001. Placed on General File.

LEGISLATIVE BILL 1186. Placed on General File with amendment.

[AM2554](#)

1 1. On page 2, strike lines 23 through 26.

LEGISLATIVE BILL 563. Placed on General File with amendment.

[AM2526](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Access College Early Tech Promise Program Act.
5 Sec. 2. For purposes of the Access College Early Tech Promise
6 Program Act:
7 (1) Academic year means a twelve-month period of instruction as

8 determined by the eligible institution;

9 (2) Access college early scholarship means a scholarship granted

10 pursuant to the Access College Early Scholarship Program Act;

11 (3) Award means a grant of money by the commission to an eligible

12 student to be used for educational expenses;

13 (4) Career program of study has the same meaning as in section

14 85-2102;

15 (5) Commission means the Coordinating Commission for Postsecondary

16 Education;

17 (6) Committee means the Nebraska Community College Student

18 Performance and Occupational Education Grant Committee;

19 (7) Educational expenses means tuition, fees, room, board, books,

20 supplies, and other educational expenses as determined by the eligible

21 institution;

22 (8) Eligible institution means any Nebraska community college, any

23 not-for-profit, two-year college in Nebraska which is a member

24 institution of an accrediting body recognized by the United States

25 Department of Education, or the Nebraska College of Technical Agriculture

26 at Curtis;

27 (9) Eligible occupation means an in-demand occupation designated as

1 an eligible occupation pursuant to section 4 of this act;

2 (10) Eligible program means a program of study that:

3 (a) Is offered by an eligible institution;

4 (b) Is designed to be completed in two academic years or less;

5 (c) Offers a certificate, diploma, or associate degree that directly

6 qualifies the recipient for employment in an eligible occupation; and

7 (d) Is approved to be an eligible program pursuant to section 4 of

8 this act;

9 (11) Eligible student means a full-time student who:

10 (a) Is enrolled in an eligible program at an eligible institution;

11 (b) Received postsecondary education credit while in high school for

12 at least two courses in a single career program of study related to an

13 in-demand occupation;

14 (c)(i) Received an access college early scholarship while in high

15 school; or

16 (ii) Qualified to receive an access college early scholarship while

17 in high school, but the scholarship was not granted due to insufficient

18 funds;

19 (d) Has applied for federal financial aid through the Free

20 Application for Federal Student Aid for the applicable academic year;

21 (e) Has not previously earned an associate degree; and

22 (f) For a student who is applying for an award for a second academic

23 year, has successfully completed the first academic year at an eligible

24 institution and maintained the minimum standards of performance as

25 required by such eligible institution;

26 (12) Full-time student means a student who is enrolled in a minimum

27 of twelve credit hours per semester or nine credit hours per quarter; and

28 (13) In-demand occupation has the same meaning as in section

29 85-2002.

30 Sec. 3. The Access College Early Tech Promise Program is

31 established. Except for duties assigned to the committee as provided in

1 section 4 of this act, the program shall be administered by the

2 commission.

3 Sec. 4. (1) For each biennium, the committee shall establish

4 criteria to determine what constitutes an in-demand occupation that is a

5 high priority for the state for purposes of the Access College Early Tech

6 Promise Program. After establishing such criteria, the committee shall

7 designate each in-demand occupation that meets the criteria as an

8 eligible occupation for such biennium.

9 (2) Each program applicant shall complete an application form

10 developed and provided by the commission and shall submit the form for
11 the biennium for which eligibility is sought to the commission. The
12 application shall include, but not be limited to, the name of the
13 eligible institution, the program description and requirements, the
14 certificate, diploma, or associate degree a student may earn from such
15 program, the eligible occupation for which a graduate of the program
16 would be qualified, and any other information necessary to determine
17 eligibility. The commission shall transmit the applications to the
18 committee, and the committee shall review each application and either
19 approve or deny the application. If an application is approved, the
20 program of study shall be designated as an eligible program for the
21 biennium.

22 (3) An eligible student who is granted an award for his or her first
23 academic year in an eligible program shall be eligible for an award to
24 complete his or her second academic year of such program notwithstanding
25 a decision of the committee to remove the eligible program designation
26 for entering eligible students.

27 Sec. 5. (1) Each student applicant for the Access College Early
28 Tech Promise Program shall complete an application form developed and
29 provided by the commission and shall submit the form for the academic
30 year for which an award is sought to the financial aid office or other
31 official designated by the eligible institution. Such application shall
1 include, but not be limited to, the applicant's name, social security
2 number, and date of birth and any other information necessary to
3 determine eligibility. The financial aid office or other official
4 designated by an eligible institution shall make recommendations
5 regarding the eligibility of each applicant making application to such
6 eligible institution and shall forward each application and
7 recommendation to the commission for review.

8 (2) The commission shall review each application and verify or deny
9 the eligibility of each applicant under the Access College Early Tech
10 Promise Program Act. The commission shall notify the applicant and the
11 financial aid office or other official designated by an eligible
12 institution of the verification or denial of eligibility and the award
13 amount, if any, for such academic year in writing within thirty days
14 following receipt of the application and recommendation from a financial
15 aid office or other designated official of an eligible institution.

16 (3) An award for an academic year shall not exceed the sum of
17 tuition and fees plus one thousand five hundred dollars for educational
18 expenses minus any Federal Pell Grant granted to the eligible student for
19 such academic year. No award for an academic year shall be less than one
20 thousand five hundred dollars. No eligible student shall be granted
21 awards for more than two academic years pursuant to this section. The
22 commission shall forward such amount directly to the eligible institution
23 as payment of the tuition and mandatory fees remaining after any Federal
24 Pell Grant for such eligible student and for distribution to such
25 eligible student for educational expenses. Except as otherwise provided
26 in this subsection, the commission may distribute awards pro rata on a
27 term-by-term basis.

28 Sec. 6. Within twenty days following notice of an adverse decision,
29 an affected student may submit a request in writing to the executive
30 director of the commission for a review of such adverse decision. The
31 commission shall conduct any such review pursuant to the Administrative
1 Procedure Act.

2 Sec. 7. The commission shall prepare an annual report on awards
3 granted pursuant to the Access College Early Tech Promise Program Act and
4 shall submit the report electronically to the Clerk of the Legislature.
5 The report shall include, but not be limited to, the number and amount of
6 awards, successful completion by award recipients, and workforce outcomes
7 aggregated by eligible institution and by eligible program. Each eligible

8 institution shall cooperate with the commission and the Department of
9 Labor to report workforce outcomes one year, three years, and five years
10 after award recipients complete their eligible programs.

11 Sec. 8. The commission may adopt and promulgate rules and
12 regulations to carry out the Access College Early Tech Promise Program
13 Act.

14 Sec. 9. Section 85-1412, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 85-1412 The commission shall have the following additional powers
17 and duties:

18 (1) Conduct surveys and studies as may be necessary to undertake the
19 coordination function of the commission pursuant to section 85-1403 and
20 request information from governing boards and appropriate administrators
21 of public institutions and other governmental agencies for research
22 projects. All public institutions and governmental agencies receiving
23 state funds shall comply with reasonable requests for information under
24 this subdivision. Public institutions may comply with such requests
25 pursuant to section 85-1417;

26 (2) Recommend to the Legislature and the Governor legislation it
27 deems necessary or appropriate to improve postsecondary education in
28 Nebraska and any other legislation it deems appropriate to change the
29 role and mission provisions in sections 85-917 to 85-966.01. The
30 recommendations submitted to the Legislature shall be submitted
31 electronically;

1 (3) Establish any advisory committees as may be necessary to
2 undertake the coordination function of the commission pursuant to section
3 85-1403 or to solicit input from affected parties such as students,
4 faculty, governing boards, administrators of the public institutions,
5 administrators of the private nonprofit institutions of postsecondary
6 education and proprietary institutions in the state, and community and
7 business leaders regarding the coordination function of the commission;

8 (4) Participate in or designate an employee or employees to
9 participate in any committee which may be created to prepare a
10 coordinated plan for the delivery of educational programs and services in
11 Nebraska through the telecommunications system;

12 (5) Seek a close liaison with the State Board of Education and the
13 State Department of Education in recognition of the need for close
14 coordination of activities between elementary and secondary education and
15 postsecondary education;

16 (6) Administer the Integrated Postsecondary Education Data System or
17 other information system or systems to provide the commission with
18 timely, comprehensive, and meaningful information pertinent to the
19 exercise of its duties. The information system shall be designed to
20 provide comparable data on each public institution. The commission shall
21 also administer the uniform information system prescribed in sections
22 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public
23 institutions shall supply the appropriate data for the information system
24 or systems required by the commission;

25 (7) Administer (a) the Access College Early Scholarship Program Act,
26 (b) the Community College Aid Act, (c) the Nebraska Community College
27 Student Performance and Occupational Education Grant Fund under the
28 direction of the Nebraska Community College Student Performance and
29 Occupational Education Grant Committee, (d) the Nebraska Opportunity
30 Grant Act, (e) the Postsecondary Institution Act, and (f) the community
31 college gap assistance program and the Community College Gap Assistance
1 Program Fund, and (g) the Access College Early Tech Promise Program Act;

2 (8) Accept and administer loans, grants, and programs from the
3 federal or state government and from other sources, public and private,
4 for carrying out any of its functions, including the administration of
5 privately endowed scholarship programs. Such loans and grants shall not

6 be expended for any other purposes than those for which the loans and
7 grants were provided. The commission shall determine eligibility for such
8 loans, grants, and programs, and such loans and grants shall not be
9 expended unless approved by the Governor;

10 (9) On or before December 1 of each even-numbered year, submit to
11 the Legislature and the Governor a report of its objectives and
12 activities and any new private colleges in Nebraska and the
13 implementation of any recommendations of the commission for the preceding
14 two calendar years. The report submitted to the Legislature shall be
15 submitted electronically;

16 (10) Provide staff support for interstate compacts on postsecondary
17 education; and

18 (11) Request inclusion of the commission in any existing grant
19 review process and information system.

20 Sec. 10. Section 85-1539, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 85-1539 (1) There is hereby created the Nebraska Community College
23 Student Performance and Occupational Education Grant Committee. The
24 committee shall consist of (a) a representative of the Coordinating
25 Commission for Postsecondary Education who shall serve as chairperson of
26 the committee, (b) a representative of the Department of Economic
27 Development, (c) a representative of the Department of Labor, (d) a
28 representative of the State Department of Education, (e) a representative
29 affiliated with one of the two community college areas with the two
30 smallest full-time equivalent student enrollment totals for the most
31 recent fiscal year, (f) a representative affiliated with one of the two
1 community college areas with the two largest full-time equivalent student
2 enrollment totals for the most recent fiscal year, and (g) a
3 representative affiliated with one of the two community college areas not
4 included in the categories provided in subdivisions (1)(e) and (f) of
5 this section. Each member shall be appointed by the agency or community
6 college areas being represented. The representatives appointed pursuant
7 to subdivisions (1)(e) through (g) of this section shall serve terms of
8 two years and shall be succeeded by a representative affiliated with the
9 community college areas not represented for the preceding term.

10 (2) The committee shall develop guidelines for and annually
11 determine the allocation of aid or grants to the community colleges for
12 (a) applied technology and occupational faculty training, instructional
13 equipment upgrades, employee assessment, preemployment training,
14 employment training, and dislocated worker programs benefiting the State
15 of Nebraska or (b) programs or activities to enhance (i) student
16 performance in the areas of degree, certificate, or diploma completion,
17 retention, or foundations education as defined in section 85-932.01 or
18 (ii) the collection, reporting, analysis, and utilization of student
19 data. The total amount allocated for a fiscal year shall not exceed the
20 amounts appropriated from the Nebraska Community College Student
21 Performance and Occupational Education Grant Fund and such other funds as
22 may be appropriated by the Legislature for purposes of this section for
23 such fiscal year. The commission shall certify the allocation determined
24 by the committee on or before September 10 of the fiscal year for which
25 such allocation is being certified and shall report such allocation to
26 the Department of Administrative Services. The commission shall
27 distribute the allocated funds to the selected community college board or
28 boards in a single payment between the fifth and twentieth day of October
29 of each year.

30 (3) Applications for aid or grants pursuant to subsection (2) of
31 this section may be submitted by a community college area independently
1 or in collaboration with other community college areas.

2 (4) The committee shall review programs submitted pursuant to the
3 Access College Early Tech Promise Program Act and approve or deny each

4 program for eligibility on a biennial basis.

5 Sec. 11. Section 85-2104, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 85-2104 Applications for the Access College Early Scholarship

8 Program shall be prioritized for students qualifying pursuant to

9 subdivision (1) or (2) of this section, and applications for students

10 qualifying only pursuant to subdivision (3) of this section shall only be

11 considered if funds are available after fulfilling the applications for

12 students qualifying pursuant to subdivision (1) or (2) of this section.

13 Priority dates shall be determined by the commission on a term basis. A

14 student who is applying to take one or more courses for credit from a

15 qualified postsecondary educational institution is eligible for the

16 Access College Early Scholarship Program if:

17 (1) Such student or the student's parent or legal guardian is

18 eligible to receive:

19 (a) Supplemental Security Income;

20 (b) Supplemental Nutrition Assistance Program benefits;

21 (c) Free or reduced-price lunches under United States Department of

22 Agriculture child nutrition programs;

23 (d) Aid to families with dependent children; or

24 (e) Assistance under the Special Supplemental Nutrition Program for

25 Women, Infants, and Children;

26 (2) The student or the student's parent or legal guardian has

27 experienced an extreme hardship; or

28 (3) Such student is requesting assistance pursuant to the program to

29 cover the cost of tuition and fees for a course that is part of a career

30 program plan of study, up to two hundred fifty dollars per term, and the

31 student's family has an annual household income at or below two hundred

1 percent of the federal poverty level.

2 Sec. 12. Original section 85-1539, Reissue Revised Statutes of

3 Nebraska, and sections 85-1412 and 85-2104, Revised Statutes Cumulative

4 Supplement, 2018, are repealed.

LEGISLATIVE RESOLUTION 306. Reported to the Legislature for further consideration.

(Signed) Mike Groene, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 889. Placed on General File.

LEGISLATIVE BILL 918. Placed on General File.

LEGISLATIVE BILL 1086. Placed on General File.

LEGISLATIVE BILL 1119. Placed on General File.

LEGISLATIVE BILL 1120. Placed on General File.

LEGISLATIVE BILL 1136. Placed on General File.

LEGISLATIVE BILL 1055. Placed on General File with amendment.

[AM2573](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORT(S)

Education

The Education 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.

Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment

Aye: 7. Brewer, Groene, Kolowski, Linehan, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 1. Morfeld. Present and not voting: 0.

The Education 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.

Cindy Gray - Technical Advisory Committee for Statewide Assessment

Aye: 7. Brewer, Groene, Kolowski, Linehan, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 1. Morfeld. Present and not voting: 0.

The Education 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.

Timothy Daniels - Coordinating Commission for Postsecondary Education

Aye: 7. Brewer, Groene, Kolowski, Linehan, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 1. Morfeld. Present and not voting: 0.

The Education 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.

Charles Garman - Coordinating Commission for Postsecondary Education

Aye: 7. Brewer, Groene, Kolowski, Linehan, Murman, Pansing Brooks, Walz. Nay: 0. Absent: 1. Morfeld. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR324 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR324.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 790. Placed on Select File with amendment.

[ER178](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-2904 (1) Notwithstanding the procedures for public lettings in
6 sections 73-101 to 73-106 or any other statute relating to the letting of
7 bids by a political subdivision, a political subdivision which follows
8 the Political Subdivisions Construction Alternatives Act may solicit and
9 execute a design-build contract or a construction management at risk
10 contract.

11 (2) The governing body of the political subdivision shall adopt a
12 resolution selecting the design-build contract or construction management
13 at risk contract delivery system provided under the act prior to
14 proceeding with the provisions of sections 13-2905 to 13-2914. The
15 resolution shall require the affirmative vote of at least two-thirds of
16 the governing body of the political subdivision. The resolution shall
17 include a statement that the political subdivision has made a
18 determination that the design-build contract or construction management
19 at risk contract delivery system is in the public interest based, at a
20 minimum, on one of the following criteria: (a) Savings in cost or time;
21 or (b) requirement of specialized or complex construction methods
22 suitable for the design-build contract or construction management at risk
23 contract delivery system.

24 Sec. 2. Section 13-2914, Revised Statutes Supplement, 2019, is

25 amended to read:

26 13-2914 (1) A political subdivision shall not use a design-build
27 contract or construction management at risk contract under the Political
1 Subdivisions Construction Alternatives Act for a project, in whole or in
2 part, for road, street, ~~or highway, water, wastewater, utility, or sewer~~
3 construction. ;

4 (2) ~~A~~ except that a city of the metropolitan class may use a design-
5 build contract or construction management at risk contract under the
6 Political Subdivisions Construction Alternatives Act for the purpose of
7 complying with state or federal requirements to control or minimize
8 overflows from combined sewers.

9 (3) A political subdivision may use a design-build contract or
10 construction management at risk contract under the Political Subdivisions
11 Construction Alternatives Act for a project, in whole or in part, for
12 water, wastewater, utility, or sewer construction.

13 Sec. 3. Section 73-507, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 73-507 (1) Subject to review by the Director of Administrative
16 Services, the division shall provide procedures to grant limited
17 exceptions from sections 73-504, 73-508, and 73-509 for:

18 (a) Sole source contracts, emergency contracts, and contracts for
19 services when the price has been established by the federal General
20 Services Administration or competitively bid by another state or group of
21 states, a group of states and any political subdivision of any other

22 state, a political subdivision of another state, or a cooperative
23 purchasing organization on behalf of a group of states or political
24 subdivisions; and

25 (b) Other circumstances or specific contracts when any of the
26 requirements of sections 73-504, 73-508, and 73-509 are not appropriate
27 for or are not compatible with the circumstances or contract. The
28 division shall provide a written rationale which shall be kept on file
29 when granting an exception under this subdivision.

30 (2) The following types of contracts for services are not subject to
31 sections 73-504, 73-508, 73-509, and 73-510:

1 (a) Contracts for services subject to the Nebraska Consultants'
2 Competitive Negotiation Act;

3 (b) Contracts for services subject to federal law, regulation, or
4 policy or state statute, under which a state agency is required to use a
5 different selection process or to contract with an identified contractor
6 or type of contractor;

7 (c) Contracts for professional legal services and services of expert
8 witnesses, hearing officers, or administrative law judges retained by
9 state agencies for administrative or court proceedings;

10 (d) Contracts involving state or federal financial assistance passed
11 through by a state agency to a political subdivision;

12 (e) Contracts with a value of fifteen million dollars or less with
13 direct providers of medical, behavioral, or developmental health
14 services, child care, or child welfare services to an individual;

15 (f) Agreements for services to be performed for a state agency by
16 another state or local government agency or contracts made by a state
17 agency with a local government agency for the direct provision of
18 services to the public;

19 (g) Agreements for services between a state agency and the
20 University of Nebraska, the Nebraska state colleges, the courts, the
21 Legislature, or other officers or state agencies established by the
22 Constitution of Nebraska;

23 (h) Department of Insurance contracts for financial or actuarial
24 examination, for rehabilitation, conservation, reorganization, or
25 liquidation of licensees, and for professional services related to
26 residual pools or excess funds under the agency's control;

27 (i) Department of Transportation contracts for all road and bridge
28 projects;

29 (j) Nebraska Investment Council contracts; and

30 (k) Contracts under section 57-1503.

31 Sec. 4. Section 81-153, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 81-153 The materiel division shall have the power and duty to:

3 (1) Purchase or contract for, in the name of the state, the personal
4 property required by the using agencies and the state;

5 (2) Promulgate, apply, and enforce standard specifications
6 established as provided in section 81-154;

7 (3) Sell and dispose of personal property that is not needed by the
8 state or its using agencies as provided in section 81-161.04 or initiate
9 trade-ins when determined to be in the best interest of the state;

10 (4) Determine the utility, quality, fitness, and suitability of all
11 personal property tendered or furnished;

12 (5) Make rules and regulations consistent with sections 81-145 to
13 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions
14 thereof. Such rules and regulations shall include provisions for
15 modifying and terminating purchase contracts and the cost principles to
16 be used in such modification or termination;

17 (6) Employ such clerical, technical, and other assistants as may be
18 necessary to properly administer such sections, fix their compensation,
19 and prescribe their duties in connection therewith, subject to existing
20 laws and appropriations;

21 (7) Allow the purchase of personal property without competitive
 22 bidding when the price has been established by the federal General
 23 Services Administration or to allow the purchase of personal property by
 24 participation in a contract competitively bid by another state or group
 25 of states, a group of states and any political subdivision of any other
 26 state, a political subdivision of another state, or a cooperative
 27 purchasing organization on behalf of a group of states or political
 28 subdivisions. The division may also give consideration to a sheltered
 29 workshop pursuant to section 48-1503 in making such purchases;
 30 (8) Enter into any personal property lease agreement when it appears
 31 to be in the best interest of the state; and
 1 (9) Negotiate purchases and contracts when conditions exist to
 2 defeat the purpose and principles of public competitive bidding.
 3 Sec. 5. Section 81-1118.06, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 81-1118.06 (1) The purposes of the state purchasing bureau created
 6 by section 81-1118 are:
 7 (a) ~~(1)~~ To increase public confidence in the procedures followed in
 8 public procurement;
 9 (b) ~~(2)~~ To insure the fair and equitable treatment of all persons
 10 who deal with the procurement system of this state;
 11 (c) ~~(3)~~ To provide increased economy in state procurement activities
 12 and maximize to the fullest extent practicable the purchasing value of
 13 the public funds of the state;
 14 (d) ~~(4)~~ To foster effective broad-based competition within the free
 15 enterprise system; and
 16 (e) ~~(5)~~ To provide safeguards for the maintenance of a procurement
 17 system of quality and integrity.
 18 ~~(2) The state purchasing bureau may lead the negotiation of a~~
 19 ~~contract competitively bid for goods or services in which the state is~~
 20 ~~interested and on behalf of a cooperative purchasing organization on~~
 21 ~~behalf of a group of states or political subdivisions.~~
 22 Sec. 6. Original sections 13-2904, 73-507, 81-153, and 81-1118.06,
 23 Reissue Revised Statutes of Nebraska, and section 13-2914, Revised
 24 Statutes Supplement, 2019, are repealed.
 25 2. On page 1, strike beginning with "state" in line 1 through line 6
 26 and insert "public lettings and contracts; to amend sections 13-2904,
 27 73-507, 81-153, and 81-1118.06, Reissue Revised Statutes of Nebraska, and
 28 section 13-2914, Revised Statutes Supplement, 2019; to change the
 29 Political Subdivisions Construction Alternatives Act; to provide
 30 exceptions to certain state bidding requirements and contract approval
 31 procedures; to provide and change powers and duties of the materiel
 1 division of the Department of Administrative Services; and to repeal the
 2 original sections."

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Gragert.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services
 Committee report for the confirmation of the following appointment(s)
 found on page 696:

Commission for the Blind and Visually Impaired
 Mark M. Bulger
 Brent Heyen
 Kimberly Scherbarth

Voting in the affirmative, 33:

Albrecht	Cavanaugh	Geist	Hunt	Murman
Arch	Chambers	Gragert	Kolowski	Quick
Blood	Clements	Halloran	Kolterman	Scheer
Bolz	Crawford	Hansen, B.	La Grone	Vargas
Bostelman	Dorn	Hilgers	Lowe	Williams
Brandt	Erdman	Howard	McDonnell	
Brewer	Friesen	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 3:

Hilkemann	Lathrop	Lindstrom
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Excused and not voting, 13:

Briese	Hansen, M.	Morfeld	Stinner	Wishart
DeBoer	Linehan	Pansing Brooks	Walz	
Groene	McCollister	Slama	Wayne	

The appointments were confirmed with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 696:

Nebraska Motor Vehicle Industry Licensing Board

- Stephan Budke
- Dennis Cloninger
- Brad Jacobs
- Clint Jones
- Joseph Kosiski
- Thomas R. McCaslin
- Matthew O'Daniel
- Curt Prohaska
- Dennis R. Schworer

Voting in the affirmative, 36:

Albrecht	Chambers	Halloran	Lathrop	Vargas
Arch	Clements	Hansen, B.	Lowe	Wayne
Blood	Crawford	Hilgers	McDonnell	Williams
Bolz	Dorn	Hughes	Moser	Wishart
Bostelman	Erdman	Hunt	Murman	
Brandt	Friesen	Kolowski	Quick	
Brewer	Geist	Kolterman	Scheer	
Cavanaugh	Gragert	La Grone	Stinner	

Voting in the negative, 0.

Present and not voting, 3:

Hilkemann	Howard	Lindstrom
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Excused and not voting, 10:

Briese	Groene	Linehan	Morfeld	Slama
DeBoer	Hansen, M.	McCollister	Pansing Brooks	Walz

The appointments were confirmed with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 714:

Nebraska State Fair Board
Beth Smith

Voting in the affirmative, 32:

Albrecht	Chambers	Halloran	La Grone	Scheer
Arch	Clements	Hansen, B.	Lathrop	Stinner
Blood	Crawford	Hilgers	Lowe	Williams
Bolz	Dorn	Hughes	McDonnell	Wishart
Bostelman	Friesen	Hunt	Moser	
Brandt	Geist	Kolowski	Murman	
Brewer	Gragert	Kolterman	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh	Hilkemann	Lindstrom	Wayne
Erdman	Howard	Vargas	

Excused and not voting, 10:

Briese	Groene	Linehan	Morfeld	Slama
DeBoer	Hansen, M.	McCollister	Pansing Brooks	Walz

The appointment was confirmed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

State Racing Commission
Janelle Beveridge

Voting in the affirmative, 31:

Albrecht	Chambers	Halloran	Lowe	Wayne
Arch	Clements	Hansen, B.	McDonnell	Williams
Blood	Crawford	Hilgers	Moser	Wishart
Bolz	Dorn	Hughes	Murman	
Bostelman	Friesen	Hunt	Quick	
Brandt	Geist	Kolowski	Stinner	
Brewer	Gragert	La Grone	Vargas	

Voting in the negative, 0.

Present and not voting, 8:

Cavanaugh	Hilkemann	Kolterman	Lindstrom
Erdman	Howard	Lathrop	Scheer

Excused and not voting, 10:

Briese	Groene	Linehan	Morfeld	Slama
DeBoer	Hansen, M.	McCollister	Pansing Brooks	Walz

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

State Electrical Board
James S. Brummer
David Hunter

Voting in the affirmative, 36:

Albrecht	Clements	Hansen, B.	Lathrop	Vargas
Arch	Crawford	Hilgers	Lowe	Wayne
Blood	Dorn	Howard	McDonnell	Williams
Bolz	Erdman	Hughes	Moser	Wishart
Bostelman	Friesen	Hunt	Murman	
Brandt	Geist	Kolowski	Pansing Brooks	
Brewer	Gragert	Kolterman	Quick	
Chambers	Halloran	La Grone	Stinner	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh	Hilkemann	Lindstrom	Scheer
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Excused and not voting, 9:

Briese	Groene	Linehan	Morfeld	Walz
DeBoer	Hansen, M.	McCollister	Slama	

The appointments were confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

Nebraska Commission on Problem Gambling
Kelly J. Lambert

Voting in the affirmative, 31:

Albrecht	Chambers	Halloran	Lathrop	Wayne
Arch	Clements	Hansen, B.	Lowe	Williams
Blood	Crawford	Howard	McCollister	Wishart
Bolz	Dorn	Hughes	Moser	
Bostelman	Erdman	Hunt	Murman	
Brandt	Geist	Kolowski	Pansing Brooks	
Brewer	Gragert	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 9:

Cavanaugh	Hilgers	Kolterman	McDonnell	Vargas
Friesen	Hilkemann	Lindstrom	Scheer	

Excused and not voting, 9:

Briese	Groene	Linehan	Slama	Walz
DeBoer	Hansen, M.	Morfeld	Stinner	

The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 727:

Nebraska Arts Council
Mark Laughlin

Voting in the affirmative, 30:

Albrecht	Brewer	Gragert	Kolowski	Murman
Arch	Chambers	Halloran	La Grone	Pansing Brooks
Blood	Crawford	Hansen, B.	Lathrop	Quick
Bolz	Dorn	Howard	Lowe	Scheer
Bostelman	Erdman	Hughes	McCollister	Wayne
Brandt	Geist	Hunt	Moser	Williams

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh	Friesen	Hilkemann	Lindstrom	Vargas
Clements	Hilgers	Kolterman	McDonnell	Wishart

Excused and not voting, 9:

Briese	Groene	Linehan	Slama	Walz
DeBoer	Hansen, M.	Morfeld	Stinner	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 755. Placed on General File with amendment.
[AM2480](#) is available in the Bill Room.

(Signed) Sara Howard, Chairperson

Urban Affairs

LEGISLATIVE BILL 976. Placed on General File.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB858:
[AM2633](#)

(Amendments to Standing Committee amendments, AM2346)

1 1. On page 6, line 24, strike "Taking" and insert "A procedure
2 takes".

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

Committee [AM2486](#), found on page 654, was offered.

SENATOR HUGHES PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Halloran withdrew his amendment, [AM2039](#), found on page 468.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Committee [AM2182](#), found on page 639, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 963. Title read. Considered.

Committee [AM2523](#), found on page 677, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 963A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 962. Placed on Select File with amendment.[ER177](#)

1 1. On page 1, line 4, strike "to provide an operative date;".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 780. Placed on General File.**LEGISLATIVE BILL 910.** Placed on General File with amendment.[AM2163](#)1 1. On page 51, reinstate the stricken matter beginning with "(a)" in
2 line 9 through line 10; in line 14 strike the new matter and reinstate
3 the stricken matter; in line 23 strike "(b)" and insert "(c)"; and in
4 line 27 strike "(c)" and insert "(d)".

(Signed) John Stinner, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 128. Indefinitely postponed.**LEGISLATIVE BILL 215.** Indefinitely postponed.**LEGISLATIVE BILL 371.** Indefinitely postponed.**LEGISLATIVE BILL 546.** Indefinitely postponed.**LEGISLATIVE BILL 612.** Indefinitely postponed.**LEGISLATIVE BILL 691.** Indefinitely postponed.**LEGISLATIVE BILL 697.** Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

Revenue

LEGISLATIVE BILL 1130. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

SENATOR WILLIAMS PRESIDING**GENERAL FILE****LEGISLATIVE BILL 840.** Title read. Considered.Committee [AM2512](#), found on page 693, was adopted with 29 ayes, 4 nays,
11 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment:

[AM2598](#)

(Amendments to Standing Committee amendments, AM2512)

- 1 1. Strike section 5 and insert the following new section:
- 2 Sec. 5. Electronic smoking device retail outlet means a store that
- 3 is licensed as provided under sections 28-1421 and 28-1422 and that sells
- 4 electronic smoking devices and products directly related to electronic
- 5 smoking devices.
- 6 2. On page 1, line 23, after "resolution" insert "except as
- 7 provided in subsection (2) of section 71-5730".
- 8 3. On page 3, line 14, after the period insert "This subsection
- 9 preempts any local law on the subject.".

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 774. Placed on General File with amendment.
[AM2558](#) is available in the Bill Room.

LEGISLATIVE BILL 808. Placed on General File with amendment.
[AM2559](#) is available in the Bill Room.

(Signed) Matt Williams, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB1131](#):

[AM2638](#)

(Amendments to Standing Committee amendments, AM2456)

- 1 1. Insert the following new sections:
- 2 Sec. 48. Beginning with the 2021-22 school year, each school board
- 3 shall require that the phone number for a national suicide prevention
- 4 hotline, a local suicide prevention hotline, or a crisis text line is
- 5 printed on each new student identification card issued to a student
- 6 enrolled in a middle school grade or a high school grade, as defined by
- 7 such school board, in a school under the authority of such school board.
- 8 Nothing in this section shall be construed to require the issuance of
- 9 student identification cards to students in any school.
- 10 Sec. 49. Beginning with the 2021-22 academic year, each public
- 11 postsecondary institution authorized to operate in this state shall
- 12 require that the phone number for a national suicide prevention hotline,
- 13 a local suicide prevention hotline, or a crisis text line is printed on
- 14 each new student identification card issued to a student enrolled in such
- 15 public postsecondary institution. Nothing in this section shall be
- 16 construed to require the issuance of student identification cards to
- 17 students in any postsecondary institution.
- 18 2. Renumber the remaining section accordingly.

Senator Morfeld filed the following amendment to [LB1042](#):

[AM2592](#) is available in the Bill Room.

Senator McDonnell filed the following amendment to LB448:
[AM2648](#)

(Amendments to E & R amendments, ER167)

1 1. On page 2, lines 1 through 3, strike the new matter and insert
2 "eleven"; in line 3 reinstate the stricken "thousand dollars"; and in
3 line 6 after the period insert "Beginning in 2023, the Nebraska Workers'
4 Compensation Court shall annually adjust the dollar limitation in this
5 subsection. The adjusted limitation shall be equal to the then current
6 limitation adjusted by the greater of one percent or the percentage
7 change, for the preceding year, in the Consumer Price Index for All Urban
8 Consumers, as prepared by the United States Department of Labor, Bureau
9 of Labor Statistics. Any adjustment shall be effective on July 1. The
10 adjustment shall not exceed two and three-quarters percent per annum. If
11 the amount so adjusted is not a multiple of one hundred dollars, the
12 amount shall be rounded to the nearest multiple of one hundred dollars.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lathrop name added to LB779.

Senator Friesen name added to LB944.

Senator Hunt name added to LB1078.

VISITOR(S)

Visitors to the Chamber were students from Wildewood Elementary, Ralston.

The Doctor of the Day was Dr. Christopher Snyder from Omaha.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 27, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 2020

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senators Albrecht, DeBoer, Friesen, M. Hansen, Linchan, McCollister, Morfeld, Pansing Brooks, Scheer, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 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

Baker, Cassi
Greenwich Biosciences, Inc.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Norfolk Area Chamber of Commerce

REPORTS

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

ATTORNEY GENERAL'S OPINIONSOpinion 20-002

SUBJECT: Responsibility for Maintenance of the Part of a County Road Located on State Highway Right of Way

REQUESTED BY: Senator Julie Slama

WRITTEN BY: Douglas J. Peterson, Attorney General
Jeffery T. Schroeder, Assistant Attorney General

INTRODUCTION

You indicate you are considering introducing legislation to make the State of Nebraska, Department of Transportation ("State") responsible for the maintenance of the State highway "right of way." Based on prior discussions with you about this subject, we understand you are asking about the maintenance responsibility for any County road where it intersects with a State highway. Specifically, those discussions have been about whether the State or the County ("County") has the responsibility to maintain the part of any County road located on State highway right of way. You note there has been some disagreement and confusion about this issue between the State and certain County officials.

Your question does not pertain to the State's responsibility to maintain the traveled lanes of the State highway. As discussed below, the State is responsible for the traveled lanes, including the area of the "intersection." By statute, the intersection is the area within "the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles" or otherwise expressed as "the area within which vehicles traveling upon different highways joining at any other angle may come in conflict." Neb. Rev. Stat. § 39-101(4) (2016). The "roadway" is the part of a highway used for vehicular travel. Neb. Rev. Stat. § 39-101(11) (2016). The State is also responsible for maintaining any paved shoulder of the State highway since the shoulder is used in conjunction with the highway traveled lanes.

Although you have asked only about the **maintenance** responsibility for these segments of County roads, maintenance is only one of several duties applying to an entity assigned jurisdictional responsibility over a public road. The other duties, according to Neb. Rev. Stat. § 39-2105 (Cum. Supp. 2018), are design, construction, reconstruction, and operation. While this

opinion focuses on "maintenance," our conclusion also applies to these other duties. Further, when we refer to "maintenance" we mean "the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety." Neb. Rev. Stat. § 39-101(6) (2016).

You ask in your letter about the application of the provisions of Neb. Rev. Stat. § 39-1339 (2016) to this issue. Section 39-1339 does not apply because it deals expressly with the allocation of maintenance duties on the portions of State highways located within the corporate limits of a City. Similarly, Neb. Rev. Stat. § 39-1372 (2016) does not apply to your question because it relates solely to the assignment of maintenance responsibilities between the County and the State at County road intersections with State freeways, including the Interstate highway system. Thus, these sections do not assist in resolving the issue raised in your letter.

BACKGROUND

It may not be apparent to a casual observer where an intersecting County road first enters the State highway right of way. This is, in part, because the State typically blended the two roads together in the area of the intersection when the State reconstructed the State highway. To enhance the smoothness of the roadway transition when the County road was unpaved, the State usually paved a short transition from the highway pavement, called a paved return, to improve the connection between the roads. Further, roadway ditches and other topographic features were typically reconstructed to the extent necessary to create a relatively seamless intersection. The vast majority of State highways have been hard surfaced, and the majority of intersecting County roads are not hard surfaced. The State's long-standing interpretation and practice has been for the County, not the State, to be responsible for operating and maintaining the short County road segment discussed in this opinion. We understand some of your constituent Counties have argued the State should be responsible for "maintaining" all of the 50 to 75 feet of the County road located on State "right of way".

We are not aware of case law or an Attorney General's Opinion addressing this issue. There are a few Attorney General's Opinions that cite or discuss some of the statutory provisions set out below.¹ There is an Attorney General's Opinion that concluded that a County does not have authority to expend County funds to construct a street within the corporate limits of a City under a statute that expressly states the County has jurisdiction only over roads outside the corporate limits. 1977-78 Rep. Att'y Gen. 310 (Opinion No. 200, dated Feb. 24, 2978). Unlike that Opinion, there is no statute expressly limiting a County's jurisdiction in the area of a State highway intersection with a County road.

STATUTORY FRAMEWORK

In 1969, the Nebraska Legislature sought to reorganize the various roadway systems into "an integrated system of public roads." *See generally* Neb. Rev. Stat. §§ 39-2101 to 39-2125 (2016, Cum. Supp. 2018 and Supp. 2019). The 1969 legislation, as amended, still applies today. In it, the Legislature declared:

Fundamental to the development of an integrated system of public roads is a determination of the function each road segment serves. Through adoption by law of a functional classification system, it is the intent of the Legislature that each segment of public road shall be identified according to the function it serves. Identification of roads according to function then will permit the establishment of uniform standards of design, construction, operation, and maintenance for each classification of road. Such standards will promote the general safety of the traveling public, enhance the free flow of traffic, and provide improved utilization of highway financing.

Responsibility for the various functional classifications of public roads shall be assigned by law to the state, the counties, and the municipalities, as appropriate, such assignments reflecting the general responsibilities of each entity.

Neb. Rev. Stat. § 39-2101, ¶¶ 6 and 7 (2016). Neb. Rev. Stat. § 39-2102 (2016) divides public highways, roads and streets into the following two broad categories: rural highways and municipal streets. Rural highways are defined as "all public highways and roads outside the limits of any incorporated municipality." *Id.* Neb. Rev. Stat. § 39-2103 (Cum. Supp. 2018) provides nine functional classifications for all rural highways, and identifies the main characteristics of each functional classification.

Under Neb. Rev. Stat. § 39-2105(1) (Cum. Supp. 2018), the State has been assigned jurisdictional responsibility for the "design, construction, reconstruction, maintenance, and operation" of "all roads" that are functionally classified as "interstate, expressway, and major arterial." Major arterials, according to § 39-2103(3), are highways used for "high-speed, relatively long-distance travel patterns." Section 39-2105(2) states the various counties have jurisdictional responsibility for "all roads" functionally classified as "other arterial, collector, local, minimum maintenance, and remote residential." Section 39-2103(5) describes "other arterial" roads as "highways of less importance as through travel routes which would serve places of smaller population . . . not served by the higher systems." According to these provisions, jurisdictional responsibility for rural roads is assigned based on the function served by each classification, not the ownership status of the property on which the rural road is located.

The Legislature provided each functional classification of rural road should have its own unique standards. In the 1960s and 1970s, the

legislature created the Nebraska Board of Public Roads Classifications and Standards ("Board") and required the Board to "develop minimum standards of design, construction, and maintenance for each functional classification set forth in section 39-2103." Neb. Rev. Stat. § 39-2113(1) (Supp. 2019). The Legislature directed "such standards shall be such as to assure that each segment of highway, road, or street will satisfactorily meet the requirements of the area it serves and the traffic patterns and volumes which it may reasonably be expected to bear." *Id.* The design and maintenance standards were developed and continue to apply today to the through traffic "major arterials" (State Highways) and are more stringent than the standards applying to the functional classifications for which the Counties are responsible. *See* 428 Neb. Admin. Code, ch. 2.

ANALYSIS

Although no single statute provides the answer to your question, we believe the collection of statutes on this subject create a framework from which the issue can be resolved. The Nebraska Supreme Court has stated:

In discerning the meaning of a statute, a court must determine and give effect to the purpose and intent of the legislature as ascertained from the entire language of the statute considered in its plain, ordinary and popular sense, it being the court's duty to discover, if possible, the Legislature's intent from the language of the statute itself. *Curry v. State, ex rel. Stenberg*, 242 Neb. 695, 496 N.W.2d 512 (1993). The components of a series or collection of statutes pertaining to a certain subject matter may be conjunctively considered and construed to determine the intent of the Legislature so that different provisions of an act are consistent, harmonious, and sensible. *Maack v. School Dist. of Lincoln*, 241 Neb. 847, 491 N.W.2d 341 (1992).

Becker v. Nebraska Acct. & Disclosure Comm., 249 Neb. 28, 33, 541 N.W.2d 36, 40 (1995). As explained below, we conclude this statutory framework should be construed to place responsibility for maintaining the part of the County road located on State right of way on the County.

The integrated system the Legislature created in 1969 requires that every public road be evaluated to determine what function it serves for the public. All public roads serving the same function are grouped in the same functional classification. The Legislature determined the State would be assigned the jurisdictional responsibility for "public roads" in functional classifications serving **statewide interests**. Those functional classifications are "interstate, expressway and major arterial." Neb. Rev. Stat. § 39-2105(1) (Cum. Supp. 2018). These classifications are the through traffic routes providing high speed direct connections between the various communities in Nebraska and connecting Nebraska to surrounding States. *See also* Neb. Rev. Stat. § 39-2105(3) (Cum. Supp. 2018). Further, the applicable design and maintenance standards reflect the interests of the high speed, long distance traveling public.

Similarly, the Legislature assigned to the Counties jurisdictional responsibility for the public roads in functional classifications serving more **local interests**. The Counties are responsible for the roads classified as "other arterial, collector, and local." Neb. Rev. Stat. § 39-2105(2) (Cum. Supp. 2018). These roads serve many important local functions such as (a) providing access to all rural parcels of land, (b) serving as a route for rural mail delivery, and (c) providing rural connections to local schools, markets and communities. The applicable design and maintenance standards are unique to these roads and reflect the type of traffic expected to travel along such roads.

The Legislature did not focus on which public entity owned the rights of way on which the various classifications of roads exist. Instead, the Legislature assigned jurisdictional responsibility between the State and the Counties based on the transportation function served by each classification of road. We understand it is somewhat common for a road of the State, County or City to be located on public property owned by one of the other governmental entities. For example, some State highways have been constructed on County road easements along a government section line. Similarly, when the State completes a major reconstruction of a highway, it sometimes needs to realign an intersecting County road to connect into the State highway at a safer location. In those instances, the realigned County road is located on property acquired by the State. Finally, in some communities, the State highway passing through town today occupies a dedicated City street right of way. Responsibility for maintenance in these instances is not related to who "owns" the right of way.

Construing the statutes establishing Nebraska's integrated system of public roads as a whole, we conclude that the State is responsible for maintenance of the major arterial rural highways regardless of which entity owns the property rights on which those highways are located. Counties, in turn, are responsible for the operation and maintenance of all parts of the County road right up to the paved highway or paved highway shoulder.

CONCLUSION

Nebraska's statutes do not expressly state who is responsible for the maintenance of the part of a County road located on State highway property because jurisdictional responsibility is not based on who owns the land under the highway or road. For the reasons stated above, we concluded that the **State** is responsible for maintenance of the major arterial rural highways regardless of which entity owns the property rights on which those highways are located. The **County** is responsible for the maintenance, and other duties, of all of a County road, even the portion located on State highway property, regardless of which entity owns the underlying property rights. This conclusion is consistent with the Legislature's intent to create an integrated system of public roads.

Sincerely yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Jeffery T. Schroeder
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

¹ See 1971-72 Rep. Att'y Gen. 311 (Opinion No. 136, dated July 28, 1972) (Township Roads-Highway Allocation Funds); Op. Att'y Gen. No. 176 (January 8, 1982) (County's duty to maintain County Roads – Insufficient Funds); Op. Att'y Gen. No. 224 (March 23, 1982) (Maintenance of Township Roads); Op. Att'y Gen. No. 87021 (February 11, 1987) (Township Roads – Highway Allocation Funds); Op. Att'y Gen. No. 94040 (May 23, 1994) (Placement of a sign along a State highway within corporate limits of a City).

Opinion 20-003

SUBJECT: LB 992 – Constitutionality of Authorizing the Use of Electric Utility Easements to Furnish Commercial Broadband Service

REQUESTED BY: Senator Curt Friesen
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office concerning the constitutionality of LB 992. Sections 1 to 5 of LB 992 would be known as the Broadband Internet Service Infrastructure Act ["BISIA" or the "Act"]. You describe the bill as allowing an electric utility that holds an electric utility easement, or a commercial broadband supplier designated by the electric utility, to take certain actions without the consent of an interest holder in the real property subject to the easement. The Act would require that notice be provided thirty days prior to taking action with regard to broadband service to the real property owner or other interest holders that have requested notice. It would also establish a two year statute of limitations for claims against an electric utility or commercial broadband supplier and set forth the measure of damages for such claims.

Your specific question is "are the notice provisions relating to due process and the limitation of damages that could be awarded to a property owner constitutional in light of Article 1, Section 3 of the Nebraska constitution"

ANALYSIS

I. Provisions of LB 992

You have introduced LB 992 to implement the recommendations of the Rural Broadband Task Force. Section 1 of LB 992 states that sections 1 to 5 of the act constitute the Broadband Internet Service Infrastructure Act. Section 6 of the act, while not part of the BISIA, expresses the intent of the Legislature "to encourage local and regional broadband planning, and to encourage public-private partnerships to enhance broadband services in unserved and underserved areas of the state." It appears that the general intent of the BISIA is to facilitate the use of existing electric utility easements to provide commercial broadband service.

Specifically, subsection (1) of section 3 provides that, if certain notice and filing requirements are met, an electric utility holding an electric utility easement may:

- (a) Install, maintain, or own, or permit any commercial broadband supplier to install, maintain, or own, an attached facility for operation by a commercial broadband supplier in providing commercial broadband service; and
- (b) Lease or otherwise provide to a commercial broadband supplier any excess capacity of attached facilities for purposes of providing commercial broadband service.

An "attached facility" is defined at section 2 of LB 992 to mean a broadband facility located substantially "aboveground and attached to an electric utility's electric service infrastructure" or "underground in an electric utility easement and existing before the delivery of notice pursuant to section 3"

The electric utility may take the actions described above without the consent of an interest holder in the real property subject to the electric utility easement. However, in order to do so, subsection (2) of section 3 requires that the electric utility or its designated commercial broadband supplier must first send notice to each property owner and to any other interest holder that has recorded a request for notice with the county clerk. That notice must be sent by certified mail at least thirty days before taking the actions described in subsection (1) of section 3. In addition, the electric utility or its designated commercial broadband supplier must record a memorandum in the office of the county clerk.

Section 4 provides a two year statute of limitations for claims brought by an interest holder against an electric utility or commercial broadband supplier concerning the exercise of an action under section 3 of the act. That statute of limitations does not apply to claims based on physical

damage to property, injury to natural persons or breach of the terms and conditions of a written electric easement.

Section 4 also contains provisions relevant to your inquiry about damages. As will be discussed below, subsection (3) pertains to the measure of damages for all trespass claims, inverse condemnations claims or other claims brought by interest holders and sets out some limitations on damages which may be recovered.

II. Article I, § 3 And Article I, § 21

You have inquired about Neb. Const. art. I, § 3 which provides: "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the law." The answer to your questions also concerns Neb. Const. art. I, § 21 which provides: "The property of no person shall be taken or damaged for public use without just compensation therefor." This provision is often referred to as the "takings" clause. A like guarantee is found at U.S. Const. amend. XIV which provides, as is relevant: "No person shall ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." We note that the protection afforded a property owner under the Nebraska Constitution is broader than that provided in the United States Constitution as it protects against state action taking *or damaging* private property. For purposes of this opinion, we will discuss these constitutional provisions together.

We begin with a general discussion of eminent domain. The Nebraska Supreme Court, referring to *Thompson v. Heineman*, 289 Neb. 798, 857 N.W.2d 731 (2015), described eminent domain as follows:

Eminent domain is the State's inherent power to take private property for a public use. The State's eminent domain power resides in the Legislature and exists independently of the Nebraska Constitution. But the constitution has limited the power of eminent domain, and the Legislature can limit its use further through statutory enactments. Under Neb. Const. art. I, § 21, the State can take private property only for a public use and only if it pays just compensation. Only the Legislature can authorize a private or public entity to exercise the State's power of eminent domain. *Estermann v. Bose*, 296 Neb. 228, 240, 892 N.W.2d 857, 867 (2017) (citations omitted).

The state's power of eminent domain may be delegated by the Legislature. Eminent domain power "belongs to the state and may be exercised either directly by the Legislature or through the medium of corporate bodies, which includes municipalities, or of individual enterprises to whom it sees fit to delegate such power in the public's interest." *In re Condemnation of Blocks 13, 14, 15, Koehler's Subdivision, City of Grand Island*, 144 Neb. 67, 69, 12 N.W.2d 540, 541 (1943). As noted by the Nebraska Supreme Court in *Estermann*, the Legislature has delegated the power of eminent domain to

natural resource districts, which are political subdivisions of the state. *Id.* at 240, 892 N.W.2d at 867. Private entities, such as railroads, have also been delegated the statutory authority to acquire land through eminent domain. *Burlington Northern and Santa Fe Ry. Co. v. Chaulk*, 262 Neb. 235, 631 N.W.2d 131 (2001) ["*Burlington Northern*"].

LB 992 concerns existing electrical utility easements held by an electric utility. LB 992, § 2(4). The takings clause applies to takings of real property, including easements. *In re Petition of Omaha Public Power District*, 268 Neb. 43, 680 N.W.2d 128 (2004) (public power district filed a petition for condemnation to condemn a permanent right-of-way easement to construct an electric powerline); *Liberty Development Corp. v. Metropolitan Utilities Dist. Of Omaha*, 276 Neb. 23, 751 N.W. 2d 608 (2008).

Finally, under art. I, § 21, any private property which is taken must be taken for a public use. "It is essential that property taken under the power of eminent domain be for a public use and not a private one." *Burlington Northern*, 262 Neb. at 242, 631 N.W.2d at 137. However, the definition of public use is a broad one. The use of the power of eminent domain to build public highways, to acquire land for public buildings or to install electrical and telephone lines are examples of public uses. It has long been held that the generation and transmission of electricity for the purpose of furnishing electrical power to the public is a public use for which the power of eminent domain may be exercised. *Lucas v. Ashland Light, Mill & Power Co.*, 92 Neb. 550, 138 N.W. 761 (1912). In our view, broadband service has become as essential a part of the infrastructure as electrical and telephone service and the provision of broadband service to the public would be found to constitute a public use.

III. Due Process In The Context of Eminent Domain

You have inquired whether the notice provisions of LB 992 are constitutional in light of Neb. Const. art. I, § 3, which mandates that no person shall be deprived of property without due process of law. Because you have referred to the notice provisions, we assume you are referring to the principle of procedural due process which generally entails notice and an opportunity for a hearing. However, due process does not guarantee any particular form or method of procedure in the context of eminent domain, and, in some situations, it may be sufficient that the landowner has an opportunity for a hearing on the issue of just compensation.

Specifically, if eminent domain authority is exercised without first instituting condemnation proceedings, a landowner may file a claim for inverse condemnation. "Inverse condemnation is a shorthand description for a landowner suit to recover just compensation for a governmental taking of the landowner's property without the benefit of condemnation proceedings." *Cappel v. State Department of Natural Resources*, 298 Neb. 445, 452, 905 N.W.2d 38, 46 (2017). "While the property owner cannot

compel the return of the property taken, because of the eminent domain power of the condemner, he has a constitutional right, as a substitute, to just compensation for what was taken." *Krambeck v City of Gretna*, 198 Neb. 608, 614, 254 N.W.2d 691, 695 (1977). And, the Nebraska statutes which set forth the procedures applicable to eminent domain actions recognize that a landowner may initiate the proceedings. "If any condemner shall have taken or damaged property for public use without instituting condemnation proceedings, the condemnee, in addition to any other available remedy, may file a petition with the county judge of the county where the property or some part thereof is situated to have the damages ascertained and determined." Neb. Rev. Stat. § 76-705 (2018).

The Court did find a violation of due process in an inverse condemnation case brought by the owner of an unoccupied home which had been demolished by the city. *Blanchard v. City of Ralston*, 251 Neb. 706, 559 N.W.2d 735 (1997). There, a notice posted on the house which gave Blanchard three days to remedy the unsafe home and ten days to appeal the decision to demolish was insufficient. The Court noted that three days was not a reasonable time to take necessary steps to make the house safe and that the notice failed to adequately notify Blanchard of the City's safety concerns. In addition, although a notice of appeal was filed by the property owner, demolition of the home began prior to the time of the hearing. However, in general, when there has been a deprivation of a significant property interest, "due process requires notice and an opportunity to be heard *that is appropriate to the nature of the case.*" *Prime Realty Development, Inc. v. City of Omaha*, 258 Neb. 72, 76, 602 N.W.2d 13, 16 (1999) (emphasis added). And, in *May v. City of Kearney*, 145 Neb. 475, 17 N.W.2d 448 (1945), the Court upheld a statutory scheme which provided for limited hearings on the issue of just compensation.

Here, LB 992 provides that an electric utility with an existing electric utility easement may install, maintain, or own an attached facility, or lease excess capacity of attached facilities for purposes of providing commercial broadband service only if, at least thirty days before taking action, it mails notice to each property owner and to any other interest holder that has recorded a request for notice in the office of the county clerk. LB 992 § 3(2). This notice provision appears adequate under the Nebraska cases discussed above. The bill also recognizes that an interest holder may bring a claim against an electric utility or a commercial broadband supplier after that entity has taken action pursuant to section 3. Section 4 refers to a statute of limitations for claims against the electric utility or commercial broadband supplier, specifies the measure of damages which may be awarded to an interest holder, and refers to that interest holder bringing "a trespass claim, inverse condemnation claim, or any other claim or cause of action." Therefore, although there is no requirement under LB 992 that the electric utility first institute condemnation proceedings, a landowner or other interest holder retains the right to initiate proceedings and to be heard.¹

IV. Damages Pursuant to LB 992

You also inquire about the constitutionality of LB 992's limitation of damages that a landowner may request. LB 992, § 4(3) contains several provisions which would govern the damages which may be awarded to a landowner or other interest holder. The measure of damages is defined at § 4(3)(a) as "the fair market value of the reduction in value of the interest holder's interest in the real property." This compares to the Nebraska Supreme Court's holding that "the measure of damages for the taking of an easement is the difference in the reasonable market value of the property before and after the taking of the easement." *In re Petition of Omaha Public Power District*, 268 Neb. 43, 51, 680 N.W.2d 128, 136 (2004) (citing *Ward v. Nebraska Electric G. & T. Co-op, Inc.*, 195 Neb. 641, 240 N.W.2d 18 (1976)).

However, § 4(3)(a)(i) then provides that neither evidence of profits or revenue derived from the attached facilities nor evidence of the rental value of the real property interest or electric easement are admissible in a judicial proceeding. Section 4(3)(a)(ii) requires that "[c]onsideration must be given to any increase in value to the real property interest resulting from the availability of commercial broadband service to the real property" Section 4(3)(c) provides further restrictions on damages, including the provision that "an interest holder is not entitled to reimbursement ... for the cost of any appraisal, attorney fees, or award for special, consequential, indirect, or punitive damages." Also, currently, a landowner who prevails in an inverse condemnation action would generally be entitled to an award of costs and expenses, which may include reasonable attorney's, appraisal, and engineering fees. Neb. Rev. Stat. § 76-726 (2018).

To the extent that LB 992 places these restrictions on damages that may be recovered, it creates some uncertainty whether the bill is consistent with the constitutional requirement of just compensation.² We cannot say that the damages limitations are facially invalid. However, as applied in a particular case, the limitations may not satisfy the just compensation requirement of art. I, § 21.

CONCLUSION

In summary, we do not believe that the proposed legislation would contravene the procedural due process requirements required by Neb. Const. art. I, § 3. LB 992 does require notice to landowners and interest holders and provides an opportunity for a hearing. While the constitutionality of the bill's limitations on damages is less clear, we cannot say those provisions plainly violate Neb. Const. art. I, § 3 or art. I, § 21.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-665-30

¹ LB 992, § 4(1)(a) provides a two year period for bringing a claim against an electric utility or commercial broadband supplier under the Act. Section 4(1)(b) provides that this two year statute of limitations does not apply to claims based on physical damage to property, injury to natural persons or breach of the terms of a written electric easement. While you have not inquired about the statute of limitations, we note that the Nebraska Supreme Court has held that actions commenced under art. I, § 21 are governed by the ten year statute of limitations in Neb. Rev. Stat. § 25-502 (2016). *Krambeck v. City of Gretna*, 198 Neb. 608, 254 N.W.2d 691 (1977). An exception is an inverse condemnation claim against the State for which the two year statute of limitations in Neb. Rev. Stat. § 25-218 applies. LB 992 would provide another exception.

² LB 992 is based on a bill enacted by Colorado in 2019 and codified at Colo. Rev. Stat. §§ 40-15-601 to 40-15-604. The Colorado statutes include notice and damages provisions substantially similar to those in LB 992. Indiana adopted similar changes in its laws in 2017. Ind. Code §§ 32-30-16-1 to 32-30-16-17. Other states which adopted laws in 2019 to facilitate the use of existing electric easements for broadband purposes include Georgia and Maryland. Ga. Code Ann. § 46-3-205; Md. Code Ann. Corp. & Ass'ns § 5-607 and § 5-641.1. Because these statutes were enacted so recently, we have not found any reported decisions pertaining to the constitutionality of their notice and damages provisions.

Opinion 20-004

SUBJECT: LB 720 — Constitutionality of Delegating Authority to Approve a Request to Exceed the Base Authority for Tax Refunds and Credits Under the ImagiNE Nebraska Act to the Executive Board of the Legislative Council

REQUESTED BY: Senator Tom Brandt
Senator Mark Kolterman
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

Legislative Bill 720 creates the "ImagiNE Nebraska Act" ("Act"), the proposed successor to the Nebraska Advantage Act.¹ The new Act would provide, among other things, tax incentives to certain qualified businesses. The Department of Economic Development ("DED") would administer the

Act. You have each requested an opinion from this office with respect to the constitutionality of certain provisions in LB 720 that confer on the Executive Board of the Legislative Council the authority to approve an increase to the "base authority" for sales and use tax refunds and tax credits. Senator Kolterman seeks our opinion as to whether the language in the bill violates the separation of powers clause in Neb. Const. art. II, § 1. Senator Brandt has asked this office to consider whether this statutory scheme constitutes an unlawful delegation of legislative power to the Executive Board. Our conclusions on these questions are set forth below.

PROPOSED LEGISLATION

The provisions at issue are currently found in section 4 of AM1975, adopted by the Legislature on select file on May 24, 2019. Almost identical language appears in section 39 of pending AM2207. The proposed language requires the DED to prepare an estimate of the amount of sales and use tax refunds to be paid and tax credits to be used under the Act for the upcoming three calendar years. DED must prepare the estimate on or before the fifteenth day of February and October of each year, and transmit the estimate to the Legislature. In preparing the estimate, DED shall use the most recent data available, including pending and approved applications, and updates required under section 28, subdivision (1)(f).² Sec. 39(2)(a).

The "base authority" for the estimated amount of tax refunds and credits is defined as an amount

equal to one hundred twenty-five million dollars for calendar years 2021 through 2024. Beginning with calendar year 2025 and every three years thereafter, the director shall adjust the base authority to an amount equal to three percent of the actual General Fund net receipts for the most recent fiscal year for which such information is available.

Sec. 39(2)(b). In the event the estimate in any given calendar year exceeds the base authority, DED must prepare an analysis explaining why the estimate exceeds the base authority and submit it to the Legislature. The DED director is prohibited from approving any additional applications which include refunds or credits for the particular calendar year in which the base authority is projected to be exceeded unless the DED director requests additional authority and the Executive Board approves the request. Sec. 39(2)(a)(i) and (ii).

Sec. 39(2)(c) sets out a process to be used by the Executive Board in making its determination, including holding a public meeting on the request. If the Executive Board fails to make a determination within forty-five days after receipt of the request, the request will be deemed approved. The Executive Board must also consider whether approval of the requested increase would achieve certain criteria contained in the bill, e.g., "[p]romot[ing] economic development in line with the state's economic development strategy" and "investment in distressed and rural areas[.]"

DISCUSSION

I. *Executive Board of the Legislative Council*

Since the delegation in question is directed to the Executive Board of the Legislative Council, we will begin by examining the organization and duties of these entities.

A. Legislative Council

Neb. Rev. Stat. § 50-401 (2010) establishes

a Legislative Council, hereinafter referred to as council, which shall consist of all of the members of the Legislature. It shall be the function of the Legislative Council to consider legislative policies between sessions of the Legislature and carry out the duties imposed by section 50-402.

Neb. Rev. Stat. § 50-402 (2010) authorizes the Legislative Council to collect information about state government and the state's general welfare; examine the effect of statutes and recommend amendments; address important issues of public policy; prepare a program of legislative bills deemed necessary for the welfare of the state; study and advise the Legislature on federal aid to state and local governmental entities; establish and maintain a bill drafting service; provide for the publication of Nebraska statutes; and set up subcommittees within the Executive Board to carry out certain functions, including investigations, determined to be in the public interest.

B. Executive Board

Neb. Rev. Stat. § 50-401.01 (Cum. Supp. 2018) establishes the Executive Board of the Legislative Council, comprised of a chairperson, a vice-chairperson, six members of the Legislature and the Speaker of the Legislature. The members serve a two-year term, and are selected at the beginning of each regular session of the Legislature when the speaker is chosen. The chairperson of the Appropriations Committee serves as an ex officio member when the Executive Board considers fiscal matters. The duties of the Executive Board include supervising all services and personnel of the Legislature, and appointing the Legislative Fiscal Analyst, Director of Research, Revisor of Statutes, and Legislative Auditor. Section 50-401.01(3) authorizes the Executive Board—notwithstanding any other provision of law—to contract for "legal, auditing, accounting, actuarial, or other professional services or advice for or on behalf of the executive board, the Legislative Council, the Legislature, or any member of the Legislature." Members of the Executive Board also serve as the Reference Committee. *Rules of the Nebraska Unicameral Legislature*, Rule 3, Sec. 4(e) (adopted January 23, 2019).

This office has previously indicated that the Legislative Council and the Executive Board are not separate entities. "[They] are creatures of the Legislature. Members serve in those capacities by virtue of the fact that they are members of the Legislature. These bodies are standing committees of the Legislature, created by law. As such they are not distinct and separate from the Legislature but merely a part of the Legislature itself." Op. Att'y Gen. No. 50 (March 13, 1981) at 2; *see also* Op. Att'y Gen. No. 49 (March 16, 1981); Op. Att'y Gen. No. 92054 (April 1, 1992). Thus, the Executive Board "can perform investigatory and other functions for the Legislature so long as [it does] not perform duties specifically required of the Legislature itself in the Nebraska Constitution." Op. Att'y Gen. No. 92054 at 3; Op. Att'y Gen. No. 96027 (April 1, 1996).

II. *Separation of Powers Clause*

Neb. Const. art. II, § 1(1) provides that

[t]he powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

"The purpose of the clause is to establish the permanent framework of our system of government and to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." *State v. Phillips*, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). "The powers of the three departments of government are derived from express grants in the Constitution and from the inherent right to accomplish all objects naturally within the orbit of each department, not expressly limited by the existence of a similar power elsewhere or express limitations in the Constitution." *State ex rel. Veskrna v. Steel*, 296 Neb. 581, 597, 894 N.W.2d 788, 799-800 (2017). "The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." *State ex rel. Spire v. Conway*, 238 Neb. 766, 773, 472 N.W.2d 403, 408 (1991). "Our constitution, unlike the federal Constitution and those of several other states, contains an express separation of powers clause. So we have been less willing to find overlapping responsibilities among the three branches of government." *In re Nebraska Community Corr. Council*, 274 Neb. 225, 229, 738 N.W.2d 850, 854 (2007); *Polikov v. Neth*, 270 Neb. 29, 699 N.W.2d 802 (2005).

This office has previously considered the propriety of legislation that purports to extend executive power to the legislative branch. In Opinion No. 22 (February 26, 1963),³ the Attorney General assessed the constitutionality of legislation that would require state agencies to obtain legislative approval and authorization prior to any construction, building and land purchases or expenditures from the State Institutional and Military Department Building

Fund. Also at issue was legislation that would require the consent of the Legislature, rather than the governor, for the acquisition of real property by the Game, Forestation and Parks Commission. We stated that

[w]hile the Legislature has the power and authority to decide all of these matters **before** making any appropriation, or **before** granting any authority, yet if it seeks to retain control by inserting in its laws and bills the requirement that no action be taken or money spent until subsequent approval of the Legislature be granted, then it is in effect, both making the law and administering it, appropriating the money and spending it, and the constitutional system of separation of powers would be destroyed.

What would be the situation if amendment to the bills were made to allow the Legislative Council or a committee of the Legislature to exercise this power of approval when the Legislature is not in session? Such bodies would not have any authority to pass laws or to make resolutions as does the Legislature. Any exercise of this attempted delegated authority would clearly be executive in its nature, substituting the discretion of the council or a committee for that of the executive. That this may not be done is self-evident. If the Legislature may not do it, certainly any group or committee of the Legislature may not do it. . . .

Id. at 38 (emphasis in original).

In Op. Att'y Gen. No. 53 (March 24, 1977),⁴ we considered legislation that would require the Game and Parks Commission to obtain the approval of the Legislature's Appropriations Committee for any planned expenditures from the Nebraska Outdoor Recreation Development Cash Fund. In finding the proposal to be constitutionally suspect to the extent it gave the Appropriations Committee veto power over executive decisions, we concluded:

If the [statutory] construction suggested above were adopted, it would be an attempt to administer an executive function by a committee of the Legislature. The committee would be empowered to review and reject executive decisions regarding particular expenditures. While the Legislature is fully authorized to limit executive choices by appropriate restrictions through enactment of statutes, once a statute is enacted or an appropriation made the Legislature has no further authority.

Id. at 1. In response to whether the proposed approval required the acquiescence of the entire Legislature, we indicated that it was irrelevant to the question of whether the separation of powers provision has been violated. "[I]f the bill is construed to reflect an intention by the Legislature to pass on each item of expenditure, either by the body as a whole or by a committee of the Legislature, Article II, Section 1 . . . is violated and the act would be unconstitutional." *Id.* at 2.

In Op. Att'y Gen. No. 87114 (December 9, 1987), the Attorney General considered the propriety of a proposed plan for the disbursement of money from the Nebraska Energy Settlement Fund. The legislation required the governor to develop a plan in accordance with the court order awarding the funds, applicable federal guidelines, and legislative guidelines contained in the bill, and submit the plan to the Legislature. The Appropriations Committee was then required to hold a public hearing and consider appropriations based on the plan. No money could be disbursed or expended from the fund without a legislative appropriation and only when in compliance with the legislative guidelines.

We concluded that the proposed disbursement procedure violated art. II, § 1. We stated that

[t]he Legislature is, in essence, requiring legislative approval before expenditure of the funds. The fact that the bill is written in terms of legislative approval for the appropriation does not alter the clear intent of the act requiring legislative approval for the expenditure. The Legislature is in effect attempting to both make the law and administer it; appropriate money, and spend it. This is a violation of the separation of powers article of the Constitution of the State of Nebraska.

In short, LB 683 is unconstitutional because it impinges on the executive power of the Governor to administer the funds involved.

Id. at 3.

In Op. Att'y Gen. No. 92054 (April 1, 1992), we considered proposed legislation that would require the state building administrator to submit a detailed report to the Executive Board analyzing the estimated costs to renovate an office building at the Norfolk Regional Center. The language required the Executive Board to determine whether the project should be completed in the event the estimated costs exceeded the appropriation provided in the bill. Relying on previous opinions of this office, including Opinion No. 22 and Opinion No. 87114 discussed above, we concluded that the proposed amendment was constitutionally suspect. We stated:

AM3692 would appropriate money for renovation of the Stone Office Building. However, after the appropriation, the Executive Board of the Legislative Council would still retain some control over completion of the project. In our view, this continued control impermissibly involves the Legislature in functions of the Executive branch of government. Any decision as to whether the renovation project should be completed if its costs overrun the appropriation should be left to the executive agency involved, since the determination if other funds are available or if there are other means to complete the project is really an executive function.

Id. at 3. *See also* Op. Att'y Gen. No. 96027 (April 1, 1996) (Proposed amendment that would require the Executive Board to approve any state contract relating to the sale of public records for a fee, when the fee contemplated is greater than allowed under state law or otherwise free, determined to violate the separation of powers provision).⁵

"[T]he Legislature exercises a power constitutionally committed to it by enacting statutes to declare what is the law and public policy." *State ex rel. Veskrna*, 296 Neb. at 598, 894 N.W.2d at 800. "The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered." Neb. Const. art. IV, § 6. AM2207 currently sets the base authority at one hundred twenty-five million dollars for calendar years 2021 through 2024, and "three percent of the actual General Fund net receipts for the most recent fiscal year for which such information is available" beginning in 2025, and every three years thereafter. The DED director is expressly prohibited from approving any applications involving refunds and credits when the estimate for a particular year exceeds the base authority unless the director requests and receives approval from the Executive Board to increase the authority. It seems to us that the continued presence and control of the Legislature in the administration of the Act constitutes an impermissible encroachment into executive power. While the Legislature is empowered to declare what the law is, it cannot reserve to itself the authority to administer the law as well.⁶ Consequently, we conclude that the proposed legislation violates the separation of powers provision in art. II, § 1.

III. *Delegation of Legislative Authority*

As a general rule, the Legislature cannot delegate legislative authority to an administrative body. *State v. Sprague*, 213 Neb. 581, 330 N.W.2d 739 (1983). The Legislature may, however, grant general powers to an official or agency and delegate the power to enact rules and regulations concerning the details of the legislative purpose. *Gillette Dairy, Inc. v. Nebraska Dairy Products Board*, 192 Neb. 89, 219 N.W.2d 214 (1974). A delegation of legislative authority is not unconstitutional where the Legislature has provided reasonable limitations and standards for carrying out delegated duties. *Bosselman, Inc. v. State*, 230 Neb. 471, 432 N.W.2d 226 (1988).

We are unaware of any Nebraska Supreme Court cases that consider the nondelegation doctrine in conjunction with the Executive Board. However, courts in other jurisdictions have addressed the constitutionality of statutes where the delegation in question was made to legislative committees. For example, in *New York Public Interest Research Group, Inc. v. Carey*, 86 Misc.2d 329, 383 N.Y.S.2d 197 (N.Y. Sup. Ct. 1976), a taxpayers' group sought to restrain the governor and comptroller from retaining and paying certain officeholders on the grounds that legislative committees had recommended that such positions and programs be abolished. The court noted that "the Constitutional function of legislating which belongs

exclusively to the Legislature cannot be delegated even to its own committees or committee chairmen." *Id.* at 332, 383 N.Y.S.2d at 199. Since the appropriations bill funding the positions and programs was passed in lump sum form, and because the full Legislature had not specifically designated that the positions and programs be deleted in the bill, the court found that the recommendations of the legislative committees to abolish the positions and programs was ineffectual. *Id.* at 333-334, 383 N.Y.S.2d at 200.

In *Opinion of the Justices*, 121 N.H. 552, 431 A.2d 783 (N.H. 1981), the New Hampshire Supreme Court considered legislation that would authorize the Legislature to review and accept or reject administrative rules proposed by state agencies. The legislation required that the proposed rules be presented to standing committees of both houses for approval. However, the senate president and house speaker could agree to waive the committee approval requirement. The court found the statutory scheme unconstitutional, stating:

This wholesale shifting of legislative power to such small groups in either house cannot fairly be said to represent the "legislative will." . . . Left unstated, yet implicit in this constitutional scheme, is the requirement that the legislative authority of the government may be exercised only by a quorum of the two bodies of the General Court. Although the legislature may delegate a portion of the legislative authority to an administrative agency which is not subject to this requirement, it may not delegate its lawmaking authority to a smaller legislative body and thereby evade the requirement for action by a majority of a quorum of both legislative bodies.

Id. at 559-560, 431 A.2d at 788.

In *Advisory Opinion In re Separation of Powers*, 305 N.C. 767, 295 S.E.2d 589 (N.C. 1982), the North Carolina Supreme Court considered the constitutionality of legislation establishing two joint legislative committees—one committee to control budget transfers and another to oversee all aspects of the acceptance and use of federal block grant funds, specifically when the General Assembly was not in session. Noting that the North Carolina Constitution vested the legislative power of the state in the General Assembly, the court found that the purported power given to the budget committee, comprised of twelve members of the house and senate, plus the senate president, "exceeds that given to the legislative branch by Article II of the Constitution." *Id.* at 775, 295 S.E.2d at 594. The court further found the statute creating the budget committee violated the separation of powers clause by encroaching on the constitutional duties and responsibilities imposed on the governor. *Id.* at 775-776, 295 S.E.2d at 594. While the court declined to address whether the General Assembly had the authority to determine whether the state would accept certain block grants and, if received, how to spend the funds, it made it clear that the committee had no power to do so:

[I]t is our considered opinion that the General Assembly may not delegate to a legislative committee the power to make those decisions.

In several of the instances set forth in G.S. 120-84.5 the committee would be exercising legislative functions. In those instances there would be an unlawful delegation of legislative power. In the other instances the committee would be exercising authority that is executive or administrative in character. In those instances there would be a violation of the separation of powers provisions of the Constitution and an encroachment upon the constitutional power of the Governor.

Id. at 779, 295 S.E.2d at 596.

Finally, in *Legislative Research Comm'n v. Brown*, 664 S.W.2d 907 (Ky. 1984), the Kentucky Supreme Court considered the constitutionality of statutes conferring powers on the Legislation Research Commission ("LRC"), a group comprised of six members of the Kentucky General Assembly. The court noted the provisions in the Kentucky Constitution vesting and restricting legislative power solely to the General Assembly. It further noted that "[i]n *Bloemer v. Turner*, . . . we declared that the Kentucky Constitution ' . . . made sure that the legislature may not in any degree abdicate its power.'" *Id.* at 915. Moreover, "[i]t is an accepted principle that 'the legislative department has no right to deputize to others the power to perform its governing functions.'" *Id.*, quoting *Bloemer*, 137 S.W.2d at 391. In finding that the General Assembly could not delegate its authority to legislate to the LRC, the court stated:

It is clear from the aforementioned cases that delegation, of legislative power, to be lawful, must not include the exercise of discretion as to what the law shall be. In addition, such delegation must have standards controlling the exercise of administrative discretion. Finally, the delegating authority must have the right to withdraw the delegation.

Therefore, we conclude that the General Assembly, which constitutionally holds legislative power, cannot delegate that power to the LRC.

664 S.W.2d at 915.

In Nebraska, "[t]he legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. "[N]o law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal." Neb. Const. art. III, § 13. As currently drafted, AM2207 requires the approval of the Executive Board to exceed the amount of the base authority otherwise prescribed in the Act. In light of the constitutional provisions and the authority discussed above, we believe this legislation constitutes an unconstitutional attempt by the Legislature to delegate

legislative authority to the Executive Board. If the Legislature believes the base authority should be increased annually to accommodate the tax refunds and credits allowed under the Act, it may do so by appropriate legislation. Alternatively, the Legislature may delegate the power to adjust the base authority to executive officials, provided that reasonable limitations and standards for carrying out the delegated duties are stated in the authorizing act.

CONCLUSION

Based on the foregoing analysis, it is our opinion that any proposed legislation that would require the DED director to obtain approval of the Executive Board to increase the base authority necessary to administer certain provisions of the *ImagiNE Nebraska Act* would constitute an impermissible encroachment on executive power in violation of the separation of powers provision in Neb. Const. art. II, § 1. We also conclude that any attempts by the Legislature to delegate its legislative function to a subset of the full Legislature would be an unlawful delegation of the authority vested in the Legislature under Neb. Const. art. III, § 1.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2402

¹ Neb. Rev. Stat. §§ 77-5701 to 77-5735 (2018, Supp. 2019).

² Subdivision (1)(f) requires the taxpayer to provide an updated timetable each year "showing the expected sales and use tax refunds and what year they are expected to be claimed"

³ 1963-64 Rep. Att'y Gen. No. 22 at 37.

⁴ 1977-78 Rep. Att'y Gen. No. 53 at 77.

⁵ Contrary to the opinions discussed herein, in the course of our research we identified three statutes where the Executive Board has been improperly delegated authority to approve, if the Legislature is not in session, certain construction projects, financing plans, and expenditures in excess of five hundred thousand dollars pertaining to the University of Nebraska and the Nebraska State Colleges. *See* Neb. Rev. Stat. § 85-404 (2014); Neb. Rev. Stat. § 85-408 (2014); and Neb. Rev. Stat. § 85-426 (2014).

⁶ See *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm'n*, 251 Neb 517, 557 N.W.2d 684 (1997) (Provision in the Whistleblower Act, which required the State Personnel Board to stay or reverse personnel action taken against state employee based on Ombudsman's finding that a violation of the act has occurred, violated art. II, § 1.).

RESOLUTION(S)

LEGISLATIVE RESOLUTION 328. Introduced by Stinner, 48.

WHEREAS, Fred Lockwood has served eight four-year terms on the Nebraska Economic Forecasting Advisory Board, beginning with the creation of the board in 1984; and

WHEREAS, Fred Lockwood served eight two-year terms as Chairman of the Nebraska Economic Forecasting Advisory Board from 1986 to 2004; and

WHEREAS, the Nebraska Economic Forecasting Advisory Board is responsible for providing advisory forecasts of General Fund tax receipts to the Governor and the Legislature; and

WHEREAS, Fred Lockwood served as Director of the Nebraska Community Foundation from 2000 to 2009; and

WHEREAS, Fred Lockwood served as Director of the Nebraska Chamber of Commerce and Industry from 1990 to 1999; and

WHEREAS, Fred Lockwood served three four-year terms as a member of the county board of Scotts Bluff County from 1967 to 1979; and

WHEREAS, Fred Lockwood served as Chairman of the Scotts Bluff County Board in 1968, 1970, 1973, 1976, and 1978.

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

1. That the Legislature recognizes and thanks Fred Lockwood for his lifetime of public service, including his thirty-two years of service on the Nebraska Economic Forecasting Advisory Board.

2. That a copy of this resolution be sent to Fred Lockwood.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

GENERAL FILE

LEGISLATIVE BILL 840. Senator Wayne withdrew his amendment, [AM2598](#), found on page 750.

Senator Wayne offered the following amendment:

[AM2677](#)

(Amendments to Standing Committee amendments, AM2512)

- 1 1. Strike section 5 and insert the following new section:
- 2 Sec. 5. Electronic smoking device retail outlet means a store that
- 3 is licensed as provided under sections 28-1421 and 28-1422 and that sells
- 4 electronic smoking devices and products directly related to electronic
- 5 smoking devices.
- 6 2. On page 3, strike lines 13 and 14 and insert the following new
- 7 subsection:
- 8 "(2) An electronic smoking device retail outlet that does not allow
- 9 persons under the age of twenty-one years to enter the outlet is exempt
- 10 from section 71-5729 as it relates to the use of electronic smoking
- 11 devices only."

Senator Wayne withdrew his amendment.

Senator Quick offered the following amendment:

[FA103](#)

Amend AM2512

On page 2 line 3, strike after the word device through line 6 at the period and insert "means an electronic nicotine delivery system as defined in Section 28-1418.01".

The Quick amendment was adopted with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 1198. Placed on General File.

(Signed) John Stinner, Chairperson

Judiciary

LEGISLATIVE BILL 1028. Placed on General File with amendment.

[AM2525](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 24-1004, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 24-1004 The Supreme Court shall provide by rule for the preservation
- 6 of all records and of all exhibits offered or received in evidence in the
- 7 trial of any action. When the records of the district court do not show
- 8 any unfinished matter pending in the action, a judge of the district
- 9 court if satisfied they are no longer valuable for any purpose may, upon
- 10 such notice as the judge may direct, order the destruction, return, or
- 11 other disposition of such exhibits as the judge he deems appropriate when
- 12 approval is given by the State Records Administrator pursuant to the
- 13 Records Management Act sections 84-1201 to 84-1220.
- 14 Sec. 2. Section 24-1005, Reissue Revised Statutes of Nebraska, is

15 amended to read:

16 24-1005 The clerk of any district court or of any other court of
17 record may ~~maintain microfilm~~ any court record as a preservation
18 duplicate in the manner provided in section 84-1208. The original record
19 may be destroyed only with the approval of the State Records
20 Administrator pursuant to ~~the Records Management Act sections 84-1201 to~~
21 ~~84-1220~~. The reproduction of the preservation duplicate microfilm shall
22 be admissible as evidence in any court of record in the State of
23 Nebraska.

24 Sec. 3. Section 25-1301, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 25-1301 (1) A judgment is the final determination of the rights of
27 the parties in an action.

1 (2) Rendition of a judgment is the act of the court, or a judge
2 thereof, in signing a single written document stating all an order of the
3 relief granted or denied in an action.

4 (3) The entry of a judgment, decree, or final order occurs when the
5 clerk of the court places the file stamp and date upon the judgment,
6 decree, or final order. For purposes of determining the time for appeal,
7 the date stamped on the judgment, decree, or final order shall be the
8 date of entry.

9 (4) The clerk shall prepare and maintain the records of judgments,
10 decrees, and final orders that are required by statute and rule of the
11 Supreme Court. Whenever any judgment is paid and discharged or when a
12 satisfaction of judgment is filed, the clerk shall enter such fact upon
13 the judgment index.

14 Sec. 4. Section 25-1301.01, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 25-1301.01 Within three working days after the entry of any civil
17 judgment or final order, except judgments by default when service has
18 been obtained by publication or interlocutory orders styled as judgments,
19 the clerk of the court shall send the judgment or final order by United
20 States mail or by service through the court's electronic case management
21 system to each party whose address appears in the records of the action
22 or to the party's attorney or attorneys of record.

23 Sec. 5. Section 25-2804, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 25-2804 (1) Actions in the Small Claims Court shall be commenced by
26 the plaintiff by filing of a claim, personally, or by mail, or by another
27 method established by Supreme Court rules the plaintiff on a form
28 provided by the clerk of a county court. The claim form shall be executed
29 by the plaintiff in the presence of a judge, a clerk or deputy or
30 assistant clerk of a county court, or a notary public or other person
31 authorized by law to take acknowledgments. If not filed in person, the
1 claim form and appropriate fees shall be mailed by the plaintiff to the
2 court of proper jurisdiction.

3 (2) At the time of the filing of the claim, the plaintiff shall pay
4 a fee of six dollars and twenty-five cents to the clerk. One dollar and
5 twenty-five cents of such fee shall be remitted to the State Treasurer
6 for credit to the Nebraska Retirement Fund for Judges.

7 (3) Upon filing of a claim in the Small Claims Court, the court
8 shall set a time for hearing and shall cause notice to be served upon the
9 defendant. Notice shall be served not less than five days before the time
10 set for hearing. Notice shall consist of a copy of the complaint and a
11 summons directing the defendant to appear at the time set for hearing and
12 informing the defendant that if he or she fails to appear, judgment will
13 be entered against him or her. Notice shall be served in the manner
14 provided for service of a summons in a civil action. If the notice is to
15 be served by certified mail, the clerk shall provide the plaintiff with
16 written instructions, prepared and provided by the State Court

17 Administrator, regarding the proper procedure for service by certified
 18 mail. The cost of service shall be paid by the plaintiff, but such cost
 19 and filing fee shall be added to any judgment given the plaintiff.
 20 (4) The defendant may file a setoff or counterclaim. Any setoff or
 21 counterclaim shall be filed and a copy delivered to the plaintiff at
 22 least two days prior to the time of trial. If the setoff or counterclaim
 23 exceeds the jurisdictional limits of the Small Claims Court as
 24 established pursuant to section 25-2802, the court shall cause the entire
 25 matter to be transferred to the regular county court docket and set for
 26 trial.

27 (5) No prejudgment actions for attachment, garnishment, replevin, or
 28 other provisional remedy may be filed in the Small Claims Court.

29 (6) All forms required by this section shall be prescribed by the
 30 Supreme Court. The claim form shall provide for the names and addresses
 31 of the plaintiff and defendant, a concise statement of the nature,
 1 amount, and time and place of accruing of the claim, and an
 2 acknowledgment for use by the person in whose presence the claim form is
 3 executed and shall also contain a brief explanation of the Small Claims
 4 Court procedure and methods of appeal therefrom.

5 (7) For a default judgment rendered by a Small Claims Court (a) the
 6 default judgment may be appealed as provided in section 25-2807, (b) if a
 7 motion for a new trial, by the procedure provided in sections 25-1142,
 8 25-1144, and 25-1144.01, is filed ten days or less after entry of the
 9 default judgment, the court may act upon the motion without a hearing, or
 10 (c) if more than ten days have passed since the entry of the default
 11 judgment, the court may set aside, vacate, or modify the default judgment
 12 as provided in section 25-2720.01. Parties may be represented by
 13 attorneys for the purpose of filing a motion for a new trial or to set
 14 aside, vacate, or modify a default judgment.

15 Sec. 6. Section 29-2702, Reissue Revised Statutes of Nebraska, is
 16 amended to read:

17 29-2702 Every judge or clerk of court, upon receiving any money on
 18 account of forfeited recognizances, fines, or costs accruing or due to
 19 the county or state, shall pay the same to the treasurer of the proper
 20 county, except as may be otherwise expressly provided, within ~~thirty ten~~
 21 days from the time of receiving the same. When any money is paid to a
 22 judge or clerk of court on account of costs due to individual persons,
 23 the same shall be paid to the persons to whom the same are due upon
 24 demand ~~therefor~~.

25 Sec. 7. Original sections 24-1004, 24-1005, 25-2804, and 29-2702,
 26 Reissue Revised Statutes of Nebraska, and sections 25-1301 and
 27 25-1301.01, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Steve Lathrop, Chairperson

Natural Resources

LEGISLATIVE BILL 933. Placed on General File with amendment.

[AM2394](#)

1 1. On page 3, line 16, strike "sixty" and reinstate the stricken
 2 matter.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Mark T. Langan - Board of Parole

Aye: 7. Brandt, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne.
Nay: 0. Absent: 0. Present and not voting: 1. Chambers.

The Judiciary 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.

Anne C. Boatright - Crime Victim's Reparations Committee

Aye: 8. Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB808:

[AM2675](#)

(Amendments to Standing Committee amendments, AM2559)

1 1. Strike section 82 and insert the following new sections:
2 Sec. 82. Section 81-885.04, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 81-885.04 Except as to the requirements with respect to the
5 subdivision of land, the Nebraska Real Estate License Act shall not apply
6 to:
7 (1) Any person, partnership, limited liability company, or
8 corporation who as owner or lessor shall perform any of the acts
9 described in subdivision (2) of section 81-885.01 with reference to
10 property owned or leased by him, her, or it or to the regular employees
11 thereof, with respect to the property so owned or leased, when such acts
12 are performed in the regular course of or as an incident to the
13 management, sale, or other disposition of such property and the
14 investment therein, except that such regular employees shall not perform
15 any of the acts described in such subdivision in connection with a
16 vocation of selling or leasing any real estate or the improvements
17 thereon;
18 (2) An attorney in fact under a duly executed power of attorney to
19 convey real estate from the owner or lessor or the services rendered by
20 any attorney at law in the performance of his or her duty as such
21 attorney at law;
22 (3) Any person acting as receiver, trustee in bankruptcy, personal
23 representative, conservator, or guardian or while acting under a court
24 order or under the authority of a will or of a trust instrument or as a
25 witness in any judicial proceeding or other proceeding conducted by the
26 state or any governmental subdivision or agency;

1 (4) Any person acting as the resident manager of an apartment
 2 building, duplex, apartment complex, or court, when such resident manager
 3 resides on the premises and is engaged in the leasing of property in
 4 connection with his or her employment, or any employee, parent, child,
 5 brother, or sister of the owner or any employee of a licensed broker who
 6 manages rental property for the owner of such property;

7 (5) Any officer or employee of a federal agency in the conduct of
 8 his or her official duties;

9 (6) Any officer or employee of the state government or any political
 10 subdivision thereof performing his or her official duties for real estate
 11 tax purposes or performing his or her official duties related to the
 12 acquisition of any interest in real property when the interest is being
 13 acquired for a public purpose;

14 (7) Any person or any employee thereof who renders an estimate or
 15 opinion of value of real estate or any interest therein when such
 16 estimate or opinion of value is for the purpose of real estate taxation;

17 ~~or~~

18 (8) Any person who, for himself or herself or for others, purchases
 19 or sells oil, gas, or mineral leases or performs any activities related
 20 to the purchase or sale of such leases; ~~or~~ -

21 (9) Any person not required to be licensed under the act who
 22 provides a list or lists of potential purchasers to a broker or
 23 salesperson or who makes calls or facilitates the initial contact between
 24 a potential client or customer as defined in sections 76-2407 and
 25 76-2409, respectively, and a broker or salesperson. The unlicensed person
 26 may only provide information regarding the broker or salesperson and the
 27 broker's or salesperson's services in written information created by the
 28 broker or salesperson that identifies the broker or salesperson and the
 29 broker's or salesperson's place of business and which is sent by email,
 30 United States mail, or by link to a web site created by the broker or
 31 salesperson. The unlicensed person is not permitted to discuss with such
 1 potential client or customer the services offered or to be offered by the
 2 broker or salesperson. The unlicensed person acting under this exemption
 3 may not discuss with such potential client or customer the client's or
 4 customer's motivation, motivating factors, or price such potential client
 5 or customer is willing to offer or accept. The unlicensed person does not
 6 have the authority and shall not purport to have the authority to
 7 obligate any such potential client or customer to work with a particular
 8 broker or salesperson or particular broker's or salesperson's place of
 9 business. The unlicensed person shall, at the beginning of any contact
 10 with such potential client or customer, identify who the unlicensed
 11 person is, the name of the entity that employs the unlicensed person, the
 12 name of the broker or salesperson, and the name of the broker's or
 13 salesperson's real estate business on whose behalf the contact is being
 14 made. The unlicensed person shall not perform any other activity of a
 15 broker or salesperson described in section 81-885.01, except those acts
 16 specifically provided for in this subdivision.

17 Sec. 83. Section 81-885.24, Revised Statutes Cumulative Supplement,
 18 2018, is amended to read:

19 81-885.24 The commission may, upon its own motion, and shall, upon
 20 the sworn complaint in writing of any person, investigate the actions of
 21 any broker, associate broker, salesperson, or subdivider, may censure the
 22 licensee or certificate holder, revoke or suspend any license or
 23 certificate issued under the Nebraska Real Estate License Act, or enter
 24 into consent orders, and, alone or in combination with such disciplinary
 25 actions, may impose a civil fine on a licensee pursuant to section
 26 81-885.10, whenever the license or certificate has been obtained by false
 27 or fraudulent representation or the licensee or certificate holder has
 28 been found guilty of any of the following unfair trade practices:

29 (1) Refusing because of religion, race, color, national origin,

30 ethnic group, sex, familial status, or disability to show, sell, or rent
31 any real estate for sale or rent to prospective purchasers or renters;
1 (2) Intentionally using advertising which is misleading or
2 inaccurate in any material particular or in any way misrepresents any
3 property, terms, values, policies, or services of the business conducted;
4 (3) Failing to account for and remit any money coming into his or
5 her possession belonging to others;
6 (4) Commingling the money or other property of his or her principals
7 with his or her own;
8 (5) Failing to maintain and deposit in a separate trust account all
9 money received by a broker acting in such capacity, or as escrow agent or
10 the temporary custodian of the funds of others, in a real estate
11 transaction unless all parties having an interest in the funds have
12 agreed otherwise in writing;
13 (6) Accepting, giving, or charging any form of undisclosed
14 compensation, consideration, rebate, or direct profit on expenditures
15 made for a principal;
16 (7) Representing or attempting to represent a real estate broker,
17 other than the employer, without the express knowledge and consent of the
18 employer;
19 (8) Accepting any form of compensation or consideration by an
20 associate broker or salesperson from anyone other than his or her
21 employing broker without the consent of his or her employing broker;
22 (9) Acting in the dual capacity of agent and undisclosed principal
23 in any transaction;
24 (10) Guaranteeing or authorizing any person to guarantee future
25 profits which may result from the resale of real property;
26 (11) Placing a sign on any property offering it for sale or rent
27 without the written consent of the owner or his or her authorized agent;
28 (12) Offering real estate for sale or lease without the knowledge
29 and consent of the owner or his or her authorized agent or on terms other
30 than those authorized by the owner or his or her authorized agent;
31 (13) Inducing any party to a contract of sale or lease to break such
1 contract for the purpose of substituting, in lieu thereof, a new contract
2 with another principal;
3 (14) Negotiating a sale, exchange, listing, or lease of real estate
4 directly with an owner or lessor if he or she knows that such owner has a
5 written outstanding listing contract in connection with such property
6 granting an exclusive agency or an exclusive right to sell to another
7 broker or negotiating directly with an owner to withdraw from or break
8 such a listing contract for the purpose of substituting, in lieu thereof,
9 a new listing contract;
10 (15) Discussing or soliciting a discussion of, with an owner of a
11 property which is exclusively listed with another broker, the terms upon
12 which the broker would accept a future listing upon the expiration of the
13 present listing unless the owner initiates the discussion;
14 (16) Violating any provision of sections 76-2401 to 76-2430;
15 (17) Soliciting, selling, or offering for sale real estate by
16 offering free lots or conducting lotteries for the purpose of influencing
17 a purchaser or prospective purchaser of real estate;
18 (18) Providing any form of compensation or consideration to any
19 person for performing the services of a broker, associate broker, or
20 salesperson who has not first secured his or her license under the
21 Nebraska Real Estate License Act unless such person is (a) a nonresident
22 who is licensed in his or her resident regulatory jurisdiction or (b) a
23 citizen and resident of a foreign country which does not license persons
24 conducting the activities of a broker and such person provides reasonable
25 written evidence to the Nebraska broker that he or she is a resident
26 citizen of that foreign country, is not a resident of this country, and
27 conducts the activities of a broker in that foreign country;

28 (19) Failing to include a fixed date of expiration in any written
29 listing agreement and failing to leave a copy of the agreement with the
30 principal;
31 (20) Failing to deliver within a reasonable time a completed and
1 dated copy of any purchase agreement or offer to buy or sell real estate
2 to the purchaser and to the seller;
3 (21) Failing by a broker to deliver to the seller in every real
4 estate transaction, at the time the transaction is consummated, a
5 complete, detailed closing statement showing all of the receipts and
6 disbursements handled by such broker for the seller, failing to deliver
7 to the buyer a complete statement showing all money received in the
8 transaction from such buyer and how and for what the same was disbursed,
9 and failing to retain true copies of such statements in his or her files;
10 (22) Making any substantial misrepresentations;
11 (23) Acting for more than one party in a transaction without the
12 knowledge of all parties for whom he or she acts;
13 (24) Failing by an associate broker or salesperson to place, as soon
14 after receipt as practicable, in the custody of his or her employing
15 broker any deposit money or other money or funds entrusted to him or her
16 by any person dealing with him or her as the representative of his or her
17 licensed broker;
18 (25) Filing a listing contract or any document or instrument
19 purporting to create a lien based on a listing contract for the purpose
20 of casting a cloud upon the title to real estate when no valid claim
21 under the listing contract exists;
22 (26) Violating any rule or regulation adopted and promulgated by the
23 commission in the interest of the public and consistent with the Nebraska
24 Real Estate License Act;
25 (27) Failing by a subdivider, after the original certificate has
26 been issued, to comply with all of the requirements of the Nebraska Real
27 Estate License Act;
28 (28) Conviction of a felony or entering a plea of guilty or nolo
29 contendere to a felony charge by a broker or salesperson;
30 (29) Demonstrating negligence, incompetency, or unworthiness to act
31 as a broker, associate broker, or salesperson, whether of the same or of
1 a different character as otherwise specified in this section;
2 (30) Inducing or attempting to induce a person to transfer an
3 interest in real property, whether or not for monetary gain, or
4 discouraging another person from purchasing real property, by
5 representing that (a) a change has occurred or will or may occur in the
6 composition with respect to religion, race, color, national origin,
7 ethnic group, sex, familial status, or disability of the owners or
8 occupants in the block, neighborhood, or area or (b) such change will or
9 may result in the lowering of property values, an increase in criminal or
10 antisocial behavior, or a decline in the quality of schools in the block,
11 neighborhood, or area;
12 (31) Failing by a team leader to provide a current list of all team
13 members to his or her designated broker;
14 (32) Failing by a designated broker to maintain a record of all team
15 leaders and team members working under him or her;
16 (33) Utilizing advertising which does not prominently display the
17 name under which the designated broker does business as filed with the
18 commission;
19 (34) Utilizing team advertising or a team name suggesting the team
20 is an independent real estate brokerage; ~~or~~
21 (35) Charging or collecting, as part or all of his or her
22 compensation or consideration, any part of the earnest money or other
23 money paid to him or her or the entity under which he or she does
24 business in connection with any real estate transaction until the
25 transaction has been consummated or terminated. However, a payment for

26 goods or services rendered by a third party on behalf of the client shall
27 not be considered compensation or consideration if such payment does not
28 include any profit, compensation, or payment for services rendered by the
29 broker and the broker retains a record of the payment to the third party
30 for such goods or services; or -
31 (36) Failing to provide a copy of section 81-885.04 or written
1 instructions explaining the provisions of the exemption from licensure as
2 set forth in subdivision (9) of section 81-885.04 to any unlicensed
3 person who assists in procuring a potential client or customer as defined
4 in sections 76-2407 and 76-2409, respectively, for the purpose of the
5 listing, sale, purchase, exchange, renting, leasing, or optioning of any
6 real estate.
7 2. On page 93, line 5, strike "and 85" and insert "83, and 86"; and
8 in line 12 strike "and" and insert a comma, and after the last comma
9 insert "and 81-885.24,".
10 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525

Wednesday, April 8, 2020 12:00 p.m.

Presentation of the Nebraska Investment Council Annual Report to the
Nebraska Retirement Systems Committee pursuant to section 72-1243(2).
Presentation of the Nebraska Public Employees Retirement Systems Annual
Report to the Nebraska Retirement Systems Committee pursuant to
section 84-1503(3).

(Signed) Mark Kolterman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 329A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 329, One Hundred Sixth Legislature, Second Session, 2020.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR325 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR325.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 288. Read. Considered.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:

[MO159](#)

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Slama moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Slama requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cavanaugh Kolowski Morfeld

Excused and not voting, 2:

Clements Erdman

LR288 was adopted with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 865A. 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 865, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 805A. 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 805, One Hundred Sixth Legislature, Second Session, 2020.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 881. Placed on General File with amendment.
[AM2628](#) is available in the Bill Room.

LEGISLATIVE BILL 912. Placed on General File with amendment.
[AM2620](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Natural Resources

LEGISLATIVE BILL 861. Placed on General File with amendment.
[AM2672](#)

- 1 1. Strike original section 3.
- 2 2. On page 2, line 3, strike "sections 3 and 4" and insert "section 3 3"; in line 9 strike "sections" and insert "section"; in line 10 strike 4 "and 4"; in line 15 after the second comma insert "can, pouch,"; and in 5 line 16 strike "either" and after "reusable" insert ", recyclable,".
- 6 3. On page 3, lines 12 and 30, strike "consumer merchandise and"; 7 and in line 29 after the second comma insert "prohibitions,".
- 8 4. On page 4, line 1, after "programs" insert ", except that in no 9 event shall such programs prohibit or have the effect of prohibiting the 10 sale, use, or marketing of any containers".
- 11 5. Renumber the remaining sections accordingly.

(Signed) Dan Hughes, Chairperson

Judiciary

LEGISLATIVE BILL 1148. Placed on General File with amendment.
[AM2637](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB1042:
[AM2685](#)

(Amendments to AM2592)

- 1 1. On page 10, line 13, after "institution" insert ", but shall not
- 2 be used to pay expenses associated with attending kindergarten through
- 3 grade twelve.".
- 4 2. On page 14, line 24, after the period insert "Such contributions
- 5 shall not be used to pay expenses associated with attending kindergarten
- 6 through grade twelve.".

Senator Friesen filed the following amendment to LB944:
[AM2612](#) is available in the Bill Room.

Senator Groene filed the following amendment to LB1131:
[AM2671](#)

(Amendments to Standing Committee amendments, AM2456)

- 1 1. On page 38, line 24, after the period insert "A provider shall
- 2 not provide paper records or charge a copying fee when a request is made
- 3 to receive records in an electronic format and the provider has access to
- 4 such records in an easily transferable electronic format at the time of
- 5 the request.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB1155.

VISITOR(S)

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhower, from Sterling; students from Lincoln High School; a group from Americans for Prosperity from across the state; a group from the Black and Brown Youth Advocates and the Urban League of Nebraska Young Professionals; and students and teacher from Norfolk.

The Doctor of the Day was Dr. John Jacobsen from Kearney.

ADJOURNMENT

At 12:10 p.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - MARCH 3, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 2020

PRAYER

The prayer was offered by Pastor Jason Dowell, Freedom Baptist Church, Stamford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators M. Hansen, Pansing Brooks, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 1131. Title read. Considered.

Committee [AM2456](#), found on page 689, was offered.

Senator Crawford offered her amendment, [AM2638](#), found on page 750, to the committee amendment.

The Crawford amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Groene withdrew his amendment, [AM2671](#), found on page 786.

Senator Chambers offered the following amendment to the committee amendment:

[FA104](#)

In line 20 after "Holocaust" put a comma; in line 21 strike "and"; after "genocide" strike the period and put a comma; add "slavery, lynching, and racial massacres in America.".

Pending.

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services 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.

Candice Arteaga - Commission for the Deaf and Hard of Hearing
Robert J. Feit - Commission for the Deaf and Hard of Hearing
Jonathan Scherling - Commission for the Deaf and Hard of Hearing

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Michael Allen Christopher Greene - Nebraska Rural Health Advisory Commission

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1124. Placed on General File.

LEGISLATIVE BILL 1185. Placed on General File with amendment.

[AM2668](#)

1 1. Strike original section 3 and insert the following new sections:
2 Sec. 3. Section 71-1912, Revised Statutes Supplement, 2019, is
3 amended to read:
4 71-1912 (1) Before issuance of a license, the department shall
5 investigate or cause an investigation to be made, when it deems
6 necessary, to determine if the applicant or person in charge of the
7 program meets or is capable of meeting the physical well-being, safety,
8 and protection standards and the other rules and regulations of the
9 department adopted and promulgated under the Child Care Licensing Act.
10 The department may investigate the character of applicants and licensees,

11 any member of the applicant's or licensee's household, and the staff and
12 employees of programs. The department may at any time inspect or cause an
13 inspection to be made of any place where a program is operating to
14 determine if such program is being properly conducted.

15 (2) All inspections by the department shall be unannounced except
16 for initial licensure visits and consultation visits. Initial licensure
17 visits are announced visits necessary for a provisional license to be
18 issued to a family child care home I, family child care home II, child
19 care center, or school-age-only or preschool program. Consultation visits
20 are announced visits made at the request of a licensee for the purpose of
21 consulting with a department specialist on ways of improving the program.

22 (3) An unannounced inspection of any place where a program is
23 operating shall be conducted by the department or the city, village, or
24 county pursuant to subsection (2) of section 71-1914 at least annually
25 for a program licensed to provide child care for fewer than thirty
26 children and at least twice every year for a program licensed to provide
27 child care for thirty or more children.

1 (4) Whenever an inspection is made, the findings shall be recorded
2 in a report designated by the department. The public shall have access to
3 the results of these inspections upon a written or oral request to the
4 department. The request must include the name and address of the program.
5 Additional unannounced inspections shall be performed as often as is
6 necessary for the efficient and effective enforcement of the Child Care
7 Licensing Act.

8 (5)(a) A person applying for a license as a child care provider or a
9 licensed child care provider under the Child Care Licensing Act shall
10 submit a request for a national criminal history record information check
11 for each child care staff member, including a prospective child care
12 staff member of the child care provider, at the applicant's or licensee's
13 expense, as set forth in this section. Beginning on October 1, 2019, a
14 prospective child care staff member shall submit to a national criminal
15 history record information check (i) prior to employment, except as
16 otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on
17 January 1, 2019, or (ii) prior to residing in a family child care home. A
18 child care staff member who was employed by a child care provider prior
19 to October 1, 2019, or who resided in a family child care home prior to
20 October 1, 2019, shall submit to a national criminal history record
21 information check by October 1, 2021, unless the child care staff member
22 ceases to be a child care staff member prior to such date.

23 (b) A child care staff member shall be required to undergo a
24 national criminal history record information check not less than once
25 during each five-year period. A child care staff member shall submit a
26 complete set of his or her fingerprints to the Nebraska State Patrol. The
27 Nebraska State Patrol shall transmit a copy of the child care staff
28 member's fingerprints to the Federal Bureau of Investigation for a
29 national criminal history record information check. The national criminal
30 history record information check shall include information concerning
31 child care staff members from federal repositories of such information
1 and repositories of such information in other states, if authorized by
2 federal law for use by the Nebraska State Patrol. The Nebraska State
3 Patrol shall issue a report to the department that includes the
4 information collected from the national criminal history record
5 information check concerning child care staff members. The department
6 shall seek federal funds, if available, to assist child care providers
7 and child care staff members with the costs of the fingerprinting and
8 national criminal history record information check. If the department
9 does not receive sufficient federal funds to assist child care providers
10 and staff members with such costs, then the A child care staff member
11 being screened, applicant for a license, or licensee shall pay the actual
12 cost of the fingerprinting and national criminal history record

13 information check, ~~except that the department may pay all or part of the~~
14 ~~cost if funding becomes available.~~ The department and the Nebraska State
15 Patrol may adopt and promulgate rules and regulations concerning the
16 costs associated with the fingerprinting and the national criminal
17 history record information check. The department may adopt and promulgate
18 rules and regulations implementing national criminal history record
19 information check requirements for child care providers and child care
20 staff members.

21 (c) A child care staff member shall also submit to the following
22 background checks at his or her expense not less than once during each
23 five-year period:

24 (i) A search of the National Crime Information Center's National Sex
25 Offender Registry; and

26 (ii) A search of the following registries, repositories, or data
27 bases in the state where the child care provider is located or where the
28 child care staff member resides and each state where the child care
29 provider was located or where the child care staff member resided during
30 the preceding five years:

31 (A) State criminal registries or repositories;
1 (B) State sex offender registries or repositories; and
2 (C) State-based child abuse and neglect registries and data bases.

3 (d) Any individual shall be ineligible for employment by a child
4 care provider if such individual:

5 (i) Refuses to consent to the national criminal history record
6 information check or a background check described in this subsection;
7 (ii) Knowingly makes a materially false statement in connection with
8 the national criminal history record information check or a background
9 check described in this subsection;

10 (iii) Is registered, or required to be registered, on a state sex
11 offender registry or repository or the National Sex Offender Registry; or

12 (iv) Has been convicted of a crime of violence, a crime of moral
13 turpitude, or a crime of dishonesty.

14 (e) ~~The department may adopt and promulgate rules and regulations~~
15 ~~for purposes of this section prohibiting the employment of any child care~~
16 ~~staff member with one or more criminal convictions as the department~~
17 ~~deems necessary to protect the health and safety of children receiving~~
18 ~~child care.~~

19 (f) A child care provider shall be ineligible for a license under
20 the Child Care Licensing Act and shall be ineligible to participate in
21 the child care subsidy program if the provider employs a child care staff
22 member who is ineligible for employment under subdivisions (d) or (e) of
23 this subsection.

24 (g) National criminal history record information and information
25 from background checks described in this subsection subject to state or
26 federal confidentiality requirements may only be used for purposes of
27 granting a child care license or approving a child care provider for
28 participation in the child care subsidy program.

29 (h) For purposes of this subsection:

30 (i) Child care provider means a child care program required to be
31 licensed under the Child Care Licensing Act; and

1 (ii) Child care staff member means an individual who is not related
2 to all of the children for whom child care services are provided and:

3 (A) Who is employed by a child care provider for compensation,
4 including contract employees or self-employed individuals;

5 (B) Whose activities involve the care or supervision of children for
6 a child care provider or unsupervised access to children who are cared
7 for or supervised by a child care provider; or

8 (C) Who is residing in a family child care home and who is eighteen
9 years of age or older.

10 Sec. 5. Section 71-1928.01, Revised Statutes Supplement, 2019, is

11 amended to read:

12 71-1928.01 (1) Any individual eighteen years of age or older working
 13 in a residential child-caring agency shall be required to undergo a
 14 national criminal history record information check not less than once
 15 during each five-year period that he or she is working in such an agency.
 16 The individual shall submit a complete set of his or her fingerprints to
 17 the Nebraska State Patrol. The Nebraska State Patrol shall transmit a
 18 copy of the individual's fingerprints to the Federal Bureau of
 19 Investigation for a national criminal history record information check.
 20 The national criminal history record information check shall include
 21 information concerning the individual from federal repositories of such
 22 information and repositories of such information in other states, if
 23 authorized by federal law for use by the Nebraska State Patrol. The
 24 Nebraska State Patrol shall issue a report to the department that
 25 includes the information collected from the national criminal history
 26 record information check concerning the individual. The department shall
 27 seek federal funds, if available, to assist residential child-caring
 28 agencies and individuals working in a residential child-caring agency
 29 with the costs of the fingerprinting and national criminal history record
 30 information check. If the department does not receive sufficient federal
 31 funds to assist residential child-caring agencies and individuals working
 1 in a residential child-caring agency with such costs, then the ~~The~~
 2 individual being screened ~~or the residential child-caring agency shall~~
 3 pay the actual cost of the fingerprinting and national criminal history
 4 record information check, except that the department may pay all or part
 5 of the cost if funding becomes available. The department and the Nebraska
 6 State Patrol may adopt and promulgate rules and regulations concerning
 7 the costs associated with the fingerprinting and the national criminal
 8 history record information check. The department may adopt and promulgate
 9 rules and regulations implementing national criminal history record
 10 information check requirements for residential child-caring agencies.
 11 (2) An individual eighteen years of age or older working in a
 12 residential child-caring agency shall also submit to the following
 13 background checks not less than once during each five-year period: A
 14 search of the following registries, repositories, or data bases in the
 15 state where the individual resides and each state where the individual
 16 resided during the preceding five years:
 17 (a) State criminal registries or repositories;
 18 (b) State sex offender registries or repositories; and
 19 (c) State-based child abuse and neglect registries and data bases.
 20 2. On page 9, line 31, strike "and 71-1912" and insert "71-1912, and
 21 71-1928.01".
 22 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

General Affairs

LEGISLATIVE BILL 1056. Placed on General File with amendment.
[AM2595](#) is available in the Bill Room.

(Signed) Tom Briese, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 329. Introduced by Howard, 9; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information between the brain and the body, and for which there is no cure; and

WHEREAS, although significant progress has been made in MS research, there are only sixteen disease-modifying treatments for the relapsing-remitting form of the disease and only one treatment for the primary-progressive form; and

WHEREAS, it is estimated that more than 2.3 million people in the world are currently living with MS; and

WHEREAS, it is estimated that more than 900,000 people in the United States are living with MS, including more than 4,000 people in Nebraska; and

WHEREAS, the National Multiple Sclerosis Society exists to help each person address the challenges of living with MS by funding cutting-edge research, facilitating professional education, and providing programs and services that help people with MS and their families move their lives forward; and

WHEREAS, MS Awareness Month is recognized annually in March to unite people in Nebraska, the United States, and worldwide in the fight to end MS, to create connections stronger than the ones MS destroys, and to educate people about MS and what they can do to make a difference.

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

1. That the Legislature recognizes March 2020 as MS Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Multiple Sclerosis Society - Mid America Chapter.

Laid over.

LEGISLATIVE RESOLUTION 330. Introduced by Hilkemann, 4.

WHEREAS, in Nebraska there are individuals and families who are adversely affected by gambling addiction; and

WHEREAS, Nebraska allocates funds to provide education, counseling, and assistance to individuals and families affected by gambling addiction; and

WHEREAS, the key to recognizing gambling addiction is awareness; and

WHEREAS, educating citizens about gambling and the risks of gambling addiction is crucial to prevent problems that result from unrestrained gambling.

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

1. That the Legislature recognizes March 2020 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Problem Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 780A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, section 213; to appropriate funds to aid in carrying out the provisions of Legislative Bill 780, One Hundred Sixth Legislature, Second Session, 2020; to change appropriations as prescribed; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 1131. The Chambers amendment, [FA104](#), 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 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 34:

Arch	Crawford	Howard	Linehan	Slama
Blood	DeBoer	Hunt	McCollister	Vargas
Bolz	Dorn	Kolowski	McDonnell	Walz
Brandt	Friesen	Kolterman	Morfeld	Wayne
Brewer	Geist	La Grone	Pansing Brooks	Williams
Cavanaugh	Hansen, M.	Lathrop	Quick	Wishart
Chambers	Hilkemann	Lindstrom	Scheer	

Voting in the negative, 3:

Albrecht	Clements	Groene
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Present and not voting, 11:

Bostelman	Gragert	Hilgers	Moser
Briese	Halloran	Hughes	Murman
Erdman	Hansen, B.	Lowe	

Excused and not voting, 1:

Stinner

The Chambers amendment was adopted with 34 ayes, 3 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 326 and 327 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 288, 326, and 327.

GENERAL FILE

LEGISLATIVE BILL 1131. Senator Groene offered the following amendment to the committee amendment:

[FA105](#)

Amend AM2456

On pg. 57, strike lines 15-22.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

SPEAKER SCHEER PRESIDING

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Albrecht	Clements	Friesen	Halloran	Murman
Brewer	Erdman	Groene	Hansen, B.	Scheer

Voting in the negative, 10:

Blood	Chambers	Kolowski	Morfeld	Wayne
Cavanaugh	Hunt	La Grone	Pansing Brooks	Wishart

Present and not voting, 27:

Arch	DeBoer	Howard	McCollister	Vargas
Bolz	Dorn	Hughes	McDonnell	Walz
Bostelman	Geist	Kolterman	Moser	Williams
Brandt	Gragert	Lathrop	Quick	
Briese	Hilgers	Lindstrom	Slama	
Crawford	Hilkemann	Low	Stinner	

Absent and not voting, 1:

Hansen, M.

Excused and not voting, 1:

Linehan

The Groene amendment lost with 10 ayes, 10 nays, 27 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Committee [AM2456](#), found on page 689 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 931. Title read. Considered.

Committee [AM2128](#), found on page 725, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1110. Placed on General File.

LEGISLATIVE BILL 1121. Placed on General File.

LEGISLATIVE BILL 1122. Placed on General File.

LEGISLATIVE BILL 752. Placed on General File with amendment.

[AM2727](#)

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. The Department of Health and Human Services and
4 Department of Veterans' Affairs shall work jointly to encourage service
5 providers in their respective departments and in other state and local
6 agencies and departments to ask the question "Have you or a family member
7 ever served in the military?". The question should be included in intake
8 forms and interviews where appropriate, including, but not limited to, at
9 hospitals, mental health care centers, senior centers, employment
10 offices, courts, and schools and in encounters with law enforcement.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB1148:

[AM2666](#)

(Amendments to AM2637)

1 1. Insert the following new section:
2 Sec. 11. Section 43-2,108.01, Revised Statutes Supplement, 2019, is
3 amended to read:
4 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to
5 persons who were under the age of eighteen years when the offense took
6 place and, after being taken into custody, arrested, cited in lieu of
7 arrest, or referred for prosecution without citation, the county attorney
8 or city attorney:
9 (a) Declined to file a juvenile petition or criminal complaint;
10 (b) Offered juvenile pretrial diversion, mediation, or restorative
11 justice to the juvenile under the Nebraska Juvenile Code;
12 (c) Filed a juvenile court petition describing the juvenile as a
13 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
14 43-247;
15 (d) Filed a criminal complaint in county court against the juvenile
16 under state statute or city or village ordinance for misdemeanor or
17 infraction possession of marijuana or misdemeanor or infraction
18 possession of drug paraphernalia;
19 (e) Filed a criminal complaint in county court against the juvenile
20 for any other misdemeanor or infraction under state statute or city or
21 village ordinance, other than for a traffic offense, when all offenses in
22 the case are waiveable offenses; or
23 (f) Filed a criminal complaint in county or district court for a
24 felony offense under state law or a city or village ordinance that was
25 subsequently transferred to juvenile court for ongoing jurisdiction.
26 (2) The changes made by Laws 2019, LB354, to the relief set forth in

- 1 sections 43-2,108.03 to 43-2,108.05 shall apply to all persons described
 2 in this section, as amended by Laws 2019, LB354, and this legislative
 3 bill, for offenses occurring prior to, on, or after September 1, 2019.
 4 2. On page 2, lines 7 and 19; and page 4, lines 26 and 27, strike
 5 "federal or state law" and insert "state law, federal law, federal
 6 regulation, or applicable federal program provisions".
 7 3. On page 25, line 31; and page 26, line 12, after "Center-Geneva"
 8 insert "or another facility being used as a youth rehabilitation and
 9 treatment center and operating pursuant to state law".
 10 4. On page 34, line 31, strike "section 43-286" and insert "sections
 11 43-286 and 43-2,108.01".
 12 5. Renumber the remaining sections accordingly.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 344. Placed on Select File with amendment.

[ER181](#)

- 1 1. In the Standing Committee amendments, AM2486:
 2 a. On page 4, strike lines 14 and 15 and insert "of any animals,
 3 affected animals, or suspected affected animals or any premises, affected
 4 premises, or suspected affected premises.";
 5 b. On page 5, line 8, strike "Protection" and insert "Inspection";
 6 and in line 15 strike "Agriculture" and insert "agriculture";
 7 c. On page 9, line 22, after the second comma insert "or";
 8 d. On page 11, line 5, strike "manager" and insert "managers"; and
 9 in line 9 strike "landowner or land manager" and insert "landowners or
 10 land managers";
 11 e. On page 13, line 14, strike "anthrax infected" and insert
 12 "anthrax-infected"; in line 25 strike "direct" and insert "directly"; in
 13 lines 25, 27, and 29 strike "part"; and in line 26 strike "slaughter" and
 14 insert "slaughtering";
 15 f. On page 14, line 30, strike "regulation" and insert
 16 "regulations";
 17 g. On page 16, lines 9 and 15, strike the semicolon and insert an
 18 underscored period; in line 18, strike "; and" and insert an underscored
 19 period; in line 23 strike "is" and insert "are";
 20 h. On page 20, line 4, after the second comma insert "or" and strike
 21 the third comma; in line 26 after "or" insert "a"; and in line 27 strike
 22 "or" and insert an underscored comma; and
 23 i. On page 21, line 15, after "Animal" insert "Health".
 24 2. On page 1, line 4, after the fourth comma insert "54-7,105,".
 25 3. On page 2, line 3, strike "54-744.01,"; in line 4 after the first
 26 comma insert "54-753.01, 54-753.04,"; and in line 30 strike beginning
 27 with "and" through "54-703," and insert "sections 54-701.03,".
 1 4. On page 3, line 1, after "2018" insert ", and sections 54-703 and
 2 54-744.01, Revised Statutes Supplement, 2019".

LEGISLATIVE BILL 870. Placed on Select File.

LEGISLATIVE BILL 963. Placed on Select File with amendment.

[ER179](#)

- 1 1. On page 1, line 9, strike "provide and eliminate definitions" and
 2 insert "define and redefine terms".

LEGISLATIVE BILL 963A. Placed on Select File.

LEGISLATIVE BILL 840. Placed on Select File with amendment.**ER180**

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 71-5716, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 71-5716 Sections 71-5716 to 71-5735 and sections 4 and 5 of this act
6 shall be known and may be cited as the Nebraska Clean Indoor Air Act.

7 Sec. 2. Section 71-5717, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
10 protect the public health and welfare by prohibiting smoking in public
11 places and places of employment with limited exceptions for guestrooms
12 and suites, research, tobacco retail outlets, electronic smoking device
13 retail outlets, and cigar shops. The limited exceptions permit smoking in
14 public places where the public would reasonably expect to find persons
15 smoking, including guestrooms and suites which are subject to
16 expectations of privacy like private residences, institutions engaged in
17 research related to smoking, and tobacco retail outlets, electronic
18 smoking device retail outlets, and cigar shops which provide the public
19 legal retail outlets to sample, use, and purchase tobacco products and
20 products related to smoking. The act shall not be construed to prohibit
21 or otherwise restrict smoking in outdoor areas. The act shall not be
22 construed to permit smoking where it is prohibited or otherwise
23 restricted by other applicable law, ordinance, or resolution. The act
24 shall be liberally construed to further its purpose.

25 Sec. 3. Section 71-5718, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
1 definitions found in sections 71-5719 to 71-5728 and sections 4 and 5 of
2 this act apply.

3 Sec. 4. Electronic smoking device means an electronic nicotine

4 delivery system as defined in section 28-1418.01. The term includes any

5 such device regardless of whether it is manufactured, distributed,

6 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape

7 pen or under any other product name or descriptor.

8 Sec. 5. Electronic smoking device retail outlet means a store that

9 is licensed as provided under sections 28-1421 and 28-1422, that sells

10 only electronic smoking devices and products directly related to

11 electronic smoking devices, and that does not allow a person under the

12 age of twenty-one years to enter such store. Products directly related to

13 electronic smoking devices do not include alcohol, coffee, soft drinks,

14 candy, groceries, or gasoline.

15 Sec. 6. Section 71-5727, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 71-5727 Smoke or smoking means inhaling, exhaling, burning, or

18 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any

19 other lighted or heated tobacco or plant product intended for inhalation,

20 whether natural or synthetic, in any manner or in any form. The term

21 includes the use of an electronic smoking device which creates an aerosol

22 or vapor, in any manner or in any form the lighting of any cigarette,

23 cigar, pipe, or other smoking material or the possession of any lighted

24 cigarette, cigar, pipe, or other smoking material, regardless of its

25 composition.

26 Sec. 7. Section 71-5730, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-5730 (1) The following indoor areas are exempt from section

29 71-5729:

30 (a) Guestrooms and suites that are rented to guests and that are

31 designated as smoking rooms, except that not more than twenty percent of

1 rooms rented to guests in an establishment may be designated as smoking
2 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
3 from such rooms shall not infiltrate into areas where smoking is
4 prohibited under the Nebraska Clean Indoor Air Act;

5 (b) Indoor areas used in connection with a research study on the
6 health effects of smoking conducted in a scientific or analytical
7 laboratory under state or federal law or at a college or university
8 approved by the Coordinating Commission for Postsecondary Education;
9 (c) Tobacco retail outlets; and

10 (d) Cigar shops as defined in section 53-103.08.

11 (2) Electronic smoking device retail outlets are exempt from section
12 71-5729 as it relates to the use of electronic smoking devices only.

13 (3)(a) (2)(a) The Legislature finds that allowing smoking in tobacco
14 retail outlets as a limited exception to the Nebraska Clean Indoor Air
15 Act does not interfere with the original intent that the general public
16 and employees not be unwillingly subjected to second-hand smoke since the
17 general public does not frequent tobacco retail outlets and should
18 reasonably expect that there would be second-hand smoke in tobacco retail
19 outlets and could choose to avoid such exposure. The products that
20 tobacco retail outlets sell are legal for customers who meet the age
21 requirement. Customers should be able to try them within the tobacco
22 retail outlet, especially given the way that tobacco customization may
23 occur in how tobacco is blended and cigars are produced. The Legislature
24 finds that exposure to second-hand smoke is inherent in the selling and
25 sampling of cigars and pipe tobacco and that this exposure is
26 inextricably connected to the nature of selling this legal product,
27 similar to other inherent hazards in other professions and employment.

28 (b) It is the intent of the Legislature to allow cigar and pipe
29 smoking in tobacco retail outlets that meet specific statutory criteria
30 not inconsistent with the fundamental nature of the business. This
31 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
1 accordance with the intent of the act to protect public places and places
2 of employment.

3 (4)(a) (3)(a) The Legislature finds that allowing smoking in cigar
4 shops as a limited exception to the Nebraska Clean Indoor Air Act does
5 not interfere with the original intent that the general public and
6 employees not be unwillingly subjected to second-hand smoke. This
7 exception poses a de minimis restriction on the public and employees
8 given the limited number of cigar shops compared to other businesses that
9 sell alcohol, cigars, and pipe tobacco, and any member of the public
10 should reasonably expect that there would be second-hand smoke in a cigar
11 shop given the nature of the business and could choose to avoid such
12 exposure.

13 (b) The Legislature finds that (i) cigars and pipe tobacco have
14 different characteristics than other forms of tobacco such as cigarettes,
15 (ii) cigars are customarily paired with various spirits such as cognac,
16 single malt whiskey, bourbon, rum, rye, port, and others, and (iii)
17 unlike cigarette smokers, cigar and pipe smokers may take an hour or
18 longer to enjoy a cigar or pipe while cigarettes simply serve as a
19 mechanism for delivering nicotine. Cigars paired with selected liquor
20 creates a synergy unique to the particular pairing similar to wine paired
21 with particular foods. Cigars are a pure, natural product wrapped in a
22 tobacco leaf that is typically not inhaled in order to enjoy the taste of
23 the smoke, unlike cigarettes that tend to be processed with additives and
24 wrapped in paper and are inhaled. Cigars have a different taste and smell
25 than cigarettes due to the fermentation process cigars go through during
26 production. Cigars tend to cost considerably more than cigarettes, and
27 their quality and characteristics vary depending on the type of tobacco
28 plant, the geography and climate where the tobacco was grown, and the
29 overall quality of the manufacturing process. Not only does the

30 customized blending of the tobacco influence the smoking experience, so
 31 does the freshness of the cigars, which is dependent on how the cigars
 1 were stored and displayed. These variables are similar to fine wines,
 2 which can also be very expensive to purchase. It is all of these
 3 variables that warrant a customer wanting to sample the product before
 4 making such a substantial purchase.

5 (c) The Legislature finds that exposure to second-hand smoke is
 6 inherent in the selling and sampling of cigars and pipe tobacco and that
 7 this exposure is inextricably connected to the nature of selling this
 8 legal product, similar to other inherent hazards in other professions and
 9 employment.

10 (d) It is the intent of the Legislature to allow cigar and pipe
 11 smoking in cigar shops that meet specific statutory criteria not
 12 inconsistent with the fundamental nature of the business. This exception
 13 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
 14 with the intent of the act to protect public places and places of
 15 employment.

16 Sec. 8. Section 71-5735, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 71-5735 (1) The owner of a tobacco retail outlet shall post a sign
 19 on all entrances to the tobacco retail outlet, on the outside of each
 20 door, in a conspicuous location slightly above or next to the door, with
 21 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
 22 THIS BUSINESS. SMOKING OF CIGARETTES AND ELECTRONIC SMOKING DEVICES IS
 23 NOT ALLOWED.

24 (2) Beginning November 1, 2015, the owner shall provide to the
 25 Division of Public Health a copy of a waiver signed prior to employment
 26 by each employee on a form prescribed by the division. The waiver shall
 27 expressly notify the employee that he or she will be exposed to second-
 28 hand smoke, and the employee shall acknowledge that he or she understands
 29 the risks of exposure to second-hand smoke.

30 (3) The owner shall not allow cigarette smoking or the use of an
 31 electronic smoking device in the tobacco retail outlet.

1 Sec. 9. Original sections 71-5716, 71-5717, 71-5718, 71-5727,
 2 71-5730, and 71-5735, Reissue Revised Statutes of Nebraska, are repealed.

3 2. On page 1, strike lines 2 through 5 and insert "sections 71-5716,
 4 71-5717, 71-5718, 71-5727, 71-5730, and 71-5735, Reissue Revised Statutes
 5 of Nebraska; to exempt electronic smoking device retail outlets; to
 6 define and redefine terms; to prohibit the use of electronic smoking
 7 devices as prescribed; to harmonize provisions; and to repeal the
 8 original sections."

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB848.
 Senator M. Hansen name added to LB911.
 Senator M. Hansen name added to LB963.
 Senator Hunt name added to LB1001.
 Senator M. Hansen name added to LB1155.

VISITOR(S)

Visitors to the Chamber were students from Hartington-Newcastle, Hartington; Leonard, Larry, and Lu Ann Mozer from Lincoln; students from Linden Elementary, Fremont; and students from Diller-Odell Elementary, Diller.

RECESS

At 11:52 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 Hilgers presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Groene, Hughes, McCollister, Morfeld, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

SPEAKER SCHEER PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 461. Title read. Considered.

Committee [AM2205](#), found on page 548, was offered.

Senator Friesen offered the following amendment to the committee amendment:

[AM2716](#) is available in the Bill Room.

The Friesen amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Senator Friesen offered the following amendment to the committee amendment:

[AM2730](#)

(Amendments to the Friesen amendment, AM2716)

- 1 1. On page 14, line 5, after "the" insert "principal place of
business of the applicant in the State of Nebraska is identified and
3 the".
- 4 2. On page 15, line 10, after the first "the" insert "principal
place of business of the applicant in the State of Nebraska is identified
6 and the".

The Friesen amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1042. Title read. Considered.

Committee [AM2181](#), found on page 693, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Morfeld offered his amendment, [AM2592](#), found on page 750.

Senator Pansing Brooks offered her amendment, [AM2685](#), found on page 786, to the Morfeld amendment.

The Pansing Brooks amendment was adopted with 36 ayes, 1 nay, and 12 present and not voting.

The Morfeld amendment, as amended, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1042A. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 803A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Committee [AM2037](#), found on page 557, was offered.

Senator Albrecht offered the following amendment to the committee amendment:

[FA107](#)

Amend AM2037

Pg. 4, line 2 strike gender and insert sex.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Senator Albrecht moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Albrecht requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Albrecht	Briese	Groene	Hughes	Murman
Arch	Clements	Halloran	Lowe	
Bostelman	Erdman	Hansen, B.	McDonnell	
Brewer	Gragert	Hilgers	Moser	

Voting in the negative, 22:

Blood	DeBoer	Lathrop	Scheer	Williams
Bolz	Hansen, M.	McCollister	Stinner	Wishart
Cavanaugh	Howard	Morfeld	Vargas	
Chambers	Hunt	Pansing Brooks	Walz	
Crawford	Kolowski	Quick	Wayne	

Present and not voting, 9:

Brandt	Friesen	Hilkemann	La Grone	Slama
Dorn	Geist	Kolterman	Lindstrom	

Excused and not voting, 1:

Linehan

The Albrecht amendment lost with 17 ayes, 22 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 41 ayes, 1 nay, and 7 present and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 755. Title read. Considered.

Committee [AM2480](#), found on page 747, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Committee [AM2487](#), found on page 691, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to [LB1155](#):
[AM2691](#) is available in the Bill Room.

Senator Quick filed the following amendment to [LB424](#):
[AM2686](#)

(Amendments to AM2122)

- 1 1. On page 2, after line 3 insert the following new subdivision:
- 2 "(3) Immediate family has the same meaning as in section 49-1425:";
- 3 in line 4 strike "(3)" and insert "(4)"; in line 6 strike "(4)" and
- 4 insert "(5)"; and in line 10 strike "(5)" and insert "(6)".
- 5 2. On page 7, line 8, strike "14,".
- 6 3. On page 10, line 22, after "Act" insert ", except that a land
- 7 bank shall not issue any bonds on or after the effective date of this
- 8 act".
- 9 4. On page 11, line 14, after "money" insert ", except that a land
- 10 bank shall not invest its money in any instrument, obligation, security,
- 11 or property that is owned by a member of the board or an employee of the
- 12 land bank, by a board member's or an employee's immediate family, or by a
- 13 business or entity in which a board member or an employee has an
- 14 ownership interest".
- 15 5. On page 16, line 11, strike "A", show as stricken, and insert
- 16 "Subject to subsection (7) of this section, a".
- 17 6. On page 17, after line 19 insert the following new subsection:
- 18 "(7) A land bank shall not issue any bonds on or after the effective
- 19 date of this act".
- 20 7. On page 18, strike beginning with "by" in line 8 through line 10,
- 21 show as stricken, and insert "in accordance with this section. For a land
- 22 bank created pursuant to subsection (1) of section 4 of this act, the
- 23 resolution of dissolution must be approved by two-thirds of the members
- 24 of the governing body of the municipality that created the land bank. For
- 25 a land bank created pursuant to subsection (2) or (3) of section 4 of
- 26 this act, the resolution of dissolution must be approved by a majority of
- 1 the members of the governing body of each municipality that created the
- 2 land bank. A governing body"; and in line 27 after the period insert "No
- 3 member of the board or employee of a land bank shall have any interest,
- 4 direct or indirect, in any investment of the land bank. The restrictions
- 5 in this subsection shall also apply to a board member's or employee's

⁶ immediate family and to any business or entity in which the board member
⁷ or employee has an ownership interest."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 331. Introduced by Brewer, 43; Gragert, 40; McDonnell, 5; Walz, 15.

WHEREAS, the diagnosis known as post-traumatic stress disorder was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

WHEREAS, combat stress is an invisible wound that has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and that the word "disorder" carries a stigma that perpetuates this misconception; and

WHEREAS, electromagnetic brain imaging now shows previously invisible wounds, physical changes to the brain more accurately described as an injury than as a disorder; and

WHEREAS, referring to invisible wounds as a disorder can discourage the injured from seeking proper and timely medical treatment; and

WHEREAS, referring to such wounds as post-traumatic stress injury (PTSI) is less stigmatizing and viewed as more honorable, influencing those affected to seek treatment without fear of retribution or shame; and

WHEREAS, post-traumatic stress injury can occur following exposure to extremely traumatic events other than combat, such as, but not exclusive to, interpersonal violence, life-threatening accidents, and natural disasters; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve compassion and consideration, and those brave men and women of the United States Armed Forces who have endured these wounds in operational action especially deserve our respect and recognition; and

WHEREAS, timely and appropriate treatment of post-traumatic stress injury can diminish complications, avert further victimization, and reduce the number of related suicides.

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

1. That the Legislature recognizes June 2020 as Post-Traumatic Stress Injury Awareness Month in Nebraska, and June 27, 2020, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Department of Health and Human Services and the Department of Veterans' Affairs to continue working to educate victims and their families, as well as the general public, about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 899. Senator Wayne offered the following motion:

[MO160](#)

Recommit to Natural Resources Committee.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wishart name added to LB1155.

Senator McDonnell name added to LB1155.

VISITOR(S)

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 4, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2020

PRAYER

The prayer was offered by Senator Blood.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Brewer, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 899. Senator Wayne renewed his motion, [MO160](#), found on page 806, to recommit to Natural Resources Committee.

Senator Wayne withdrew his motion to recommit to committee.

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Wayne

Absent and not voting, 1:

Hilgers

Excused and not voting, 3:

Lowe Morfeld Slama

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1155. Title read. Considered.

Committee [AM2482](#), found on page 714, was offered.

Senator Lindstrom offered his amendment, [AM2691](#), found on page 804, to the committee amendment.

Senator Erdman requested a ruling of the Chair on whether the Lindstrom amendment is germane to the committee amendment.

The Chair ruled the Lindstrom amendment is not germane to the committee amendment.

Senator Lindstrom challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Lindstrom withdrew his motion to overrule the Chair.

SENATOR M. HANSEN PRESIDING

Pending.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 977. Placed on General File with amendment.

[AM2603](#)

1 1. On page 3, line 15, strike "staff"; in line 16 strike "of the"
2 and show as stricken; and strike lines 29 and 30 and insert the following
3 new subsection:
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."

LEGISLATIVE BILL 1183. Placed on General File with amendment.

[AM2607](#) is available in the Bill Room.

(Signed) Sara Howard, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB1061](#):

[AM2744](#)

1 1. Strike original section 4 and all amendments thereto and insert
2 the following new section:
3 Sec. 4. Section 28-712.01, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 28-712.01 (1)(a) The department may assign a report for alternative
6 response consistent with the Child Protection and Family Safety Act (~~1~~)
7 ~~This section applies to alternative response demonstration projects~~
8 ~~designated under section 28-712.~~
9 (b) No report involving any of the following shall be assigned to
10 alternative response but shall be immediately forwarded to law
11 enforcement or the county attorney:
12 (i) Murder in the first or second degree as defined in section
13 28-303 or 28-304 or manslaughter as defined in section 28-305;
14 (ii) Assault in the first, second, or third degree or assault by
15 strangulation or suffocation as defined in section 28-308, 28-309,
16 28-310, or 28-310.01;
17 (iii) Sexual abuse, including acts prohibited by section 28-319,
18 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
19 28-322.04, 28-322.05, 28-703, or 28-707;
20 (iv) Labor trafficking of a minor or sex trafficking of a minor as
21 defined in section 28-830;
22 (v) Neglect of a minor child that results in serious bodily injury
23 as defined in section 28-109, requires hospitalization of the child, or
24 results in an injury to the child that requires ongoing medical care,
25 behavioral health care, or physical or occupational therapy, including a
26 growth delay, which may be referred to as failure to thrive, that has
27 been diagnosed by a physician and is due to parental neglect;
1 (vi) Physical abuse to the head or torso of a child or physical
2 abuse that results in bodily injury;
3 (vii) An allegation that requires a forensic interview at a child
4 advocacy center or coordination with the child abuse and neglect
5 investigation team pursuant to section 28-728;
6 (viii) Out-of-home child abuse or neglect;
7 (ix) An allegation being investigated by a law enforcement agency at

8 the time of the assignment;

9 (x) A history of termination of parental rights;

10 (xi) Absence of a caretaker without having given an alternate

11 caregiver authority to make decisions and grant consents for necessary

12 care, treatment, and education of a child or without having made

13 provision to be contacted to make such decisions or grant such consents;

14 (xii) Domestic violence involving a caretaker in situations in which

15 the alleged perpetrator has access to the child or caretaker;

16 (xiii) A household member illegally manufactures methamphetamine or

17 opioids;

18 (xiv) A child has had contact with methamphetamine or other

19 nonprescribed opioids, including a positive drug screening or test; or

20 (xv) For a report involving an infant, a household member tests

21 positive for methamphetamine or nonprescribed opioids at the birth of

22 such infant.

23 (c) The department may adopt and promulgate rules and regulations to

24 (i) provide additional ineligibility criteria for assignment to

25 alternative response and (ii) establish additional criteria requiring

26 review by the Review, Evaluate, and Decide Team.

27 (d) A report that includes any of the following may be eligible for

28 alternative response but shall first be reviewed by the Review, Evaluate,

29 and Decide Team prior to assignment to alternative response:

30 (i) Domestic assault as defined in section 28-323 or domestic

31 violence in the family home;

1 (ii) Use of alcohol or controlled substances as defined in section

2 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to

3 care and provide safety for the child; or

4 (iii) A family member residing in the home or a caregiver that has

5 been the subject of a report accepted for traditional response or

6 assigned to alternative response in the past six months.

7 (2) The Review, Evaluate, and Decide Team shall convene to review

8 reports ~~intakes~~ pursuant to the department's rules, regulations, and

9 policies, to evaluate the information, and to determine assignment for

10 alternative response or traditional response. The team shall utilize

11 consistent criteria to review the severity of the allegation of child

12 abuse or neglect, access to the perpetrator, vulnerability of the child,

13 family history including previous reports, parental cooperation, parental

14 or caretaker protective factors, and other information as deemed

15 necessary. At the conclusion of the review, the ~~report intake~~ shall be

16 assigned to either traditional response or alternative response.

17 Decisions of the team shall be made by consensus. If the team cannot come

18 to consensus, the ~~report intake~~ shall be assigned for a traditional

19 response.

20 (3) In the case of an alternative response, the department shall

21 complete a comprehensive assessment. The department shall transfer the

22 case being given alternative response to traditional response if the

23 department determines that a child is unsafe or if the concern for the

24 safety of the child is due to a temporary living arrangement. Upon

25 completion of the comprehensive assessment, if it is determined that the

26 child is safe, participation in services offered to the family receiving

27 an alternative response is voluntary, the case shall not be transferred

28 to traditional response based upon the family's failure to enroll or

29 participate in such services, and the subject of the report shall not be

30 entered into the central registry of child protection cases maintained

31 pursuant to section 28-718.

1 (4) The department shall, by the next working day after receipt of a

2 report of child abuse or neglect, enter into the tracking system of

3 child protection cases maintained pursuant to section 28-715 all reports

4 of child abuse or neglect received under this section that are opened for

5 alternative response and any action taken.

6 (5) The department shall make available to the appropriate
 7 investigating law enforcement agency, child advocacy center, and county
 8 attorney a copy of all reports relative to a case of suspected child
 9 abuse or neglect. Aggregate, nonidentifying data regarding reports of
 10 child abuse or neglect receiving an alternative response shall be made
 11 available quarterly to requesting agencies outside the department. Such
 12 alternative response data shall include, but not be limited to, the
 13 nature of the initial child abuse or neglect report, the age of the child
 14 or children, the nature of services offered, the location of the cases,
 15 the number of cases per month, and the number of alternative response
 16 cases that were transferred to traditional response. ~~Other than No other~~
 17 ~~agency or individual except~~ the office of Inspector General of Nebraska
 18 Child Welfare, the Public Counsel, law enforcement agency personnel,
 19 child advocacy center employees, and county attorneys, no other agency or
 20 individual shall be provided specific, identifying reports of child abuse
 21 or neglect being given alternative response. The office of Inspector
 22 General of Nebraska Child Welfare shall have access to all reports
 23 relative to cases of suspected child abuse or neglect subject to
 24 traditional response and those subject to alternative response. The
 25 department and the office shall develop procedures allowing for the
 26 Inspector General's review of cases subject to alternative response. The
 27 Inspector General shall include in the report pursuant to section 43-4331
 28 a summary of all cases reviewed pursuant to this subsection.

Senator Clements filed the following amendment to LB870:

AM2613

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 332. Introduced by Crawford, 45; Blood, 3.

WHEREAS, Garrett Grice, a sophomore of Bellevue East High School, won the 2020 Class A State Wrestling Championship in the 120-pound division; and

WHEREAS, this is the second Class A state title for Garrett Grice; and

WHEREAS, Garrett finished his wrestling season with an impressive record of 44-1; and

WHEREAS, Garrett competed against senior Emilio Haynes of Omaha Central High School in the championship match and secured his win with a take down with 40 seconds left in the match and earned three near-fall points for a 6-1 win; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Garrett Grice on his state wrestling championship.
2. That a copy of this resolution be sent to Garrett Grice.

Laid over.

VISITOR(S)

Visitors to the Chamber were Todd and Kayrson Morehead from Papillion; students from Holy Name School, Omaha; members of Catholics at the Capitol from across the state; students and teachers from Minden High School; and students from Anderson Grove Elementary, Bellevue.

RECESS

At 11:48 a.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators DeBoer, Hilgers, Howard, Linehan, Morfeld, Quick, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1155. Committee [AM2482](#), found on page 714 and considered in this day's Journal, was renewed.

Senator Vargas offered the following amendment to the committee amendment:

[AM2754](#)

(Amendments to Standing Committee amendments, AM2482)

- 1 1. Insert the following new amendment:
- 2 4. On page 6, strike beginning with "In" in line 4 through the
- 3 period in line 6.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1131. Placed on Select File with amendment. [ER182](#) is available in the Bill Room.

LEGISLATIVE BILL 931. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services 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.

Michael Bailey - Board of Emergency Medical Services
Todd Hovey - Board of Emergency Medical Services
Dion J. Neumiller - Board of Emergency Medical Services
Michael Sheridan - Board of Emergency Medical Services

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

John L. Kuehn - State Board of Health

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848. Title read. Considered.

Committee [AM2578](#), found on page 720, was offered.

Senator Brewer offered the following amendment to the committee amendment:

[AM2723](#)

(Amendments to Standing Committee amendments, AM2578)

1 1. Insert the following new sections:

2 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 43-4502 The purpose of the Young Adult Bridge to Independence Act is

5 to support former state or tribal wards in transitioning to adulthood,

6 becoming self-sufficient, and creating permanent relationships. The

7 bridge to independence program shall at all times recognize and respect

8 the autonomy of the young adult. Nothing in the Young Adult Bridge to

9 Independence Act shall be construed to abrogate any other rights that a

10 person who has attained eighteen or nineteen years of age may have as an

11 adult under state or tribal law.

12 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-4503 For purposes of the Young Adult Bridge to Independence Act:

15 (1) Age of eligibility means:

16 (a) Nineteen years or age; or

17 (b) Eighteen years of age if the young adult has attained the age of
18 majority under tribal law;

19 (2) ~~(1)~~ Bridge to independence program means the extended services
20 and support available to a young adult under the Young Adult Bridge to
21 Independence Act other than extended guardianship assistance described in
22 section 43-4511 and extended adoption assistance described in section
23 43-4512;

24 (3) ~~(2)~~ Child means an individual who has not attained twenty-one
25 years of age;

26 (4) ~~(3)~~ Department means the Department of Health and Human
27 Services;

28 (5) ~~(4)~~ Supervised independent living setting means an independent
29 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
30 independent living settings shall include, but not be limited to, single
31 or shared apartments, houses, host homes, college dormitories, or other
32 postsecondary educational or vocational housing;

33 (6) ~~(5)~~ Voluntary services and support agreement means a voluntary
34 placement agreement as defined in 42 U.S.C. 672(f) between the department
35 and a young adult as his or her own guardian; and

36 (7) ~~(6)~~ Young adult means an individual who has attained the age of
37 eligibility ~~nineteen years of age~~ but who has not attained twenty-one
38 years of age.

39 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is
40 amended to read:

41 43-4504 The bridge to independence program is available, on a
42 voluntary basis, to a young adult:

43 (1) Who has attained the age of eligibility at least nineteen years
44 of age;

45 (2) Who was adjudicated to be a juvenile described in subdivision
46 (3)(a) of section 43-247 or the equivalent under tribal law or who was
47 adjudicated to be a juvenile described in subdivision (8) of section
48 43-247 or the equivalent under tribal law if the young adult's
49 guardianship or state-funded adoption assistance agreement was disrupted
50 or terminated after he or she had attained the age of sixteen years and
51 who (a) who, upon attaining the age of eligibility ~~nineteen years of age,~~
52 was in an out-of-home placement or had been discharged to independent
53 living or (b) with respect to whom a kinship guardianship assistance
54 agreement or an adoption assistance agreement was in effect pursuant to
55 42 U.S.C. 673 if the young adult had attained sixteen years of age before
56 the agreement became effective or with respect to whom a state-funded
57 guardianship assistance agreement or a state-funded adoption assistance
58 agreement was in effect if the young adult had attained sixteen years of
59 age before the agreement became effective;

60 (3) Who is:

61 (a) Completing secondary education or an educational program leading
62 to an equivalent credential;

63 (b) Enrolled in an institution which provides postsecondary or
64 vocational education;

65 (c) Employed for at least eighty hours per month;

66 (d) Participating in a program or activity designed to promote
67 employment or remove barriers to employment; or

68 (e) Incapable of doing any of the activities described in
69 subdivisions (3)(a) through (d) of this section due to a medical
70 condition, which incapacity is supported by regularly updated information
71 in the case plan of the young adult;

15 (4) Who is a Nebraska resident, except that this requirement shall
16 not disqualify a young adult who was a Nebraska resident but was placed
17 outside Nebraska pursuant to the Interstate Compact for the Placement of
18 Children; and

19 (5) Who does not meet the level of care for a nursing facility as
20 defined in section 71-424, for a skilled nursing facility as defined in
21 section 71-429, or for an intermediate care facility for persons with
22 developmental disabilities as defined in section 71-421.

23 The changes made to subdivision (2)(b) of this section by Laws 2015,
24 LB243, become operative on July 1, 2015.

25 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4510 (1) If desired by the young adult, the young adult shall be
28 provided a court-appointed attorney who has received training appropriate
29 to the role. The attorney's representation of the young adult shall be
30 client-directed. The attorney shall protect the young adult's legal
31 rights and vigorously advocate for the young adult's wishes and goals,
1 including assisting the young adult as necessary to ensure that the
2 bridge to independence program is providing the young adult with the
3 services and support required under the Young Adult Bridge to
4 Independence Act. For young adults who were appointed a guardian ad litem
5 before the young adult attained ~~the age of eligibility nineteen years of~~
6 ~~age~~, the guardian ad litem's appointment may be continued, with consent
7 from the young adult, but under a client-directed model of
8 representation. Before entering into a voluntary services and support
9 agreement and at least sixty days prior to each permanency and case
10 review, the independence coordinator shall notify the young adult of his
11 or her right to request a client-directed attorney if the young adult
12 would like an attorney to be appointed and shall provide the young adult
13 with a clear and developmentally appropriate written notice regarding the
14 young adult's right to request a client-directed attorney, the benefits
15 and role of such attorney, and the specific steps to take to request that
16 an attorney be appointed if the young adult would like an attorney
17 appointed.

18 (2) The court has discretion to appoint a court appointed special
19 advocate volunteer or continue the appointment of a previously appointed
20 court appointed special advocate volunteer with the consent of the young
21 adult.

22 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4511 (1) The department shall provide extended guardianship
25 assistance and medical care under the medical assistance program for a
26 young adult who ~~has attained the age of eligibility is at least nineteen~~
27 ~~years of age~~ but ~~is~~ less than twenty-one years of age and with respect to
28 whom a kinship guardianship assistance agreement was in effect pursuant
29 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
30 before the agreement became effective or with respect to whom a state-
31 funded guardianship assistance agreement was in effect if the young adult
1 had attained sixteen years of age before the agreement became effective
2 and if the young adult meets at least one of the following conditions for
3 eligibility:

4 (a) The young adult is completing secondary education or an
5 educational program leading to an equivalent credential;

6 (b) The young adult is enrolled in an institution that provides
7 postsecondary or vocational education;

8 (c) The young adult is employed for at least eighty hours per month;

9 (d) The young adult is participating in a program or activity
10 designed to promote employment or remove barriers to employment; or

11 (e) The young adult is incapable of doing any part of the activities
12 in subdivisions (1)(a) through (d) of this section due to a medical

13 condition, which incapacity must be supported by regularly updated
 14 information in the case plan of the young adult.
 15 (2) The guardian shall ensure that any guardianship assistance funds
 16 provided by the department and received by the guardian shall be used for
 17 the benefit of the young adult. The department shall adopt and promulgate
 18 rules and regulations defining services and supports encompassed by such
 19 benefit.
 20 (3) The changes made to this section by Laws 2015, LB243, become
 21 operative on July 1, 2015.
 22 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 43-4512 (1) The department shall provide extended adoption
 25 assistance and medical care under the medical assistance program for a
 26 young adult who ~~has attained the age of eligibility is at least nineteen~~
 27 ~~years of age but is less than twenty-one years of age and with respect to~~
 28 whom an adoption assistance agreement was in effect if the young adult
 29 had attained sixteen years of age before the agreement became effective
 30 and who meets at least one of the following conditions of eligibility:
 31 (a) The young adult is completing secondary education or an
 1 educational program leading to an equivalent credential;
 2 (b) The young adult is enrolled in an institution that provides
 3 postsecondary or vocational education;
 4 (c) The young adult is employed for at least eighty hours per month;
 5 (d) The young adult is participating in a program or activity
 6 designed to promote employment or remove barriers to employment; or
 7 (e) The young adult is incapable of doing any part of the activities
 8 in subdivisions (1)(a) through (d) of this section due to a medical
 9 condition, which incapacity must be supported by regularly updated
 10 information in the case plan of the young adult.
 11 (2) The adoptive parent or parents shall ensure that any adoption
 12 assistance funds provided by the department and received by the adoptive
 13 parent shall be used for the benefit of the young adult. The department
 14 shall adopt and promulgate rules and regulations defining services and
 15 supports encompassed by such benefit.
 16 2. Renumber the remaining sections and correct the repealer
 17 accordingly.

Senator Brewer moved for a call of the house. The motion prevailed with 21
 ayes, 0 nays, and 28 not voting.

The Brewer amendment was adopted with 45 ayes, 0 nays, and 4 excused
 and not voting.

Senator Chambers requested a record vote on the committee amendment, as
 amended.

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 4:

Hansen, B. Hilgers La Grone Lowe

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks withdrew her amendment, [AM2263](#), found on page 517.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 5:

Groene Halloran Hansen, B. Hilgers Lowe

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

LEGISLATIVE BILL 247. Title read. Considered.

SENATOR HILGERS PRESIDING

Committee [AM2206](#), found on page 561, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Senator Wayne offered the following amendment:

[AM2732](#)

- 1 1. Strike the original sections 2 and 4 to 11.
- 2 2. Renumber the remaining sections and correct the internal 3 reference and the repealer accordingly.

The Wayne amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 865A. Title read. Considered.

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

LEGISLATIVE BILL 797. Title read. Considered.

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

LEGISLATIVE BILL 832. Title read. Considered.

Committee [AM2293](#), found on page 557, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 1201. Placed on General File with amendment.

[AM2753](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The Legislature finds and declares that the State of
4 Nebraska experienced a historic flood event in 2019. This flood event
5 significantly impacted numerous communities and individual Nebraskans.
6 Coordination and communication between state and local entities
7 implementing flood mitigation strategies is essential to maximize federal
8 funds for flood mitigation efforts.
9 Sec. 2. The Department of Natural Resources shall develop a state
10 flood mitigation plan as a stand-alone document to be annexed into the
11 state hazard mitigation plan maintained by the Nebraska Emergency
12 Management Agency. Such plan shall be structured in accordance with
13 Federal Emergency Management Agency guidelines, and shall be
14 comprehensive, collaborative, and statewide in scope with opportunities
15 for input from diverse stakeholders.
16 Sec. 3. The Department of Natural Resources shall convene a plan
17 development group which shall be housed and staffed for administrative
18 purposes within such department. The Department of Natural Resources
19 shall engage with federal, state, and local agency and community
20 stakeholders in the development of the state flood mitigation plan,
21 including, but not limited to, the Department of Transportation, the
22 Department of Environment and Energy, the Department of Economic
23 Development, the Department of Agriculture, the Nebraska Emergency
24 Management Agency, natural resources districts, the United States
25 Department of Agriculture, the United States Army Corps of Engineers, the
26 United States Geological Survey, the Federal Emergency Management Agency,
27 the University of Nebraska, representatives of counties, municipalities,
1 and other political subdivisions, and the Natural Resources Committee of
2 the Legislature. The Department of Natural Resources may engage other
3 sources to provide technical expertise as needed.
4 Sec. 4. The Department of Natural Resources shall:
5 (1) Evaluate the flood issues that occurred in 2019, and identify
6 cost-effective flood mitigation strategies that should be adopted to
7 reduce the disruption of lives and livelihoods and prioritize making
8 Nebraska communities more resilient;
9 (2) Identify opportunities to implement flood hazard mitigation
10 strategies with the intent to reduce the impact of flood events;
11 (3) Work to improve knowledge and understanding of available
12 recovery resources while identifying potential gaps in current disaster
13 program delivery;
14 (4) Identify potential available funding sources that can be
15 accessed to improve the resilience of the state through flood mitigation
16 and post-flood disaster recovery. The funding sources shall include, but
17 not be limited to, assistance from (a) the Federal Emergency Management
18 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
19 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
20 Program, Public Assistance Program, and Individual Assistance Program,
21 (b) the United States Department of Housing and Urban Development's
22 Community Development Block Grant Program and Community Development Block
23 Grant Disaster Recovery Program, and (c) programs of the United States
24 Department of Agriculture's Natural Resources Conservation Service.
25 Identification of such funding sources shall be in addition to grants and
26 cost-sharing programs available through other agencies that support flood
27 hazard mitigation planning in communities;

28 (5) Compile a centralized list of critical infrastructure and state-
 29 owned facilities and identify those with the highest risk of flooding. In
 30 compiling such list, the Department of Natural Resources shall consult
 31 and collaborate with other state and local agencies that have information
 1 that identifies vulnerable facilities;
 2 (6) Include an evaluation of state laws, rules, regulations,
 3 policies, and programs related to flood hazard mitigation and development
 4 in flood hazard-prone areas to support the state's administration of the
 5 Federal Emergency Management Agency's National Flood Insurance Program,
 6 Community Rating System, and Risk Mapping, Assessment, and Planning
 7 Program;
 8 (7) Examine existing law and, if necessary, recommend statutory or
 9 administrative changes to help ensure collaboration and coordination
 10 between state and local entities in statewide flood mitigation planning;
 11 and
 12 (8) Hold two public hearings, one prior to the first state flood
 13 mitigation plan development meeting and one prior to the completion of
 14 such plan. Notice of each hearing shall be published at least thirty days
 15 prior to the hearing date.
 16 Sec. 5. The state flood mitigation plan shall be completed and
 17 reported to the Governor and electronically to the Legislature on or
 18 before December 31, 2021.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator La Grone filed the following amendment to [LB1055](#):
[AM2703](#) is available in the Bill Room.

Senator Lindstrom filed the following amendment to [LB808](#):
[AM2750](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1152. Title read. Considered.

Committee [AM2581](#), found on page 721, was adopted with 36 ayes, 2 nays,
 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 6 present
 and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to [LB881](#):
[AM2763](#)

(Amendments to Standing Committee amendments, AM2628)

1 1. On page 15, lines 9, 10, and 12, after "offense" insert "or
 2 offenses"; and in line 13 after "recognizance" insert ", subject to
 3 conditions of release the court may impose after a hearing".
 4 2. On page 17, line 9, strike "only"; and in line 12 after the
 5 period insert "As an alternative to a lump-sum payment or as an
 6 alternative or in conjunction with installment payments, the court or

7 magistrate may, with the consent of the offender, deduct fines from a
8 bond posted by the offender to the extent that such bond is not otherwise
9 encumbered by a valid lien, levy, execution, or assignment to counsel of
10 record or the person who posted the bond."

11 3. On page 20, after line 10 insert the following new subdivision:

12 "(k) Preclude use of the conviction for purposes of section

13 28-1206;" in line 11 strike "(k)" and insert "(l)"; in line 13 strike

14 "(l)" and insert "(m)"; and in line 15 strike "(m)" and insert "(n)".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 333. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine the possibility of placing one or more reservoirs on the Platte River and its tributaries for the purpose of flood control, hydroelectric energy, recreation, economic development, and environmental stewardship.

The study shall be completed in collaboration with the University of Nebraska College of Engineering and affected stakeholders. Stakeholders shall include representatives from the Department of Natural Resources, the Department of Environment and Energy, the Game and Parks Commission, affected municipalities and natural resources districts, local taxing authorities, affected drainage districts, and other interested entities. The study shall consider the impact and placement of one or more reservoirs of sufficient size and scale to provide flood control, a stable and reliable drinking water supply, power generation, extreme weather mitigation, and recreation, and to attract and retain a workforce to foster regional and economic growth.

The issues addressed by this interim study shall include, but not be limited to:

- (1) A history of the Platte River watershed;
- (2) The purpose of and need for such reservoirs on the Platte River;
- (3) A description of a possible reservoir project;
- (4) Project challenges and benefits;
- (5) Next steps;
- (6) Water supply issues, including existing water supplies, future water supply needs, water rights, flood control, hydrology and hydraulics, and methodology;
- (7) Existing flood risk and predicted flood risk with and without a reservoir project;
- (8) Recreation, including existing regional recreation and future regional recreational needs;
- (9) Hydropower, including existing power demands, future power demands, and the integration of hydropower into regional power production;
- (10) Site selection and optimization;
- (11) Conceptual reservoir design;
- (12) Possible project features, including an evaluation of alternatives;
- (13) Potential project costs and benefits;
- (14) Alternative reservoir locations;
- (15) Expansion of existing facilities;

(16) A description of the outcomes if no action is taken;
(17) Screening of alternatives;
(18) Permitting issues and procedures; and
(19) Necessary collaboration with federal agencies such as the Federal Energy Regulatory Commission, the Environmental Protection Agency, the United States Army Corps of Engineers, the Fish and Wildlife Service, and the United States Department of Agriculture for the completion of such potential reservoir project.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1155.

VISITOR(S)

Visitors to the Chamber were members of McCook Leadership 2.0; and students from Crete Intermediate School.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 4:59 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 5, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 2020

PRAYER

The prayer was offered by Pastor Joseph Gastineau, Revival Tabernacle Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, B. Hansen, M. Hansen, Morfeld, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

ANNOUNCEMENT

The Chair announced the birthday of Senator Blood.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 461. Placed on Select File with amendment.
[ER183](#) is available in the Bill Room.

LEGISLATIVE BILL 1042. Placed on Select File with amendment.
[ER184](#) is available in the Bill Room.

LEGISLATIVE BILL 1042A. Placed on Select File.

LEGISLATIVE BILL 803. Placed on Select File with amendment.

[ER186](#)

- 1 1. On page 1, line 5, strike the comma and insert "and"; and in line
- 2 6 strike the comma.
- 3 2. On page 2, line 8, after the third comma insert "or" and strike
- 4 the last comma.
- 5 3. On page 5, line 22, strike "to".
- 6 4. On page 8, lines 4 and 5, strike "Pulse Crop Development,
- 7 Utilization, and Marketing Board" and insert "board".

LEGISLATIVE BILL 803A. Placed on Select File.

LEGISLATIVE BILL 43. Placed on Select File with amendment.

[ER185](#)

- 1 1. On page 1, line 1, after the semicolon insert "to amend section
- 2 29-1926, Reissue Revised Statutes of Nebraska, and sections 29-119 and
- 3 29-1917, Revised Statutes Supplement, 2019;" and in line 2 after "Act"
- 4 insert "; to redefine a term and change rules of criminal procedure
- 5 relating to plea agreements and depositions; and to repeal the original
- 6 sections".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to [LB43](#):
[AM2748](#) is available in the Bill Room.

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Technical Advisory Committee for Statewide Assessment
Chad W. Buckendahl

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 2:

Hunt McCollister

Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Technical Advisory Committee for Statewide Assessment
Cindy Gray

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 2:

DeBoer McCollister

Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Coordinating Commission for Postsecondary Education
Timothy Daniels

Voting in the affirmative, 38:

Albrecht	Clements	Halloran	Lathrop	Scheer
Arch	Crawford	Hilgers	Lindstrom	Slama
Blood	Dorn	Howard	Linehan	Stinner
Bostelman	Erdman	Hughes	Lowe	Walz
Brandt	Friesen	Hunt	McCollister	Williams
Brewer	Geist	Kolowski	McDonnell	Wishart
Briese	Gragert	Kolterman	Moser	
Chambers	Groene	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 3:

DeBoer	Hilkemann	Murman
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Excused and not voting, 8:

Bolz	Hansen, B.	Morfeld	Vargas
Cavanaugh	Hansen, M.	Pansing Brooks	Wayne

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 739:

Coordinating Commission for Postsecondary Education
Charles Garman

Voting in the affirmative, 39:

Albrecht	Chambers	Groene	Lathrop	Quick
Arch	Clements	Halloran	Lindstrom	Scheer
Blood	Crawford	Hilkemann	Linehan	Slama
Bostelman	Dorn	Howard	Lowe	Stinner
Brandt	Erdman	Hughes	McCollister	Walz
Brewer	Friesen	Hunt	McDonnell	Williams
Briese	Geist	Kolowski	Moser	Wishart
Cavanaugh	Gragert	La Grone	Murman	

Voting in the negative, 0.

Present and not voting, 3:

DeBoer	Hilgers	Kolterman
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Excused and not voting, 7:

Bolz Hansen, M. Pansing Brooks Wayne
 Hansen, B. Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Board of Parole
 Mark T. Langan

Voting in the affirmative, 40:

Albrecht	Cavanaugh	Groene	La Grone	Murman
Arch	Clements	Halloran	Lathrop	Quick
Blood	Crawford	Hilgers	Lindstrom	Scheer
Bolz	Dorn	Hilkemann	Linehan	Slama
Bostelman	Erdman	Howard	Lowe	Stinner
Brandt	Friesen	Hughes	McCollister	Walz
Brewer	Geist	Kolowski	McDonnell	Williams
Briese	Gragert	Kolterman	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Chambers DeBoer Hunt

Excused and not voting, 6:

Hansen, B. Morfeld Vargas
 Hansen, M. Pansing Brooks Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 779:

Crime Victim's Reparations Committee
 Anne C. Boatright

Voting in the affirmative, 37:

Albrecht	Cavanaugh	Hilgers	Linehan	Slama
Arch	Chambers	Hilkemann	Lowe	Stinner
Blood	Clements	Howard	McCollister	Walz
Bolz	Crawford	Hughes	McDonnell	Williams
Bostelman	Erdman	Kolowski	Moser	Wishart
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	La Grone	Quick	
Briese	Halloran	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

DeBoer	Friesen	Groene	Hunt	Lindstrom
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Excused and not voting, 7:

Dorn	Hansen, M.	Pansing Brooks	Wayne
Hansen, B.	Morfeld	Vargas	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 788:

Commission for the Deaf and Hard of Hearing
 Candice Arteaga
 Robert J. Feit
 Jonathan Scherling

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 5:

DeBoer	Friesen	Hunt	Linehan	Lowe
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Excused and not voting, 5:

Dorn Hansen, B. Hansen, M. Vargas Wayne

The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 788:

Nebraska Rural Health Advisory Commission
Michael Allen Christopher Greene

Voting in the affirmative, 37:

Albrecht	Chambers	Halloran	Linehan	Quick
Arch	Clements	Hilgers	Lowe	Scheer
Blood	Crawford	Hilkemann	McCollister	Slama
Bostelman	Dorn	Howard	McDonnell	Walz
Brandt	Erdman	Hughes	Morfeld	Wishart
Brewer	Geist	Hunt	Moser	
Briese	Gragert	Kolowski	Murman	
Cavanaugh	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Friesen	La Grone	Stinner
DeBoer	Kolterman	Lathrop	Williams

Excused and not voting, 4:

Hansen, B. Hansen, M. Vargas Wayne

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 813:

Board of Emergency Medical Services
Michael Bailey
Todd Hovey
Dion J. Neumiller
Michael Sheridan

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	DeBoer	Hilgers	Stinner
Bolz	Friesen	Lathrop	

Excused and not voting, 3:

Hansen, B.	Vargas	Wayne
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The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 813:

State Board of Health
John L. Kuehn

Senator Linehan moved the previous question. The question is, "Shall the debate now close?"

Senator Linehan moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Albrecht	Clements	Groene	Hughes	Moser
Arch	Dorn	Halloran	La Grone	Murman
Bostelman	Erdman	Hansen, B.	Lindstrom	Quick
Brandt	Friesen	Hilgers	Linehan	Scheer
Brewer	Geist	Hilkemann	Lowe	Slama
Briese	Gragert	Howard	McDonnell	

Voting in the negative, 6:

Cavanaugh	Hansen, M.	Kolowski
Chambers	Hunt	Morfeld

Present and not voting, 9:

Blood	Crawford	Lathrop	Pansing Brooks	Wishart
Bolz	DeBoer	McCollister	Wayne	

Excused and not voting, 5:

Kolterman	Stinner	Vargas	Walz	Williams
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The motion to cease debate prevailed with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

Voting in the affirmative, 32:

Albrecht	Crawford	Groene	Hughes	Murman
Arch	DeBoer	Halloran	La Grone	Quick
Bostelman	Dorn	Hansen, B.	Lindstrom	Scheer
Brandt	Erdman	Hansen, M.	Linehan	Slama
Brewer	Friesen	Hilgers	Lowe	
Briese	Geist	Hilkemann	McDonnell	
Clements	Gragert	Howard	Moser	

Voting in the negative, 3:

Chambers	Hunt	Morfeld
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Present and not voting, 9:

Blood	Cavanaugh	Lathrop	Pansing Brooks	Wishart
Bolz	Kolowski	McCollister	Wayne	

Excused and not voting, 5:

Kolterman	Stinner	Vargas	Walz	Williams
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The appointment was confirmed with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1113

Friday, March 20, 2020 1:00 p.m.

John F. Krager III - Board of Public Roads Classifications and Standards
Roger Figard - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 334. Introduced by Brewer, 43; Albrecht, 17; Gragert, 40; Pansing Brooks, 28.

WHEREAS, Charles "Chuck" Trimble was born and raised on the Pine Ridge Indian Reservation and was an enrolled member of the Oglala Sioux Tribe; and

WHEREAS, Chuck enlisted in the United States Army in 1957 and served honorably as an Infantry Operations Intelligence Specialist in Germany; and

WHEREAS, Chuck was accomplished in his professional career, working in the Atlas Missile program, advancing solar research at the Harvard College Observatory, and contributing to the Apollo Telescope Mount project; and

WHEREAS, despite his professional success, Chuck Trimble always remembered his roots and the challenges facing American Indians; and

WHEREAS, Chuck's deep concern for the welfare of native peoples motivated his involvement in the White Buffalo Council of American Indians, the Denver urban Indian organization, the Denver Indian Times, the National Congress of American Indians, the American Indian National Bank, and the founding of the American Indian Press Association; and

WHEREAS, Chuck always maintained his native cultural identity as central to his life, as exemplified by his beautiful command of the Lakota language; and

WHEREAS, his generosity in bestowing his time and wisdom to the people of the State of Nebraska was unwavering, with his contributions as a board member for the Nebraska State Historical Society Foundation, his instruction at the University of Nebraska-Omaha, his summer workshops for high school students, and his work as a member of the Nebraska Commission on Indian Affairs; and

WHEREAS, Chuck Trimble passed away on March 2, 2020, and is survived by his wife, Anne, and his daughter, Kaiti.

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

1. That the Legislature recognizes Charles "Chuck" Trimble for his lifetime of service to native peoples, to the State of Nebraska, and to the United States of America.

2. That the Legislature offers its deepest condolences to the family and friends of Charles Trimble during this time of loss.

3. That a copy of this resolution be sent to Charles Trimble's family.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB344:
AM2705

(Amendments to Standing Committee amendments, AM2486)

1. On page 9, line 23, strike "infected by a dangerous disease"
2. shall and insert "may be required by the department to"; and strike
3. beginning with "as" in line 24 through "department" in line 25.
4. On page 10, line 31, strike "landowner or land" and insert "owner
5. or".
6. On page 11, line 5, strike "a landowner" and insert "an owner";
7. in line 6 strike "land" and insert "a"; and in line 21 after "plan"
8. insert "or otherwise allowed by the State Veterinarian".
9. On page 12, lines 1 and 3, strike "an approved"; in line 2 after
10. "establishment" insert "or other hauler approved by the State
11. Veterinarian"; in line 12 strike "or" and after the semicolon insert
12. paragraphing and the following new subdivision:
13. "(iv) To any facility which lawfully disposes of dead animals; or";
14. and in line 13 strike "(iv)" and insert "(v)".
15. On page 13, line 26, strike "federally".
16. On page 16, line 16, strike "infected" and insert "affected"; in
17. line 19 strike "nonaffected anthrax"; and in line 20 after "flocks"
18. insert "not affected due to anthrax".

GENERAL FILE

LEGISLATIVE BILL 1055. Title read. Considered.

Committee AM2573, found on page 738, was offered.

Senator La Grone offered his amendment, AM2703, found on page 820, to the committee amendment.

SPEAKER SCHEER PRESIDING

SENATOR LINDSTROM PRESIDING

The La Grone amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

SENATOR HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 present and not voting.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1052. Placed on General File with amendment. [AM2645](#) is available in the Bill Room.

LEGISLATIVE BILL 1140. Placed on General File with amendment. [AM2663](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) Youth rehabilitation and treatment centers shall be
 4 operated to provide programming and services to rehabilitate and treat
 5 juveniles committed under the Nebraska Juvenile Code. Each youth
 6 rehabilitation and treatment center shall be considered a separate
 7 placement. Each youth rehabilitation and treatment center shall provide:
 8 (a) Safe and sanitary space for sleeping, hygiene, education,
 9 programming, treatment, recreation, and visitation for each juvenile;
 10 (b) Health care and medical services;
 11 (c) Appropriate physical separation and segregation of juveniles
 12 based on gender;
 13 (d) Sufficient staffing to comply with state and federal law and
 14 protect the safety and security of each juvenile;
 15 (e) Training that is specific to the population being served at the
 16 youth rehabilitation and treatment center;
 17 (f) A facility administrator for each youth rehabilitation and
 18 treatment center who has the sole responsibility for administration of a
 19 single youth rehabilitation and treatment center;
 20 (g) An evaluation process for the development of an individualized
 21 treatment plan within fourteen days after admission to the youth
 22 rehabilitation and treatment center;
 23 (h) An age-appropriate and developmentally appropriate education
 24 program for each juvenile that can award relevant and necessary credits
 25 toward high school graduation that will be accepted by the juvenile's
 26 home school district;
 27 (i) A case management and coordination process, designed to assure
 1 appropriate reintegration of the juvenile with his or her family, school,
 2 and community;
 3 (j) Compliance with the requirements stated in Title XIX and Title
 4 IV-E of the federal Social Security Act, as such act existed on January
 5 1, 2020, the Special Education Act, or other funding guidelines as
 6 appropriate;
 7 (k) Research-based or evidence-based programming for all juveniles
 8 that includes a strong academic program and classes in health education,
 9 living skills, vocational training, behavior management and modification,
 10 money management, family and parent responsibilities, substance use
 11 awareness, physical education, job skills training, and job placement
 12 assistance; and
 13 (l) Research-based or evidence-based treatment service for
 14 behavioral impairment, severe emotional disturbance, sex offender

15 behavior, other mental health or psychiatric disorder, drug and alcohol
16 addiction, physical or sexual abuse, and any other treatment indicated by
17 a juvenile's individualized treatment plan.
18 (2) Each youth rehabilitation and treatment center shall
19 electronically submit a report of its activities for the preceding fiscal
20 year to the Clerk of the Legislature on or before July 15 of each year.
21 The annual report shall include, but not be limited to, the following
22 information:
23 (a) Data on the population served, including, but not be limited to,
24 admissions, average daily census, average length of stay, race, and
25 ethnicity;
26 (b) An overview of programming and services; and
27 (c) An overview of any facility issues or facility improvements.
28 Sec. 2. (1) The Department of Health and Human Services shall
29 develop a five-year operations plan for the youth rehabilitation and
30 treatment centers and submit such operations plans electronically to the
31 Health and Human Services Committee of the Legislature on or before
1 November 15, 2020.
2 (2) The operations plan shall be developed with input from key
3 stakeholders and shall include, but not be limited to:
4 (a) A description of the population served at each youth
5 rehabilitation and treatment center;
6 (b) An organizational chart of supervisors and operations staff. The
7 operations plan shall not allow for administrative staff to have
8 oversight over more than one youth rehabilitation and treatment center
9 and shall not allow for clinical staff to have responsibility over more
10 than one youth rehabilitation and treatment center;
11 (c) Staff who shall be centralized offsite or managed onsite,
12 including facility and maintenance staff;
13 (d) A facility plan that considers taxpayer investments already made
14 in the facility and the community support and acceptance of the juveniles
15 in the community surrounding the youth rehabilitation and treatment
16 center;
17 (e) A description of each rehabilitation program offered at the
18 youth rehabilitation and treatment center;
19 (f) A description of each mental health treatment plan offered at
20 the youth rehabilitation and treatment center;
21 (g) A description of reentry and discharge planning;
22 (h) A staffing plan that ensures adequate staffing;
23 (i) An education plan developed in collaboration with the State
24 Department of Education;
25 (j) A capital improvements budget;
26 (k) An operating budget;
27 (l) A disaster recovery plan;
28 (m) A plan to segregate the juveniles by gender on separate
29 campuses;
30 (n) A parenting plan for juveniles placed in a youth rehabilitation
31 and treatment center who are parenting;
1 (o) A statement of the rights of juveniles placed at the youth
2 rehabilitation and treatment centers, including a right to privacy, and
3 the rights of parents or guardians;
4 (p) Quality and outcome measurements for tracking outcomes for
5 juveniles when they are discharged from the youth rehabilitation and
6 treatment center, including an exit survey of such juveniles;
7 (q) Key performance indicators to be included in the annual report
8 required under this section;
9 (r) A requirement for trauma-informed training provided to staff;
10 (s) Methods and procedures for investigations at the youth
11 rehabilitation and treatment center; and
12 (t) A grievance process for juveniles placed at the youth

13 rehabilitation and treatment centers.

14 (3) The department shall submit a report electronically to the Clerk
15 of the Legislature on or before December 15, 2021, and each December 15
16 thereafter regarding such operations plan and key performance indicators.

17 Sec. 3. Section 43-251.01, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 43-251.01 All placements and commitments of juveniles for
20 evaluations or as temporary or final dispositions are subject to the
21 following:

22 (1) No juvenile shall be confined in an adult correctional facility
23 as a disposition of the court;

24 (2) A juvenile who is found to be a juvenile as described in
25 subdivision (3) of section 43-247 shall not be placed in an adult
26 correctional facility, the secure youth confinement facility operated by
27 the Department of Correctional Services, or a youth rehabilitation and
28 treatment center or committed to the Office of Juvenile Services;

29 (3) A juvenile who is found to be a juvenile as described in
30 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
31 transferred to an adult correctional facility or the secure youth
1 confinement facility operated by the Department of Correctional Services;

2 (4) A juvenile under the age of fourteen years shall not be placed
3 with or committed to a youth rehabilitation and treatment center;

4 (5)(a) Before July 1, 2019, a juvenile shall not be detained in
5 secure detention or placed at a youth rehabilitation and treatment center
6 unless detention or placement of such juvenile is a matter of immediate
7 and urgent necessity for the protection of such juvenile or the person or
8 property of another or if it appears that such juvenile is likely to flee
9 the jurisdiction of the court; and

10 (b) On and after July 1, 2019:

11 (i) A juvenile shall not be detained unless the physical safety of
12 persons in the community would be seriously threatened or detention is
13 necessary to secure the presence of the juvenile at the next hearing, is
14 evidenced by a demonstrable record of willful failure to appear at a
15 scheduled court hearing within the last twelve months;

16 (ii) A child twelve years of age or younger shall not be placed in
17 detention under any circumstances; and

18 (iii) A juvenile shall not be placed into detention:

19 (A) To allow a parent or guardian to avoid his or her legal
20 responsibility;

21 (B) To punish, treat, or rehabilitate such juvenile;

22 (C) To permit more convenient administrative access to such
23 juvenile;

24 (D) To facilitate further interrogation or investigation; or

25 (E) Due to a lack of more appropriate facilities except in case of
26 an emergency as provided in section 8 of this act;

27 (6) A juvenile alleged to be a juvenile as described in subdivision
28 (3) of section 43-247 shall not be placed in a juvenile detention
29 facility, including a wing labeled as staff secure at such facility,
30 unless the designated staff secure portion of the facility fully complies
31 with subdivision (5) of section 83-4,125 and the ingress and egress to
1 the facility are restricted solely through staff supervision; and

2 (7) A juvenile alleged to be a juvenile as described in subdivision
3 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
4 or her home as a dispositional order of the court unless:

5 (a) All available community-based resources have been exhausted to
6 assist the juvenile and his or her family; and

7 (b) Maintaining the juvenile in the home presents a significant risk
8 of harm to the juvenile or community.

9 Sec. 4. Section 43-401, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-401 Sections 43-401 to 43-424 and sections 2, 6 to 8, and 10 of
12 this act shall be known and may be cited as the Health and Human
13 Services, Office of Juvenile Services Act.

14 Sec. 5. Section 43-403, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-403 For purposes of the Health and Human Services, Office of
17 Juvenile Services Act:

18 (1) Aftercare means the control, supervision, and care exercised
19 over juveniles who have been paroled;

20 (2) Committed means an order by a court committing a juvenile to the
21 care and custody of the Office of Juvenile Services for treatment;

22 (3) Community supervision means the control, supervision, and care
23 exercised over juveniles committed to the Office of Juvenile Services
24 when a commitment to the level of treatment of a youth rehabilitation and
25 treatment center has not been ordered by the court;

26 (4) Emergency means a situation, including fire, flood, tornado,
27 natural disaster, or damage to a youth rehabilitation and treatment
28 center, that renders the youth rehabilitation and treatment center
29 uninhabitable. Emergency does not include inadequate staffing;

30 ~~(5)~~ (4) Evaluation means assessment of the juvenile's social,
31 physical, psychological, and educational development and needs, including
1 a recommendation as to an appropriate treatment plan;

2 ~~(6)~~ ~~(5)~~ Parole means a conditional release of a juvenile from a
3 youth rehabilitation and treatment center to aftercare or transferred to
4 Nebraska for parole supervision by way of interstate compact;

5 ~~(7)~~ ~~(6)~~ Placed for evaluation means a placement with the Office of
6 Juvenile Services or the Department of Health and Human Services for
7 purposes of an evaluation of the juvenile; and

8 ~~(8)~~ ~~(7)~~ Treatment means type of supervision, care, confinement, and
9 rehabilitative services for the juvenile.

10 Sec. 6. (1) The Department of Health and Human Services shall
11 develop an emergency plan for the Youth Rehabilitation and Treatment
12 Center-Geneva, the Youth Rehabilitation and Treatment Center-Kearney, and
13 any other facility being used as a youth rehabilitation and treatment
14 center and operating under state law.

15 (2) Each emergency plan shall:

16 (a) Identify and designate temporary placement facilities for the
17 placement of juveniles in the event a youth rehabilitation and treatment
18 center must be evacuated due to an emergency as defined in section
19 43-403. The administrator of a proposed temporary placement facility
20 shall consent to be designated as a temporary placement facility in the
21 emergency plan. A criminal detention facility or a juvenile detention
22 facility shall only be designated as a temporary placement facility
23 pursuant to section 8 of this act;

24 (b) Identify barriers to implementation of an effective emergency
25 plan, including necessary administrative or legislative changes;

26 (c) Include procedures for the Office of Juvenile Services to
27 provide reliable, effective, and timely notification that an emergency
28 plan is to be implemented to;

29 (i) Staff at the youth rehabilitation and treatment center where the
30 emergency plan is implemented and the administrator and staff at the
31 temporary placement facility;

1 (ii) Juveniles placed at the youth rehabilitation and treatment
2 center;

3 (iii) Families and legal guardians of juveniles placed at the youth
4 rehabilitation and treatment center;

5 (iv) The State Court Administrator, in a form and manner prescribed
6 by the State Court Administrator;

7 (v) The committing court of each juvenile placed at the youth
8 rehabilitation and treatment center;

9 (vi) The chairperson of the Health and Human Services Committee of
10 the Legislature; and
11 (vii) The office of Public Counsel and the office of Inspector
12 General of Nebraska Child Welfare;
13 (d) Detail the plan for transportation of juveniles to a temporary
14 placement facility; and
15 (e) Include methods and schedules for implementing the emergency
16 plan.
17 (3) Each emergency plan shall be developed on or before October 15,
18 2020.
19 Sec. 7. (1) The Department of Health and Human Services shall
20 ensure that the administrator of each temporary placement facility
21 described in an emergency plan required under section 6 of this act
22 consents to the temporary placement of juveniles placed in such facility
23 pursuant to the emergency plan. Prior to inclusion in an emergency plan
24 as a temporary placement facility, the department and the administrator
25 of the temporary placement facility shall agree on a cost-reimbursement
26 plan for the temporary placement of juveniles at such facility.
27 (2) If an emergency plan required under section 6 of this act is
28 implemented, the Office of Juvenile Services shall, at least twenty-four
29 hours prior to implementation, if practical, and otherwise within twenty-
30 four hours after implementation of such emergency plan, notify the
31 persons and entities listed in subdivision (2)(c) of section 6 of this
1 act.
2 Sec. 8. In the event of an emergency and only after all other
3 temporary placement options have been exhausted, the Office of Juvenile
4 Services may provide for the placement of a juvenile for a period not to
5 exceed seven days at a criminal detention facility, if allowed by law, or
6 a juvenile detention facility, as such terms are defined in section
7 83-4,125.
8 Sec. 9. (1) The Department of Health and Human Services shall
9 contract for the completion of a needs assessment and cost analysis for
10 the establishment of an inpatient adolescent psychiatric unit housed
11 within the Lincoln Regional Center. The department shall contract with an
12 outside consultant with expertise in needs assessment and cost analysis
13 of health care facilities within sixty days after the operative date of
14 this section for the purpose of conducting such assessment and analysis.
15 (2) The department shall submit a report electronically to the
16 Health and Human Service Committee of the Legislature and the Clerk of
17 the Legislature on or before October 15, 2020. Such report shall contain
18 the following information:
19 (a) A needs assessment, including the number of adolescents expected
20 to use such inpatient adolescent psychiatric unit;
21 (b) The cost of opening an existing facility at the Lincoln Regional
22 Center for use as an inpatient adolescent psychiatric unit;
23 (c) The cost of reopening the facility at the Lincoln Regional
24 Center, including the costs for necessary construction, upgrades, or
25 repairs;
26 (d) Annual operating costs of such unit, including, but not limited
27 to, any federal funds available to operate the unit in addition to
28 General Fund appropriations; and
29 (e) Cost savings realized by moving adolescents from out-of-state
30 institutions back to Nebraska for treatment at such unit.
31 (3) For purposes of this section, adolescent means a person under
1 the jurisdiction of the juvenile court.
2 Sec. 10. Policies and procedures of the Department of Health and
3 Human Services regarding the transportation of juveniles placed at the
4 youth rehabilitation and treatment centers shall apply to any private
5 contractor utilized by the Office of Juvenile Services to transport
6 juveniles placed at the youth rehabilitation and treatment centers.

7 Sec. 11. The Revisor of Statutes shall assign sections 1 and 9 of
 8 this act to Chapter 83, article 1.
 9 Sec. 12. Sections 1, 2, and 10 of this act become operative three
 10 calendar months after the adjournment of this legislative session. The
 11 other sections of this act become operative on their effective date.
 12 Sec. 13. Original sections 43-401 and 43-403, Reissue Revised
 13 Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative
 14 Supplement, 2018, are repealed.
 15 Sec. 14. Since an emergency exists, this act takes effect when
 16 passed and approved according to law.

LEGISLATIVE BILL 1150. Placed on General File with amendment.

[AM2742](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 83-107.01, Revised Statutes Cumulative
 4 Supplement, 2018, is amended to read:
 5 83-107.01 (1) The official names of the state institutions under
 6 the supervision of the Department of Health and Human Services shall be
 7 as follows: (a) ~~(4)~~ Beatrice State Developmental Center, (b) ~~(2)~~ Lincoln
 8 Regional Center, (c) ~~(3)~~ Norfolk Regional Center, (d) ~~(4)~~ Hastings
 9 Regional Center, (e) ~~(5)~~ Youth Rehabilitation and Treatment Center-
 10 Kearney, and (f) ~~(6)~~ Youth Rehabilitation and Treatment Center-Geneva.
 11 (2)(a) This subsection applies beginning July 1, 2021.
 12 (b) Except as provided in subdivision (2)(e) of this section, so
 13 long as the department operates the Youth Rehabilitation and Treatment
 14 Center-Kearney, such institution shall be used for the treatment of boys
 15 only.
 16 (c) Except as provided in subdivision (2)(e) of this section, so
 17 long as the department operates the Youth Rehabilitation and Treatment
 18 Center-Geneva, such institution shall be used for the treatment of girls
 19 only.
 20 (d) For any other facility operated and utilized as a youth
 21 rehabilitation and treatment center under state law, the department shall
 22 ensure safe and appropriate gender separation.
 23 (e) In the event of an emergency, the department may use either the
 24 Youth Rehabilitation and Treatment Center-Kearney or the Youth
 25 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
 26 of both genders for up to seven days. During any such use the department
 27 shall ensure safe and appropriate gender separation.
 1 (f) For purposes of this section, emergency means a situation
 2 including fire, flood, tornado, natural disaster, or damage to the
 3 institution that renders an institution uninhabitable. Emergency does not
 4 include inadequate staffing.
 5 Sec. 2. Original section 83-107.01, Revised Statutes Cumulative
 6 Supplement, 2018, is repealed.

LEGISLATIVE BILL 1188. Placed on General File with amendment.

[AM2736](#) is available in the Bill Room.

(Signed) Sara Howard, Chairperson

VISITOR(S)

Visitors to the Chamber were a group from the Lincoln Council for International Visitors from Chile, Kosovo, Libya, Moldova, Nepal, Taiwan, and Turkey; Teta Moehs; students and teachers from Madison High School;

a group from the Cheyenne County Chamber from Sidney; students from St. John Lutheran School, Battle Creek; and students from Southwest High School, Bartley.

RECESS

At 11:47 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Brandt, Chambers, B. Hansen, Howard, and Morfeld who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB840:
[AM2770](#)

(Amendments to E&R amendments, ER180)

- 1 1. Strike sections 4 and 5 and insert the following new sections:
- 2 Sec. 4. Electronic smoking device means an electronic nicotine
- 3 delivery system as defined in section 28-1418.01. The term includes any
- 4 such device regardless of whether it is manufactured, distributed,
- 5 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape
- 6 pen or under any other product name or descriptor. The term also includes
- 7 any substance that can be used in an electronic smoking device. The term
- 8 does not include a diffuser, humidifier, or prescription inhaler.
- 9 Sec. 5. Electronic smoking device retail outlet means a store that:
- 10 (1) Is licensed as provided under sections 28-1421 and 28-1422;
- 11 (2) Sells electronic smoking devices and products directly related
- 12 to electronic smoking devices;
- 13 (3) Does not sell alcohol, groceries, or gasoline; and
- 14 (4) Does not allow a person under the age of twenty-one years to
- 15 enter such store.

GENERAL FILE

LEGISLATIVE BILL 808. Title read. Considered.

Committee [AM2559](#), found on page 750, was offered.

Senator Lindstrom withdrew his amendment, [AM2675](#), found on page 779.

The committee amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Lindstrom offered his amendment, [AM2750](#), found on page 820.

The Lindstrom amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to [LB996](#):
[AM2783](#)

1 1. Insert the following new section:

2 Section 1. Section 49-14,101.03, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 49-14,101.03 (1) Any use of public resources by a public official or
5 public employee which is incidental or de minimis shall not constitute a
6 violation of section 49-14,101.01 or 49-14,101.02.

7 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
8 resource of government, including a vehicle, shall not be considered a
9 public resource and personal use shall not be prohibited if (a) the use
10 of the resource for personal purposes is part of the public official's or
11 public employee's compensation provided in an employment contract or a
12 written policy approved by a government body and (b) the personal use of
13 the resource as compensation is reported in accordance with the Internal
14 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
15 authorized by the contract or policy, the resource may be used whether or
16 not the public official or public employee is engaged in the duties of
17 his or her public office or public employment.

18 (3) Use of a government vehicle by a public official or public
19 employee to travel to a designated location or the home of the public
20 official or public employee is permissible when the primary purpose of
21 the travel serves a government purpose and the use is pursuant to a
22 written policy approved by a government body.

23 (4) Use of a government Internet network by a member of the
24 Legislature for essential personal business is permissible when the
25 member is serving in the member's official capacity and such use is
26 pursuant to a written policy approved by the Executive Board of the
27 Legislative Council.

1 (5) (4) Pursuant to a collective-bargaining agreement, a public
2 facility may be used by a bargaining unit to meet regarding activities of
3 the union or bargaining unit. This section shall not authorize the use of
4 public resources for the purpose of campaigning for or against the
5 nomination or election of a candidate or the qualification, passage, or
6 defeat of a ballot question.

7 (6) (5) Nothing in the Nebraska Political Accountability and
8 Disclosure Act prohibits a public official or public employee from using
9 his or her personal cellular telephone, electronic handheld device, or
10 computer to access a wireless network to which access is provided to the
11 public by a government body.

12 2. Renumber the remaining sections and correct internal references
13 and the repealer accordingly.

Senator Blood filed the following amendment to LB790:

AM2768

(Amendments to E & R amendments, ER178)

- 1 1. Insert the following new section:
- 2 Sec. 6. The Department of Health and Human Services and Department
- 3 of Veterans' Affairs shall work jointly to encourage service providers in
- 4 their respective departments and in other state and local agencies and
- 5 departments to ask the question "Have you or a family member ever served
- 6 in the military?". The question should be included in intake forms and
- 7 interviews where appropriate, including, but not limited to, at
- 8 hospitals, mental health care centers, senior centers, employment
- 9 offices, courts, and schools and in encounters with law enforcement.
- 10 2. Renumber the remaining section accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 335. Introduced by Hilkeemann, 4; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, The Very Reverend Craig Loya was elected the Tenth Bishop of Minnesota during the 162nd convention of the Episcopal Church in Minnesota on January 25, 2020; and

WHEREAS, Loya was born and grew up in North Platte, Nebraska; and

WHEREAS, Loya is a graduate of Hastings College with a Bachelor of Arts degree, magna cum laude, in English and Religion; and

WHEREAS, Loya received his Master of Divinity from Yale University and a diploma in Anglican Studies from the Berkeley Divinity School at Yale; and

WHEREAS, Loya is married to Melissa Tubbs Loya and the couple has two children, Mari and Asa; and

WHEREAS, Loya has served as the Dean and Rector of Trinity Episcopal Cathedral since 2013, overseeing a period of significant growth and expanded engagement with the poor and marginalized, children and families, the downtown neighborhood, and the city of Omaha; and

WHEREAS, Loya also serves as the Chaplain of Brownell Talbot school, working with children and youth at this educational institution with historic ties to the Episcopal Church; and

WHEREAS, Loya is a founder and the board president of Magdalene Omaha, a residential program for women surviving sex trafficking, and a board member of Inclusive Communities, an organization providing education and advocacy related to topics of diversity and inclusion; and

WHEREAS, Loya has served the Episcopal Diocese of Nebraska as a member of the executive committee, standing committee, and bishop and trustees committee; and

WHEREAS, Loya has demonstrated leadership in the wider Episcopal Church as a General Convention Deputy, Co-Convener of the General Convention Task Force for Re-Imagining the Episcopal Church, Co-Convener of the North American Conference of Cathedral Deans, and a member of the General Convention Task Force on Women, Truth, and Reconciliation; and

WHEREAS, Loya has served on the faculty of the Bishop Kemper School for Ministry, providing education and spiritual formation for students in the Episcopal Dioceses of Nebraska, Kansas, Western Kansas, and West Missouri.

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

1. That the Legislature congratulates The Very Reverend Craig Loya on his election as the Tenth Bishop of the Episcopal Church in Minnesota and thanks him for his ministry in the State of Nebraska.

2. That a copy of this resolution be sent to The Very Reverend Craig Loya and Trinity Episcopal Cathedral.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1186. Title read. Considered.

Committee [AM2554](#), found on page 733, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Committee [AM2628](#), found on page 785, was offered.

Senator Lathrop offered his amendment, [AM2763](#), found on page 820, to the committee amendment.

The Lathrop amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

SPEAKER SCHEER PRESIDING

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, and 18 present and not voting.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB963](#):
[AM2776](#)

(Amendments to Standing Committee amendments, AM2523)

- 1 1. On page 2, line 20, strike "A" and insert "Until January 1, 2027,
- 2 a"; and in line 24 after "examination" insert "by a mental health
- 3 professional".
- 4 2. On page 4, line 19, strike "a" and insert "an independent"; and
- 5 after line 28 insert the following new subsection:
- 6 "(9) All other provisions of the Nebraska Workers' Compensation Act
- 7 apply to this section."

Senator McDonnell filed the following amendment to [LB963](#):
[AM2734](#)

(Amendments to Standing Committee amendments, AM2523)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-122, Revised Statutes Supplement, 2019, is
- 3 amended to read:
- 4 48-122 (1) If death results from injuries and the deceased employee
- 5 leaves one or more dependents dependent upon his or her earnings for
- 6 support at the time of injury, the compensation, subject to section
- 7 48-123, shall be not more than the maximum weekly income benefit
- 8 specified in section 48-121.01 nor less than the minimum weekly income
- 9 benefit specified in section 48-121.01, except that if at the time of
- 10 injury the employee receives wages of less than the minimum weekly income
- 11 benefit specified in section 48-121.01, then the compensation shall be
- 12 the full amount of such wages per week, payable in the amount and to the
- 13 persons enumerated in section 48-122.01 subject to the maximum limits
- 14 specified in this section and section 48-122.03.
- 15 (2) When death results from injuries suffered in employment, if
- 16 immediately prior to the accident the rate of wages was fixed by the day
- 17 or hour, or by the output of the employee, the weekly wages shall be
- 18 taken to be computed upon the basis of a workweek of a minimum of five
- 19 days, if the wages are paid by the day, or upon the basis of a workweek
- 20 of a minimum of forty hours, if the wages are paid by the hour, or upon
- 21 the basis of a workweek of a minimum of five days or forty hours,
- 22 whichever results in the higher weekly wage, if the wages are based on
- 23 the output of the employee.
- 24 (3) Upon the death of an employee, resulting through personal
- 25 injuries as defined in section 48-151, whether or not there are
- 26 dependents entitled to compensation, the reasonable expenses of burial,
- 1 not exceeding ~~eleven~~ ~~ten~~ thousand dollars, without deduction of any
- 2 amount previously paid or to be paid for compensation or for medical
- 3 expenses, shall be paid to his or her dependents, or if there are no
- 4 dependents, then to his or her personal representative. Beginning in
- 5 2023, the Nebraska Workers' Compensation Court shall annually adjust the
- 6 dollar limitation in this subsection. The adjusted limitation shall be
- 7 equal to the then current limitation adjusted by the greater of one
- 8 percent or the percentage change, for the preceding year, in the Consumer
- 9 Price Index for All Urban Consumers, as prepared by the United States
- 10 Department of Labor, Bureau of Labor Statistics. Any adjustment shall be
- 11 effective on July 1. The adjustment shall not exceed two and three-
- 12 quarters percent per annum. If the amount so adjusted is not a multiple
- 13 of one hundred dollars, the amount shall be rounded to the nearest

14 multiple of one hundred dollars.

15 (4) Compensation under the Nebraska Workers' Compensation Act to
 16 alien dependents who are not residents of the United States shall be the
 17 same in amount as is provided in each case for residents, except that at
 18 any time within one year after the death of the injured employee the
 19 employer may at his or her option commute all future installments of
 20 compensation to be paid to such alien dependents. The amount of the
 21 commuted payment shall be determined as provided in section 48-138.
 22 (5)(a)(i) Except as provided in subdivision (5)(a)(ii) of this
 23 section, the consular officer of the nation of which the employee, whose
 24 injury results in death, is a citizen shall be regarded as the sole legal
 25 representative of any alien dependents of the employee residing outside
 26 of the United States and representing the nationality of the employee.
 27 (ii) At any time prior to the final settlement, a nonresident alien
 28 dependent may file with the Nebraska Workers' Compensation Court a power
 29 of attorney designating any suitable person residing in this state to act
 30 as attorney in fact in proceedings under the Nebraska Workers'
 31 Compensation Act. If the compensation court determines that the interests
 1 of the nonresident alien dependent will be better served by such person
 2 than by the consular officer, the compensation court shall appoint such
 3 person to act as attorney in fact in such proceedings. In making such
 4 determination the court shall consider, among other things, whether a
 5 consular officer's jurisdiction includes Nebraska and the responsiveness
 6 of the consular officer to attempts made by an attorney representing the
 7 employee to engage such consular officer in the proceedings.
 8 (b) Such consular officer or appointed person shall have in behalf
 9 of such nonresident alien dependents the exclusive right to institute
 10 proceedings for, adjust, and settle all claims for compensation provided
 11 by the Nebraska Workers' Compensation Act and to receive the distribution
 12 to such nonresident alien dependents of all compensation arising
 13 thereunder.
 14 (c) A person appointed under subdivision (5)(a)(ii) of this section
 15 shall furnish a bond satisfactory to the compensation court conditioned
 16 upon the proper application of any money received as compensation under
 17 the Nebraska Workers' Compensation Act. Before the bond is discharged,
 18 such appointed person shall file with the compensation court a verified
 19 account of receipts and disbursements of such money.
 20 (d) For purposes of this section, consular officer means a consul
 21 general, vice consul general, or vice consul or the representative of any
 22 such official residing within the State of Nebraska.
 23 (6) The changes made to this section by Laws 2019, LB418, apply to
 24 cases under the Nebraska Workers' Compensation Act that are pending on
 25 September 1, 2019, and to cases filed on or after such date.
 26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

GENERAL FILE

LEGISLATIVE BILL 850. Title read. Considered.

Committee [AM2226](#), found on page 514, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

SENATOR HUGHES PRESIDING

Senator Blood moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Blood requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

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	Williams
Brandt	Geist	Hunt	Moser	Wishart
Brewer	Gragert	Kolowski	Murman	
Briese	Groene	Kolterman	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Absent and not voting, 1:

Wayne

Excused and not voting, 2:

Friesen La Grone

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB911:

AM2735

1 1. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

4 2. On page 2, line 7, strike the new matter and strike "a facility

5 in Sarpy County" and show as stricken; in line 21 strike "three" and show

6 as stricken; and strike lines 25 through 31 and insert the following new

7 subdivision:

8 "(b) The Director of Veterans' Affairs shall accept from the city of

9 Grand Island, at no cost, title to the former Nebraska Veterans' Memorial

10 Cemetery in the city of Grand Island and land adjacent to the cemetery.

11 as identified in the required program statement, owned by the city of
 12 Grand Island, in order to establish a state cemetery for veterans and
 13 qualify for funding assistance from the National Cemetery Administration.
 14 Upon the effective date of this act, the city of Grand Island shall
 15 provide to the Nebraska Department of Veterans' Affairs an unconditional
 16 and exclusive option for the transfer of title to the real estate
 17 described in this subdivision at no cost to the State of Nebraska. The
 18 Director of Veterans' Affairs shall prepare an initial program statement
 19 and make a request to the Legislature for funding as required by section
 20 81-1108.41. The expenses of the initial program statement shall be paid
 21 from the Nebraska Veteran Cemetery System Operation Fund."
 22 3. On page 3, strike lines 1 through 3; and in line 30 after the
 23 period insert "The fund may be used for the expenses of the initial
 24 program statement under subdivision (1)(b) of this section."

Senator Hilgers filed the following amendment to [LB889](#):
[AM2690](#)

1 1. On page 2, line 12, after the period insert "A party of record
 2 for district court proceedings for review shall include any person who
 3 appeared either personally or through an attorney, who was a participant
 4 in the agency's contested hearing, and who was treated as a party by the
 5 agency's hearing officer."

Senator Hilgers filed the following amendment to [LB790](#):
[AM2758](#)

(Amendments to E & R amendments, ER178)

1 1. Insert the following new section:
 2 Section 1. Section 13-2903, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 13-2903 For purposes of the Political Subdivisions Construction
 5 Alternatives Act:
 6 (1) Construction management at risk contract means a contract by
 7 which a construction manager (a) assumes the legal responsibility to
 8 deliver a construction project within a contracted price to the political
 9 subdivision, (b) acts as a construction consultant to the political
 10 subdivision during the design development phase of the project when the
 11 political subdivision's architect or engineer designs the project, and
 12 (c) is the builder during the construction phase of the project;
 13 (2) Construction manager means the legal entity which proposes to
 14 enter into a construction management at risk contract pursuant to the
 15 act;
 16 (3) Design-build contract means a contract which is subject to
 17 qualification-based selection between a political subdivision and a
 18 design-builder to furnish (a) architectural, engineering, and related
 19 design services for a project pursuant to the act and (b) labor,
 20 materials, supplies, equipment, and construction services for a project
 21 pursuant to the act;
 22 (4) Design-builder means the legal entity which proposes to enter
 23 into a design-build contract which is subject to qualification-based
 24 selection pursuant to the act;
 25 (5) Letter of interest means a statement indicating interest to
 26 enter into a design-build contract or a construction management at risk
 1 contract for a project pursuant to the act;
 2 (6) Performance-criteria developer means any person licensed or any
 3 organization issued a certificate of authorization to practice
 4 architecture or engineering pursuant to the Engineers and Architects
 5 Regulation Act who is selected by a political subdivision to assist the
 6 political subdivision in the development of project performance criteria,
 7 requests for proposals, evaluation of proposals, evaluation of the

8 construction under a design-build contract to determine adherence to the
 9 performance criteria, and any additional services requested by the
 10 political subdivision to represent its interests in relation to a
 11 project;
 12 (7) Political subdivision means a city, village, county, natural
 13 resources district, school district, community college, or state college;
 14 (8) Project performance criteria means the performance requirements
 15 of the project suitable to allow the design-builder to make a proposal.
 16 Performance requirements include the following, if required by the
 17 project: Capacity, durability, standards, ingress and egress
 18 requirements, description of the site, surveys, soil and environmental
 19 information concerning the site, interior space requirements, material
 20 quality standards, design and construction schedules, site development
 21 requirements, provisions for utilities, storm water retention and
 22 disposal, parking requirements, applicable governmental code
 23 requirements, and other criteria for the intended use of the project;
 24 (9) Proposal means an offer in response to a request for proposals
 25 (a) by a design-builder to enter into a design-build contract for a
 26 project pursuant to the Political Subdivisions Construction Alternatives
 27 Act or (b) by a construction manager to enter into a construction
 28 management at risk contract for a project pursuant to the act;
 29 (10) Qualification-based selection process means a process of
 30 selecting a design-builder based first on the qualifications of the
 31 design-builder and then on the design-builder's proposed approach to the
 1 design and construction of the project;
 2 (11) Request for letters of interest means the documentation or
 3 publication by which a political subdivision solicits letters of
 4 interest;
 5 (12) Request for proposals means the documentation by which a
 6 political subdivision solicits proposals; and
 7 (13) School district means any school district classified under
 8 section 79-102.
 9 2. On page 1, line 16, strike "The" and insert "For a project
 10 authorized under subsection (3) of section 13-2914, the".
 11 3. On page 5, line 22, after "sections" insert "13-2903,".
 12 4. Renumber the remaining sections accordingly.

Senator Hilgers filed the following amendment to LB996:

AM2792

1 1. Insert the following new sections:
 2 Section 1. Section 49-14,101.03, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 49-14,101.03 (1) Any use of public resources by a public official or
 5 public employee which is incidental or de minimis shall not constitute a
 6 violation of section 49-14,101.01 or 49-14,101.02.
 7 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
 8 resource of government, including a vehicle, shall not be considered a
 9 public resource and personal use shall not be prohibited if (a) the use
 10 of the resource for personal purposes is part of the public official's or
 11 public employee's compensation provided in an employment contract or a
 12 written policy approved by a government body and (b) the personal use of
 13 the resource as compensation is reported in accordance with the Internal
 14 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
 15 authorized by the contract or policy, the resource may be used whether or
 16 not the public official or public employee is engaged in the duties of
 17 his or her public office or public employment.
 18 (3) Use of a government vehicle by a public official or public
 19 employee to travel to a designated location or the home of the public
 20 official or public employee is permissible when the primary purpose of
 21 the travel serves a government purpose and the use is pursuant to a

22 written policy approved by a government body.

23 (4) Use of a government Internet network by a member of the
 24 Legislature for essential personal business is permissible when the
 25 member is serving in the member's official capacity and such use is
 26 pursuant to a written policy approved by the Executive Board of the
 27 Legislative Council.

1 (5) (4) Pursuant to a collective-bargaining agreement, a public
 2 facility may be used by a bargaining unit to meet regarding activities of
 3 the union or bargaining unit. This section shall not authorize the use of
 4 public resources for the purpose of campaigning for or against the
 5 nomination or election of a candidate or the qualification, passage, or
 6 defeat of a ballot question.

7 (6) (5) Nothing in the Nebraska Political Accountability and
 8 Disclosure Act prohibits a public official or public employee from using
 9 his or her personal cellular telephone, electronic handheld device, or
 10 computer to access a wireless network to which access is provided to the
 11 public by a government body.

12 Sec. 4. Sections 2, 3, and 6 of this act become operative three
 13 calendar months after the adjournment of this legislative session. The
 14 other sections of this act become operative on their effective date.

15 Sec. 5. Original section 49-14,101.03, Reissue Revised Statutes of
 16 Nebraska, is repealed.

17 Sec. 7. Since an emergency exists, this act takes effect when passed
 18 and approved according to law.

19 2. Renumber the remaining sections and correct internal references
 20 accordingly.

Senator Brewer filed the following amendment to LB848:

AM2751

(Amendments to Standing Committee amendments, AM2578)

1 1. Insert the following new sections:

2 Sec. 4. Section 72-2201, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 72-2201 Sections 72-2201 to 72-2214 and section 5 of this act shall
 5 be known and may be cited as the Nebraska State Capitol Preservation and
 6 Restoration Act.

7 Sec. 5. (1)(a) The Clerk of the Legislature shall cause to be
 8 displayed within the Warner Legislative Chamber flags representing the
 9 four federally recognized tribes with headquarters in Nebraska: the Omaha
 10 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
 11 and the Winnebago Tribe of Nebraska.

12 (b) The Commission on Indian Affairs shall obtain such flags through
 13 donations from the tribes and shall be responsible for replacing such
 14 flags.

15 (c) The Clerk of the Legislature shall approve placement locations
 16 within the Warner Legislative Chamber. The size, proportion, and
 17 placement of such flags shall be similar to that of the flag of the
 18 United States and the flag of the State of Nebraska.

19 (2)(a) The State Capitol Administrator shall cause to be displayed
 20 in the Memorial Chamber on the fourteenth floor of the State Capitol the
 21 flags of any Indian tribes with historic and regional connections to
 22 Nebraska.

23 (b) The Commission on Indian Affairs shall designate the tribes with
 24 historic and regional connections to Nebraska and the flags to be
 25 displayed under subdivision (2)(a) of this section. The Commission on
 26 Indian Affairs shall obtain such flags through donations from the tribes
 1 and shall be responsible for replacing such flags.

2 (c) The Nebraska Capitol Commission shall approve placement
 3 locations in the Memorial Chamber.

4 2. Renumber the remaining section and correct the repealer
 5 accordingly.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 336.** Introduced by Stinner, 48.

WHEREAS, during the 2020 Nebraska State Wrestling Championships, nineteen boys from Legislative District 48 were scoring wrestlers for their teams; and

WHEREAS, Paul Garcia, Trayton Travnicek, and Mychaia Moss represented Scottsbluff High School in the Class B 2020 Nebraska State Wrestling Championships, with junior Paul Garcia winning his third individual championship, this year at 120 pounds; and

WHEREAS, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, and Marquel Maldonado represented Gering High School in the Class B 2020 Nebraska State Wrestling Championships, with Quinton Chavez winning the individual championship at 113 pounds, Nate Rocheleau winning the individual championship at 138 pounds, Paul Ruff placing second in the individual championship at 120 pounds, Jacob Awiszus placing third in the individual championship at 160 pounds, and Nate Murillo placing fourth in the individual championship at 132 pounds; and

WHEREAS, Thomas Hughson, Kadin Perez, Nicholas Coley, and Nathan Coley represented Mitchell High School in the Class C 2020 Nebraska State Wrestling Championships; and

WHEREAS, Daniel Kohel and Gabe Kohel represented Morrill High School in the Class D 2020 Nebraska State Wrestling Championships; and

WHEREAS, Ceasar Garduno, Tony Gonzales, and Haydon Olds represented Minatare High School in the Class D 2020 Nebraska State Wrestling Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds on their hard work to compete in the 2020 Nebraska State Wrestling Championship.

2. That a copy of this resolution be sent to Paul Garcia, Trayton Travnicek, Mychaia Moss, Quinton Chavez, Jacob Awiszus, Nathaniel Murillo, Tyler Nagel, Nate Rocheleau, Paul Ruff, Marquel Maldonado, Thomas Hughson, Kadin Perez, Nicholas Coley, Nathan Coley, Daniel Kohel, Gabe Kohel, Ceasar Garduno, Tony Gonzales, and Haydon Olds.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 760. Title read. Considered.

Committee [AM2232](#), found on page 576, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Committee [AM2234](#), found on page 528, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 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.

AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to [LB1056](#):
[AM2795](#)

(Amendments to Standing Committee amendments, AM2595)

- 1 1. On page 2, strike beginning with "sold" in line 27 through
- 2 "events" in line 28 and insert "purchased using a debit card".

VISITOR(S)

Visitors to the Chamber were Nicki and Ian Behmer from Lincoln; members of the Nebraska State Home Builders Association; Butch, Robert, Amy, and Larry Stanley from Big Springs; Senator Pansing Brooks's cousin, Steve Guenzel, from Lincoln; and students from Centura Elementary, Cairo.

The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

ADJOURNMENT

At 4:46 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, March 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 6, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 2020

PRAYER

The prayer was offered by Dean Craig Loya, Trinity Episcopal Cathedral, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senators Hunt and Kolowski who were excused; and Senators B. Hansen, Lathrop, Linehan, Morfeld, Scheer, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 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

Antonello, Dustin
Lincoln Independent Business Association (LIBA) (Withdrawn
02/28/2020)

SELECT FILE

LEGISLATIVE BILL 944. Senator Friesen withdrew his amendment, [AM2396](#), found on page 669 and considered on page 690.

Senator Friesen offered his amendment, [AM2612](#), found on page 786.

The Friesen amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Senator Bolz offered the following amendment:

[AM2761](#)

(Amendments to Standing Committee amendments, AM2307)

1 1. Insert the following new section:

2 Sec. 10. Section 60-331.02, Revised Statutes Cumulative Supplement,

3 2018, is amended to read:

4 60-331.02 Handicapped or disabled person means any individual with a
5 severe visual, neurological, or physical impairment which limits personal
6 mobility and results in an inability to travel more than two hundred feet
7 without stopping or without the use of a wheelchair, crutch, walker, or
8 prosthetic, orthotic, or other assistant device, any individual whose
9 personal mobility is limited as a result of respiratory problems, any
10 individual who has a cardiac condition to the extent that his or her
11 functional limitations are classified in severity as being Class III or
12 Class IV, according to standards set by the American Heart Association,
13 and any individual who has permanently lost all or substantially all the
14 use of one or more limbs.

15 2. On page 100, line 20, after the first comma insert "60-331.02,".

16 3. Renumber the remaining sections and correct internal references
17 accordingly.

The Bolz amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. [ER172](#), found on page 661, was adopted.

Senator Williams offered his amendment, [AM2544](#), found on page 697.

The Williams amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1016. [ER174](#), found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 858. [ER176](#), found on page 726, was adopted.

Senator Hughes offered his amendment, [AM2633](#), found on page 748.

The Hughes amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 790. [ER178](#), found on page 740, was adopted.

Senator Blood offered her amendment, [AM2768](#), found on page 842.

The Blood amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Hilgers offered his amendment, [AM2758](#), found on page 847.

The Hilgers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Pansing Brooks offered the following amendment:

[AM2797](#)

(Amendments to E & R amendments, ER178)

- 1 1. On page 3, after line 30; and page 5, after line 21, insert the
- 2 following new subsection:
- 3 "(3) Nothing in this section shall be interpreted to allow for the
- 4 privatization of the administration of facilities operated by the
- 5 Department of Health and Human Services under section 83-101.06 or the
- 6 privatization of the administration of facilities operated by the
- 7 Department of Correctional Services under section 83-171."
- 8 2. On page 5, after line 2, insert the following new paragraph:
- 9 "Nothing in this section shall be interpreted to allow for the
- 10 privatization of the administration of facilities operated by the
- 11 Department of Health and Human Services under section 83-101.06 or the
- 12 privatization of the administration of facilities operated by the
- 13 Department of Correctional Services under section 83-171."

Senator Chambers offered the following motion:

[MO161](#)

Bracket until April 12, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following amendment to the Pansing Brooks amendment:

[FA108](#)

Amend AM2797

If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

SENATOR HILGERS PRESIDING

SENATOR LINDSTROM PRESIDING

Pending.

LEGISLATIVE BILL 996. Senator Hilgers withdrew his amendment, [AM2783](#), found on page 841.

Senator Hilgers offered his amendment, [AM2792](#), found on page 848.

The Hilgers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 997. [ER173](#), found on page 698, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1061. [ER175](#), found on page 730, was adopted.

Senator Crawford offered her amendment, [AM2744](#), found on page 809.

SENATOR HUGHES PRESIDING

The Crawford amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1014. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 962. [ER177](#), found on page 749, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 344. [ER181](#), found on page 797, was adopted.

Senator Halloran offered his amendment, [AM2705](#), found on page 833.

The Halloran amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 870. Senator Clements offered his amendment, [AM2613](#), found on page 811.

The Clements amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963. [ER179](#), found on page 797, was adopted.

Senator McDonnell offered his amendment, [AM2776](#), found on page 844.

SENATOR LINDSTROM PRESIDING

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

The McDonnell amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McDonnell offered his amendment, [AM2734](#), found on page 844.

The McDonnell amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1056. Title read. Considered.

Committee [AM2595](#), found on page 791, was offered.

Senator Lowe offered his amendment, [AM2795](#), found on page 851, to the committee amendment.

Pending.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 632. Placed on General File with amendment.

AM2766

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 2-1504 (1) The Nebraska Natural Resources Commission is established.
6 The commission shall advise the department as requested by the director
7 and shall perform such other functions as are specifically conferred on
8 the commission by law. The commission shall have no jurisdiction over
9 matters pertaining to water rights.
10 (2) Each member of the commission shall be a resident of the State
11 of Nebraska and shall have attained the age of majority. The voting
12 members of the commission, ~~all of whom shall have attained the age of~~
13 ~~majority,~~ shall be:
14 (a) One resident of each of the following river basins, with
15 delineations being those on the Nebraska river basin map officially
16 adopted by the commission and on file with the department: (i) The
17 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
18 River basin, (iii) the South Platte River basin, (iv) the middle Platte
19 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
20 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
21 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
22 the Big Blue River basin, and (xii) the Nemaha River basin;
23 (b) One additional resident of each river basin which encompasses
24 one or more cities of the metropolitan class; and
25 (c) Fourteen members appointed by the Governor, subject to
26 confirmation by the Legislature. Of the members appointed by the
27 Governor, one shall represent each of the following categories:
1 Agribusiness interests; agricultural interests; ground water irrigators;
2 irrigation districts; manufacturing interests; metropolitan utilities
3 districts; municipal users of water from a city of the primary class;
4 municipal users of water from a city of the first or second class or a
5 village; outdoor recreation users; public power districts; public power
6 and irrigation districts; range livestock owners; surface water
7 irrigators; and wildlife conservation interests.
8 (3) Members of the commission described in subdivision (2)(a) of
9 this section shall be selected for four-year terms at individual caucuses
10 of the natural resources district directors residing in the river basin
11 from which the member is selected. Such caucuses shall be held for each
12 basin within ten days following the first Thursday after the first
13 Tuesday of the year the term of office of the member from that basin
14 expires. The dates and locations for such caucuses shall be established
15 by the commission, and the commission shall provide notice to the public
16 by issuing press releases for publication in a newspaper of general
17 circulation in each county that comprises the river basin for which a
18 caucus election will be held. Terms of office of such members shall
19 follow the sequence originally determined by the river basin
20 representatives to the commission at their first meeting on the third
21 Thursday after the first Tuesday in January 1975. All river basin members
22 shall take office on the third Thursday after the first Tuesday in
23 January following their selection and any vacancy shall be filled for the
24 unexpired term by a caucus held within thirty days following the date
25 such vacancy is created. Each member of the commission representing a
26 river basin shall qualify by filing with the other members of the
27 commission an acceptance in writing of his or her selection.

28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
1 having the same term sequence as provided for the other members from such
2 basin under subsection (3) of this section.

3 (5) For members of the commission described in subdivision (2)(c) of
4 this section:

5 (a) The Governor shall appoint the eleven additional members added
6 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
7 additional appointments shall be for staggered four-year terms, as
8 determined by the Governor. The Governor shall also set the terms of the
9 current members of the commission appointed under such subdivision and
10 serving on April 17, 2014, to staggered four-year terms. Future
11 appointments shall be for four-year terms. Members whose terms have
12 expired shall continue to serve until their successors have been
13 appointed. In the case of a vacancy, the Governor shall appoint a
14 successor for the unexpired term. Members may be removed for cause.
15 Initial appointees shall begin serving immediately following notice of
16 appointment, except that the member appointed representing municipal
17 users of water from the class of city or a village that is being
18 represented by the current member representing municipal users of water
19 and the members representing surface water irrigators and ground water
20 irrigators shall not begin serving until the term of the current member
21 representative of the category expires or such member resigns or is
22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
25 experience with, and is representative of Nebraska's water use and
26 economy;

27 (ii) Give recognition to the importance of both water quantity and
28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
30 the state, including urban and rural areas, and represent, to the extent
31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
2 section, the commission shall revise or adopt and promulgate rules and
3 regulations as necessary to administer the Water Sustainability Fund
4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
8 be known and may be cited as the Integrated Solid Waste Management Act.

9 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 13-2003 For purposes of the Integrated Solid Waste Management Act,
12 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
13 this act shall be used.

14 Sec. 4. Container means a bag, cup, can, pouch, package, container,
15 bottle, or other packaging that is (1) designed to be reusable,
16 recyclable, or single-use, (2) made of cloth, paper, plastic, including
17 foamed or expanded plastic, cardboard, corrugated material, aluminum,
18 glass, or postconsumer recycled or similar material or substrates,
19 including coated, laminated, or multilayer substrates, and (3) designed
20 for consuming, protecting, or transporting merchandise, food, or
21 beverages from or at a food service or retail facility.

22 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 13-2017 It is the policy of this state:

25 (1) To encourage the development of integrated solid waste

26 management programs, including waste volume reduction and recycling
 27 programs and education, at the local governmental level through
 28 incentives, technical assistance, grants, and other practical measures;
 29 (2) To support and encourage the development of new uses and markets
 30 for recycled goods, placing emphasis on the development in Nebraska of
 31 businesses relating to waste reduction and recycling;

1 (3) To provide education concerning the components of integrated
 2 solid waste management, at the elementary level through the high school
 3 level and through community organizations, to enhance the success of
 4 local programs requiring public involvement; ~~and~~
 5 (4) To support and encourage manufacturing methods which are
 6 environmentally sustainable, technologically safe, and ecologically sound
 7 and which enhance waste reduction by creating products which have longer
 8 usage life and which are adaptable to secondary uses through processes
 9 such as pyrolysis or biomass, require less input material, and decrease
 10 resource consumption; and -

11 (5) To encourage uniform regulation of containers in order to avoid
 12 the burden on retailers of having to comply with varying regulatory
 13 policies in multiple jurisdictions.

14 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is
 15 amended to read:

16 13-2023 (1) A county, municipality, or agency may, by ordinance or
 17 resolution, adopt regulations governing collection, source separation,
 18 storage, transportation, transfer, processing, treatment, and disposal of
 19 solid waste within its solid waste jurisdiction area as necessary to
 20 protect the public health and welfare and the environment. Regulations
 21 authorized by this section shall be equal to or more stringent than the
 22 provisions of the Integrated Solid Waste Management Act and rules and
 23 regulations adopted and promulgated by the council as authorized by the
 24 act. Any person who violates any such regulation shall be subject to a
 25 noncompliance fee not to exceed five hundred dollars.

26 (2) A county, municipality, or agency shall not adopt, enforce, or
 27 otherwise administer an ordinance or resolution that prohibits the use of
 28 or that sets standards, fees, prohibitions, or requirements regarding the
 29 sale, use, or marketing of containers. This subsection shall not apply to
 30 county, municipality, or agency recycling or solid waste collection
 31 programs, except that in no event shall such programs prohibit or have
 1 the effect of prohibiting the sale, use, or marketing of any containers.

2 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 70-1605 No public or private utility company, other than a municipal
 5 utility owned and operated by a village, furnishing water, natural gas,
 6 or electricity at retail in this state shall discontinue service to any
 7 domestic subscriber for nonpayment of any past-due account unless the
 8 utility company first gives notice to any subscriber whose service is
 9 proposed to be terminated. Such notice shall be given in person, by
 10 first-class mail, or by electronic delivery, except that electronic
 11 delivery shall only be used if the subscriber has specifically elected to
 12 receive such notices by electronic delivery. If notice is given by first-
 13 class mail or electronic delivery, such notice shall be conspicuously
 14 marked as to its importance. Service shall not be discontinued for at
 15 least seven days after notice is sent or given. Holidays and weekends
 16 shall be excluded from the seven days. A public or private utility
 17 company shall not charge a fee for the discontinuance or reconnection of
 18 utility service that exceeds the reasonable costs of providing such
 19 service.

20 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 70-1606 (1) The notice required by section 70-1605 shall contain
 23 the following information:

24 (a) (1) The reason for the proposed disconnection;
 25 (b) (2) A statement of intention to disconnect unless the domestic
 26 subscriber either pays the bill or reaches an agreement with the utility
 27 regarding payment of the bill;
 28 (c) (3) The date upon which service will be disconnected if the
 29 domestic subscriber does not take appropriate action;
 30 (d) (4) The name, address, and telephone number of the utility's
 31 employee or department to whom the domestic subscriber may address any
 1 inquiry or complaint;
 2 (e) (5) The domestic subscriber's right, prior to the disconnection
 3 date, to request a conference regarding any dispute over such proposed
 4 disconnection;
 5 (f) (6) A statement that the utility may not disconnect service
 6 pending the conclusion of the conference;
 7 (g) (7) A statement to the effect that disconnection ~~shall~~ may be
 8 postponed or prevented upon presentation of a duly licensed physician's,
 9 physician assistant's, or advanced practice registered nurse's
 10 certificate, which shall certify that a domestic subscriber or resident
 11 within such subscriber's household has an existing illness or handicap
 12 which would cause such subscriber or resident to suffer an immediate and
 13 serious health hazard by the disconnection of the utility's service to
 14 that household. Such certificate shall be filed with the utility within
 15 five days of receiving notice under this section, excluding holidays and
 16 weekends, and will prevent the disconnection of the utility's service for
 17 a period of at least thirty days from such filing. Only one postponement
 18 of disconnection shall be ~~required~~ allowed under this subdivision for
 19 each incidence of nonpayment of any past-due account;
 20 (h) (8) The cost that will be borne by the domestic subscriber for
 21 restoration of service;
 22 (i) (9) A statement that the domestic subscriber may arrange with
 23 the utility for an installment payment plan;
 24 (j) (10) A statement to the effect that those domestic subscribers
 25 who are welfare recipients may qualify for assistance in payment of their
 26 utility bill and that they should contact their caseworker in that
 27 regard; and
 28 (k) (11) Any additional information not inconsistent with this
 29 section which has received prior approval from the board of directors or
 30 administrative board of any utility.
 31 (2) A public or private utility company, other than a municipal
 1 utility owned and operated by a village, shall make the service
 2 termination information required under subdivisions (d), (e), (f), (g),
 3 (i), (j), and (k) of subsection (1) of this section readily accessible to
 4 the public on the web site of the utility company and available by mail
 5 upon request.
 6 Sec. 9. The Legislature finds and declares that the State of
 7 Nebraska experienced a historic flood event in 2019. This flood event
 8 significantly impacted numerous communities and individual Nebraskans.
 9 Coordination and communication between state and local entities
 10 implementing flood mitigation strategies is essential to maximize federal
 11 funds for flood mitigation efforts.
 12 Sec. 10. The Department of Natural Resources shall develop a state
 13 flood mitigation plan as a stand-alone document to be annexed into the
 14 state hazard mitigation plan maintained by the Nebraska Emergency
 15 Management Agency. Such plan shall be structured in accordance with
 16 Federal Emergency Management Agency guidelines, and shall be
 17 comprehensive, collaborative, and statewide in scope with opportunities
 18 for input from diverse stakeholders.
 19 Sec. 11. The Department of Natural Resources shall convene a plan
 20 development group which shall be housed and staffed for administrative
 21 purposes within such department. The Department of Natural Resources

22 shall engage with federal, state, and local agency and community
 23 stakeholders in the development of the state flood mitigation plan,
 24 including, but not limited to, the Department of Transportation, the
 25 Department of Environment and Energy, the Department of Economic
 26 Development, the Department of Agriculture, the Nebraska Emergency
 27 Management Agency, natural resources districts, the United States
 28 Department of Agriculture, the United States Army Corps of Engineers, the
 29 United States Geological Survey, the Federal Emergency Management Agency,
 30 the University of Nebraska, representatives of counties, municipalities,
 31 and other political subdivisions, and the Natural Resources Committee of
 1 the Legislature. The Department of Natural Resources may engage other
 2 sources to provide technical expertise as needed.
 3 Sec. 12. The Department of Natural Resources shall:
 4 (1) Evaluate the flood issues that occurred in 2019, and identify
 5 cost-effective flood mitigation strategies that should be adopted to
 6 reduce the disruption of lives and livelihoods and prioritize making
 7 Nebraska communities more resilient;
 8 (2) Identify opportunities to implement flood hazard mitigation
 9 strategies with the intent to reduce the impact of flood events;
 10 (3) Work to improve knowledge and understanding of available
 11 recovery resources while identifying potential gaps in current disaster
 12 program delivery;
 13 (4) Identify potential available funding sources that can be
 14 accessed to improve the resilience of the state through flood mitigation
 15 and post-flood disaster recovery. The funding sources shall include, but
 16 not be limited to, assistance from (a) the Federal Emergency Management
 17 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
 18 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
 19 Program, Public Assistance Program, and Individual Assistance Program,
 20 (b) the United States Department of Housing and Urban Development's
 21 Community Development Block Grant Program and Community Development Block
 22 Grant Disaster Recovery Program, and (c) programs of the United States
 23 Department of Agriculture's Natural Resources Conservation Service.
 24 Identification of such funding sources shall be in addition to grants and
 25 cost-sharing programs available through other agencies that support flood
 26 hazard mitigation planning in communities;
 27 (5) Compile a centralized list of critical infrastructure and state-
 28 owned facilities and identify those with the highest risk of flooding. In
 29 compiling such list, the Department of Natural Resources shall consult
 30 and collaborate with other state and local agencies that have information
 31 that identifies vulnerable facilities;
 1 (6) Evaluate state laws, rules, regulations, policies, and programs
 2 related to flood hazard mitigation and development in flood hazard-prone
 3 areas to support the state's administration of the Federal Emergency
 4 Management Agency's National Flood Insurance Program, Community Rating
 5 System, and Risk Mapping, Assessment, and Planning Program;
 6 (7) Examine existing law and, if necessary, recommend statutory or
 7 administrative changes to help ensure collaboration and coordination
 8 between state and local entities in statewide flood mitigation planning;
 9 and
 10 (8) Hold two public hearings, one prior to the first state flood
 11 mitigation plan development meeting and one prior to the completion of
 12 such plan. Notice of each hearing shall be published at least thirty days
 13 prior to the hearing date.
 14 Sec. 13. The state flood mitigation plan shall be completed and
 15 reported to the Governor and electronically to the Legislature on or
 16 before December 31, 2021.
 17 Sec. 14. Original sections 13-2001, 13-2003, 13-2017, 13-2023,
 18 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section
 19 2-1504, Revised Statutes Cumulative Supplement, 2018, are repealed.

LEGISLATIVE BILL 53. Indefinitely postponed.
LEGISLATIVE BILL 368. Indefinitely postponed.
LEGISLATIVE BILL 606. Indefinitely postponed.
LEGISLATIVE BILL 859. Indefinitely postponed.
LEGISLATIVE BILL 1071. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

Urban Affairs

LEGISLATIVE BILL 1003. Placed on General File with amendment.
[AM2651](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 848A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, One Hundred Sixth Legislature, Second Session, 2020.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to [LB1055](#):
[AM2741](#)

(Amendments to Standing Committee amendments, AM2573)

- 1 1. On page 12, line 31, strike "direct pecuniary fee", show as
2 stricken, and insert "payment, fee".
- 3 2. On page 13, strike lines 16 through 20 and show as stricken; in
4 line 21 strike "(7)", show as stricken, and insert "(6)"; and in line 27
5 strike "(8)", show as stricken, and insert "(7)".
- 6 3. On page 14, line 1, strike "(9)", show as stricken, and insert
7 "(8)"; and in line 3 strike "(10)(a)", show as stricken, and insert "(9)
8 (a)".

VISITOR(S)

Visitors to the Chamber were students and teachers from Nebraska City Middle School; a group from the Nebraska Occupational Therapy Association from across the state; students and teachers from Scottsbluff High School; students from Logan Middle School, Bellevue; Amber and Annabelle Bogle from Bennet; students from Whitetail Creek Elementary, Omaha; Senator Albrecht's family, Scott and Lisa Albrecht and children Isaac, Ben, and Evelyn Albrecht from Thurston, Laura Albrecht Fisher and children Keegan, Kylie, and Kessler from Scribner, and Andrea Albrecht Diehm from Presho, SD; and students from Lakeview Elementary, Lincoln.

The Doctor of the Day was Dr. Erika Rothgeb from Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Monday, March 9, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 9, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2020

PRAYER

The prayer was offered by Pastor Jeff Ryan, Three Timbers Church, Bennington.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Brewer, Cavanaugh, M. Hansen, McCollister, Morfeld, Slama, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT(S)
Enrollment and Review**

LEGISLATIVE BILL 755. Placed on Select File with amendment.

ER193

- 1 1. In the Standing Committee amendments, AM2480, on page 9, line 31,
- 2 strike "physician" and insert "podiatrist".
- 3 2. On page 1, strike lines 2 through 7 and insert "sections
- 4 38-10,121, 38-10,160, 38-2002, 38-2008, 38-2014, 38-2017, 38-2018,
- 5 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, 38-2056,
- 6 38-3001, 38-3002, 71-202.01, 71-224, 71-519, and 81-6,103, Reissue
- 7 Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3416.01,
- 8 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451,
- 9 Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and
- 10 81-3453, Revised Statutes Supplement, 2019; to change home services
- 11 permit provisions under the Cosmetology, Electrology, Esthetics, Nail
- 12 Technology, and Body Art Practice Act and the Barber Act; to change
- 13 physician, podiatrist, and physician assistant provisions under the
- 14 Medicine and Surgery Practice Act and the Podiatry Practice Act; to
- 15 define and redefine terms; to change membership of the Board of Medicine

16 and Surgery; to change infant screening test provisions; to change
 17 provisions of a Parkinson's disease drug report; to change provisions,
 18 define and redefine terms, and eliminate obsolete provisions under the
 19 Engineers and Architects Regulation Act; to harmonize provisions; and to
 20 repeal the original sections.".

LEGISLATIVE BILL 899. Placed on Select File with amendment.

ER190

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 70-625, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 70-625 (1) Subject to the limitations of the petition for its
 6 creation and all amendments to such petition, a public power district has
 7 all the usual powers of a corporation for public purposes and may
 8 purchase, hold, sell, and lease personal property and real property
 9 reasonably necessary for the conduct of its business. No district may
 10 sell household appliances at retail if the retail price of any such
 11 appliance exceeds fifty dollars, except that newly developed electrical
 12 appliances may be merchandised and sold during the period of time in
 13 which any such appliances are being introduced to the public. New models
 14 of existing appliances shall not be deemed to be newly developed
 15 appliances. An electrical appliance shall be considered to be in such
 16 introductory period of time until the particular type of appliance is
 17 used by twenty-five percent of all the electrical customers served by
 18 such district, but such period shall in no event exceed five years from
 19 the date of introduction by the manufacturer of the new appliance to the
 20 local market.

21 (2) In addition to its powers authorized by Chapter 70 and specified
 22 in its petition for creation, as amended, a public power district may
 23 sell, lease, and service satellite television signal descrambling or
 24 decoding devices, satellite television programming, and equipment and
 25 services associated with such devices and programming, except that this
 26 section does not authorize public power districts (a) to provide signal
 27 descrambling or decoding devices or satellite programming to any location
 1 (i) being furnished such devices or programming on April 24, 1987, or
 2 (ii) where community antenna television service is available from any
 3 person, firm, or corporation holding a franchise pursuant to sections
 4 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on
 5 April 24, 1987, or (b) to sell, service, or lease C-band satellite dish
 6 systems or repair parts.

7 (3) In addition to the powers authorized by Chapter 70 and specified
 8 in its petition for creation as amended, the board of directors of a
 9 public power district may apply for and use funds available from the
 10 United States Department of Agriculture or other federal agencies for
 11 grants or loans to promote economic development and job creation projects
 12 in rural areas as permitted under the rules and regulations of the
 13 federal agency from which the funds are received. Any loan to be made by
 14 a district shall only be made in participation with a bank pursuant to a
 15 contract. The district and the participating bank shall determine the
 16 terms and conditions of the contract. In addition, in rural areas of the
 17 district, the board of directors of such district may provide technical
 18 or management assistance to prospective, new, or expanding businesses,
 19 including home-based businesses, provide assistance to a local or
 20 regional industrial or economic development corporation or foundation
 21 located within or contiguous to the district's service area, and provide
 22 youth and adult community leadership training.

23 (4) In addition to the powers authorized by Chapter 70 and specified
 24 in its petition for creation as amended, a public power district may sell
 25 or lease its dark fiber pursuant to sections 86-574 to 86-578.

26 (5) In addition to the powers authorized by Chapter 70 and specified
 27 in its petition for creation as amended, a public power district may
 28 develop, manufacture, use, purchase, or sell at wholesale advanced
 29 biofuels and biofuel byproducts and other fuels and fuel byproducts so
 30 long as the development, manufacture, use, purchase, or sale of such
 31 biofuels and biofuel byproducts and other fuels and fuel byproducts is
 1 done to help offset greenhouse gas emissions.
 2 ~~(6)~~ (5) Notwithstanding any law, ordinance, resolution, or
 3 regulation of any political subdivision to the contrary, each public
 4 power district may receive funds and extend loans pursuant to the
 5 Nebraska Investment Finance Authority Act or pursuant to this section. In
 6 addition to the powers authorized by Chapter 70 and specified in its
 7 petition for creation, as amended, and without the need for further
 8 amendment thereto, a public power district may own and operate, contract
 9 to operate, or lease energy equipment and provide billing, meter reading,
 10 surveys, or evaluations and other administrative services, but not to
 11 include natural gas services, of public utility systems within a
 12 district's service territory.
 13 Sec. 2. Original section 70-625, Reissue Revised Statutes of
 14 Nebraska, is repealed.
 15 2. On page 1, line 3, strike "biofuels and biofuel" and insert
 16 "certain fuels and fuel".

LEGISLATIVE BILL 848. Placed on Select File with amendment.

ER191

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. The second Monday in October of each year shall be
 4 Indigenous Peoples' Day and Columbus Day and shall be set apart to
 5 recognize the historic, cultural, and contemporary significance of the
 6 people indigenous to the lands that are now known as the Americas,
 7 including Nebraska, and the many contributions of such people.
 8 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is
 9 amended to read:
 10 25-2221 Except as may be otherwise more specifically provided, the
 11 period of time within which an act is to be done in any action or
 12 proceeding shall be computed by excluding the day of the act, event, or
 13 default after which the designated period of time begins to run. The last
 14 day of the period so computed shall be included unless it is a Saturday,
 15 a Sunday, or a day during which the offices of courts of record may be
 16 legally closed as provided in this section, in which event the period
 17 shall run until the end of the next day on which the office will be open.
 18 All courts and their offices may be closed on Saturdays, Sundays,
 19 days on which a specifically designated court is closed by order of the
 20 Chief Justice of the Supreme Court, and these holidays: New Year's Day,
 21 January 1; Birthday of Martin Luther King, Jr., the third Monday in
 22 January; President's Day, the third Monday in February; Arbor Day, the
 23 last Friday in April; Memorial Day, the last Monday in May; Independence
 24 Day, July 4; Labor Day, the first Monday in September; Indigenous
 25 Peoples' Day and Columbus Day, the second Monday in October; Veterans
 26 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the
 27 day after Thanksgiving; Christmas Day, December 25; and all days declared
 1 by law or proclamation of the Governor to be holidays. Such days shall be
 2 designated as nonjudicial days. If any such holiday falls on Sunday, the
 3 following Monday shall be a holiday. If any such holiday falls on
 4 Saturday, the preceding Friday shall be a holiday. Court services shall
 5 be available on all other days. If the date designated by the state for
 6 observance of any legal holiday pursuant to this section, except Veterans
 7 Day, is different from the date of observance of such holiday pursuant to
 8 a federal holiday schedule, the federal holiday schedule shall be

9 observed.

10 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-4502 The purpose of the Young Adult Bridge to Independence Act is
13 to support former state or tribal wards in transitioning to adulthood,
14 becoming self-sufficient, and creating permanent relationships. The
15 bridge to independence program shall at all times recognize and respect
16 the autonomy of the young adult. Nothing in the Young Adult Bridge to
17 Independence Act shall be construed to abrogate any other rights that a
18 person who has attained eighteen or nineteen years of age may have as an
19 adult under state or tribal law.

20 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-4503 For purposes of the Young Adult Bridge to Independence Act:

23 (1) Age of eligibility means:

24 (a) Nineteen years of age; or

25 (b) Eighteen years of age if the young adult has attained the age of
26 majority under tribal law;

27 (2) (1) Bridge to independence program means the extended services
28 and support available to a young adult under the Young Adult Bridge to
29 Independence Act other than extended guardianship assistance described in
30 section 43-4511 and extended adoption assistance described in section
31 43-4512;

1 (3) (2) Child means an individual who has not attained twenty-one
2 years of age;

3 (4) (3) Department means the Department of Health and Human
4 Services;

5 (5) (4) Supervised independent living setting means an independent
6 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
7 independent living settings shall include, but not be limited to, single
8 or shared apartments, houses, host homes, college dormitories, or other
9 postsecondary educational or vocational housing;

10 (6) (5) Voluntary services and support agreement means a voluntary
11 placement agreement as defined in 42 U.S.C. 672(f) between the department
12 and a young adult as his or her own guardian; and

13 (7) (6) Young adult means an individual who has attained the age of
14 eligibility ~~nineteen years of age~~ but who has not attained twenty-one
15 years of age.

16 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is
17 amended to read:

18 43-4504 The bridge to independence program is available, on a
19 voluntary basis, to a young adult:

20 (1) Who has attained the age of eligibility at least nineteen years
21 of age;

22 (2) Who was adjudicated to be a juvenile described in subdivision
23 (3)(a) of section 43-247 or the equivalent under tribal law or who was
24 adjudicated to be a juvenile described in subdivision (8) of section
25 43-247 or the equivalent under tribal law if the young adult's

26 guardianship or state-funded adoption assistance agreement was disrupted
27 or terminated after he or she had attained the age of sixteen years and

28 ~~who~~ (a) who, upon attaining the age of eligibility ~~nineteen years of age~~,
29 was in an out-of-home placement or had been discharged to independent

30 living or (b) with respect to whom a kinship guardianship assistance
31 agreement or an adoption assistance agreement was in effect pursuant to

1 42 U.S.C. 673 if the young adult had attained sixteen years of age before
2 the agreement became effective or with respect to whom a state-funded

3 guardianship assistance agreement or a state-funded adoption assistance
4 agreement was in effect if the young adult had attained sixteen years of

5 age before the agreement became effective;

6 (3) Who is:

7 (a) Completing secondary education or an educational program leading
8 to an equivalent credential;

9 (b) Enrolled in an institution which provides postsecondary or
10 vocational education;

11 (c) Employed for at least eighty hours per month;

12 (d) Participating in a program or activity designed to promote
13 employment or remove barriers to employment; or

14 (e) Incapable of doing any of the activities described in
15 subdivisions (3)(a) through (d) of this section due to a medical
16 condition, which incapacity is supported by regularly updated information
17 in the case plan of the young adult;

18 (4) Who is a Nebraska resident, except that this requirement shall
19 not disqualify a young adult who was a Nebraska resident but was placed
20 outside Nebraska pursuant to the Interstate Compact for the Placement of
21 Children; and

22 (5) Who does not meet the level of care for a nursing facility as
23 defined in section 71-424, for a skilled nursing facility as defined in
24 section 71-429, or for an intermediate care facility for persons with
25 developmental disabilities as defined in section 71-421.

26 The changes made to subdivision (2)(b) of this section by Laws 2015,
27 LB243, become operative on July 1, 2015.

28 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 43-4510 (1) If desired by the young adult, the young adult shall be
31 provided a court-appointed attorney who has received training appropriate
1 to the role. The attorney's representation of the young adult shall be
2 client-directed. The attorney shall protect the young adult's legal
3 rights and vigorously advocate for the young adult's wishes and goals,
4 including assisting the young adult as necessary to ensure that the
5 bridge to independence program is providing the young adult with the
6 services and support required under the Young Adult Bridge to
7 Independence Act. For young adults who were appointed a guardian ad litem
8 before the young adult attained the age of eligibility ~~nineteen years of~~
9 age, the guardian ad litem's appointment may be continued, with consent
10 from the young adult, but under a client-directed model of
11 representation. Before entering into a voluntary services and support
12 agreement and at least sixty days prior to each permanency and case
13 review, the independence coordinator shall notify the young adult of his
14 or her right to request a client-directed attorney if the young adult
15 would like an attorney to be appointed and shall provide the young adult
16 with a clear and developmentally appropriate written notice regarding the
17 young adult's right to request a client-directed attorney, the benefits
18 and role of such attorney, and the specific steps to take to request that
19 an attorney be appointed if the young adult would like an attorney
20 appointed.

21 (2) The court has discretion to appoint a court appointed special
22 advocate volunteer or continue the appointment of a previously appointed
23 court appointed special advocate volunteer with the consent of the young
24 adult.

25 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4511 (1) The department shall provide extended guardianship
28 assistance and medical care under the medical assistance program for a
29 young adult who has attained the age of eligibility ~~is at least nineteen~~
30 years of age ~~but is less than twenty-one years of age~~ and with respect to
31 whom a kinship guardianship assistance agreement was in effect pursuant
1 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
2 before the agreement became effective or with respect to whom a state-
3 funded guardianship assistance agreement was in effect if the young adult
4 had attained sixteen years of age before the agreement became effective

5 and if the young adult meets at least one of the following conditions for
6 eligibility:

- 7 (a) The young adult is completing secondary education or an
8 educational program leading to an equivalent credential;
9 (b) The young adult is enrolled in an institution that provides
10 postsecondary or vocational education;
11 (c) The young adult is employed for at least eighty hours per month;
12 (d) The young adult is participating in a program or activity
13 designed to promote employment or remove barriers to employment; or
14 (e) The young adult is incapable of doing any part of the activities
15 in subdivisions (1)(a) through (d) of this section due to a medical
16 condition, which incapacity must be supported by regularly updated
17 information in the case plan of the young adult.

18 (2) The guardian shall ensure that any guardianship assistance funds
19 provided by the department and received by the guardian shall be used for
20 the benefit of the young adult. The department shall adopt and promulgate
21 rules and regulations defining services and supports encompassed by such
22 benefit.

23 (3) The changes made to this section by Laws 2015, LB243, become
24 operative on July 1, 2015.

25 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4512 (1) The department shall provide extended adoption
28 assistance and medical care under the medical assistance program for a
29 young adult who ~~has attained the age of eligibility is at least nineteen~~
30 ~~years of age but is less than twenty-one years of age and with respect to~~
31 whom an adoption assistance agreement was in effect if the young adult
1 had attained sixteen years of age before the agreement became effective
2 and who meets at least one of the following conditions of eligibility:

- 3 (a) The young adult is completing secondary education or an
4 educational program leading to an equivalent credential;
5 (b) The young adult is enrolled in an institution that provides
6 postsecondary or vocational education;
7 (c) The young adult is employed for at least eighty hours per month;
8 (d) The young adult is participating in a program or activity
9 designed to promote employment or remove barriers to employment; or
10 (e) The young adult is incapable of doing any part of the activities
11 in subdivisions (1)(a) through (d) of this section due to a medical
12 condition, which incapacity must be supported by regularly updated
13 information in the case plan of the young adult.

14 (2) The adoptive parent or parents shall ensure that any adoption
15 assistance funds provided by the department and received by the adoptive
16 parent shall be used for the benefit of the young adult. The department
17 shall adopt and promulgate rules and regulations defining services and
18 supports encompassed by such benefit.

19 Sec. 9. Section 62-301, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 62-301 (1) For the purposes of the Uniform Commercial Code and
22 section 62-301.01, the following days shall be holidays: New Year's Day,
23 January 1; Birthday of Martin Luther King, Jr., the third Monday in
24 January; President's Day, the third Monday in February; Arbor Day, the
25 last Friday in April; Memorial Day, the last Monday in May; Independence
26 Day, July 4; Labor Day, the first Monday in September; Indigenous
27 Peoples' Day and Columbus Day, the second Monday in October; Veterans
28 Day, November 11, and the federally recognized holiday therefor, or
29 either of them; Thanksgiving Day, the fourth Thursday in November; the
30 day after Thanksgiving; and Christmas Day, December 25. If any such
31 holiday falls on Sunday, the following Monday shall be a holiday. If the
1 date designated by the state for observance of any legal holiday
2 enumerated in this section, except Veterans Day, is different from the

3 date of observance of such holiday pursuant to a federal holiday
 4 schedule, the federal holiday schedule shall be observed.
 5 (2) Any bank doing business in this state may, by a brief written
 6 notice at, on, or near its front door, fully dispense with or restrict,
 7 to such extent as it may determine, the hours within which it will be
 8 open for business.
 9 (3) Any bank may close on Saturday if it states such fact by a brief
 10 written notice at, on, or near its front door. When such bank will, in
 11 observance of such a notice, not be open for general business, such day
 12 shall, with respect to the particular bank, be the equivalent of a
 13 holiday as fully as if such day were listed in subsection (1) of this
 14 section, and any act authorized, required, or permitted to be performed
 15 at, by, or with respect to such bank which will, in observance of such
 16 notice, not be open for general business, acting in its own behalf or in
 17 any capacity whatever, may be performed on the next succeeding business
 18 day and no liability or loss of rights on the part of any person shall
 19 result from such delay.
 20 (4) Any bank which, by the notice provided for by subsection (3) of
 21 this section, has created the holiday for such bank may, without
 22 destroying the legal effect of the holiday for it and solely for the
 23 convenience of its customers, remain open all or part of such day in a
 24 limited fashion by treating every transaction with its customers on such
 25 day as though the transaction had taken place immediately upon the
 26 opening of such bank on the first following business day.
 27 (5) Whenever the word bank is used in this section it includes
 28 building and loan association, savings and loan association, credit
 29 union, savings bank, trust company, investment company, and any other
 30 type of financial institution.
 31 Sec. 10. Original sections 25-2221, 43-4502, 43-4503, 43-4510,
 1 43-4511, 43-4512, and 62-301, Reissue Revised Statutes of Nebraska, and
 2 section 43-4504, Revised Statutes Supplement, 2019, are repealed.
 3 2. On page 1, strike beginning with "and" in line 1 through line 3
 4 and insert ", 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, and 62-301,
 5 Reissue Revised Statutes of Nebraska, and section 43-4504, Revised
 6 Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples'
 7 Day and Columbus Day; to change the Young Adult Bridge to Independence
 8 Act as it relates to young adult members of Indian tribes; to harmonize
 9 provisions; and to repeal the original sections."

LEGISLATIVE BILL 247. Placed on Select File with amendment.

[ER189](#)

1 1. On page 1, line 1, strike "advance", strike "directives", and
 2 after the semicolon insert "to amend sections 30-3402, 30-3405, 30-3406,
 3 30-3408, and 30-3423, Reissue Revised Statutes of Nebraska;" and in line
 4 2 after "Act" insert "; to change and harmonize power of attorney for
 5 health care provisions; and to repeal the original sections".

LEGISLATIVE BILL 865. Placed on Select File with amendment.

[ER187](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 77-2701, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
 6 77-27,236, 77-27,238, and 77-27,239 and section 2 of this act shall be
 7 known and may be cited as the Nebraska Revenue Act of 1967.
 8 Sec. 2. (1) Beginning with tax year 2021, the Tax Commissioner
 9 shall include space on the individual income tax return form in which the
 10 individual taxpayer may, if a refund is due, designate any amount of such

11 refund as a contribution to an account established under the Nebraska
 12 educational savings plan trust.
 13 (2) The Tax Commissioner shall determine the total amount of
 14 contributions designated pursuant to this section each year, and the
 15 State Treasurer shall transfer such amount from the General Fund to the
 16 College Savings Plan Program Fund for deposit into the appropriate
 17 accounts within the College Savings Plan Program Fund.
 18 Sec. 3. This act becomes operative on January 1, 2021.
 19 Sec. 4. Original section 77-2701, Revised Statutes Supplement,
 20 2019, is repealed.
 21 2. On page 1, strike beginning with "the" in line 1 through line 10
 22 and insert "revenue and taxation; to amend section 77-2701, Revised
 23 Statutes Supplement, 2019; to provide for contributions of income tax
 24 refunds to accounts established under the Nebraska educational savings
 25 plan trust; to harmonize provisions; to provide an operative date; and to
 26 repeal the original section."

LEGISLATIVE BILL 865A. Placed on Select File.

LEGISLATIVE BILL 797. Placed on Select File.

LEGISLATIVE BILL 832. Placed on Select File with amendment.

[ER188](#)

1 1. On page 1, strike beginning with "children" in line 1 through
 2 "provisions" in line 4 and insert "civil procedure; to amend section
 3 25-21,186, Reissue Revised Statutes of Nebraska; to provide for immunity
 4 from civil liability for entering a motor vehicle to remove a child in an
 5 emergency as prescribed".

LEGISLATIVE BILL 1152. Placed on Select File with amendment.

[ER192](#) is available in the Bill Room.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 848A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Committee [AM2558](#), found on page 750, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 705. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee [AM162](#), found on page 488, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Murman offered the following amendment:

[AM2778](#)

(Amendments to Standing Committee amendments, AM162)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. Section 77-1403, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 77-1403 (1) Unless otherwise permitted under section 529A, the owner
- 7 of an account shall be the designated beneficiary of the account, except
- 8 that if the designated beneficiary of the account is a minor or has a
- 9 custodian or other fiduciary appointed for the purposes of managing such
- 10 beneficiary's financial affairs, a custodian or fiduciary for such
- 11 designated beneficiary may serve as the account owner if such form of
- 12 ownership is permitted or not prohibited under section 529A.
- 13 (2) Unless otherwise permitted under section 529A, the designated
- 14 beneficiary of an account shall be a resident of the state or of a
- 15 contracting state. The State Treasurer shall determine residency of
- 16 Nebraska residents for such purpose in such manner as may be required or
- 17 permissible under section 529A or, in the absence of any guidance under
- 18 section 529A, by such other means as the State Treasurer shall consider
- 19 advisable for purposes of satisfying the requirements of section 529A.
- 20 (3) To the extent permitted by federal law, upon the death of a
- 21 designated beneficiary of an account, the owner of the account or the
- 22 personal representative of the designated beneficiary may have the
- 23 balance of the account transferred to another account under the program
- 24 specified by the owner of the account, the designated beneficiary, or the
- 25 estate of the designated beneficiary.
- 26 (4) At the time an account is established under the program and
- 1 prior to any transfer pursuant to subsection (3) of this section, the
- 2 State Treasurer shall notify the owner of the account, the designated
- 3 beneficiary, and the estate of the designated beneficiary, if applicable,
- 4 of the potential tax consequences of transferring funds pursuant to
- 5 subsection (3) of this section.
- 6 (5) Upon the death of a designated beneficiary and after the
- 7 Department of Health and Human Services has received approval from the
- 8 Centers for Medicare and Medicaid Services of the United States
- 9 Department of Health and Human Services:
- 10 (a) The state shall not seek recovery of any amount remaining in the
- 11 account of the designated beneficiary for any amount of medical
- 12 assistance received by the designated beneficiary or his or her spouse or
- 13 dependent under the medical assistance program pursuant to the Medical
- 14 Assistance Act after the establishment of the account; and
- 15 (b) The state shall not file a claim for the payment under
- 16 subdivision (f) of section 529A of the Internal Revenue Code, as amended.
- 17 Sec. 2. Original section 77-1403, Reissue Revised Statutes of
- 18 Nebraska, is repealed.

The Murman amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR328 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR328.

GENERAL FILE

LEGISLATIVE BILL 1028. Title read. Considered.

Committee [AM2525](#), found on page 776, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

LEGISLATIVE BILL 1130. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Senator Quick withdrew his amendment, [AM2735](#), found on page 846.

Senator Quick offered the following amendment:

[AM2818](#)

1 1. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

4 2. On page 2, line 7, strike the new matter and strike "a facility
5 in Sarpy County" and show as stricken; in line 21 strike "three" and show
6 as stricken; and strike lines 25 through 31 and insert the following new
7 subdivision:

8 "(b) Beginning on the effective date of this act, the Director of
9 Veterans' Affairs shall negotiate with the city of Grand Island to
10 acquire an exclusive option for the transfer of title to the former
11 Nebraska Veterans' Memorial Cemetery in the city of Grand Island and land
12 adjacent to the cemetery, as identified in the required program
13 statement, owned by the city of Grand Island. After being granted funding
14 assistance from the National Cemetery Administration, the director shall
15 accept from the city of Grand Island, at no cost, title to the real
16 estate described in this subdivision in order to establish a state
17 cemetery for veterans. The director shall prepare an initial program
18 statement and make a request to the Legislature for funding as required

19 by section 81-1108.41. The expenses of the initial program statement
20 shall be paid from the Nebraska Veteran Cemetery System Operation Fund."
21 3. On page 3, strike lines 1 through 3; and in line 30 after the
22 period insert "The fund may be used for the expenses of the initial
23 program statement under subdivision (1)(b) of this section."

The Quick amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Senator Hilgers offered his amendment, [AM2690](#), found on page 847.

The Hilgers amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1166. Title read. Considered.

Committee [AM2310](#), found on page 558, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1185. Title read. Considered.

Committee [AM2668](#), found on page 788, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1060. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB1148:

[AM2810](#)

(Amendments to Standing Committee amendments, AM2637)

1 1. On page 33, lines 24 through 28, strike the new matter.

Senator Hughes filed the following amendment to LB803:

[AM2772](#)

1 1. On page 3, strike beginning with "Voting" in line 23 through the
2 period in line 25.

3 2. On page 4, lines 19 and 20, strike "actual and necessary".

4 3. On page 5, line 2, insert "voting" before each occurrence of
5 "members".

6 4. On page 6, line 5, strike "program" and insert "Pulse Crop
7 Resources Act".

8 5. On page 7, line 22, after "Nebraska" insert "during the prior
9 month".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB1060.

VISITOR(S)

Visitors to the Chamber were students and teachers from Morrill Public Schools; students from St. Thomas More Catholic School, Omaha; students from Everett Elementary, Park Middle School, Scott Middle School, Lincoln High, Lincoln Northeast, and Lincoln Southwest; students from Trumble Park Elementary, Papillion; and group of Lincoln and Omaha area teachers.

RECESS

At 11:52 a.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Arch, Bolz, Brewer, Hilkemann, Lowe, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1060. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

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

Voting in the negative, 9:

Albrecht	Erdman	Hilgers	La Grone	Murman
Bostelman	Hansen, B.	Hughes	Moser	

Present and not voting, 10:

Arch	Clements	Geist	Halloran	Stinner
Briese	Friesen	Gragert	Slama	Williams

Excused and not voting, 4:

Brewer	Groene	Linehan	Lowe
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Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 1207. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment.

[AM2805](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 72-2201, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 72-2201 Sections 72-2201 to 72-2214 and section 2 of this act shall
 6 be known and may be cited as the Nebraska State Capitol Preservation and

7 Restoration Act.

8 Sec. 2. (1)(a) The Clerk of the Legislature shall cause to be
9 displayed within the Warner Legislative Chamber flags representing the
10 four federally recognized tribes with headquarters in Nebraska: the Omaha
11 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
12 and the Winnebago Tribe of Nebraska.

13 (b) The Commission on Indian Affairs shall obtain such flags, as
14 well as poles and bases, through donations from the tribes. The
15 Commission on Indian Affairs shall be responsible for replacing such
16 flags, poles, and bases.

17 (c) The Clerk of the Legislature shall approve placement locations
18 within the Warner Legislative Chamber. The size, proportion, and
19 placement of such flags shall be similar to that of the flag of the
20 United States and the flag of the State of Nebraska.

21 (2)(a) The State Capitol Administrator shall cause to be displayed
22 in the Memorial Chamber on the fourteenth floor of the State Capitol the
23 flags of any Indian tribes with historic and regional connections to
24 Nebraska.

25 (b) The Commission on Indian Affairs shall designate the tribes with
26 historic and regional connections to Nebraska and the flags to be
27 displayed under subdivision (2)(a) of this section. The Commission on
1 Indian Affairs shall obtain such flags, as well as poles and bases,
2 through donations from the tribes. The Commission on Indian Affairs shall
3 be responsible for replacing such flags, poles, and bases.

4 (c) The Nebraska Capitol Commission shall approve placement
5 locations in the Memorial Chamber.

6 Sec. 3. Original section 72-2201, Reissue Revised Statutes of
7 Nebraska, is repealed.

LEGISLATIVE BILL 1144. Placed on General File with amendment.
[AM2785](#) is available in the Bill Room.

(Signed) Mike Hilgers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Title read. Considered.

Committee [AM2607](#), found on page 809, was offered.

SENATOR HUGHES PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
27 ayes, 5 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the committee amendment.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Groene	Linehan	Lowe
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The committee amendment was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Brandt filed the following amendment to [LB1188](#):
[AM2769](#)

(Amendments to Standing Committee amendments, AM2736)

1 1. Insert the following new section:
 2 Sec. 17. Section 83-107.01, Revised Statutes Cumulative Supplement,
 3 2018, is amended to read:
 4 83-107.01 (1) The official names of the state institutions under
 5 the supervision of the Department of Health and Human Services shall be
 6 as follows: (a) ~~(4)~~ Beatrice State Developmental Center, (b) ~~(2)~~ Lincoln
 7 Regional Center, (c) ~~(3)~~ Norfolk Regional Center, (d) ~~(4)~~ Hastings
 8 Regional Center, (e) ~~(5)~~ Youth Rehabilitation and Treatment Center-
 9 Kearney, and (f) ~~(6)~~ Youth Rehabilitation and Treatment Center-Geneva.
 10 (2)(a) This subsection applies beginning July 1, 2021.
 11 (b) Except as provided in subdivision (2)(c) of this section, so
 12 long as the department operates the Youth Rehabilitation and Treatment
 13 Center-Kearney, such institution shall be used for the treatment of boys
 14 only.
 15 (c) Except as provided in subdivision (2)(e) of this section, so
 16 long as the department operates the Youth Rehabilitation and Treatment
 17 Center-Geneva, such institution shall be used for the treatment of girls
 18 only.
 19 (d) For any other facility operated and utilized as a youth
 20 rehabilitation and treatment center under state law, the department shall
 21 ensure safe and appropriate gender separation.
 22 (e) In the event of an emergency, the department may use either the
 23 Youth Rehabilitation and Treatment Center-Kearney or the Youth
 24 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
 25 of both genders for up to seven days. During any such use the department
 26 shall ensure safe and appropriate gender separation.

1 (f) For purposes of this section, emergency means a situation
 2 including fire, flood, tornado, natural disaster, or damage to the
 3 institution that renders an institution uninhabitable. Emergency does not
 4 include inadequate staffing.
 5 2. Renumber the remaining sections and correct the repealer
 6 accordingly.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 1055. Placed on Select File with amendment.
[ER195](#) is available in the Bill Room.

LEGISLATIVE BILL 808. Placed on Select File with amendment.
[ER196](#) is available in the Bill Room.

LEGISLATIVE BILL 1186. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File with amendment.
[ER197](#)

1 1. On page 1, strike beginning with "criminal" in line 1 through
 2 "section" in line 4 and insert "criminal and civil procedure; to amend
 3 sections 27-1103 and 29-1406, Reissue Revised Statutes of Nebraska,
 4 sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264,
 5 and 29-3005, Revised Statutes Cumulative Supplement, 2018, and section
 6 29-1823, Revised Statutes Supplement, 2019; to require cities of the
 7 primary class and metropolitan class to make an annual report on the
 8 number of untested sexual assault evidence collection kits; to provide
 9 for the admission of expert testimony on eyewitness identification and
 10 memory as prescribed; to change provisions relating to bail; to require
 11 appointment of counsel as prescribed; to change provisions relating to
 12 grand jury transcripts and competency for criminal proceedings; to
 13 provide powers for the Department of Health and Human Services; to change
 14 provisions relating to alternate jurors; to state intent regarding
 15 construction; to prohibit holding a defendant in custody awaiting trial
 16 beyond a prescribed period; to change provisions relating to collection
 17 of fines and costs and setting aside convictions; to provide for
 18 applicability; to harmonize provisions; to provide a duty for the Revisor
 19 of Statutes; and to repeal the original sections".

LEGISLATIVE BILL 850. Placed on Select File with amendment.
[ER194](#)

1 1. On page 1, line 3, strike "a duty" and insert "duties".

LEGISLATIVE BILL 751. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1183. Senator Chambers offered the following
 motion:

[MO162](#)

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 912. Title read. Considered.

Committee [AM2620](#), found on page 785, was offered.

Senator La Grone requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:
[AM2832](#) is available in the Bill Room.

The second committee amendment is as follows:
[AM2831](#)

(Amendments to Standing Committee amendments, AM2620)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike the original sections and all amendments thereto and
3 insert the following new section:
4 Sec. 14. Section 25-21,185.11, Reissue Revised Statutes of Nebraska,
5 is amended to read:
6 25-21,185.11 (1) A release, covenant not to sue, or similar
7 agreement entered into by a claimant and a person liable shall discharge
8 that person from all liability to the claimant but shall not discharge
9 any other persons liable upon the same claim ~~unless it so provides~~. The
10 claim of the claimant against other persons liable shall be reduced by
11 the amount of the released person's share of the obligation as determined
12 by the trier of fact.
13 (2) A release, covenant not to sue, or similar agreement entered
14 into by a claimant and a person liable shall preclude that person from
15 being made a party or, if an action is pending, shall be a basis for that
16 person's dismissal, but the person's negligence, if any, shall be
17 considered in accordance with section 25-21,185.09.
18 (3) A release, covenant not to sue, or similar agreement entered
19 into by a claimant and one or more persons liable shall not abrogate the
20 joint and several liability of any other person or persons liable upon
21 the same claim.

The first committee amendment, [AM2832](#), found in this day's Journal, was offered.

The first committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The second committee amendment, [AM2831](#), found in this day's Journal, was offered.

SPEAKER SCHEER PRESIDING

Pending.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 337.** Introduced by Brandt, 32.

PURPOSE: It has been ten years since Legislative Resolution 42 (2009) first explored the statewide economic and educational potential of a "farm to school" program in Nebraska. In the intervening decade, notable progress has been made in instituting the methods and systems necessary to assist Nebraska producers in providing local schools with fresh and minimally processed foods for school meals and snacks. The addition of a local foods coordinator and introduction of "Nebraska Thursdays" and "Harvest of the Month" programs from the Department of Education have resulted in more school districts sourcing from local farmers and market gardeners. Interest has increased on the federal level as well, with the United States Department of Agriculture's Farm to School Grant Program receiving more requests than it has available funding, and additional federal legislation currently under consideration by Congress, the "Farm to School Act" and the "Kids Eat Local Act", both cosponsored by Rep. Jeff Fortenberry. A follow-up legislative interim study examining the status of Nebraska's farm to school activities and the needs of the stakeholders involved shall ensure that the necessary coordination and strategic planning is in place for further growth.

This interim study shall reexamine which Nebraska-grown food products can feasibly be used for school meals and snacks, including use of appropriate preservation methods of local foods by school nutrition staff for use later in the school year, and shall review existing regulations of the Department of Agriculture, Department of Education, Department of Health and Human Services, and other authorities that may impact the supply of Nebraska-grown foods provided to local schools. In addition, the study shall assemble a catalog of where farm to school activities are happening in the state, along with volume and cost totals for foods locally sourced, to provide insight into best practices as well as barriers that are impeding participation.

To reflect the interests and needs of the various stakeholders concerned with creating successful statewide farm to school opportunities, this interim study shall include input from:

- (1) Producers of agricultural products marketed at Nebraska food markets, including producers of fruits and vegetables, agricultural protein products, and grains;
- (2) Suppliers of agricultural products, including grocers and school suppliers;
- (3) Meat processors;
- (4) Food distributors;
- (5) Food assistance agencies;
- (6) Resource conservation and development organizations;
- (7) Representatives of school food services from rural and urban public school districts;
- (8) Representatives from a summer food service program and from a child and adult care food program;
- (9) Tribal organizations;

- (10) An agricultural education extension organization;
- (11) A member-based agricultural marketing promotion and education program;
- (12) Representatives from the Department of Agriculture, State Department of Education, and Department of Health and Human Services; and
- (13) Any other interested parties or organizations.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB918](#):
[AM2622](#)

- 1 1. On page 4, strike beginning with "in" in line 4 through line 5
- 2 and insert "of areas such as government contracting, health, education,
- 3 and other relevant areas on or before December 1, 2022, and on or before
- 4 December 1 of every fifth year thereafter."

Senator Slama filed the following amendment to [LB1198](#):
[AM2842](#)

- 1 1. Insert the following new sections:
- 2 Sec. 2. There is hereby appropriated \$125,000 from the General Fund
- 3 for FY2019-20 to the Department of Natural Resources, for Program 334, to
- 4 be used to provide a grant to a city with a population of less than one
- 5 thousand residents to carry out an engineering study to develop cost
- 6 estimates for repair of a breached levee system that resulted in the
- 7 flooding of drinking water and wastewater treatment facilities.
- 8 Sec. 3. Since an emergency exists, this act takes effect when passed
- 9 and approved according to law.

Senator Hunt filed the following amendment to [LB780](#):
[AM2838](#)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 82-312, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 82-312 The duties of the council shall be:
- 5 (1) To stimulate and encourage throughout the state the study and
- 6 presentation of the performing and fine arts and public interest and
- 7 participation therein;
- 8 (2) To make such surveys as may be deemed advisable of public and
- 9 private institutions within the state engaged in artistic and cultural
- 10 activities, including, but not limited to, music, theatre, dance,
- 11 painting, sculpture, architecture, and allied arts and crafts, and to
- 12 make recommendations concerning appropriate methods to encourage
- 13 participation in and appreciation of the arts to meet the legitimate
- 14 needs and aspirations of persons in all parts of the state;

15 (3) To take such steps as may be necessary and appropriate to
 16 encourage public interest in the cultural heritage of our state and to
 17 expand the state's cultural resources; ~~and~~
 18 (4) To encourage and assist freedom of artistic expression essential
 19 for the well-being of the arts; ~~and~~ ~~7~~
 20 (5) To recommend to the Legislature a plan to divide the state into
 21 creative districts and certify them based on geographically contiguous
 22 area, artistic or cultural activities or facilities, promotion and
 23 preservation of artistic or cultural sites or events, educational uses of
 24 artistic or cultural activities or sites, and unique or niche areas,
 25 activities, events, facilities, or sites.
 26 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is
 27 amended to read:
 1 82-313 (1) The Nebraska Arts Council may:
 2 (a) ~~Hold (1) hold~~ public and private hearings; ~~7~~
 3 (b) ~~Enter (2) enter~~ into contracts, within the limit of funds
 4 available therefor, with individuals, organizations, and institutions for
 5 services furthering the educational objectives of the council's
 6 programs; ~~7~~
 7 (c) ~~Enter (3) enter~~ into contracts, within the limit of funds
 8 available therefor, with local and regional associations for cooperative
 9 endeavors furthering the educational objectives of the council's
 10 programs; ~~7~~
 11 (d) ~~Accept (4) accept~~ gifts, contributions, and bequests of
 12 unrestricted funds from individuals, foundations, corporations, and other
 13 organizations or institutions for the purpose of furthering the
 14 educational objectives of the council's programs; ~~7~~
 15 (e) ~~Distribute (5) distribute~~ funds appropriated by the Legislature
 16 to any organization which has been designated as the state affiliate of
 17 the National Endowment for the Humanities for the period covered by the
 18 appropriation; ~~7~~
 19 (f) ~~Make (6) make~~ and sign any agreements and do and perform any
 20 acts that may be necessary to carry out the purposes of sections 82-309
 21 to 82-316; ~~7~~
 22 (g) ~~Enter (7) enter~~ into contracts, make and sign any agreements,
 23 and perform any acts that may be necessary to stabilize funding for the
 24 arts and humanities and to carry out the intent of sections 82-330 to
 25 82-333; ~~7~~
 26 (h) Prepare a plan that would permit, to the extent that funds are
 27 available, the establishment of a competitive grant program to award a
 28 grant to any creative district that is certified pursuant to the plan
 29 adopted by the Legislature under subdivision (5) of section 82-312 and
 30 that meets the criteria for the competitive grant, including eligibility
 31 criteria, application and appeal processes, conditions on receipt of a
 1 grant, and consequences of failure to meet the conditions; and
 2 (i) ~~Adopt and (8) adopt~~ and promulgate rules and regulations to
 3 carry out its powers and duties.
 4 (2) The council may request from any department, division, board,
 5 bureau, commission, or agency of the state such assistance and data as
 6 will enable it properly to carry out its powers and duties.
 7 Sec. 4. Sections 1, 2, and 5 of this act become operative three
 8 calendar months after the adjournment of this legislative session. The
 9 other sections of this act become operative on their effective date.
 10 Sec. 5. Original sections 82-312 and 82-313, Reissue Revised
 11 Statutes of Nebraska, are repealed.
 12 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 255A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, One Hundred Sixth Legislature, Second Session, 2020.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB931.

Senator Hunt name added to LB1060.

Senator Blood name added to LB1183.

VISITOR(S)

Visitors to the Chamber were Kendal Wahlgren from Gothenburg; and Riek Bol and Azcia Fleming from Lincoln.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

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

THIRTY-NINTH DAY - MARCH 11, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 11, 2020

PRAYER

The prayer was offered by Pastor Derek Geist, Mercy City Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

MOTION(S) - Print in Journal

Senator Geist filed the following motion to LB814:

[MO165](#)

Place on General File pursuant to Rule 3, Sec. 20(b).

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 848A. Placed on Select File.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 329, 330, 331, and 332 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 329, 330, 331, and 332.

GENERAL FILE

LEGISLATIVE BILL 918. Title read. Considered.

Senator Wayne offered his amendment, [AM2622](#), found on page 883.

The Wayne amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 918A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Senator Hunt offered her amendment, [AM2838](#), found on page 883.

The Hunt amendment was adopted with 37 ayes, 0 nays, 1 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 1 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 780A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 338. Introduced by Halloran, 33.

WHEREAS, the Hastings St. Cecilia High School girls' basketball team won the 2020 Class C-2 Girls State Basketball Championship; and

WHEREAS, the St. Cecilia Hawkettes girls' basketball team defeated the Ponca Indians in the championship game by a score of 41-37; and

WHEREAS, this is the St. Cecilia Hawkettes second straight championship title; and

WHEREAS, the St. Cecilia Hawkettes girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates the Hastings St. Cecilia High School girls' basketball team and its coaches on winning the 2020 Class C-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' basketball team and Coach Greg Berndt.

Laid over.

LEGISLATIVE RESOLUTION 339. Introduced by Brandt, 32.

WHEREAS, the Crete High School girls' basketball team won the 2020 Class B Girls' State Basketball Championship; and

WHEREAS, the Crete Cardinals girls' basketball team defeated the Lady Orange of Beatrice High School in the championship game by a score of 53 to 26; and

WHEREAS, the Crete High School girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates the Crete High School girls' basketball team and its coaches on winning the 2020 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crete High School girls' basketball team and Coach John Larsen.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to [LB43](#):
[AM2864](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1198. Title read. Considered.

The Slama amendment, [AM2842](#), found on page 883, was withdrawn.

Senator Lathrop offered his amendment, [AM2844](#), found on page 900.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Senator Lathrop moved for a call of the house. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

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

Voting in the affirmative, 14:

Brandt	Crawford	Kolowski	Morfeld	Walz
Cavanaugh	Howard	Lathrop	Pansing Brooks	Wayne
Chambers	Hunt	McCollister	Quick	

Voting in the negative, 13:

Albrecht	Dorn	Halloran	La Grone	Slama
Bostelman	Erdman	Hansen, B.	Lowe	
Clements	Friesen	Hilgers	Moser	

Present and not voting, 14:

Arch	Geist	Kolterman	McDonnell	Williams
Bolz	Hilkemann	Lindstrom	Stinner	Wishart
Briese	Hughes	Linehan	Vargas	

Excused and not voting, 8:

Blood	DeBoer	Groene	Murman
Brewer	Gragert	Hansen, M.	Scheer

The Lathrop amendment lost with 14 ayes, 13 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 910. Title read. Considered.

Committee [AM2163](#), found on page 749, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB865A](#):
[AM2858](#)

1 1. On page 2, line 1, strike "[\\$131,868](#)" and insert "[\\$119,451](#)".

Senator Wayne filed the following amendment to [LB1186](#):
[AM2869](#)

1 1. Insert the following new section:

2 Sec. 2. (1) Upon receipt from a school district teacher or other
3 employee of a report regarding an incident involving the use of violence,
4 force, coercion, threat, intimidation, or similar conduct by a student in
5 a manner that constitutes a substantial interference with school
6 purposes, a school administrator in such school district shall review the
7 reported incident and develop an individualized response plan in
8 accordance with this section. Such review shall be conducted by the
9 administrator and an assigned school employee.

10 (2) If the report is substantiated, the school administrator shall,
11 in consultation with any teacher or school employee who was subjected to
12 the reported incident, develop an individualized response plan to avoid
13 future dangerous behavior by such student. Such plan may, but is not
14 required to:

15 (a) Minimize any suspension or expulsion of the student;
16 (b) Prioritize counseling and guidance services for the student or
17 educator;

18 (c) Provide positive behavioral interventions and supports, supports
19 designed to address the consequences of trauma, or training for the
20 student or educator regarding positive behavioral interventions or the
21 consequences or trauma;

22 (d) Use restorative practices; and

23 (e) Provide training for school employees who interact with the
24 student.

25 (3) The school district, in consultation with the school
26 administrator, shall provide adequate staffing and professional
27 development to implement the plan.

1 (4) School districts shall provide an annual report to the State
2 Department of Education on the number of incidents involving the use of
3 violence, force, coercion, threat, intimidation, or similar conduct by a
4 student in a manner that constitutes a substantial interference with
5 school purposes.

6 (5)(a) Nothing in this section shall be construed as limiting any
7 federally protected right of a student, including, but not limited to,
8 federally protected rights of students with disabilities.

9 (b) Notwithstanding any provision of this section to the contrary,
10 in the case of a student eligible for services under the federal
11 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as
12 such sections existed on January 1, 2020, or protected from
13 discrimination under Section 504 of the federal Rehabilitation Act of
14 1973, 29 U.S.C. 794, as such section existed on January 1, 2020, any
15 discussion or actions related to the identification, evaluation, or
16 educational placement of the student or the provision of a free,

17 appropriate public education to the student must take place through the
 18 processes established under federal law.
 19 2. Renumber the remaining section accordingly.

Senator Linehan filed the following amendment to LB1074:
AM2860

1 1. Insert the following new section:
 2 Sec. 2. Section 77-2602.05, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 77-2602.05 (1) A person that paid taxes applicable under section
 5 77-2602 on cigarettes sold in an exempt transaction shall be eligible for
 6 a refund of the taxes paid on those cigarettes.
 7 (2) Exempt transactions, for purposes of this section and section
 8 69-2703, are defined as:
 9 (a) Cigarette sales on a federal installation in a transaction that
 10 is exempt from state taxation under federal law; and
 11 (b) Cigarette sales on an Indian tribe's Indian country to its
 12 tribal members where state taxation is precluded by federal law.
 13 (3) Except as provided in subsection (5) of this section, the person
 14 seeking a refund of taxes shall submit an application to the Tax
 15 Commissioner providing documentation sufficient to demonstrate (a) that
 16 the cigarettes were sold in a package bearing the correct stamp required
 17 under section 77-2603 or 77-2603.01 and that the stamp was one that
 18 required payment of tax, (b) that the person paid the applicable taxes in
 19 question, (c) that the cigarettes were sold in an exempt transaction, and
 20 (d) that the person has not previously obtained the refund on the
 21 cigarettes. The documentation shall include, in addition to information
 22 necessary to meet the requirements of subdivisions (3)(a) through (d) of
 23 this section and any other information that the Tax Commissioner may
 24 reasonably require, documents showing the identity of the seller and
 25 purchaser and the places of shipment and delivery of the cigarettes. The
 26 Tax Commissioner shall verify the accuracy and completeness of the
 27 required documentation and information before granting the requested
 1 refund.
 2 (4) If a meritorious refund claim under subsection (3) of this
 3 section is not paid within sixty days after submission of the required
 4 documentation, the refund shall include interest on the amount of such
 5 refund at the rate specified in section 45-104.02 as such rate existed at
 6 the date of submission of the required documentation.
 7 (5) The Tax Commissioner and an Indian tribe may agree upon a tax
 8 refund formula to operate in lieu of application for refunds under
 9 subsection (3) of this section. The aggregate refund provided to an
 10 Indian tribe under a formula for a year shall not exceed the aggregate
 11 tax paid by entities owned and operated by that tribe or a member of that
 12 tribe on cigarettes sold in exempt transactions on that tribe's Indian
 13 country during that year. Refunds of taxes under subsection (3) of this
 14 section shall not be available for cigarettes sold in exempt transactions
 15 on an Indian tribe's Indian country by an Indian tribe that agrees upon a
 16 refund formula under this subsection. Nothing in this subsection shall
 17 limit the state's authority to enter into an agreement pursuant to
 18 section 77-2602.06 pertaining to the collection and dissemination of any
 19 cigarette taxes which may otherwise be inconsistent with this subsection.
 20 (6) Any product that is taxed as a cigar under Title 26 of the
 21 United States Code, as such title existed on January 1, 2020, and is a
 22 cigarette for purposes of section 77-2602, shall not be treated as a
 23 cigarette for purposes of (a) subdivision (4) of section 69-2702 and the
 24 Master Settlement Agreement as defined in section 69-2702 or (b) the
 25 Reduced Cigarette Ignition Propensity Act.
 26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

Senator Quick filed the following amendment to LB840:
AM2877

(Amendments to E & R amendments, ER180)

1 1. Strike sections 4 and 5 and insert the following new sections:
2 Sec. 4. Electronic smoking device means an electronic nicotine
3 delivery system as defined in section 28-1418.01. The term includes any
4 such device regardless of whether it is manufactured, distributed,
5 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape
6 pen or under any other product name or descriptor. The term also includes
7 any substance that is used in an electronic smoking device. The term does
8 not include a diffuser, humidifier, prescription inhaler, or similar
9 device.
10 Sec. 5. (1) Electronic smoking device retail outlet means a store
11 that:
12 (a) Is licensed as provided under sections 28-1421 and 28-1422;
13 (b) Sells electronic smoking devices and products directly related
14 to electronic smoking devices;
15 (c) Does not sell alcohol or gasoline;
16 (d) Derives no more than twenty percent of its revenue from the sale
17 of groceries, including, but not limited to, coffee, soft drinks, and
18 candy; and
19 (e) Prohibits persons under twenty-one years of age from entering
20 the store in accordance with subsection (2) of this section.
21 (2)(a) Prior to January 1, 2022, an electronic smoking device retail
22 outlet shall not allow a person under twenty-one years of age to enter
23 the store but may allow an employee who is under twenty-one years of age
24 to work in the store.
25 (b) On and after January 1, 2022, an electronic smoking device
26 retail outlet shall not allow a person under twenty-one years of age to
1 enter the store and shall not allow an employee who is under twenty-one
2 years of age to work in the store.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1013. Placed on General File with amendment.

AM2468

1 1. On page 3, strike lines 15 through 19 and insert the following
2 new subsection:
3 "(6) Any product that is taxed as a cigar under Title 26 of the
4 United States Code, as such title existed on January 1, 2020, and is a
5 cigarette for purposes of section 77-2602, shall not be treated as a
6 cigarette for purposes of (a) subdivision (4) of section 69-2702 and the
7 Master Settlement Agreement as defined in section 69-2702 or (b) the
8 Reduced Cigarette Ignition Propensity Act."

(Signed) Lou Ann Linehan, Chairperson

VISITOR(S)

Visitors to the Chamber were Senator Geist's daughter-in-law, Rebecca Geist, from Lincoln; students from Peter Sarpy Elementary, Bellevue; members of OutNebraska from across the state; students from

St. Bonaventure School, Columbus; and members of the Heartland Workers Center from across the state.

RECESS

At 11:46 a.m., on a motion by Speaker Scheer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Blood, Brewer, DeBoer, and Gragert who were excused.

GENERAL FILE

LEGISLATIVE BILL 910. Committee [AM2163](#), found on page 749 and considered in this day's Journal, was renewed.

Senator McDonnell moved the previous question. The question is, "Shall the debate now close?"

Senator McDonnell moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The committee amendment was adopted with 30 ayes, 6 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO166](#)

Recommit to the Appropriations Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

La Grone Wayne

Voting in the negative, 36:

Albrecht	Dorn	Hughes	Morfeld	Vargas
Arch	Friesen	Hunt	Moser	Walz
Bolz	Geist	Lathrop	Murman	Williams
Bostelman	Halloran	Lindstrom	Pansing Brooks	Wishart
Brandt	Hansen, B.	Linehan	Quick	
Briese	Hansen, M.	Lowe	Scheer	
Clements	Hilkemann	McCollister	Slama	
Crawford	Howard	McDonnell	Stinner	

Present and not voting, 3:

Cavanaugh Chambers Kolowski

Excused and not voting, 8:

Blood	DeBoer	Gragert	Hilgers
Brewer	Erdman	Groene	Kolterman

The Chambers motion to recommit to committee failed with 2 ayes, 36 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

[MO167](#)

Reconsider the vote to recommit.

SPEAKER SCHEER PRESIDING

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 the motion to reconsider.

Voting in the affirmative, 2:

Chambers Kolowski

Voting in the negative, 36:

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

Present and not voting, 3:

Cavanaugh Pansing Brooks Wayne

Excused and not voting, 8:

Blood	DeBoer	Gragert	Hughes
Brewer	Erdman	Hilgers	Lathrop

The Chambers motion to reconsider failed with 2 ayes, 36 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 858. Placed on Final Reading.

LEGISLATIVE BILL 909. Placed on Final Reading.
[ST49](#)

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

1. In the Standing Committee amendments, AM2312, on page 2, line 10, "counsel, attorney, or financial" has been struck and "a counsel, an attorney, or a financial" inserted.

LEGISLATIVE BILL 944. Placed on Final Reading.
[ST48](#)

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

1. In the Bolz amendment, AM2761, section 10 has been renumbered as section 12.
2. The Bostelman amendment, AM2414, has been struck.
3. In the Standing Committee amendments, AM2307:
 - a. Section 59 and all amendments thereto have been struck and the following sections inserted:

Sec. 91. Sections 3, 10, 15, 17, 18, 19, 21, 22, 23, 30, 31, 32, 33, 34, 36, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 55, 88, 89, 90, and 92 of this act become operative on January 1, 2021. Sections 1, 2, 4, 5, 6, 9, 11, 12, 13, 14, 16, 20, 24, 25, 26, 27, 28, 29, 35, 37, 39, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 93 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 92. Original section 37-327.03, Reissue Revised Statutes of Nebraska, section 60-3,104.02, Revised Statutes Cumulative Supplement, 2018, and sections 60-301, 60-393, 60-396, 60-3,104, 60-3,122.03, 60-3,127, 60-3,130.04, 60-3,226, 60-3,230, 60-3,232, 60-3,234, 60-3,237, 60-3,239, 60-3,241, 60-3,243, and 60-495, Revised Statutes Supplement, 2019, are repealed.

Sec. 93. Original sections 18-1214, 38-129, 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03, 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska, sections 4-111, 60-192, 60-331.02, 60-3,205, 60-484.04, 60-484.05, 60-4,113, 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386, 60-395, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,238, 60-3,240, 60-3,242, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182, 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019, are repealed.

Sec. 94. Original section 60-142.01, Reissue Revised Statutes of Nebraska, and section 60-144, Revised Statutes Supplement, 2019, are repealed.

Sec. 95. Since an emergency exists, this act takes effect when passed and approved according to law; and

b. On page 88, line 4, "part" has been inserted after "C.F.R."

4. On page 1, the matter beginning with "the" in line 1 through line 17 and all amendments thereto have been struck and "transportation; to amend sections 18-1214, 37-327.03, 38-129, 60-142.01, 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03, 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska, sections 4-111, 60-192, 60-331.02, 60-3,104.02, 60-3,205, 60-484.04, 60-484.05, 60-4,113, 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-144, 60-301, 60-302.01, 60-336.01, 60-386, 60-393, 60-395, 60-396, 60-3,104, 60-3,113.04, 60-3,122.03, 60-3,127, 60-3,130.04, 60-3,193.01, 60-3,198, 60-3,226, 60-3,230, 60-3,232, 60-3,234, 60-3,237, 60-3,238, 60-3,239, 60-3,240, 60-3,241, 60-3,242, 60-3,243, 60-462.01, 60-479.01, 60-495, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182, 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to change provisions relating to the federal REAL ID Act of 2005 and certain motor vehicle fees imposed by cities and villages; to update certain federal references; to redefine handicapped or disabled person for purposes of motor vehicle registration; to change provisions relating to a certificate of title for a junked vehicle and odometer statements; to provide for a refund or credit of fees for a loss of possession due to natural disaster; to update a reference to the International Registration Plan; to eliminate provisions relating to certain replacement permanent plates; to authorize temporary license stickers as prescribed; to change and provide provisions relating to license plates, fees, and distribution of the fees; to provide for electronic delivery of an operator's license or state identification card and for a remote knowledge inquiry; to change provisions relating to restrictions to a commercial driver's license and a commercial learner's permit, lifetime disqualifications from operating a commercial motor vehicle, the point system for traffic violations, and vehicle length and weight limits; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle as prescribed; to change provisions relating to the International Fuel Tax Agreement Act; to define and redefine terms; to change certain civil penalties; to change provisions relating to the unified carrier registration plan and agreement; to create funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1016. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 340. Introduced by Stinner, 48; Hughes, 44.

PURPOSE: The purpose of this interim study is to examine the extent of surface water irrigation in this state and the condition of the surface water

irrigation projects. The study shall also examine the economic, social, and environmental benefits of such irrigation projects.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The number of irrigation districts, reclamation districts, public power and irrigation districts, and canal companies in the state;
- (2) The acres served with surface water irrigation and the number of surface water irrigators in the state;
- (3) The miles of canals, laterals, pipelines, and drains operated and maintained in the state for the purpose of surface water irrigation;
- (4) The number and size of dams, reservoirs, and lakes operated in the state as part of surface water irrigation projects, including those still under federal ownership through the Bureau of Reclamation;
- (5) Information about the age and condition of the surface water irrigation project facilities in the state;
- (6) Costs of operating and maintaining existing surface water irrigation projects, including amounts paid to the federal government for operation and maintenance of facilities operated by the federal government as part of such projects;
- (7) Benefits from the surface water irrigation projects other than the delivery of irrigation water; and
- (8) An estimate of future funding needs to address aging surface water infrastructure.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Halloran, 33.

WHEREAS, the Hastings High School wrestling team won the 2020 Class B State Wrestling Championship; and

WHEREAS, the Hastings Tigers wrestling team clinched the trophy before the championship matches began. Eight medalists and three finalists resulted in 140 team points, 24 1/2 more than second-place and perennial powerhouse, Omaha Skutt Catholic High School; and

WHEREAS, this is the Hastings Tigers' first championship title in wrestling since 1988; and

WHEREAS, the Hastings Tigers wrestling team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates the Hastings High School wrestling team and its coaches on winning the 2020 Class B State Wrestling Championship.

2. That a copy of this resolution be sent to the Hastings High School wrestling team and Coach Nolan Laux.

Laid over.

LEGISLATIVE RESOLUTION 342. Introduced by Gragert, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2020 Class D-2 Girls State Basketball Championship; and

WHEREAS, the Wynot Blue Devils girls' basketball team defeated the Humphrey St. Francis Flyers with a score of 59-51, defending their state title; and

WHEREAS, the victory marked the Wynot Blue Devils' seventh championship in the past ten years and their tenth championship game appearance in the past eleven years; and

WHEREAS, the Wynot Blue Devils girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates the Wynot High School girls' basketball team and its coaches on winning the 2020 Class D-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

LEGISLATIVE RESOLUTION 343. Introduced by Hansen, B., 16.

WHEREAS, Nathaniel Bonacci, a member of Troop 114 of Fort Calhoun, has completed the requirements for the rank of Eagle Scout in the Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people

have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Nathaniel built bird boxes for wood ducks at Summit Lake to help enhance and preserve wood duck populations and their habitat; and

WHEREAS, Nathaniel Bonacci, through hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nathaniel Bonacci on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathaniel Bonacci.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 563A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 911A. Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

LEGISLATIVE BILL 965A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, One Hundred Sixth Legislature, Second Session, 2020.

LEGISLATIVE BILL 1185A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1185, One Hundred Sixth Legislature, Second Session, 2020.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 879. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB755:

AM2829

(Amendments to Standing Committee amendments, AM2480)

- 1 1. Strike sections 9 and 15 and insert the following new section:
- 2 Sec. 23. (1) To supervise a physician assistant, a podiatrist
- 3 shall:
- 4 (a) Be licensed to practice podiatry under the Podiatry Practice
- 5 Act;
- 6 (b) Have no restriction imposed by the board on such podiatrist's
- 7 ability to supervise a physician assistant; and
- 8 (c) Maintain a collaborative agreement with the physician assistant.
- 9 (2) The podiatrist shall keep the collaborative agreement on file at
- 10 the podiatrist's primary practice site, shall keep a copy of the
- 11 collaborative agreement on file at each practice site where the physician
- 12 assistant provides podiatry services, and shall make the collaborative
- 13 agreement available to the board and the department upon request.
- 14 (3) Supervision of a physician assistant by a supervising podiatrist
- 15 shall be continuous but shall not require the physical presence of the
- 16 supervising podiatrist at the time and place that the services are
- 17 rendered. A physician assistant may render services in a setting that is
- 18 geographically remote from the supervising podiatrist.
- 19 (4) A supervising podiatrist may supervise no more than four
- 20 physician assistants at any one time. The board may consider an
- 21 application for waiver of this limit and may waive the limit upon a
- 22 showing that the supervising podiatrist meets the minimum requirements
- 23 for the waiver. The department may adopt and promulgate rules and
- 24 regulations establishing minimum requirements for such waivers.
- 25 2. On page 4, line 9, strike "sections 7, 9, and 15" and insert
- 26 "section 7"; in line 17 strike "sections 7 and 9" and insert "section 7";
- 1 in line 30 strike "or podiatrist" and insert "or under a collaborative
- 2 agreement with the supervision of a podiatrist as provided by section 22
- 3 of this act"; and in line 31 strike "or podiatrist group".
- 4 3. On page 5, line 1, strike "or podiatrists"; and in line 12 strike
- 5 "or supervising podiatrist".
- 6 4. On page 6, line 30, strike "or".
- 7 5. On page 7, line 1, strike "supervising podiatrist"; in line 5
- 8 strike "or supervising podiatrist"; and in line 13 strike "24" and insert
- 9 "22".
- 10 6. On page 12, line 10, strike "22 to 24" and insert "20 to 23"; in
- 11 line 16 strike "22 and 23" and insert "20 and 21"; and in line 26 strike
- 12 "15" and insert "23".
- 13 7. On page 13, line 2, after the period insert "A physician
- 14 assistant shall have at least one supervising podiatrist for each
- 15 employer".
- 16 8. On page 14, line 20, strike "27 to 32" and insert "26 to 31".
- 17 9. On page 20, lines 23 and 28, strike "37" and insert "36".
- 18 10. Renumber the remaining sections accordingly.

Senator Slama filed the following amendment to LB1008:

AM2884

(Amendments to Standing Committee amendments, AM2737)

- 1 1. Strike section 26 and insert:
 2 Sec. 26. AGENCY NO. 29 — DEPARTMENT OF NATURAL RESOURCES
 3 Program No. 334 - Soil and Water Conservation
 4
- | | <u>FY2019-20</u> | <u>FY2020-21</u> |
|------------------------|------------------|------------------|
| 5 <u>GENERAL FUND</u> | <u>125,000</u> | <u>-0-</u> |
| 6 <u>CASH FUND</u> | <u>175,000</u> | <u>425,000</u> |
| 7 <u>PROGRAM TOTAL</u> | <u>300,000</u> | <u>425,000</u> |
- 8 There is included in the appropriation to this program for FY2019-20
 9 \$125,000 General Funds for state aid, which shall only be used for such
 10 purpose. There is included in the appropriation to this program for
 11 FY2020-21 \$-0- General Funds for state aid, which shall only be used for
 12 such purpose.
 13 There is included in the appropriation to this program for FY2019-20
 14 \$125,000 General Funds to provide a grant to a city with a population of
 15 less than one thousand residents to carry out an engineering study to
 16 develop cost estimates for repair of a breached levee system that
 17 resulted in the flooding of drinking water and wastewater treatment
 18 facilities.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 962. Placed on Final Reading.

ST50

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

1. In the Standing Committee amendments, AM2580, on page 5, line 13, "student-athlete" has been struck and "student-athletes" inserted.

LEGISLATIVE BILL 996. Placed on Final Reading.

ST46

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

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "telecommunications; to amend section 49-14,101.03, Reissue Revised Statutes of Nebraska, and section 86-101, Revised Statutes Supplement, 2019; to create the Broadband Data Improvement Program; to provide powers and duties for the Public Service Commission under the Nebraska Telecommunications Regulation Act; to provide for a government Internet network use policy for the Legislature; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.
2. On page 2, line 3, "2" has been struck and "3" inserted.

LEGISLATIVE BILL 997. Placed on Final Reading.

LEGISLATIVE BILL 1014. Placed on Final Reading.

LEGISLATIVE BILL 1061. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 910. Senator Chambers offered the following motion:

MO168

Bracket until April 22, 2020.

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB790:
[AM2912](#) is available in the Bill Room.

Senators Lindstrom and Pansing Brooks filed the following amendment to LB808:
[AM2875](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1003. Title read. Considered.

Committee [AM2651](#), found on page 863, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB322:
[AM2134](#)

(Amendments to AM2082)

- 1 1. On page 1, line 8, strike "nineteen", show as stricken, and
- 2 insert "twenty-one"; in lines 12 and 25 strike "nineteen" and insert
- 3 "twenty-one"; and in line 15 after "check" insert "if such person is
- 4 under nineteen years of age".
- 5 2. On page 2, lines 5 and 8, strike "nineteen", show as stricken,
- 6 and insert "twenty-one".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilkemann name added to LB755.

VISITOR(S)

Visitors to the Chamber were students, teacher, and sponsor from Elm Creek High School; and students from Bennet Elementary.

The Doctor of the Day was Drs. Audrey and Paul Paulsen from Omaha.

ADJOURNMENT

At 4:41 p.m., on a motion by Senator Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 12, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 2020

PRAYER

The prayer was offered by Dr. Barry Kennard, Lakeside Community Church of the Nazarene, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Blood, Brewer, DeBoer, Erdman, Gragert, and Groene who were excused; and Senators Cavanaugh, B. Hansen, M. Hansen, Morfeld, Pansing Brooks, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 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

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
CIOX Health, LLC c/o MultiState Associates, Inc.

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), LRs 334, 335, and 336 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 334, 335, and 336.

GENERAL FILE

LEGISLATIVE BILL 911A. Title read. Considered.

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

LEGISLATIVE BILL 965A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1185A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1008. Title read. Considered.

Committee [AM2737](#), found on page 887, was offered.

Senator Stinner offered the following amendment to the committee amendment:

[AM2911](#)

(Amendments to Standing Committee amendments, AM2737)

1 1. On page 7, line 26, strike "equally".

2 2. On page 14, line 16, strike "15,001,413" and insert "15,051,574".

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 911A. Placed on Select File.
LEGISLATIVE BILL 965A. Placed on Select File.
LEGISLATIVE BILL 1185A. Placed on Select File.

(Signed) Julie Slama, Chairperson

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

Monday, March 23, 2020 1:00 p.m.

Sandra Torres - Nebraska Rural Health Advisory Commission
Martin L. Fattig - Nebraska Rural Health Advisory Commission
April J. Dexter - Nebraska Rural Health Advisory Commission

Tuesday, March 24, 2020 1:00 p.m.

Lynette Kramer - Nebraska Rural Health Advisory Commission
Jessye A. Goertz - Nebraska Rural Health Advisory Commission
Carolyn Petersen - Board of Emergency Medical Services

Wednesday, March 25, 2020 1:00 p.m.

Stephanie Beasley - Division of Children and Family Services

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 783. Placed on General File with amendment.
[AM2775](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 38-2025, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 38-2025 The following classes of persons shall not be construed to
6 be engaged in the unauthorized practice of medicine:
7 (1) Persons rendering gratuitous services in cases of emergency;
8 (2) Persons administering ordinary household remedies;
9 (3) The members of any church practicing its religious tenets,
10 except that they shall not prescribe or administer drugs or medicines,
11 perform surgical or physical operations, nor assume the title of or hold
12 themselves out to be physicians, and such members shall not be exempt
13 from the quarantine laws of this state;
14 (4) Students of medicine who are studying in an accredited school or
15 college of medicine and who gratuitously prescribe for and treat disease
16 under the supervision of a licensed physician;
17 (5) Physicians who serve in the armed forces of the United States or
18 the United States Public Health Service or who are employed by the United

19 States Department of Veterans Affairs or other federal agencies, if their
20 practice is limited to that service or employment;

21 (6) Physicians who are licensed in good standing to practice
22 medicine under the laws of another state when incidentally called into
23 this state or contacted via electronic or other medium for consultation
24 with a physician licensed in this state. For purposes of this
25 subdivision, consultation means evaluating the medical data of the
26 patient as provided by the treating physician and rendering a
27 recommendation to such treating physician as to the method of treatment
1 or analysis of the data. The interpretation of a radiological image by a
2 physician who specializes in radiology is not a consultation;

3 (7) Physicians who are licensed in good standing to practice
4 medicine in another state but who, from such other state, order
5 diagnostic or therapeutic services on an irregular or occasional basis,
6 to be provided to an individual in this state, if such physicians do not
7 maintain and are not furnished for regular use within this state any
8 office or other place for the rendering of professional services or the
9 receipt of calls;

10 (8) Physicians who are licensed in good standing to practice
11 medicine in another state and who, on an irregular and occasional basis,
12 are granted temporary hospital privileges to practice medicine and
13 surgery at a hospital or other medical facility licensed in this state;

14 (9) Persons providing or instructing as to use of braces, prosthetic
15 appliances, crutches, contact lenses, and other lenses and devices
16 prescribed by a physician licensed to practice medicine while working
17 under the direction of such physician;

18 (10) Dentists practicing their profession when licensed and
19 practicing in accordance with the Dentistry Practice Act;

20 (11) Optometrists practicing their profession when licensed and
21 practicing under and in accordance with the Optometry Practice Act;

22 (12) Osteopathic physicians practicing their profession if licensed
23 and practicing under and in accordance with sections 38-209 to 38-2033;

24 (13) Chiropractors practicing their profession if licensed and
25 practicing under the Chiropractic Practice Act;

26 (14) Podiatrists practicing their profession when licensed to
27 practice in this state and practicing under and in accordance with the
28 Podiatry Practice Act;

29 (15) Psychologists practicing their profession when licensed to
30 practice in this state and practicing under and in accordance with the
31 Psychology Interjurisdictional Compact or the Psychology Practice Act;

1 (16) Advanced practice registered nurses practicing in their
2 clinical specialty areas when licensed under the Advanced Practice
3 Registered Nurse Practice Act and practicing under and in accordance with
4 their respective practice acts;

5 (17) Surgical first assistants practicing in accordance with the
6 Surgical First Assistant Practice Act;

7 (18) Persons licensed or certified under the laws of this state to
8 practice a limited field of the healing art, not specifically named in
9 this section, when confining themselves strictly to the field for which
10 they are licensed or certified, not assuming the title of physician,
11 surgeon, or physician and surgeon, and not professing or holding
12 themselves out as qualified to prescribe drugs in any form or to perform
13 operative surgery;

14 (19) Persons obtaining blood specimens while working under an order
15 of or protocols and procedures approved by a physician, registered nurse,
16 or other independent health care practitioner licensed to practice by the
17 state if the scope of practice of that practitioner permits the
18 practitioner to obtain blood specimens;

19 (20) Physicians who are licensed in good standing to practice
20 medicine under the laws of another state or jurisdiction who accompany an

21 athletic team or organization into this state for an event from the state
22 or jurisdiction of licensure. This exemption is limited to treatment
23 provided to such athletic team or organization while present in Nebraska;
24 and

25 (21) Persons who are not licensed, certified, or registered under
26 the Uniform Credentialing Act, to whom are assigned tasks by a physician
27 or osteopathic physician licensed under the Medicine and Surgery Practice
28 Act, if such assignment of tasks is in a manner consistent with accepted
29 medical standards and appropriate to the skill and training, on the job
30 or otherwise, of the persons to whom the tasks are assigned. For purposes
31 of this subdivision, assignment of tasks means the routine care,
1 activities, and procedures that (a) are part of the routine functions of
2 such persons who are not so licensed, certified, or registered, (b)
3 reoccur frequently in the care of a patient or group of patients, (c) do
4 not require such persons who are not so licensed, certified, or
5 registered to exercise independent clinical judgment, (d) do not require
6 the performance of any complex task, (e) have results which are
7 predictable and have minimal potential risk, and (f) utilize a standard
8 and unchanging procedure; and

9 (22) (21) Other trained persons employed by a licensed health care
10 facility or health care service defined in the Health Care Facility
11 Licensure Act or clinical laboratory certified pursuant to the federal
12 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
13 or XIX of the federal Social Security Act to withdraw human blood for
14 scientific or medical purposes.

15 Any person who has held or applied for a license to practice
16 medicine and surgery in this state, and such license or application has
17 been denied or such license has been refused renewal or disciplined by
18 order of limitation, suspension, or revocation, shall be ineligible for
19 the exceptions described in subdivisions (5) through (8) of this section
20 until such license or application is granted or such license is renewed
21 or reinstated. Every act or practice falling within the practice of
22 medicine and surgery as defined in section 38-2024 and not specially
23 excepted in this section shall constitute the practice of medicine and
24 surgery and may be performed in this state only by those licensed by law
25 to practice medicine in Nebraska.

26 Sec. 2. Section 71-405, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-405 (1) Ambulatory surgical center means a facility (a) where
29 surgical services are provided to persons not requiring hospitalization
30 who are ~~admitted to and discharged from such facility within twenty-three~~
31 ~~hours and fifty-nine minutes from the time of admission the same working~~
1 ~~day and are not permitted to stay overnight at such facility,~~ (b) which
2 meets all applicable requirements for licensure as a health clinic under
3 the Health Care Facility Licensure Act, and (c) which has qualified for a
4 written agreement with the Health Care Financing Administration of the
5 United States Department of Health and Human Services or its successor to
6 participate in medicare as an ambulatory surgical center as defined in 42
7 C.F.R. 416 et seq. or which receives other third-party reimbursement for
8 such services.

9 (2) Ambulatory surgical center does not include an office or clinic
10 used solely by a practitioner or group of practitioners in the practice
11 of medicine, dentistry, or podiatry.

12 Sec. 3. Section 71-7910.01, Revised Statutes Supplement, 2019, is
13 amended to read:

14 71-7910.01 Professional health care service entity means an entity
15 which is organized under the Nebraska Nonprofit Corporation Act, ~~for~~
16 ~~purposes of rendering professional services pursuant to the Nebraska~~
17 ~~Professional Corporation Act, the Nebraska Uniform Limited Liability~~
18 ~~Company Act, or the Uniform Partnership Act of 1998 and which renders~~

19 health care services through individuals credentialed under the Uniform
 20 Credentialing Act.
 21 Sec. 4. Original section 71-405, Reissue Revised Statutes of
 22 Nebraska, section 38-2025, Revised Statutes Cumulative Supplement, 2018,
 23 and section 71-7910.01, Revised Statutes Supplement, 2019, are repealed.

LEGISLATIVE BILL 956. Placed on General File with amendment.

AM2827

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 68-901 Sections 68-901 to 68-994 and section 2 of this act shall be
 6 known and may be cited as the Medical Assistance Act.
 7 Sec. 2. (1) For purposes of this section:
 8 (a)(i) Material change means a change to a provider contract, the
 9 occurrence and timing of which is not otherwise clearly identified in the
 10 provider contract, that decreases the provider's payment or compensation
 11 for services to be provided or changes the administrative procedures in a
 12 way that may reasonably be expected to significantly increase the
 13 provider's administrative expense, including altering an existing prior
 14 authorization, precertification, or notification.
 15 (ii) Material change does not include a change implemented as a
 16 result of a requirement of state law, rules and regulations adopted and
 17 promulgated or policies established by the Department of Health and Human
 18 Services, or policies or regulations of the federal Centers for Medicare
 19 and Medicaid Services of the United States Department of Health and Human
 20 Services; and
 21 (b) Provider means a provider that has entered into a provider
 22 contract with a managed care organization to provide health care services
 23 under the medical assistance program.
 24 (2) Each managed care organization shall establish procedures for
 25 changing an existing provider contract with a provider that include the
 26 requirements of this section.
 27 (3) If a managed care organization makes any material change to a
 1 provider contract, the managed care organization shall provide the
 2 provider with at least sixty days' notice of the material change. The
 3 notice of a material change required under this section shall include:
 4 (a) The effective date of the material change;
 5 (b) A description of the material change;
 6 (c) The name, business address, telephone number, and electronic
 7 mail address of a representative of the managed care organization to
 8 discuss the material change, if requested by the provider;
 9 (d) Notice of the opportunity for a meeting using real-time
 10 communication to discuss the proposed changes if requested by the
 11 provider, including any mode of telecommunications in which all users can
 12 exchange information instantly such as the use of traditional telephone,
 13 mobile telephone, teleconferencing, and videoconferencing. If requested
 14 by the provider, the opportunity to communicate to discuss the proposed
 15 changes may occur via electronic mail instead of real-time communication;
 16 and
 17 (e) Notice that upon three material changes in a twelve-month
 18 period, the provider may request a copy of the provider contract with
 19 material changes consolidated into a single document. The provision of
 20 the copy of the provider contract with the material changes incorporated
 21 by the managed care organization (i) shall be for informational purposes
 22 only, (ii) shall have no effect on the terms and conditions of the
 23 provider contract, and (iii) shall not be construed as the creation of a
 24 new contract.
 25 (4) Any notice required to be delivered pursuant to this section

26 shall be sent to the provider's point of contact as set forth in the
27 provider contract and shall be clearly and conspicuously marked "contract
28 change". If no point of contact is set forth in the provider contract,
29 the insurer shall send the requisite notice to the provider's place of
30 business addressed to the provider.

31 Sec. 3. Section 68-914, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 68-914 (1) An applicant for medical assistance shall file an
3 application with the department in a manner and form prescribed by the
4 department. The department shall process each application to determine
5 whether the applicant is eligible for medical assistance. The department
6 shall provide a determination of eligibility for medical assistance in a
7 timely manner in compliance with 42 C.F.R. 435.911, including, but not
8 limited to, a timely determination of eligibility for coverage of an
9 emergency medical condition, such as labor and delivery.

10 (2) The department shall notify an applicant for or recipient of
11 medical assistance of any decision of the department to deny or
12 discontinue eligibility or to deny or modify medical assistance. Except
13 in the case of an emergency, the notice shall be mailed on the same day
14 as or the day after the decision is made. In addition to mailing the
15 notice, the department may also deliver the notice by any form of
16 electronic communication if the department has the agreement of the
17 recipient to receive such notice by means of such form of electronic
18 communication. Decisions of the department, including the failure of the
19 department to act with reasonable promptness, may be appealed, and the
20 appeal shall be in accordance with the Administrative Procedure Act.

21 (3) Notice of a decision to discontinue eligibility or to modify
22 medical assistance shall include an explanation of the proposed action,
23 the reason for the proposed action, the information used to make the
24 decision including specific regulations or laws requiring such action,
25 contact information for personnel of the department to address questions
26 regarding the action, information on the right to appeal, and an
27 explanation of the availability of continued benefits pending such
28 appeal.

29 Sec. 4. Section 68-973, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 68-973 (1) The Legislature finds that the medical assistance
1 program would benefit from increased efforts to (a) ~~(1)~~ prevent improper
2 payments to service providers, including, but not limited to, enforcement
3 of eligibility criteria for recipients of benefits, enforcement of
4 enrollment criteria for providers of benefits, determination of third-
5 party liability for benefits, review of claims for benefits prior to
6 payment, and identification of the extent and cause of improper payment,
7 (b) ~~(2)~~ identify and recoup improper payments, including, but not limited
8 to, identification and investigation of questionable payments for
9 benefits, administrative recoupment of payments for benefits, and
10 referral of cases of fraud to the state medicaid fraud control unit for
11 prosecution, and (c) ~~(3)~~ collect postpayment reimbursement, including,
12 but not limited to, maximizing prescribed drug rebates and maximizing
13 recoveries from estates for paid benefits.

14 (2) The Legislature further finds that (a) the medical assistance
15 program was established under Title XIX of the federal Social Security
16 Act and is a joint federal-state-funded health insurance program that is
17 the primary source of medical assistance for low-income, disabled, and
18 elderly Nebraskans and (b) the federal government establishes minimum
19 requirements for the medical assistance program and the state designs,
20 implements, administers, and oversees the medical assistance program.

21 (3) It is the intent of the Legislature to establish and maintain
22 integrity procedures and guidelines for the medical assistance program
23 that meet minimum federal requirements and that coordinate with federal

24 program integrity efforts in order to provide a system that encourages
25 efficient and effective provision of services by Nebraska providers for
26 the medical assistance program.
27 Sec. 5. Section 68-974, Revised Statutes Supplement, 2019, is
28 amended to read:
29 68-974 (1) ~~One~~ The department may contract with one or more program
30 integrity recovery audit contractors may be used to promote the integrity
31 of the medical assistance program, and to assist with investigations and
1 audits, or to investigate the occurrence of fraud, waste, or abuse cost-
2 containment efforts and recovery audits. The contract or contracts may
3 include services for (a) cost-avoidance through identification of third-
4 party liability, (b) cost recovery of third-party liability through
5 postpayment reimbursement, (c) casualty recovery of payments by
6 identifying and recovering costs for claims that were the result of an
7 accident or neglect and payable by a casualty insurer, and (d) reviews of
8 claims submitted by providers of services or other individuals furnishing
9 items and services for which payment has been made to determine whether
10 providers have been underpaid or overpaid, and to take actions to recover
11 any overpayments identified or make payment for any underpayment
12 identified.
13 (2) Notwithstanding any other provision of law, all program
14 integrity recovery audit contractors retained by the department when
15 conducting a program integrity recovery audit, investigation, or review
16 shall:
17 (a) Review claims within four ~~two~~ years from the date of the
18 payment;
19 (b) Send a determination letter concluding an audit within one
20 hundred eighty sixty days after receipt of all requested material from a
21 provider;
22 (c) In any records request to a provider, furnish information
23 sufficient for the provider to identify the patient, procedure, or
24 location;
25 (d) Develop and implement with the department a procedure in which
26 an improper payment identified by an audit may be resubmitted as a claims
27 adjustment, including (i) the resubmission of claims denied as a result
28 of an interpretation of scope of services not previously held by the
29 department, (ii) the resubmission of documentation when the document
30 provided is incomplete, illegible, or unclear, and (iii) the resubmission
31 of documentation when clerical errors resulted in a denial of claims for
1 services actually provided. If a service was provided and sufficiently
2 documented but denied because it was determined by the department or the
3 contractor that a different service should have been provided, the
4 department or the contractor shall disallow the difference between the
5 payment for the service that was provided and the payment for the service
6 that should have been provided;
7 (e) Utilize a licensed health care professional from the specialty
8 area of practice being audited to establish relevant audit methodology
9 consistent with (i) established practice guidelines, standards of care,
10 and state-issued medicaid provider handbooks and (ii) established
11 clinical practice guidelines and acceptable standards of care established
12 by professional or specialty organizations responsible for setting such
13 standards of care;
14 (f) Provide a written notification and explanation of an adverse
15 determination that includes the reason for the adverse determination, the
16 medical criteria on which the adverse determination was based, an
17 explanation of the provider's appeal rights, and, if applicable, the
18 appropriate procedure to submit a claims adjustment in accordance with
19 subdivision (2)(d) of this section; and
20 (g) Schedule any onsite audits with advance notice of not less than
21 ten business days and make a good faith effort to establish a mutually

22 agreed upon time and date for the onsite audit.

23 (3) A program integrity contractor retained by the department or the
24 federal Centers for Medicare and Medicaid Services shall work with the
25 department at the start of a recovery audit to review this section and
26 section 68-973 and any other relevant state policies, procedures,
27 regulations, and guidelines regarding program integrity audits. The
28 program integrity contractor shall comply with this section regarding
29 audit procedures. A copy of the statutes, policies, and procedures shall
30 be specifically maintained in the audit records to support the audit
31 findings.

1 (4) The department shall exclude from the scope of review of
2 recovery audit contractors any claim processed or paid through a
3 capitated medicaid managed care program. ~~(3)~~ The department shall exclude
4 the following from the scope of review of program integrity recovery
5 audit contractors: (a) Claims processed or paid through a capitated
6 medicaid managed care program; and (b) any claims that are currently
7 being audited or that have already been audited by a program integrity
8 the recovery audit contractor, by the department, or currently being
9 audited by another entity. Claims processed or paid through a capitated
10 medicaid managed care program shall be coordinated between the
11 department, the contractor, and the managed care organization. All such
12 audits shall be coordinated as to scope, method, and timing. The
13 contractor and the department shall avoid duplication or simultaneous
14 audits. No payment shall be recovered in a medical necessity review in
15 which the provider has obtained prior authorization for the service and
16 the service was performed as authorized.

17 (5) Extrapolated overpayments are not allowed under the Medical
18 Assistance Act without evidence of a sustained pattern of error, an
19 excessively high error rate, or the agreement of the provider.

20 (6) (4) The department may contract with one or more persons to
21 support a health insurance premium assistance payment program.

22 (7) ~~(5)~~ The department may enter into any other contracts deemed to
23 increase the efforts to promote the integrity of the medical assistance
24 program.

25 (8) ~~(6)~~ Contracts entered into under the authority of this section
26 may be on a contingent fee basis. Contracts entered into on a contingent
27 fee basis shall provide that contingent fee payments are based upon
28 amounts recovered, not amounts identified. Whether the contract is a
29 contingent fee contract or otherwise, the contractor shall not recover
30 overpayments by the department until all appeals have been completed
31 unless there is a credible allegation of fraudulent activity by the
1 provider, the contractor has referred the claims to the department for
2 investigation, and an investigation has commenced. In that event, the
3 contractor may recover overpayment prior to the conclusion of the appeals
4 process. In any contract between the department and a program integrity
5 recovery audit contractor, the payment or fee provided for identification
6 of overpayments shall be the same provided for identification of
7 underpayments. Contracts shall be in compliance with federal law and
8 regulations when pertinent, including a limit on contingent fees of no
9 more than twelve and one-half percent of amounts recovered, and initial
10 contracts shall be entered into as soon as practicable under such federal
11 law and regulations.

12 (9) ~~(7)~~ All amounts recovered and savings generated as a result of
13 this section shall be returned to the medical assistance program.

14 (10) ~~(8)~~ Records requests made by a program integrity recovery audit
15 contractor in any one-hundred-eighty-day period shall be limited to not
16 more than five percent of the number of claims filed by the provider for
17 the specific service being reviewed, not to exceed two hundred records
18 for the specific service being reviewed. The contractor shall allow a
19 provider no less than forty-five days to respond to and comply with a

20 records request. If the contractor can demonstrate a significant
 21 provider error rate relative to an audit of records, the contractor may
 22 make a request to the department to initiate an additional records
 23 request regarding the subject under review for the purpose of further
 24 review and validation. The contractor shall not make the request until
 25 the time period for the appeals process has expired.

26 (11) (9) On an annual basis, the department shall require the
 27 recovery audit contractor to compile and publish on the department's
 28 Internet web site metrics related to the performance of each recovery
 29 audit contractor. Such metrics shall include: (a) The number and type of
 30 issues reviewed; (b) the number of medical records requested; (c) the
 31 number of overpayments and the aggregate dollar amounts associated with
 1 the overpayments identified by the contractor; (d) the number of
 2 underpayments and the aggregate dollar amounts associated with the
 3 identified underpayments; (e) the duration of audits from initiation to
 4 time of completion; (f) the number of adverse determinations and the
 5 overturn rating of those determinations in the appeal process; (g) the
 6 number of appeals filed by providers and the disposition status of such
 7 appeals; (h) the contractor's compensation structure and dollar amount of
 8 compensation; and (i) a copy of the department's contract with the
 9 recovery audit contractor.

10 (12) (40) The program integrity recovery audit contractor, in
 11 conjunction with the department, shall perform educational and training
 12 programs annually for providers that encompass a summary of audit
 13 results, a description of common issues, problems, and mistakes
 14 identified through audits and reviews, and opportunities for improvement.

15 (13) (41) Providers shall be allowed to submit records requested as
 16 a result of an audit in electronic format, including compact disc,
 17 digital versatile disc, or other electronic format deemed appropriate by
 18 the department or via facsimile transmission, at the request of the
 19 provider.

20 (14)(a) (12)(a) A provider shall have the right to appeal a
 21 determination made by the program integrity recovery audit contractor.
 22 (b) The contractor shall establish an informal consultation process
 23 to be utilized prior to the issuance of a final determination. Within
 24 thirty days after receipt of notification of a preliminary finding from
 25 the contractor, the provider may request an informal consultation with
 26 the contractor to discuss and attempt to resolve the findings or portion
 27 of such findings in the preliminary findings letter. The request shall be
 28 made to the contractor. The consultation shall occur within thirty days
 29 after the provider's request for informal consultation, unless otherwise
 30 agreed to by both parties.

31 (c) Within thirty days after notification of an adverse
 1 determination, a provider may request an administrative appeal of the
 2 adverse determination as set forth in the Administrative Procedure Act.

3 (15) (43) The department shall by December 1 of each year report to
 4 the Legislature the status of the contracts, including the parties, the
 5 programs and issues addressed, the estimated cost recovery, and the
 6 savings accrued as a result of the contracts. Such report shall be filed
 7 electronically.

8 (16) (44) For purposes of this section:

9 (a) Adverse determination means any decision rendered by a program
 10 integrity contractor or the recovery audit contractor that results in a
 11 payment to a provider for a claim for service being reduced or rescinded;

12 (b) Extrapolated overpayment means an overpayment amount obtained by
 13 calculating claims denials and reductions from a medical records review
 14 based on a statistical sampling of a claims universe;

15 (c) (b) Person means bodies politic and corporate, societies,
 16 communities, the public generally, individuals, partnerships, limited
 17 liability companies, joint-stock companies, and associations; ~~and~~

18 (d) Program integrity audit means an audit conducted by the federal
 19 Centers for Medicare and Medicaid Services, the department, or the
 20 federal Centers for Medicare and Medicaid Services with the coordination
 21 and cooperation of the department;
 22 (e) Program integrity contractor means private entities with which
 23 the department or the federal Centers for Medicare and Medicaid Services
 24 contracts to carry out integrity responsibilities under the medical
 25 assistance program, including, but not limited to, recovery audits,
 26 integrity audits, and unified program integrity audits, in order to
 27 identify underpayments and overpayments and recoup overpayments; and
 28 (f) ~~(e)~~ Recovery audit contractor means private entities with which
 29 the department contracts to audit claims for medical assistance, identify
 30 underpayments and overpayments, and recoup overpayments.
 31 Sec. 6. Original sections 68-914 and 68-973, Reissue Revised
 1 Statutes of Nebraska, and sections 68-901 and 68-974, Revised Statutes
 2 Supplement, 2019, are repealed.

LEGISLATIVE BILL 1053. Placed on General File with amendment.
[AM2806](#) is available in the Bill Room.

LEGISLATIVE BILL 1158. Placed on General File with amendment.
[AM2851](#)

1 1. Strike original sections 1 and 3 and insert the following new
 2 sections:
 3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 68-901 Sections 68-901 to 68-994 and sections 2 to 4 of this act
 6 shall be known and may be cited as the Medical Assistance Act.
 7 Sec. 2. Section 71-831, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 ~~71-831~~ All contracts and agreements relating to the medical
 10 assistance program governing at-risk managed care service delivery for
 11 ~~behavioral~~ health services entered into by the department and existing on
 12 or after July 1, 2020 ~~21, 2016~~, shall:
 13 (1) Provide a definition and cap on administrative spending such
 14 that (a) administrative expenditures do not include profit greater than
 15 the contracted amount, (b) any administrative spending is necessary to
 16 improve the health status of the population to be served, and (c)
 17 administrative expenditures do not include contractor incentives.
 18 Administrative spending shall not under any circumstances exceed twelve
 19 percent. Such spending shall be tracked by the contractor and reported ~~to~~
 20 ~~the department~~ quarterly to the department and electronically to the
 21 Clerk of the Legislature;
 22 (2) Provide a definition of annual contractor profits and losses and
 23 restrict such profits and losses under the contract so that profit shall
 24 not exceed a percentage specified by the department but not more than
 25 three percent per year as a percentage of the aggregate of all income and
 26 revenue earned by the contractor and related parties, including parent
 27 and subsidiary companies and risk-bearing partners, under the contract;
 1 (3) Provide for return investment of (a) any remittance if the
 2 contractor does not meet the minimum medical loss ratio, (b) ~~performance~~
 3 ~~contingencies imposed by the department, and (c) any unearned incentive~~
 4 funds, and (c) any other funds in excess of the contractor limitations
 5 identified in state or federal statute or contract to the State Treasurer
 6 for credit to the Medicaid Managed Care Excess Profit Fund to fund
 7 additional health services for children, families, and adults according
 8 to a plan developed with input from stakeholders and approved by the
 9 department. Such plan shall address the health needs of adults and
 10 children, including filling service gaps and providing system

11 ~~improvements;~~

12 (4) Provide for a minimum medical loss ratio of eighty-five percent
13 of the aggregate of all income and revenue earned by the contractor and
14 related parties under the contract;

15 (5) Provide that contractor incentives, in addition to potential
16 profit, be up to two percent of the aggregate of all income and revenue
17 earned by the contractor and related parties under the contract; and

18 (6) Be reviewed and awarded competitively and in full compliance
19 with the procurement requirements of the State of Nebraska.

20 Sec. 3. The Medicaid Managed Care Excess Profit Fund is created.

21 The fund shall contain money returned to the State Treasurer pursuant to
22 subdivision (3) of section 2 of this act. The fund shall first be used to
23 offset any losses under subdivision (2) of section 2 of this act and then
24 to provide for services addressing the health needs of adults and
25 children under the Medical Assistance Act, including filling service
26 gaps, providing system improvements, and sustaining access to care as
27 determined by the Legislature. The fund shall only be used for the
28 purposes described in this section. Any money in the fund available for
29 investment shall be invested by the state investment officer pursuant to
30 the Nebraska Capital Expansion Act and the Nebraska State Funds
31 Investment Act.

1 Sec. 4. (1) Beginning October 1, 2021, the Department of Health and
2 Human Services shall inform each adult applicant for medical assistance
3 about job-skills programs within the Department of Health and Human
4 Services, the Department of Labor, or other skill-based programs that
5 could assist the applicant for medical assistance in obtaining job skills
6 or training, employment, higher-paying jobs, or related skills. The
7 Department of Health and Human Services shall connect interested
8 applicants to such job-skills programs. The job-skills programs may be
9 utilized on a voluntary basis by applicants for medical assistance or
10 recipients of medical assistance. The job-skills programs do not affect
11 the receipt of services provided under the Medical Assistance Act.

12 (2) Beginning February 1, 2022, and within thirty days of the
13 expiration of each subsequent calendar quarter within the years 2022 and
14 2023, the Department of Health and Human Services shall report
15 electronically to the Clerk of the Legislature on the total number of
16 applicants for medical assistance who were referred to job-skills
17 programs under this section and any job-skills services received as a
18 result of this section by applicants for medical assistance.

19 (3) Beginning January 1, 2022, through December 31, 2023, the
20 Department of Labor shall report quarterly to the Department of Health
21 and Human Services the number of applicants for medical assistance who
22 were referred to job-skills programs under this section, the number of
23 applicants for medical assistance who received help obtaining job skills
24 or training, employment, higher-paying jobs, or related skills under this
25 section, and the types of job-skills services received as a result of
26 this section.

27 (4) The Department of Health and Human Services and the Department
28 of Labor shall administer this section.

29 Sec. 5. Section 71-801, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-801 Sections 71-801 to 71-830 ~~71-831~~ shall be known and may be
1 cited as the Nebraska Behavioral Health Services Act.

2 Sec. 6. Original sections 71-801 and 71-831, Reissue Revised
3 Statutes of Nebraska, and section 68-901, Revised Statutes Supplement,
4 2019, are repealed.

5 Sec. 7. Since an emergency exists, this act takes effect when
6 passed and approved according to law.

(Signed) Sara Howard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1008. The Stinner amendment, [AM2911](#), found in this day's Journal, to the committee amendment, was renewed.

The Stinner amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Linehan offered the following amendment to the committee amendment:

[AM2916](#)

(Amendments to Standing Committee amendments, AM2737)

1 1. Insert the following new section:

2 Sec. 46. It is the intent of the Legislature to appropriate

3 \$130,000,000 in FY2020-21 for property tax relief and state aid to

4 schools.

5 2. Renumber the remaining sections accordingly.

Senator Chambers offered the following motion:

[MO169](#)

Recommit to Appropriations Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Linehan withdrew her amendment.

Senator Scheer offered the following amendment to the committee amendment:

[FA110](#)

Amend AM2737

Strike sections 45, 66, 59, 60, 64 and 56.

Senator Wayne offered the following motion:

[MO170](#)

Recommit to the Appropriations Committee.

Senator Wayne withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

[MO171](#)

Bracket until April 22, 2020.

SPEAKER SCHEER PRESIDING

SENATOR HILGERS PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 36:

Albrecht	Dorn	Howard	McDonnell	Vargas
Arch	Friesen	Hughes	Morfeld	Walz
Bolz	Geist	Hunt	Moser	Williams
Bostelman	Halloran	Kolterman	Pansing Brooks	Wishart
Brandt	Hansen, B.	La Grone	Quick	
Briese	Hansen, M.	Lathrop	Scheer	
Clements	Hilgers	Linehan	Slama	
Crawford	Hilkemann	McCollister	Stinner	

Present and not voting, 4:

Cavanaugh	Chambers	Kolowski	Wayne
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Excused and not voting, 9:

Blood	DeBoer	Gragert	Lindstrom	Murman
Brewer	Erdman	Groene	Lowe	

The Chambers motion to bracket failed with 0 ayes, 36 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 344. Introduced by Kolterman, 24.

WHEREAS, over 1.2 million people living in the United States are infected with Human Immunodeficiency Virus (HIV), and one in eight is unaware of the infection; and

WHEREAS, there are nearly 2,100 people living with HIV in Nebraska, and 88 people were newly diagnosed in 2017; and

WHEREAS, the Centers for Disease Control (CDC) recommends that everyone between the ages of 13 and 64 get tested for HIV at least once as part of routine health care, and for those with specific risk factors, the CDC recommends getting tested at least once a year; and

WHEREAS, significant advances in antiretroviral therapy for HIV have made it possible to reduce transmission rates, avoid over 862,000 premature deaths, gain over 27 million life-years, and gain \$615 billion in economic value over the cost of HIV treatment in the United States alone; and

WHEREAS, the movement of U = U, or Undetectable = Untransmittable, is a scientific breakthrough that confirms HIV treatment also offers the benefit of preventing HIV transmission, and provides education to help reduce stigma and discrimination; and

WHEREAS, forty percent of people living with HIV receive care through the medicaid program; and

WHEREAS, Nebraska could begin to better engage those people living with HIV who are not virally suppressed and report to the U.S. Department of Health and Human Services the viral loads of people receiving medical assistance; and

WHEREAS, the U.S. Department of Health and Human Services has made ending the HIV epidemic a national priority and has focused substantial new resources through its plan called Ending the HIV Epidemic: A Plan for America.

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

1. That the Legislature recognizes that collaboration by the U.S. Department of Health and Human Services and Nebraska Department of Health and Human Services with stakeholders, including patients, physicians, and public health experts, will raise awareness and reduce stigma and discrimination for those living with HIV and that such collaboration will help prevent and reduce new HIV cases.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine efforts to protect Nebraska's archeological and paleontological resources and promote cooperation between governmental agencies, tribal governments, and other stakeholders regarding the discovery and the removal or borrowing of archaeological or paleontological resources from all lands in the state.

Nebraska led the original efforts to protect these spaces and resources from destruction and pilfering in 1937 with establishment of the Nebraska Standard Specifications for Highway Construction and again in 1959 by authorizing the Department of Roads, now the Department of Transportation, to enter into agreements with state agencies to remove and preserve archaeological, paleontological, and historical remains.

With more than 10,600 archeology sites with 21 sites on the National Register of Historical Places, Nebraska is home to one of the best records of geological and geoscience history in the United States, second only to the American Museum of Natural History, and Nebraska has a potential abundance of available sources to study.

Nebraska can again lead the nation in protecting this natural record of history, as well as the remains of earlier human impacts in what is now Nebraska, by assuring that discoverers of archeological or paleontological resources discovered on tribal, public, or private property being used for public or state uses shall coordinate with the interested stakeholders, such as

adjacent landowners, tribal governments and councils, or other individuals and agencies.

The issues to be addressed by this interim study shall include, but not be limited to:

- (1) Best practices utilized when archaeological or paleontological resources are discovered;
- (2) How other states regulate archaeological or paleontological discoveries;
- (3) Methods to prevent any government agency or any private entity or individual from entering onto lands and removing archaeological or paleontological resources without permission or without cooperating with interested stakeholders; and
- (4) Improvements that can be made in statute to promote cooperation between all stakeholders in the handling of archaeological or paleontological resources.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB790](#):
[AM2922](#)

(Amendments to E&R amendments, ER178)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 81-829.42, Revised Statutes Supplement, 2019, is
- 3 amended to read:
- 4 81-829.42 (1) The Legislature recognizes that, while appropriations
- 5 are adequate to meet the normal needs, the necessity exists for
- 6 anticipating and making advance provision to care for the unusual and
- 7 extraordinary burdens imposed on the state and its political subdivisions
- 8 by disasters, emergencies, or civil defense emergencies. To meet such
- 9 situations, it is the intention of the Legislature to confer emergency
- 10 powers on the Governor, acting through the Adjutant General and the
- 11 Nebraska Emergency Management Agency, and to vest him or her with
- 12 adequate power and authority within the limitation of available funds
- 13 appropriated to the Governor's Emergency Program to meet any disaster,
- 14 emergency, or civil defense emergency.
- 15 (2) There is hereby established the Governor's Emergency Program.
- 16 Funds appropriated to the program shall be expended, upon direction of
- 17 the Governor, for any state of emergency. The state of emergency
- 18 proclamation shall set forth the emergency and shall state that it
- 19 requires the expenditure of public funds to furnish immediate aid and
- 20 relief. The Adjutant General shall administer the funds appropriated to
- 21 the program.

22 (3) It is the intent of the Legislature that the first recourse
23 shall be to funds regularly appropriated to state and local agencies. If
24 the Governor finds that the demands placed upon these funds are
25 unreasonably great, he or she may make funds available from the
26 Governor's Emergency Program. Expenditures may be made upon the direction
1 of the Governor for any or all emergency management functions or to meet
2 the intent of the state emergency operations plans as outlined in section
3 81-829.41. Expenditures may also be made to state and federal agencies to
4 meet the matching requirement of any applicable assistance programs.
5 (4) Assistance shall be provided from the funds appropriated to the
6 Governor's Emergency Program to political subdivisions of this state
7 which have suffered from a disaster, emergency, or civil defense
8 emergency to such an extent as to impose a severe financial burden
9 exceeding the ordinary capacity of the subdivision affected. Applications
10 for aid under this section shall be made to the Nebraska Emergency
11 Management Agency on such forms as shall be prescribed and furnished by
12 the agency. The forms shall require the furnishing of sufficient
13 information to determine eligibility for aid and the extent of the
14 financial burden incurred. The agency may call upon other agencies of the
15 state in evaluating such applications. The Adjutant General shall review
16 each application for aid under this section and recommend its approval or
17 disapproval, in whole or in part, to the Governor. If the Governor
18 approves, he or she shall determine and certify to the Adjutant General
19 the amount of aid to be furnished. The Adjutant General shall thereupon
20 issue his or her voucher to the Director of Administrative Services who
21 shall issue his or her warrants therefor to the applicant.
22 (5) When a state of emergency has been proclaimed by the Governor,
23 the Adjutant General, upon order of the Governor, shall have authority to
24 expend funds for purposes, including, but not limited to:
25 (a) The purposes of the Emergency Management Act, including
26 emergency management functions and the responsibilities of the Governor
27 as outlined in the act;
28 (b) Employing for the duration of the state of emergency additional
29 personnel and contracting or otherwise procuring all necessary
30 appliances, supplies, and equipment;
31 (c) Performing services for and furnishing materials and supplies to
1 state government agencies and local governments with respect to
2 performance of any duties enjoined by law upon such agencies and local
3 governments which they are unable to perform because of extreme climatic
4 phenomena and receiving reimbursement in whole or in part from such
5 agencies and local governments able to pay therefor under such terms and
6 conditions as may be agreed upon by the Adjutant General and any such
7 agency or local government;
8 (d) Performing services for and furnishing materials to any
9 individual in connection with alleviating hardship and distress growing
10 out of extreme climatic phenomena and receiving reimbursement in whole or
11 in part from such individual under such terms as may be agreed upon by
12 the Adjutant General and such individual;
13 (e) Opening up, repairing, and restoring roads and highways;
14 (f) Repairing and restoring bridges;
15 (g) Furnishing transportation for supplies to alleviate suffering
16 and distress;
17 (h) Restoring means of communication;
18 (i) Furnishing medical services and supplies to prevent the spread
19 of disease and epidemics;
20 (j) Quelling riots and civil disturbances;
21 (k) Training individuals or governmental agencies for the purpose of
22 perfecting the performance of emergency management duties as provided in
23 the Nebraska emergency operations plans;
24 (l) Procurement and storage of special emergency supplies or

25 equipment, determined by the Adjutant General to be required to provide
26 rapid response by state government to assist local governments in
27 impending or actual disasters, emergencies, or civil defense emergencies;
28 (m) Clearing or removing debris and wreckage which may threaten
29 public health or safety from publicly owned or privately owned land or
30 water; ~~and~~

31 (n) Paid sick and family leave for any private or public employee
1 who is unable to work due to being diagnosed with an infectious disease,
2 due to being quarantined or secluded for suspected infectious disease, or
3 due to caring for a family member diagnosed with an infectious disease or
4 quarantined or secluded for suspected infectious disease. For purposes of
5 this subdivision, family member means (i) a biological, adopted, or
6 foster child, a stepchild, or a legal ward of an employee or the
7 employee's spouse or a person to whom the employee or the employee's
8 spouse stood in loco parentis when such person was a minor child,
9 regardless of the age or dependency status of such child, stepchild,
10 legal ward, or person, (ii) a biological, adoptive, or foster parent, a
11 stepparent, or a legal guardian of an employee or the employee's spouse
12 or a person who stood in loco parentis to the employee or the employee's
13 spouse when the employee or the employee's spouse was a minor child,
14 (iii) an employee's spouse, or (iv) a grandparent, grandchild, or sibling
15 of the employee or the employee's spouse, whether such relationship is a
16 biological, adoptive, foster, or step relationship; and
17 (o) ~~(n)~~ Such other measures as are customarily necessary to furnish
18 adequate relief in cases of disaster, emergency, or civil defense
19 emergency.

20 (6) If response to a disaster or emergency is immediately required,
21 the Adjutant General may make expenditures of up to twenty-five thousand
22 dollars per event without a state of emergency proclamation issued by the
23 Governor. Such expenditures shall be used for the purposes as provided in
24 subsection (5) of this section.

25 (7) The Governor may receive such voluntary contributions as may be
26 made from any nonfederal source to aid in carrying out the purposes of
27 this section and shall credit the same to the Governor's Emergency Cash
28 Fund.

29 (8) All obligations and expenses incurred by the Governor in the
30 exercise of the powers and duties vested in the Governor by this section
31 shall be paid by the State Treasurer out of available funds appropriated
1 to the Governor's Emergency Program, and the Director of Administrative
2 Services shall draw his or her warrants upon the State Treasurer for the
3 payment of such sum, or so much thereof as may be required, upon receipt
4 by him or her of proper vouchers duly approved by the Adjutant General.
5 (9) This section shall be liberally construed in order to accomplish
6 the purposes of the Emergency Management Act and to permit the Governor
7 to adequately cope with any disaster, emergency, or civil defense
8 emergency which may arise, and the powers vested in the Governor by this
9 section shall be construed as being in addition to all other powers
10 presently vested in him or her and not in derogation of any existing
11 powers.

12 (10) Such funds as may be made available by the government of the
13 United States for the purpose of alleviating distress from disasters,
14 emergencies, and civil defense emergencies may be accepted by the State
15 Treasurer and shall be credited to a separate and distinct fund unless
16 otherwise specifically provided in the act of Congress making such funds
17 available or as otherwise allowed and provided by state law.

18 (11) It is the intent of the Legislature that the four million
19 dollars saved due to the elimination of funding for the Angel Investment
20 Tax Credit Act be used to increase the appropriation to the Military
21 Department for the Governor's Emergency Program by four million dollars
22 for fiscal year 2020-21.

23 2. Renumber the remaining sections and correct the repealer
24 accordingly.

Senator La Grone filed the following amendment to LB1008:
AM2929

(Amendments to Standing Committee amendments, AM2737)

1 1. On page 2, lines 18 and 19, strike "57,000" and insert "57,001".

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 1002. Placed on General File with amendment.
AM2774 is available in the Bill Room.

(Signed) Sara Howard, Chairperson

SENATOR WILLIAMS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1008. Senator Chambers offered the following
motion:

MO172

Reconsider the vote on the bracket motion.

Senator Chambers asked unanimous consent to withdraw his motion to
reconsider.

Senator Kolowski objected.

The Chambers motion to reconsider failed with 1 aye, 30 nays, 10 present
and not voting, and 8 excused and not voting.

Senator Chambers offered the following motion:

MO173

Recommit to Appropriations Committee.

Senator Scheer offered the following motion:

MO174

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 22
ayes, 2 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:

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

Voting in the negative, 3:

Cavanaugh Chambers Wayne

Excused and not voting, 6:

Blood	DeBoer	Gragert
Brewer	Erdman	Groene

The Scheer motion to invoke cloture prevailed with 40 ayes, 3 nays, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

Chambers Wayne

Voting in the negative, 41:

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

Excused and not voting, 6:

Blood	DeBoer	Gragert
Brewer	Erdman	Groene

The Chambers motion to recommit to committee failed with 2 ayes, 41 nays, and 6 excused and not voting.

Senator Scheer requested a roll call vote, in reverse order, on his amendment, FA110, to the committee amendment.

Voting in the affirmative, 2:

Chambers Wayne

Voting in the negative, 38:

Albrecht	Dorn	Hughes	McCollister	Slama
Arch	Friesen	Hunt	McDonnell	Stinner
Bolz	Geist	Kolowski	Morfeld	Vargas
Bostelman	Halloran	Kolterman	Moser	Walz
Brandt	Hansen, B.	La Grone	Murman	Williams
Briese	Hilgers	Lathrop	Pansing Brooks	Wishart
Clements	Hilkemann	Lindstrom	Quick	
Crawford	Howard	Lowe	Scheer	

Present and not voting, 3:

Cavanaugh Hansen, M. Linehan

Excused and not voting, 6:

Blood	DeBoer	Gragert
Brewer	Erdman	Groene

The Scheer amendment lost with 2 ayes, 38 nays, 3 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Chambers Wayne

Excused and not voting, 6:

Blood	DeBoer	Gragert
Brewer	Erdman	Groene

The committee amendment, as amended, was adopted with 41 ayes, 2 nays, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Chambers	Wayne
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Excused and not voting, 6:

Blood	DeBoer	Gragert
Brewer	Erdman	Groene

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, and 6 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 866. Placed on General File with amendment.
[AM2913](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendments to LB1008:

AM2900

(Amendments to Standing Committee amendments, AM2737)

- 1 1. On page 35, strike beginning with "an" in line 3 through
- 2 "failure" in line 5 and insert "a public power and irrigation district to
- 3 repair irrigation diversion structures that were destroyed by bridge and
- 4 levee damage that occurred during the 2019 flood event"; and in line 6
- 5 strike "an irrigation district" and insert "a grantee".

AM2901

(Amendments to Standing Committee amendments, AM2737)

- 1 1. On page 35, strike beginning with "an" in line 3 through
- 2 "failure" in line 5 and insert "a community with a population between
- 3 three thousand and four thousand residents to carry out repairs on
- 4 drinking water facilities that were damaged as a result of a levee breach
- 5 that occurred during the 2019 flood event"; and in line 6 strike "an
- 6 irrigation district" and insert "a grantee".

AM2902

(Amendments to Standing Committee amendments, AM2737)

- 1 1. On page 35, strike beginning with "an" in line 3 through
- 2 "failure" in line 5 and insert "a community with a population of less
- 3 than one thousand residents to carry out repairs on drinking water
- 4 facilities that were damaged as a result of a levee breach that occurred
- 5 during the 2019 flood event"; and in line 6 strike "an irrigation
- 6 district" and insert "a grantee".

AM2903

(Amendments to Standing Committee amendments, AM2737)

- 1 1. Strike sections 59 and 64.
- 2 2. On page 35, line 26, strike "7,593,430" and insert "11,593,430";
- 3 and in line 29 strike "20,948,302" and insert "24,948,302".
- 4 3. On page 36, line 6, strike "\$7,593,430" and insert "\$11,593,430".
- 5 4. On page 39, strike lines 26 through 28; and in line 30 strike
- 6 "616,435,633" and insert "614,435,633".
- 7 5. On page 40, line 1, strike "616,435,633" and insert
- 8 "614,435,633".
- 9 6. Strike beginning with line 23 on page 43 through line 18 on page
- 10 45.
- 11 7. Renumber the remaining sections accordingly.

AM2904

(Amendments to Standing Committee amendments, AM2737)

- 1 1. On page 13, line 20, strike "Rural Workforce Housing Investment"
- 2 and insert "Affordable Housing Trust".
- 3 2. On page 48, after line 7, insert:
- 4 "There is included in the amount shown for FY2020-21 \$10,000,000
- 5 Cash Funds to provide funding from the Affordable Housing Trust Fund to
- 6 carry out grants for projects related to the development of affordable
- 7 workforce housing in a municipality in a county with a population of at
- 8 least one hundred thousand inhabitants as determined by the most recent
- 9 federal decennial census".

AM2905

(Amendments to Standing Committee amendments, AM2737)

- 1 1. Strike section 26 and insert the following new section:
- 2 Sec. 26. AGENCY NO. 29 — DEPARTMENT OF NATURAL RESOURCES

3 Program No. 334 - Soil and Water Conservation

4	<u>FY2019-20</u>	<u>FY2020-21</u>
5	<u>GENERAL FUND</u>	<u>500,000</u>
	<u>-0-</u>	
6	<u>CASH FUND</u>	<u>425,000</u>
	<u>175,000</u>	
7	<u>PROGRAM TOTAL</u>	<u>925,000</u>
	<u>175,000</u>	

8 There is included in the appropriation to this program for FY2019-209 \$-0- General Funds for state aid, which shall only be used for such10 purpose. There is included in the appropriation to this program for11 FY2020-21 \$500,000 General Funds for state aid, which shall only be used
12 for such purpose.13 There is included in the appropriation to this program for FY2020-2114 \$500,000 General Funds to provide a grant to a city with a population15 between three thousand and four thousand residents that experienced16 extensive flooding and damage to drinking water treatment facilities as a17 result of levee damage that occurred as a result of the 2019 flood event.18 2. On page 39, line 30, strike "616,435,633" and insert19 "615,935,633".20 3. On page 40, line 1, strike "616,435,633" and insert21 "615,935,633".

22 4. On page 41, strike lines 5 through 8.

Senator M. Hansen filed the following amendment to LB1016:[FA112](#)

On page 2, line 25, strike "31" and insert "30".

GENERAL FILE**LEGISLATIVE BILL 1009.** Title read. Considered.Committee [AM2738](#), found on page 887, was offered.

Senator Wayne offered the following amendment to the committee amendment:

[FA113](#)

Amend AM2738

1. On page 5, strike beginning with the first "to" in line 26 through "failure" in line 28 and insert "to provide a grant to a community with a population between three thousand and four thousand residents to carry out repairs on drinking water facilities.".**SPEAKER SCHEER PRESIDING**

Senator Wayne moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Cavanaugh Chambers Hansen, M. Pansing Brooks Wayne

Voting in the negative, 24:

Arch	Clements	Hilkemann	Lindstrom	Quick
Bolz	Crawford	Howard	McCollister	Scheer
Bostelman	Dorn	Hunt	McDonnell	Stinner
Brandt	Friesen	Kolowski	Moser	Williams
Briese	Geist	Kolterman	Murman	

Present and not voting, 11:

Halloran	Lathrop	Morfeld	Walz
Hansen, B.	Linehan	Slama	Wishart
La Grone	Lowe	Vargas	

Excused and not voting, 9:

Albrecht	Brewer	Erdman	Groene	Hughes
Blood	DeBoer	Gragert	Hilgers	

The Wayne amendment lost with 5 ayes, 24 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

[AM2919](#)

(Amendments to Standing Committee amendments, AM2738)

1 1. On page 5, strike beginning with the first "to" in line 26
 2 through "failure" in line 28 and insert "to provide a grant to a public
 3 power and irrigation district to repair irrigation diversion structures
 4 that were destroyed by bridge and levee damage that occurred during the
 5 2019 flood event".

SENATOR WILLIAMS PRESIDING

Senator Chambers offered the following motion:

[MO175](#)

Bracket until April 22, 2020.

Senator Scheer offered the following motion:

[MO176](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 38:

Arch	Friesen	Hunt	McCollister	Slama
Bolz	Geist	Kolowski	McDonnell	Stinner
Bostelman	Halloran	Kolterman	Morfeld	Vargas
Brandt	Hansen, B.	La Grone	Moser	Walz
Briese	Hansen, M.	Lathrop	Murman	Williams
Clements	Hilgers	Lindstrom	Pansing Brooks	Wishart
Crawford	Hilkemann	Linehan	Quick	
Dorn	Howard	Lowe	Scheer	

Voting in the negative, 2:

Chambers Wayne

Present and not voting, 1:

Cavanaugh

Excused and not voting, 8:

Albrecht	Brewer	Erdman	Groene
Blood	DeBoer	Gragert	Hughes

The Scheer motion to invoke cloture prevailed with 38 ayes, 2 nays, 1 present and not voting, and 8 excused and not voting.

The Chambers motion to bracket failed with 2 ayes, 39 nays, and 8 excused and not voting.

Senator Wayne requested a roll call vote on his amendment, AM2919, to the committee amendment.

Voting in the affirmative, 3:

Chambers Pansing Brooks Wayne

Voting in the negative, 22:

Arch	Clements	Halloran	Lindstrom	Stinner
Bolz	Crawford	Hilgers	McCollister	Williams
Bostelman	Dorn	Hilkemann	McDonnell	
Brandt	Friesen	Kolowski	Murman	
Briese	Geist	Kolterman	Scheer	

Present and not voting, 16:

Cavanaugh	Hunt	Lowe	Slama
Hansen, B.	La Grone	Morfeld	Vargas
Hansen, M.	Lathrop	Moser	Walz
Howard	Linehan	Quick	Wishart

Excused and not voting, 8:

Albrecht	Brewer	Erdman	Groene
Blood	DeBoer	Gragert	Hughes

The Wayne amendment lost with 3 ayes, 22 nays, 16 present and not voting, and 8 excused and not voting.

Senator Wayne requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 38:

Arch	Friesen	Hunt	McCollister	Slama
Bolz	Geist	Kolowski	McDonnell	Stinner
Bostelman	Halloran	Kolterman	Morfeld	Vargas
Brandt	Hansen, B.	La Grone	Moser	Walz
Briese	Hansen, M.	Lathrop	Murman	Williams
Clements	Hilgers	Lindstrom	Pansing Brooks	Wishart
Crawford	Hilkemann	Linehan	Quick	
Dorn	Howard	Lowe	Scheer	

Voting in the negative, 2:

Chambers Wayne

Present and not voting, 1:

Cavanaugh

Excused and not voting, 8:

Albrecht	Brewer	Erdman	Groene
Blood	DeBoer	Gragert	Hughes

The committee amendment was adopted with 38 ayes, 2 nays, 1 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB840:
AM2925

(Amendments to E & R amendments, ER180)

1 1. Strike sections 4 and 5 and insert the following new sections:
2 Sec. 4. Electronic smoking device means an electronic nicotine
3 delivery system as defined in section 28-1418.01. The term includes any
4 such device regardless of whether it is manufactured, distributed,
5 marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape
6 pen or under any other product name or descriptor. The term also includes
7 any substance that is used in an electronic smoking device. The term does
8 not include a diffuser, humidifier, prescription inhaler, or similar
9 device.
10 Sec. 5. (1) Electronic smoking device retail outlet means a store
11 that:
12 (a) Is licensed as provided under sections 28-1421 and 28-1422;
13 (b) Sells electronic smoking devices and products directly related
14 to electronic smoking devices;
15 (c) Does not sell alcohol or gasoline;
16 (d) Derives no more than twenty percent of its revenue from the sale
17 of food and food ingredients as defined in section 77-2704.24; and
18 (e) Prohibits persons under twenty-one years of age from entering
19 the store in accordance with subsection (2) of this section.
20 (2)(a) Prior to January 1, 2022, an electronic smoking device retail
21 outlet shall not allow a person under twenty-one years of age to enter
22 the store but may allow an employee who is under twenty-one years of age
23 to work in the store.
24 (b) On and after January 1, 2022, an electronic smoking device
25 retail outlet shall not allow a person under twenty-one years of age to
26 enter the store and shall not allow an employee who is under twenty-one
1 years of age to work in the store.

Senator Stinner filed the following amendment to LB1008:
AM2936

(Amendments to Standing Committee amendments, AM2737)

1 1. On page 7, lines 20 and 21 strike "-0-" and insert "10,000,000";
2 and after line 24 insert:
3 "There is included in the appropriation to this program for
4 FY2019-20 \$10,000,000 General Funds for public health emergency response
5 to the Coronavirus Disease 2019 (COVID-19). The funding shall be
6 distributed based on activities or areas of the state where there is a
7 need to prevent or contain or otherwise respond to needs related to the
8 disease. Funding may be distributed to public health departments that
9 develop partnerships with federally qualified health centers. Funding
10 provided shall only be used for activities relating to the emergency
11 response to the disease. Any funding not needed for the emergency
12 response shall lapse to the General Fund on June 30, 2021. On December 1,
13 2020, the department shall provide a report to the Legislature's Health
14 and Human Services and Appropriations Committees regarding use of such
15 funds."
16 2. On page 9, lines 17 and 18 strike "55,240,974" and insert
17 "65,240,974"; and after line 26 insert:
18 "There is included in the appropriation to this program for
19 FY2019-20 \$10,000,000 General Funds for state aid for the state's
20 response and recovery to the Coronavirus Disease 2019 (COVID-19)."

Senator Quick filed the following amendment to LB424:

AM2847

(Amendments to AM2122)

- 1 1. On page 2, after line 3 insert the following new subdivision:
- 2 "(3) Immediate family has the same meaning as in section 49-1425;";
- 3 in line 4 strike "(3)" and insert "(4)"; in line 6 strike "(4)" and
- 4 insert "(5)"; and in line 10 strike "(5)" and insert "(6)".
- 5 2. On page 7, line 8, strike "14,".
- 6 3. On page 10, line 22, after "Act" insert ", except that a land
- 7 bank shall not issue any bonds on or after the effective date of this
- 8 act".
- 9 4. On page 11, line 14, after "money" insert ", except that a land
- 10 bank shall not invest its money in any instrument, obligation, security,
- 11 or property that is owned by a member of the board or an employee of the
- 12 land bank, by a board member's or an employee's immediate family, or by a
- 13 business or entity in which a board member or an employee has an
- 14 ownership interest".
- 15 5. On page 12, line 8, after "to" insert "(a)" and after "taxes"
- 16 insert "or (b) receive property tax revenue from a political subdivision
- 17 pursuant to an agreement entered into under the Joint Public Agency Act".
- 18 6. On page 16, line 11, strike "A", show as stricken, and insert
- 19 "Subject to subsection (7) of this section, a".
- 20 7. On page 17, after line 19 insert the following new subsection:
- 21 "(7) A land bank shall not issue any bonds on or after the effective
- 22 date of this act".
- 23 8. On page 18, strike beginning with "by" in line 8 through line 10,
- 24 show as stricken, and insert "in accordance with this section. For a land
- 25 bank created pursuant to subsection (1) of section 4 of this act, the
- 26 resolution of dissolution must be approved by two-thirds of the members
- 1 of the governing body of the municipality that created the land bank. For
- 2 a land bank created pursuant to subsection (2) or (3) of section 4 of
- 3 this act, the resolution of dissolution must be approved by a majority of
- 4 the members of the governing body of each municipality that created the
- 5 land bank. A governing body"; and in line 27 after the period insert "No
- 6 member of the board or employee of a land bank shall have any interest,
- 7 direct or indirect, in any investment of the land bank. The restrictions
- 8 in this subsection shall also apply to a board member's or employee's
- 9 immediate family and to any business or entity in which the board member
- 10 or employee has an ownership interest".

Senator Hilgers filed the following amendment to LB1186:

AM2887

- 1 1. On page 2, line 14, after "seven" insert "calendar"; in line 16
- 2 after "Act" insert ", except that no additional compensation shall be
- 3 paid to an employee for any day for which such employee has already been
- 4 paid for injury leave pursuant to this section"; and in line 22 after
- 5 "leave" insert ", and such school district may withhold injury leave
- 6 until such confirmation is provided".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB43.
 Senator M. Hansen name added to LB283.
 Senator Chambers name added to LB918.

Senator Blood name added to LB918.
Senator Chambers name added to LB962.
Senator Chambers name added to LB1060.
Senator M. Hansen name added to LB1089.
Senator Cavanaugh name added to LB1218.
Senator M. Hansen name added to LB1218.

VISITOR(S)

Visitors to the Chamber were members of Leadership Nebraska City Class 15; ASSE exchange students from Georgia, Poland, and Spain; and students from Walnut Creek Elementary, Papillion.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 5:37 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2020, or at the call of the Speaker.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 23, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 2020

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Foley presiding.

The roll was called and all members were present except Senators Halloran, Hilkemann, Kolowski, McCollister, and Pansing Brooks who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

AMENDMENT(S) - Refile in Journal

Senator Slama refiled her amendment, [AM2842](#), found on page 883 and withdrawn on page 906, to [LB1198](#).

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 344. Placed on Final Reading.

[ST51](#)

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

1. In the Standing Committee amendments, AM2486:
 - a. On page 6, line 21, the period has been struck and "and" inserted;
 - b. On page 7, line 14, "enable" has been struck and "ensure" inserted;
 - c. On page 8, line 16, "flock," has been struck and "or flock" inserted;
 - d. On page 9, line 27, an underscored comma has been inserted after "destroyed" and "thereof";
 - e. On page 11, line 17; page 21, line 15; page 40, lines 19 and 31; and page 42, line 11, "Act" has been struck;
 - f. On page 16, line 1, the comma has been struck;
 - g. On page 17, line 5, the second "or" has been struck; and in line 6 an underscored comma has been inserted after "acts";

h. On page 20, lines 15 and 16, "order" has been inserted after "movement"; and in line 24 "for" has been struck;

i. On page 26, line 4, the matter beginning with "sections" through "and" has been struck, the old matter shown as stricken, and "section 21 of this act and section" inserted;

j. On page 44, line 5, the semicolon has been struck and a comma inserted.

LEGISLATIVE BILL 870. Placed on Final Reading.

LEGISLATIVE BILL 963. Placed on Final Reading.

ST47

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

1. In the Standing Committee amendment, AM2523, on page 5, line 22, "and" has been struck; and in line 23 "and section 48-122, Revised Statutes Supplement, 2019," has been inserted after the comma.

2. On page 1, the matter beginning with "and" in line 2 through line 10 and all amendments thereto have been struck and "section 48-101.01, Revised Statutes Cumulative Supplement, 2018, and section 48-122, Revised Statutes Supplement, 2019; to state intent; to change provisions relating to personal injuries of first responders and frontline state employees; to provide a means of demonstrating a prima facie case of personal injury; to provide duties for the Critical Incident Stress Management Program and the Department of Health and Human Services; to require reimbursement for training as prescribed; to change provisions relating to compensation paid for burial expenses; to define and redefine terms; and to repeal the original sections." inserted.

LEGISLATIVE BILL 963A. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1198. Placed on Select File.

LEGISLATIVE BILL 1008. Placed on Select File with amendment.

ER210

1 l. In the Standing Committee amendments, AM2737:

2 a. On page 6, line 13, strike "Behavioral" and insert "Mental";

3 b. On page 9, line 15, strike the second "Program" and insert "Aid";

4 c. On page 11, line 11, strike "of" and insert "or"; and in lines 14

5 and 20 after "NEBRASKA" insert "STATE";

6 d. On page 13, line 5, after "DISCLOSURE" insert "COMMISSION";

7 e. On page 27, line 4, strike "fund" and insert "Homeless Shelter

8 Assistance Trust Fund";

9 f. On page 29, line 17, strike the comma;

10 g. On page 38, line 24, strike "for" and insert "of"; and in line 31

11 strike "(1)" and insert "(i)";

12 h. On page 39, line 3, strike "(2)" and insert "(ii)"; in line 5

13 strike "(3)" and insert "(iii)"; in line 7 strike "(4)" and insert

14 "(iv)"; in line 9 strike "(5)" and insert "(v)"; in line 13 strike "(6)"

15 and insert "(vi)"; in line 16 strike "(7)" and insert "(vii)"; and in

16 line 18 strike "(8)" and insert "(viii)";

17 i. On page 41, line 6, after "the" insert "Robert B.";

18 j. On page 44, line 31, strike "(1)" and insert "(i)";

19 k. On page 45, line 3, strike "(2)" and insert "(ii)"; in line 5

20 strike "(3)" and insert "(iii)"; in line 7 strike "(4)" and insert

21 "(iv)"; in line 9 strike "(5)" and insert "(v)"; in line 13 strike "(6)"

22 and insert "(vi)"; in line 16 strike "(7)" and insert "(vii)"; and in

23 line 18 strike "(8)" and insert "(viii)";

24 l. On page 49, line 29, after "(2)" insert "of this section"; and

25 m. On page 56, line 10, after "Committee" insert "of the
26 Legislature".

27 2. On page 1, strike lines 2 through 8 and insert "sections 24, 49,
1 50, 92, 98, 99, 100, 102, 105, 110, 130, 147, 165, 169, 170, 200, 207,
2 215, 216, 217, 237, and 244, and Laws 2019, LB297, sections 31, 43, and
3 45; to define terms; to provide, change, and eliminate appropriations for
4 operation of state government, state aid, postsecondary education, and
5 capital construction; to provide for scholarships as prescribed; to
6 provide for transfers of funds; to require reports; to repeal the
7 original sections; and to declare an emergency."

LEGISLATIVE BILL 1009. Placed on Select File with amendment.

[ER204](#)

1 1. On page 1, strike beginning with "section" in line 2 through line
2 3 and insert "sections 9-1,101 and 13-2704, Revised Statutes Supplement,
3 2019; to provide for, change, and eliminate fund transfers; to change
4 authorized uses".

LEGISLATIVE BILL 774. Placed on Select File with amendment.

[ER200](#)

1 1. In the Standing Committee amendments, AM2558:

2 a. On page 16, lines 1 and 2; and page 25, lines 16 and 17, strike
3 "effective date of this act" and insert "operative date of this section";
4 and

5 b. On page 30, line 10, after "size" insert an underscored comma and
6 in line 26 after "exceptions" insert an underscored comma.

7 2. On page 1, strike beginning with "44-416.06" in line 1 through
8 line 4 and insert "44-3520 and 44-3523, Reissue Revised Statutes of
9 Nebraska, and sections 44-416.06, 44-416.09, and 44-3521, Revised
10 Statutes Cumulative Supplement, 2018; to change requirements regarding
11 credit for reinsurance as prescribed; to change provisions relating to
12 fees for dental services; to change provisions relating to motor vehicle
13 service contract reimbursement insurance policies and motor vehicle
14 service contract providers; to prohibit certain activities by facilities
15 as prescribed; to harmonize provisions; to provide a duty for the Revisor
16 of Statutes; to provide operative dates; and to repeal the original
17 sections."

LEGISLATIVE BILL 705. Placed on Select File.

LEGISLATIVE BILL 1028. Placed on Select File with amendment.

[ER201](#)

1 1. On page 1, strike beginning with "small" in line 1 through line 4
2 and insert "courts; to amend sections 24-1004, 24-1005, 25-2804, and
3 29-2702, Reissue Revised Statutes of Nebraska, and sections 25-1301 and
4 25-1301.01, Revised Statutes Cumulative Supplement, 2018; to change
5 provisions relating to records, judgments, and orders; to change
6 provisions relating to actions in Small Claims Court; to change
7 provisions relating to disposition of money received; and to repeal the
8 original sections."

LEGISLATIVE BILL 1130. Placed on Select File.

LEGISLATIVE BILL 911. Placed on Select File with amendment.ER202

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 12-1301, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 12-1301 ~~(1)(a) (1)~~ The Director of Veterans' Affairs shall ~~may~~
6 establish and operate a state veteran cemetery system. ~~The system shall~~
7 consist of a facility in the city of Grand Island, subject to subdivision
8 ~~(b) of this subsection, and may include consisting of a facility in Box~~
9 ~~Butte County, a facility in Sarpy County, and the Nebraska Veterans'~~
10 ~~Memorial Cemetery in Hall County.~~ The director may seek and expend
11 private, state, and federal funds for the establishment, construction,
12 maintenance, administration, and operation of the cemetery system as
13 provided in this section. Any gift, bequest, or devise of real property
14 and any acquisition of real property with the proceeds of a donation,
15 gift, bequest, devise, or grant from an individual, an organization, a
16 corporation, a foundation, or a similar entity or from a nonfederal
17 governmental agency for the cemetery system shall be subject to the
18 approval requirements of section 81-1108.33 notwithstanding the value of
19 the real property. All funds received for the construction of the
20 cemetery system shall be remitted to the State Treasurer for credit to
21 the Veteran Cemetery Construction Fund. Any funds remaining in the
22 Veteran Cemetery Construction Fund following the completion of
23 construction of the ~~three~~ facilities comprising the state veteran
24 cemetery system shall upon such completion be transferred to the Nebraska
25 Veteran Cemetery System Endowment Fund, and the Veteran Cemetery
26 Construction Fund shall thereafter terminate.
27 (b) ~~Beginning on the effective date of this act, the Director of~~
28 ~~Veterans' Affairs shall negotiate with the city of Grand Island to~~
29 ~~acquire an exclusive option for the transfer of title to the former~~
30 ~~Nebraska Veterans' Memorial Cemetery in the city of Grand Island and land~~
31 ~~adjacent to the cemetery, as identified in the required program~~
32 ~~statement, owned by the city of Grand Island. After being granted funding~~
33 ~~assistance from the National Cemetery Administration, the director shall~~
34 ~~accept from the city of Grand Island, at no cost, title to the real~~
35 ~~estate described in this subdivision in order to establish a state~~
36 ~~cemetery for veterans. The director shall prepare an initial program~~
37 ~~statement and make a request to the Legislature for funding as required~~
38 ~~by section 81-1108.41. The expenses of the initial program statement~~
39 ~~shall be paid from the Nebraska Veteran Cemetery System Operation Fund.~~
40 (2)(a) A trust fund to be known as the Nebraska Veteran Cemetery
41 System Endowment Fund is hereby created. The fund shall consist of:
42 (i) Gifts, bequests, grants, or contributions from private or public
43 sources designated for the maintenance, administration, or operation of
44 the state veteran cemetery system;
45 (ii) Any funds transferred from the Veteran Cemetery Construction
46 Fund following the completion of construction of the three facilities
47 comprising the state veteran cemetery system; and
48 (iii) Following the termination of the Veteran Cemetery Construction
49 Fund, any funds received by the state from any source for the state
50 veteran cemetery system.
51 (b) No revenue from the General Fund shall be remitted to the
52 Nebraska Veteran Cemetery System Endowment Fund. The Legislature shall
53 not appropriate or transfer money from the Nebraska Veteran Cemetery
54 System Endowment Fund for any purpose other than as provided in this
55 section. Any money in the Nebraska Veteran Cemetery System Endowment Fund
56 available for investment shall be invested by the state investment
57 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
58 State Funds Investment Act. No portion of the principal of the Nebraska

1 Veteran Cemetery System Endowment Fund shall be expended for any purpose
2 except investment pursuant to this subdivision. All investment earnings
3 from the Nebraska Veteran Cemetery System Endowment Fund shall be
4 credited on a quarterly basis to the Nebraska Veteran Cemetery System
5 Operation Fund.

6 (3) There is hereby created the Nebraska Veteran Cemetery System
7 Operation Fund. Money in the fund shall be used for the operation,
8 administration, and maintenance of the state veteran cemetery system. The
9 fund may be used for the expenses of the initial program statement under
10 subdivision (1)(b) of this section. Any money in the fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 (4) The Director of Veterans' Affairs ~~director~~ may make formal
15 application to the federal government regarding federal financial
16 assistance for the construction of any of the facilities comprising the
17 state veteran cemetery system which is located in a county with a
18 population of less than one hundred thousand persons when he or she
19 determines that the requirements for such assistance have been met.

20 (5) The director may make formal application to the federal
21 government regarding financial assistance for the construction of any
22 facility comprising a portion of the state veteran cemetery system
23 located in a county with a population of more than one hundred thousand
24 persons when sufficient funds have been remitted to the Nebraska Veteran
25 Cemetery System Endowment Fund such that (a) the projected annual
26 earnings from such fund available for transfer to the Nebraska Veteran
27 Cemetery System Operation Fund plus (b) the projected annual value of
28 formal agreements that have been entered into between the state and any
29 political subdivisions or private entities to subsidize or undertake the
30 operation, administration, or maintenance of any of the facilities within
31 the state veteran cemetery system, has a value that is sufficient to fund
1 the operation, administration, and maintenance of any cemetery created
2 pursuant to this subsection.

3 (6) The director may expend such funds as may be available for any
4 of the purposes authorized in this section.

5 (7) The director, with the approval of the Governor, may enter into
6 agreements for cemetery construction, administration, operation, or
7 maintenance with qualified persons, political subdivisions, or business
8 entities. The director shall provide lots in the cemetery system for the
9 interment of deceased veterans as defined by the National Cemetery
10 Administration of the United States Department of Veterans Affairs. The
11 director shall provide lots for the interment of those veterans' spouses,
12 minor children, and unmarried adult children who were physically or
13 mentally disabled and incapable of self-support. Section 12-501 does not
14 apply to the state veteran cemetery system.

15 (8) The Veteran Cemetery Construction Fund is created. Any money in
16 the fund available for investment shall be invested by the state
17 investment officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act. ~~The balance in the Veteran Cemetery~~
19 ~~Construction Fund shall be transferred to the General Fund on or before~~
20 ~~June 30, 2018, as directed by the budget administrator of the budget~~
21 ~~division of the Department of Administrative Services.~~

22 (9) The director may adopt and promulgate rules and regulations to
23 carry out this section. The rules and regulations shall include
24 requirements for proof of residency, cost of burial if any, and standards
25 for cemeteries, including decorations and headstones.

26 Sec. 2. Section 16-201, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-201 Each city of the first class shall be a body corporate and
29 politic and shall have power (1) to sue and be sued, (2) to purchase,

30 lease, lease with option to buy, or acquire by gift or devise and to hold
31 real and personal property within or without the limits of the city and
1 real estate sold for taxes for the use of the city in such manner and
2 upon such terms and conditions as may be deemed in the best interests of
3 the city, (3) to sell and convey, exchange, or lease any real or personal
4 property owned by the city, including park land, in such manner and upon
5 such terms and conditions as may be deemed in the best interests of the
6 city, except that real estate owned by the city may be conveyed without
7 consideration to the State of Nebraska for state veterans' cemetery sites
8 or state armory sites or, if acquired for state armory sites, shall be
9 conveyed in the manner strictly as provided in sections 18-1001 to
10 18-1006, (4) to make all contracts and do all other acts in relation to
11 the property and concerns of the city necessary to the exercise of its
12 corporate powers, and (5) to exercise such other and further powers as
13 may be conferred by law.

14 Sec. 3. Section 16-202, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 16-202 (1) Except as otherwise provided in subsection (4) of this
17 section, the power to sell and convey any real estate owned by a city
18 of the first class, including park land, ~~except real estate used in the~~
19 ~~operation of public utilities and except real estate for state armory~~
20 ~~sites for the use of the State of Nebraska as expressly provided in~~
21 ~~section 16-201~~, shall be exercised by ordinance directing the conveyance
22 of such real estate and the manner and terms thereof. Notice of such sale
23 and the terms thereof shall be published for three consecutive weeks in a
24 legal newspaper in or of general circulation in such city immediately
25 after the passage and publication of such ordinance.
26 (2) If within thirty days after the passage and publication of such
27 ordinance a remonstrance petition against such sale is signed by
28 registered voters of the city equal in number to thirty percent of the
29 registered voters of the city voting at the last regular city election
30 held therein and is filed with the city council, the property shall not
31 then, nor within one year thereafter, be sold. If the date for filing the
1 petition falls upon a Saturday, Sunday, or legal holiday, the signatures
2 shall be collected within the thirty-day period, but the filing shall be
3 considered timely if filed or postmarked on or before the next business
4 day. Upon the receipt of the petition, the city council, with the aid and
5 assistance of the election commissioner or county clerk, shall determine
6 the validity and sufficiency of signatures on the petition. The city
7 council shall deliver the petition to the election commissioner or county
8 clerk by hand carrier, by use of law enforcement officials, or by
9 certified mail, return receipt requested. Upon receipt of the petition,
10 the election commissioner or county clerk shall issue to the city council
11 a written receipt that the petition is in the custody of the election
12 commissioner or county clerk. The election commissioner or county clerk
13 shall compare the signature of each person signing the petition with the
14 voter registration records to determine if each signer was a registered
15 voter on or before the date on which the petition was filed with the city
16 council. The election commissioner or county clerk shall also compare the
17 signer's printed name, street and number or voting precinct, and city,
18 village, or post office address with the voter registration records to
19 determine whether the signer was a registered voter. The signature and
20 address shall be presumed to be valid only if the election commissioner
21 or county clerk determines that the printed name, street and number or
22 voting precinct, and city, village, or post office address matches the
23 registration records and that the registration was received on or before
24 the date on which the petition was filed with the city council. The
25 determinations of the election commissioner or county clerk may be
26 rebutted by any credible evidence which the city council finds
27 sufficient. The express purpose of the comparison of names and addresses

28 with the voter registration records, in addition to helping to determine
 29 the validity of the petition, the sufficiency of the petition, and the
 30 qualifications of the signer, shall be to prevent fraud, deception, and
 31 misrepresentation in the petition process. Upon completion of the
 1 comparison of names and addresses with the voter registration records,
 2 the election commissioner or county clerk shall prepare in writing a
 3 certification under seal setting forth the name and address of each
 4 signer found not to be a registered voter and the signature page number
 5 and line number where the name is found, and if the reason for the
 6 invalidity of the signature or address is other than the nonregistration
 7 of the signer, the election commissioner or county clerk shall set forth
 8 the reason for the invalidity of the signature. If the election
 9 commissioner or county clerk determines that a signer has affixed his or
 10 her signature more than once to the petition and that only one person is
 11 registered by that name, the election commissioner or county clerk shall
 12 prepare in writing a certification under seal setting forth the name of
 13 the duplicate signature and shall count only the earliest dated
 14 signature. The election commissioner or county clerk shall certify to the
 15 city council the number of valid signatures necessary to constitute a
 16 valid petition. The election commissioner or county clerk shall deliver
 17 the petition and the certifications to the city council within forty days
 18 after the receipt of the petition from the city council. The delivery
 19 shall be by hand carrier, by use of law enforcement officials, or by
 20 certified mail, return receipt requested. Not more than twenty signatures
 21 on one signature page shall be counted.
 22 (3) The city council shall, within thirty days after the receipt of
 23 the petition and certifications from the election commissioner or county
 24 clerk, hold a public hearing to review the petition and certifications
 25 and receive testimony regarding them. The city council shall, following
 26 the hearing, vote on whether or not the petition is valid and shall
 27 uphold the petition if sufficient valid signatures have been received.
 28 (4) This section does not apply to (a) real estate used in the
 29 operation of public utilities, (b) real estate for state armory sites for
 30 the use of the State of Nebraska as expressly provided in section 16-201,
 31 or (c) real estate for state veterans' cemetery sites for the use of the
 1 State of Nebraska as expressly provided in section 12-1301.
 2 Sec. 4. Original section 16-201, Reissue Revised Statutes of
 3 Nebraska, and sections 12-1301 and 16-202, Revised Statutes Cumulative
 4 Supplement, 2018, are repealed.
 5 Sec. 5. Since an emergency exists, this act takes effect when passed
 6 and approved according to law.
 7 2. On page 1, line 7, strike "and" and after "sections" insert "
 8 and to declare an emergency".

LEGISLATIVE BILL 889. Placed on Select File.

LEGISLATIVE BILL 1166. Placed on Select File with amendment.

[ER203](#)

1 1. On page 1, line 3, strike "and"; and in line 4 after "section"
 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 1080. Placed on Select File with amendment.

[ER207](#)

1 1. On page 2, line 1, strike "the".
 2 2. On page 3, line 11, strike "this" and insert "such".

LEGISLATIVE BILL 1185. Placed on Select File with amendment.**ER211**

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 68-1206, Revised Statutes Supplement, 2019, is

4 amended to read:

5 68-1206 (1) The Department of Health and Human Services shall
6 administer the program of social services in this state. The department
7 may contract with other social agencies for the purchase of social
8 services at rates not to exceed those prevailing in the state or the cost
9 at which the department could provide those services. The statutory
10 maximum payments for the separate program of aid to dependent children
11 shall apply only to public assistance grants and shall not apply to
12 payments for social services. As part of the provision of social services
13 authorized by section 68-1202, the department shall participate in the
14 federal child care assistance program under 42 U.S.C. 618, as such
15 section existed on January 1, 2013, and provide child care assistance to
16 families with incomes up to one hundred twenty-five percent of the
17 federal poverty level for FY2013-14 and one hundred thirty percent of the
18 federal poverty level for FY2014-15 and each fiscal year thereafter.

19 (2) As part of the provision of social services authorized by this
20 section and section 68-1202, the department shall participate in the
21 federal Child Care Subsidy program. A child care provider seeking to
22 participate in the federal Child Care Subsidy program shall comply with
23 the criminal history record information check requirements of the Child
24 Care Licensing Act. In determining ongoing eligibility for this program,
25 ten percent of a household's gross earned income shall be disregarded
26 after twelve continuous months on the program and at each subsequent
27 redetermination. In determining ongoing eligibility, if a family's income
1 exceeds one hundred thirty percent of the federal poverty level, the
2 family shall receive transitional child care assistance through the
3 remainder of the family's eligibility period or until the family's income
4 exceeds eighty-five percent of the state median income for a family of
5 the same size as reported by the United States Bureau of the Census,
6 whichever occurs first. When the family's eligibility period ends, the
7 family shall continue to be eligible for transitional child care
8 assistance if the family's income is below one hundred eighty-five
9 percent of the federal poverty level. The family shall receive
10 transitional child care assistance through the remainder of the
11 transitional eligibility period or until the family's income exceeds
12 eighty-five percent of the state median income for a family of the same
13 size as reported by the United States Bureau of the Census, whichever
14 occurs first. The amount of such child care assistance shall be based on
15 a cost-shared plan between the recipient family and the state and shall
16 be based on a sliding-scale methodology. A recipient family may be
17 required to contribute a percentage of such family's gross income for
18 child care that is no more than the cost-sharing rates in the
19 transitional child care assistance program as of January 1, 2015, for
20 those no longer eligible for cash assistance as provided in section
21 68-1724. Initial program eligibility standards shall not be impacted by
22 the provisions of this subsection.

23 (3) In determining the rate or rates to be paid by the department
24 for child care as defined in section 43-2605, the department shall adopt
25 a fixed-rate schedule for the state or a fixed-rate schedule for an area
26 of the state applicable to each child care program category of provider
27 as defined in section 71-1910 which may claim reimbursement for services
28 provided by the federal Child Care Subsidy program, except that the
29 department shall not pay a rate higher than that charged by an individual
30 provider to that provider's private clients. The schedule may provide
31 separate rates for care for infants, for children with special needs,

1 including disabilities or technological dependence, or for other
2 individual categories of children. The schedule may also provide tiered
3 rates based upon a quality scale rating of step three or higher under the
4 Step Up to Quality Child Care Act. The schedule shall be effective on
5 October 1 of every year and shall be revised annually by the department.
6 Sec. 2. Section 71-1908, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 71-1908 (1) Sections 71-1908 to 71-1923 and section 4 of this act
9 shall be known and may be cited as the Child Care Licensing Act.
10 (2) The Legislature finds that there is a present and growing need
11 for quality child care programs and facilities. There is a need to
12 establish and maintain licensure of persons providing such programs to
13 ensure that such persons are competent and are using safe and adequate
14 facilities. The Legislature further finds and declares that the
15 development and supervision of programs are a matter of statewide concern
16 and should be dealt with uniformly on the state and local levels. There
17 is a need for cooperation among the various state and local agencies
18 which impose standards on licensees, and there should be one agency which
19 coordinates the enforcement of such standards and informs the Legislature
20 about cooperation among the various agencies.

21 Sec. 3. Section 71-1912, Revised Statutes Supplement, 2019, is
22 amended to read:

23 71-1912 (1) Before issuance of a license, the department shall
24 investigate or cause an investigation to be made, when it deems
25 necessary, to determine if the applicant or person in charge of the
26 program meets or is capable of meeting the physical well-being, safety,
27 and protection standards and the other rules and regulations of the
28 department adopted and promulgated under the Child Care Licensing Act.
29 The department may investigate the character of applicants and licensees,
30 any member of the applicant's or licensee's household, and the staff and
31 employees of programs. The department may at any time inspect or cause an
1 inspection to be made of any place where a program is operating to
2 determine if such program is being properly conducted.

3 (2) All inspections by the department shall be unannounced except
4 for initial licensure visits and consultation visits. Initial licensure
5 visits are announced visits necessary for a provisional license to be
6 issued to a family child care home I, family child care home II, child
7 care center, or school-age-only or preschool program. Consultation visits
8 are announced visits made at the request of a licensee for the purpose of
9 consulting with a department specialist on ways of improving the program.

10 (3) An unannounced inspection of any place where a program is
11 operating shall be conducted by the department or the city, village, or
12 county pursuant to subsection (2) of section 71-1914 at least annually
13 for a program licensed to provide child care for fewer than thirty
14 children and at least twice every year for a program licensed to provide
15 child care for thirty or more children.

16 (4) Whenever an inspection is made, the findings shall be recorded
17 in a report designated by the department. The public shall have access to
18 the results of these inspections upon a written or oral request to the
19 department. The request must include the name and address of the program.
20 Additional unannounced inspections shall be performed as often as is
21 necessary for the efficient and effective enforcement of the Child Care
22 Licensing Act.

23 (5)(a) A person applying for a license as a child care provider or a
24 licensed child care provider under the Child Care Licensing Act shall
25 submit a request for a national criminal history record information check
26 for each child care staff member, including a prospective child care
27 staff member of the child care provider, at the applicant's or licensee's
28 expense, as set forth in this section. Beginning on October 1, 2019, a
29 prospective child care staff member shall submit to a national criminal

30 history record information check (i) prior to employment, except as
31 otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on
1 January 1, 2019, or (ii) prior to residing in a family child care home. A
2 child care staff member who was employed by a child care provider prior
3 to October 1, 2019, or who resided in a family child care home prior to
4 October 1, 2019, shall submit to a national criminal history record
5 information check by October 1, 2021, unless the child care staff member
6 ceases to be a child care staff member prior to such date.

7 (b) A child care staff member shall be required to undergo a
8 national criminal history record information check not less than once
9 during each five-year period. A child care staff member shall submit a
10 complete set of his or her fingerprints to the Nebraska State Patrol. The
11 Nebraska State Patrol shall transmit a copy of the child care staff
12 member's fingerprints to the Federal Bureau of Investigation for a
13 national criminal history record information check. The national criminal
14 history record information check shall include information concerning
15 child care staff members from federal repositories of such information
16 and repositories of such information in other states, if authorized by
17 federal law for use by the Nebraska State Patrol. The Nebraska State
18 Patrol shall issue a report to the department that includes the
19 information collected from the national criminal history record
20 information check concerning child care staff members. The department
21 shall seek federal funds, if available, to assist child care providers
22 and child care staff members with the costs of the fingerprinting and
23 national criminal history record information check. If the department
24 does not receive sufficient federal funds to assist child care providers
25 and staff members with such costs, then the A child care staff member
26 being screened, applicant for a license, or licensee shall pay the actual
27 cost of the fingerprinting and national criminal history record
28 information check, except that the department may pay all or part of the
29 cost if funding becomes available. The department and the Nebraska State
30 Patrol may adopt and promulgate rules and regulations concerning the
31 costs associated with the fingerprinting and the national criminal
1 history record information check. The department may adopt and promulgate
2 rules and regulations implementing national criminal history record
3 information check requirements for child care providers and child care
4 staff members.

5 (c) A child care staff member shall also submit to the following
6 background checks at his or her expense not less than once during each
7 five-year period:

8 (i) A search of the National Crime Information Center's National Sex
9 Offender Registry; and

10 (ii) A search of the following registries, repositories, or data
11 bases in the state where the child care provider is located or where the
12 child care staff member resides and each state where the child care
13 provider was located or where the child care staff member resided during
14 the preceding five years:

15 (A) State criminal registries or repositories;
16 (B) State sex offender registries or repositories; and
17 (C) State-based child abuse and neglect registries and data bases.

18 (d) Any individual shall be ineligible for employment by a child
19 care provider if such individual:

20 (i) Refuses to consent to the national criminal history record
21 information check or a background check described in this subsection;
22 (ii) Knowingly makes a materially false statement in connection with
23 the national criminal history record information check or a background
24 check described in this subsection;
25 (iii) Is registered, or required to be registered, on a state sex
26 offender registry or repository or the National Sex Offender Registry; or
27 (iv) Has been convicted of a crime of violence, a crime of moral

28 turpitude, or a crime of dishonesty.

29 (e) The department may adopt and promulgate rules and regulations
30 for purposes of this section ~~prohibiting the employment of any child care~~
31 ~~staff member with one or more criminal convictions as the department~~
1 ~~deems necessary to protect the health and safety of children receiving~~
2 ~~child care.~~

3 (f) A child care provider shall be ineligible for a license under
4 the Child Care Licensing Act and shall be ineligible to participate in
5 the child care subsidy program if the provider employs a child care staff
6 member who is ineligible for employment under subdivisions (d) or (e) of
7 this subsection.

8 (g) National criminal history record information and information
9 from background checks described in this subsection subject to state or
10 federal confidentiality requirements may only be used for purposes of
11 granting a child care license or approving a child care provider for
12 participation in the child care subsidy program.

13 (h) For purposes of this subsection:

14 (i) Child care provider means a child care program required to be
15 licensed under the Child Care Licensing Act; and

16 (ii) Child care staff member means an individual who is not related
17 to all of the children for whom child care services are provided and:

18 (A) Who is employed by a child care provider for compensation,
19 including contract employees or self-employed individuals;

20 (B) Whose activities involve the care or supervision of children for
21 a child care provider or unsupervised access to children who are cared
22 for or supervised by a child care provider; or

23 (C) Who is residing in a family child care home and who is eighteen
24 years of age or older.

25 Sec. 4. (1) For purposes of this section, child care staff member
26 means an individual who is not related to all of the children for whom
27 child care services are provided and:

28 (a) Who is employed for compensation by a child care provider not
29 required to be licensed under the Child Care Licensing Act, including
30 contract employees or self-employed individuals;

31 (b) Whose activities involve the care or supervision of children for
1 a child care provider or unsupervised access to children who are cared
2 for or supervised by a child care provider; or

3 (c) Who is residing in a family child care home and who is eighteen
4 years of age or older.

5 (2) Beginning on October 1, 2020, an individual who is not required
6 to be licensed under the Child Care Licensing Act but seeks to
7 participate as a provider in the federal Child Care Subsidy program shall
8 submit a request for a national criminal history record information check
9 for each child care staff member, including a prospective child care
10 staff member of the child care provider, (a) prior to the child care
11 provider being approved to participate as a child care provider in the
12 federal Child Care Subsidy program, except as otherwise permitted under
13 45 C.F.R. 98.43, as such regulation existed on January 1, 2020, or (b)
14 prior to residing in a family child care home. A child care staff member
15 who was a provider in the federal Child Care Subsidy program prior to
16 October 1, 2020, or who resided in a family child care home prior to
17 October 1, 2020, shall submit to a national criminal history record
18 information check by October 1, 2021, unless the child care staff member
19 ceases to be a child care staff member prior to such date. The child care
20 staff member or the child care provider seeking to participate in the
21 subsidy program shall pay the cost of such national criminal history
22 record information check. A person who undergoes a national criminal
23 history record information check to obtain a license under the Child Care
24 Licensing Act or work as a child care staff member and is in good
25 standing with the department shall not be required to undergo an

26 additional national criminal history record information check to become a
 27 child care provider in the federal Child Care Subsidy program if the
 28 person has not been separated from employment from a child care provider
 29 within the state for a period of not more than one hundred eighty
 30 consecutive days.

31 (3) Any individual, entity, or provider shall be ineligible to
 1 participate in the federal Child Care Subsidy program if such individual,
 2 entity, or provider:

3 (a) Refuses to consent to the national criminal history record
 4 information check described in this section;

5 (b) Knowingly makes a materially false statement in connection with
 6 the national criminal history record information check described in this
 7 section;

8 (c) Is registered, or required to be registered, on a state sex
 9 offender registry or repository or the National Sex Offender Registry; or
 10 (d) Has been convicted of a crime of violence, a crime of moral

11 turpitude, or a crime of dishonesty.
 12 Sec. 5. Section 71-1928.01, Revised Statutes Supplement, 2019, is

13 amended to read:
 14 71-1928.01 (1) Any individual eighteen years of age or older working
 15 in a residential child-caring agency shall be required to undergo a
 16 national criminal history record information check not less than once
 17 during each five-year period that he or she is working in such an agency.
 18 The individual shall submit a complete set of his or her fingerprints to
 19 the Nebraska State Patrol. The Nebraska State Patrol shall transmit a
 20 copy of the individual's fingerprints to the Federal Bureau of
 21 Investigation for a national criminal history record information check.
 22 The national criminal history record information check shall include
 23 information concerning the individual from federal repositories of such
 24 information and repositories of such information in other states, if
 25 authorized by federal law for use by the Nebraska State Patrol. The
 26 Nebraska State Patrol shall issue a report to the department that
 27 includes the information collected from the national criminal history
 28 record information check concerning the individual. The department shall
 29 seek federal funds, if available, to assist residential child-caring
 30 agencies and individuals working in a residential child-caring agency
 31 with the costs of the fingerprinting and national criminal history record
 1 information check. If the department does not receive sufficient federal
 2 funds to assist residential child-caring agencies and individuals working
 3 in a residential child-caring agency with such costs, then the ~~The~~
 4 individual being screened or the residential child-caring agency shall
 5 pay the actual cost of the fingerprinting and national criminal history
 6 record information check, except that the department may pay all or part
 7 of the cost if funding becomes available. The department and the Nebraska
 8 State Patrol may adopt and promulgate rules and regulations concerning
 9 the costs associated with the fingerprinting and the national criminal
 10 history record information check. The department may adopt and promulgate
 11 rules and regulations implementing national criminal history record
 12 information check requirements for residential child-caring agencies.
 13 (2) An individual eighteen years of age or older working in a
 14 residential child-caring agency shall also submit to the following
 15 background checks not less than once during each five-year period: A
 16 search of the following registries, repositories, or data bases in the
 17 state where the individual resides and each state where the individual
 18 resided during the preceding five years:
 19 (a) State criminal registries or repositories;
 20 (b) State sex offender registries or repositories; and
 21 (c) State-based child abuse and neglect registries and data bases.
 22 Sec. 6. Original section 71-1908, Reissue Revised Statutes of
 23 Nebraska, and sections 68-1206, 71-1912, and 71-1928.01, Revised Statutes

24 Supplement, 2019, are repealed.
 25 2. On page 1, line 3, strike "and 71-1912" and insert ", 71-1912,
 26 and 71-1928.01"; and strike beginning with the first "to" in line 4
 27 through line 9 and insert "to change provisions relating to participation
 28 in the federal Child Care Subsidy program and criminal history record
 29 information checks for child care staff members and child care providers;
 30 to provide for reimbursement for criminal history record information
 31 checks as prescribed; to define a term; to provide for criminal history
 1 record information checks for unlicensed providers of child care
 2 participating in the federal Child Care Subsidy program; to harmonize
 3 provisions; and to repeal the original sections."

LEGISLATIVE BILL 1060. Placed on Select File with amendment.

[ER208](#)

1 1. On page 1, line 3, strike "define a term" and insert "change
 2 provisions relating to racial discrimination".

LEGISLATIVE BILL 1183. Placed on Select File with amendment.

[ER205](#)

1 1. On page 1, line 3, after the semicolon insert "to adopt the
 2 Population Health Information Act;"; and in line 5 after "system" insert
 3 "and the statewide health information exchange".

LEGISLATIVE BILL 912. Placed on Select File with amendment.

[ER206](#) is available in the Bill Room.

LEGISLATIVE BILL 1140. Placed on Select File with amendment.

[ER214](#)

1 1. On page 1, strike beginning with "youth" in line 1 through line 3
 2 and insert "juveniles; to amend sections 43-401 and 43-403, Reissue
 3 Revised Statutes of Nebraska, and section 43-251.01, Revised Statutes
 4 Cumulative Supplement, 2018; to provide operations requirements for youth
 5 rehabilitation and treatment centers; to require youth rehabilitation and
 6 treatment center operations plans and emergency placement plans from the
 7 Department of Health and Human Services under the Health and Human
 8 Services, Office of Juvenile Services Act; to require a needs assessment
 9 and cost analysis for an inpatient adolescent psychiatric unit; to change
 10 provisions relating to transportation to youth rehabilitation and
 11 treatment centers; to provide a duty for the Revisor of Statutes; to
 12 harmonize provisions; to provide operative dates; to repeal the original
 13 sections; and to declare an emergency."

LEGISLATIVE BILL 1144. Placed on Select File with amendment.

[ER209](#)

1 1. In the Standing Committee amendments, AM2785:
 2 a. On page 1, line 13, strike "(3)", show as stricken, and insert
 3 "(5)"; and
 4 b. On page 10, line 10, strike "17" and insert "15".
 5 2. On page 1, strike beginning with "the" in line 1 through line 7
 6 and insert "state institutions; to amend sections 81-8,242, 81-8,243,
 7 81-8,246, 81-8,247, 81-8,249, 81-8,250, 81-8,251, 81-8,252, 81-8,253, and
 8 81-8,254, Reissue Revised Statutes of Nebraska, and section 43-4318,
 9 Revised Statutes Cumulative Supplement, 2018; to provide for notice and
 10 reporting to the office of Inspector General of Nebraska Child Welfare;
 11 to create the Youth Rehabilitation and Treatment Center Special Oversight
 12 Committee of the Legislature; to eliminate obsolete language relating to

13 the Public Counsel; to require an annual review and physical inspection
 14 of and a staffing report on certain state institutions by the Public
 15 Counsel; and to repeal the original sections."

LEGISLATIVE BILL 1188. Placed on Select File with amendment.
[ER212](#) is available in the Bill Room.

LEGISLATIVE BILL 1148. Placed on Select File with amendment.
[ER215](#) is available in the Bill Room.

LEGISLATIVE BILL 835. Placed on Select File with amendment.
[ER216](#) is available in the Bill Room.

LEGISLATIVE BILL 918. Placed on Select File.
LEGISLATIVE BILL 918A. Placed on Select File.

LEGISLATIVE BILL 780. Placed on Select File with amendment.
[ER213](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 82-312, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 82-312 The duties of the council shall be:
 6 (1) To stimulate and encourage throughout the state the study and
 7 presentation of the performing and fine arts and public interest and
 8 participation therein;
 9 (2) To make such surveys as may be deemed advisable of public and
 10 private institutions within the state engaged in artistic and cultural
 11 activities, including, but not limited to, music, theatre, dance,
 12 painting, sculpture, architecture, and allied arts and crafts, and to
 13 make recommendations concerning appropriate methods to encourage
 14 participation in and appreciation of the arts to meet the legitimate
 15 needs and aspirations of persons in all parts of the state;
 16 (3) To take such steps as may be necessary and appropriate to
 17 encourage public interest in the cultural heritage of our state and to
 18 expand the state's cultural resources; ~~and~~
 19 (4) To encourage and assist freedom of artistic expression essential
 20 for the well-being of the arts; ~~and~~ ~~;~~
 21 (5) To recommend to the Legislature a plan to divide the state into
 22 creative districts and certify them based on geographically contiguous
 23 area, artistic or cultural activities or facilities, promotion and
 24 preservation of artistic or cultural sites or events, educational uses of
 25 artistic or cultural activities or sites, and unique or niche areas,
 26 activities, events, facilities, or sites.
 27 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is
 1 amended to read:
 2 82-313 (1) The Nebraska Arts Council may:
 3 (a) ~~Hold (1) hold~~ public and private hearings; ~~;~~
 4 (b) ~~Enter (2) enter~~ into contracts, within the limit of funds
 5 available therefor, with individuals, organizations, and institutions for
 6 services furthering the educational objectives of the council's
 7 programs; ~~;~~
 8 (c) ~~Enter (3) enter~~ into contracts, within the limit of funds
 9 available therefor, with local and regional associations for cooperative
 10 endeavors furthering the educational objectives of the council's
 11 programs; ~~;~~

12 (d) ~~Accept~~ (4) ~~accept~~ gifts, contributions, and bequests of
 13 unrestricted funds from individuals, foundations, corporations, and other
 14 organizations or institutions for the purpose of furthering the
 15 educational objectives of the council's programs; ~~;~~
 16 (e) ~~Distribute~~ (5) ~~distribute~~ funds appropriated by the Legislature
 17 to any organization which has been designated as the state affiliate of
 18 the National Endowment for the Humanities for the period covered by the
 19 appropriation; ~~;~~
 20 (f) ~~Make~~ (6) ~~make~~ and sign any agreements and do and perform any
 21 acts that may be necessary to carry out the purposes of sections 82-309
 22 to 82-316; ~~;~~
 23 (g) ~~Enter~~ (7) ~~enter~~ into contracts, make and sign any agreements,
 24 and perform any acts that may be necessary to stabilize funding for the
 25 arts and humanities and to carry out the intent of sections 82-330 to
 26 82-333; ~~;~~
 27 (h) ~~Prepare a plan that would permit, to the extent that funds are~~
 28 ~~available, the establishment of a competitive grant program to award a~~
 29 ~~grant to any creative district that is certified pursuant to the plan~~
 30 ~~adopted by the Legislature under subdivision (5) of section 82-312 and~~
 31 ~~that meets the criteria for the competitive grant, including eligibility~~
 1 ~~criteria, application and appeal processes, conditions on receipt of a~~
 2 ~~grant, and consequences of failure to meet the conditions; and~~
 3 (i) ~~Adopt and~~ (8) ~~adopt~~ and promulgate rules and regulations to
 4 carry out its powers and duties.
 5 (2) The council may request from any department, division, board,
 6 bureau, commission, or agency of the state such assistance and data as
 7 will enable it properly to carry out its powers and duties.
 8 Sec. 3. Section 82-332, Reissue Revised Statutes of Nebraska, is
 9 amended to read:
 10 82-332 (1) The Nebraska Arts and Humanities Cash Fund is created.
 11 The fund shall consist of all funds credited from the Nebraska Cultural
 12 Preservation Endowment Fund pursuant to section 82-331. The Nebraska Arts
 13 Council shall administer and distribute the Nebraska Arts and Humanities
 14 Cash Fund. The Nebraska Arts Council and may, through the end of fiscal
 15 year 2019-20, use up to thirty thousand dollars annually to defray costs
 16 directly related to the administration of sections 82-330 to 82-333.
 17 Beginning in fiscal year 2020-21 and each fiscal year thereafter, the
 18 Nebraska Arts Council may use from the Nebraska Arts and Humanities Cash
 19 Fund an amount equivalent to one-half of one percent of the balance of
 20 the Nebraska Cultural Preservation Endowment Fund to defray costs
 21 directly related to the administration of sections 82-330 to 82-333. The
 22 annual calculation of the administrative-costs limit shall be carried out
 23 in conjunction with the budget division of the Department of
 24 Administrative Services. The calculation shall be carried out no later
 25 than September 10 of each fiscal year and shall be based upon the balance
 26 of the Nebraska Cultural Preservation Endowment Fund as it existed on
 27 June 30 of the previous year. Expenditures designated as administrative
 28 costs shall not be subject to the private matching fund requirements set
 29 forth in subsection (2) of this section.
 30 (2) All disbursements from the Nebraska Arts and Humanities Cash
 31 Fund that are to support arts and humanities projects, endowments, or
 1 programs shall be matched dollar-for-dollar by sources other than state
 2 funds. The match funds shall be new money generated for endowments
 3 established by the Nebraska Arts Council or Nebraska Humanities Council
 4 or qualified endowments of their constituent organizations, new money
 5 generated as a result of seed grants to recipients, or new money
 6 generated by the Nebraska Arts Council or Nebraska Humanities Council for
 7 arts or humanities education. Matching funds shall also include earnings
 8 generated by qualified private endowments formed in accordance with this
 9 section. For purposes of this section, new money means a contribution to

10 a qualified endowment generated after July 1, 2011. Contributions not
 11 fully matched by state funds shall be carried forward to succeeding years
 12 and remain available to provide a dollar-for-dollar match for state
 13 funds. For an endowment to be a qualified endowment (a) the endowment
 14 must meet the standards set by the Nebraska Arts Council or Nebraska
 15 Humanities Council, (b) the endowment must be intended for long-term
 16 stabilization of the organization, and (c) the funds of the endowment
 17 must be endowed and only the earnings thereon expended. An organization
 18 is a constituent organization if it receives funding from the Nebraska
 19 Arts Council or Nebraska Humanities Council and is tax exempt under
 20 section 501 of the Internal Revenue Code. The match funds required by
 21 this section shall not include in-kind contributions. The budget division
 22 of the Department of Administrative Services shall approve allotment and
 23 disbursement of funds from the Nebraska Arts and Humanities Cash Fund
 24 that are governed by this subsection only to the extent the Nebraska Arts
 25 Council has provided documentation of the dollar-for-dollar match
 26 required by this section. Funds from the Nebraska Arts and Humanities
 27 Cash Fund may be used for the purpose of obtaining challenge grants from
 28 the National Endowment for the Humanities or the National Endowment for
 29 the Arts.

30 (3) Rules and regulations of the Nebraska Arts Council shall provide
 31 that the ultimate use of disbursements from the Nebraska Arts and
 1 Humanities Cash Fund authorized under subsection (2) of this section
 2 shall be in a ratio of seventy percent to projects, endowments, or
 3 programs designated by the Nebraska Arts Council and thirty percent to
 4 projects, endowments, or programs designated by the Nebraska Humanities
 5 Council.

6 (4) Any money in the fund available for investment shall be invested
 7 by the state investment officer pursuant to the Nebraska Capital
 8 Expansion Act and the Nebraska State Funds Investment Act.

9 Sec. 4. Sections 1, 2, and 5 of this act become operative three
 10 calendar months after the adjournment of this legislative session. The
 11 other sections of this act become operative on their effective date.

12 Sec. 5. Original sections 82-312 and 82-313, Reissue Revised
 13 Statutes of Nebraska, are repealed.

14 Sec. 6. Original section 82-332, Reissue Revised Statutes of
 15 Nebraska, is repealed.

16 Sec. 7. Since an emergency exists, this act takes effect when
 17 passed and approved according to law.

18 2. On page 1, strike beginning with "section" in line 1 through
 19 "section" in line 4 and insert "sections 82-312, 82-313, and 82-332,
 20 Reissue Revised Statutes of Nebraska; to provide powers and duties
 21 relating to establishment and certification of creative districts and
 22 funding competitive grants; to change provisions relating to expenditures
 23 for administrative costs for cultural preservation activities; to
 24 harmonize provisions; to provide operative dates; to repeal the original
 25 sections".

LEGISLATIVE BILL 780A. Placed on Select File.

LEGISLATIVE BILL 1003. Placed on Select File with amendment.

ER217

1 1. On page 1, strike beginning with "cities" in line 1 through line
 2 5 and insert "cities and villages; to amend sections 13-2102, 14-1813,
 3 15-103, 15-104, 15-105, 15-106, 15-106.01, 15-106.02, 15-108, 15-110,
 4 15-111, 15-112, 15-113, 15-115, 15-116, 15-117, 15-118, 15-201,
 5 15-201.01, 15-204, 15-205, 15-207, 15-208, 15-209, 15-210, 15-212,
 6 15-215, 15-216, 15-217, 15-218, 15-219, 15-220, 15-221, 15-222, 15-223,
 7 15-224, 15-225, 15-228, 15-229, 15-229.01, 15-229.02, 15-230, 15-231,

8 15-234, 15-235, 15-235.01, 15-235.03, 15-236, 15-237, 15-238, 15-239,
 9 15-240, 15-242, 15-243, 15-244, 15-247, 15-250, 15-252, 15-254, 15-255,
 10 15-256, 15-257, 15-258, 15-259, 15-261, 15-262, 15-263, 15-264, 15-265,
 11 15-266, 15-268.01, 15-269, 15-270, 15-271, 15-272, 15-273, 15-274,
 12 15-307, 15-308, 15-309, 15-309.01, 15-310, 15-311, 15-314, 15-315,
 13 15-316, 15-317, 15-322, 15-326, 15-332, 15-401, 15-402, 15-403, 15-406,
 14 15-501, 15-502, 15-701, 15-701.01, 15-701.02, 15-702.01, 15-702.02,
 15 15-702.03, 15-702.04, 15-708, 15-717, 15-720, 15-724, 15-725, 15-726,
 16 15-727, 15-728, 15-729, 15-734, 15-735, 15-751, 15-752, 15-753, 15-754,
 17 15-807, 15-808, 15-809, 15-810, 15-811, 15-812, 15-813, 15-814, 15-816,
 18 15-817, 15-818, 15-819, 15-821, 15-822, 15-823, 15-824, 15-834, 15-835,
 19 15-840, 15-841, 15-842.01, 15-845, 15-848, 15-901, 15-902, 15-1101,
 20 15-1102, 15-1103, 15-1104, 15-1105, 15-1106, 15-1201, 15-1204, 15-1205,
 21 15-1305, and 71-1599, Reissue Revised Statutes of Nebraska, sections
 22 3-502, 15-102, 15-202, 15-211, 15-241, 15-268, 15-404, 15-709, 15-713,
 23 15-718, 15-905, 15-1017, 15-1202, 15-1203, 17-105, 17-405.01, 18-2109,
 24 18-2115, 18-2117.02, 18-2117.03, 18-2142.05, 19-5205, and 19-5305,
 25 Revised Statutes Cumulative Supplement, 2018, and sections 13-2705,
 26 16-401, 18-2101.02, 18-2103, 18-2115.01, 19-612, 19-927, 32-538, and
 27 84-304, Revised Statutes Supplement, 2019; to provide deadlines for
 1 filling vacancies on certain boards, authorities, and agencies as
 2 prescribed; to change provisions relating to enterprise zones under the
 3 Enterprise Zone Act; to change requirements for grant of assistance
 4 applications; to change and eliminate provisions relating to cities and
 5 villages; to change provisions relating to quorum requirements for the
 6 city council; to define and redefine terms; to provide annexation powers
 7 for purposes of relocation due to catastrophic flooding; to change and
 8 eliminate provisions of the Community Development Law; to change
 9 provisions relating to elections and numbers of city council members and
 10 planning commission meetings; to eliminate provisions relating to street
 11 railways; to harmonize provisions; to provide operative dates; to repeal
 12 the original sections; to outright repeal sections 15-730, 15-731,
 13 15-732, and 15-733, Reissue Revised Statutes of Nebraska; and to declare
 14 an emergency."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB1008:
AM2951

(Amendments to Standing Committee amendments, AM2737)

- 1 1. Insert the following new section:
- 2 Sec. 46. It is the intent of the Legislature to appropriate
- 3 \$130,000,000 in FY2020-21 for property tax relief and state aid to
- 4 education.
- 5 2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525

Wednesday, April 8, 2020 12:00 p.m.

Presentation of the Nebraska Investment Council Annual Report to the Nebraska Retirement Systems Committee pursuant to section 72-1243(2). (cancel)

Presentation of the Nebraska Public Employees Retirement Systems Annual Report to the Nebraska Retirement Systems Committee pursuant to section 84-1503(3). (cancel)

(Signed) Mark Kolterman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1198. Senator Slama withdrew her amendment, [AM2842](#), found on page 883, considered and withdrawn on page 906, and refiled in this day's Journal.

Senator Stinner offered the following amendment:

[AM2976](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. There is hereby appropriated \$83,619,600 from the
4 Governor's Emergency Cash Fund for FY2019-20 to the Military Department,
5 for Program 191 - Governor's Emergency Program - COVID-19, to aid in
6 carrying out the goals of the Governor's Emergency Program.
7 There is no salary limitation for this program.
8 Cash Fund expenditures shall not be limited to the amount shown.
9 The unexpended Cash Fund appropriation balance existing on June 30,
10 2020, is hereby reappropriated.
11 Sec. 2. Section 84-612, Revised Statutes Supplement, 2019, is
12 amended to read:
13 84-612 (1) There is hereby created within the state treasury a fund
14 known as the Cash Reserve Fund which shall be under the direction of the
15 State Treasurer. The fund shall only be used pursuant to this section.
16 (2) The State Treasurer shall transfer funds from the Cash Reserve
17 Fund to the General Fund upon certification by the Director of
18 Administrative Services that the current cash balance in the General Fund
19 is inadequate to meet current obligations. Such certification shall
20 include the dollar amount to be transferred. Any transfers made pursuant
21 to this subsection shall be reversed upon notification by the Director of
22 Administrative Services that sufficient funds are available.
23 (3) In addition to receiving transfers from other funds, the Cash
24 Reserve Fund shall receive federal funds received by the State of
25 Nebraska for undesignated general government purposes, federal revenue
26 sharing, or general fiscal relief of the state.
27 (4) The State Treasurer, at the direction of the budget
1 administrator of the budget division of the Department of Administrative
2 Services, shall transfer not to exceed forty million seven hundred
3 fifteen thousand four hundred fifty-nine dollars in total from the Cash
4 Reserve Fund to the Nebraska Capital Construction Fund between July 1,
5 2013, and June 30, 2018.
6 (5) The State Treasurer shall transfer the following amounts from

7 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
8 dates as directed by the budget administrator of the budget division of
9 the Department of Administrative Services:
10 (a) Seven million eight hundred four thousand two hundred ninety-two
11 dollars on or after June 15, 2016, but before June 30, 2016;
12 (b) Five million fifty-eight thousand four hundred five dollars on
13 or after July 1, 2018, but before June 30, 2019, on such dates and in
14 such amounts as directed by the budget administrator of the budget
15 division of the Department of Administrative Services;
16 (c) Fifteen million three hundred seventy-eight thousand three
17 hundred nine dollars on or after January 1, 2019, but before June 30,
18 2019, on such dates and in such amounts as directed by the budget
19 administrator of the budget division of the Department of Administrative
20 Services; and
21 (d) Fifty-four million seven hundred thousand dollars on or after
22 July 1, 2019, but before June 15, 2021, on such dates and in such amounts
23 as directed by the budget administrator of the budget division of the
24 Department of Administrative Services.
25 (6) The State Treasurer shall transfer seventy-five million two
26 hundred fifteen thousand three hundred thirteen dollars from the Cash
27 Reserve Fund to the Nebraska Capital Construction Fund on or before July
28 31, 2017, on such date as directed by the budget administrator of the
29 budget division of the Department of Administrative Services.
30 (7) The State Treasurer shall transfer thirty-one million dollars
31 from the Cash Reserve Fund to the General Fund after July 1, 2017, but
1 before July 15, 2017, on such date as directed by the budget
2 administrator of the budget division of the Department of Administrative
3 Services.
4 (8) The State Treasurer shall transfer thirty-one million dollars
5 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
6 before October 15, 2017, on such date as directed by the budget
7 administrator of the budget division of the Department of Administrative
8 Services.
9 (9) The State Treasurer shall transfer thirty-one million dollars
10 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
11 before January 15, 2018, on such date as directed by the budget
12 administrator of the budget division of the Department of Administrative
13 Services.
14 (10) The State Treasurer shall transfer thirty-two million dollars
15 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
16 before April 15, 2018, on such date as directed by the budget
17 administrator of the budget division of the Department of Administrative
18 Services.
19 (11) The State Treasurer shall transfer one hundred million dollars
20 from the Cash Reserve Fund to the General Fund on or before June 30,
21 2018, on such dates and in such amounts as directed by the budget
22 administrator of the budget division of the Department of Administrative
23 Services.
24 (12) The State Treasurer shall transfer forty-eight million dollars
25 from the Cash Reserve Fund to the General Fund after March 1, 2019, but
26 before March 15, 2019, on such date as directed by the budget
27 administrator of the budget division of the Department of Administrative
28 Services.
29 (13) The State Treasurer shall transfer eighty-three million six
30 hundred nineteen thousand six hundred dollars from the Cash Reserve Fund
31 to the Governor's Emergency Cash Fund on or before June 30, 2020, on such
1 dates and in such amounts as directed by the budget administrator of the
2 budget division of the Department of Administrative Services.
3 Sec. 3. Original section 84-612, Revised Statutes Supplement, 2019,
4 is repealed.
5 Sec. 4. Since an emergency exists, this act takes effect when passed
6 and approved according to law.

The Stinner amendment was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

EASE

The Legislature was at ease from 1:49 p.m. until 2:57 p.m.

SPEAKER SCHEER PRESIDING

BILL ON FIRST READING

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

LEGISLATIVE BILL 944A. Introduced by Geist, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 944, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1198. Placed on Final Reading.

[ST52](#)

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

1. On page 1, the matter beginning with "appropriate" in line 1 through line 2 has been struck and "amend section 84-612, Revised Statutes Supplement, 2019; to appropriate funds for the Governor's Emergency Program - COVID-19; to transfer funds from the Cash Reserve Fund; to repeal the original section; and to declare an emergency." inserted.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB1003.

Senator Vargas name added to LB1003.

ADJOURNMENT

At 2:58 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Tuesday, March 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 24, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 2020

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht, Blood, Briese, Cavanaugh, Crawford, DeBoer, Halloran, B. Hansen, Hilkemann, Howard, Kolowski, Lindstrom, Linehan, McCollister, McDonnell, Moser, Murman, Pansing Brooks, Vargas, Walz, and Wayne who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

ADJOURNMENT

At 9:04 a.m., on a motion by Senator Brewer, the Legislature adjourned until 1:30 p.m., Wednesday, March 25, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 25, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 2020

PRAYER

The prayer was offered by Senator DeBoer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Foley presiding.

The roll was called and all members were present except Senators Halloran, Hilkemann, McCollister, and Pansing Brooks who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1106. Placed on General File with amendment. [AM2870](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB1106](#):

[AM2872](#)

(Amendments to Standing Committee amendments, AM2870)

1 1. On page 4, line 14, after "real" insert "property".

Senator Linehan filed the following amendment to [LB1106](#):

[AM2871](#)

(Amendments to Standing Committee amendments, AM2870)

1 1. On page 1, line 10, strike "its".

Senator Linehan filed the following amendment to LB1106:

AM2873

(Amendments to Standing Committee amendments, AM2870)

1 1. On page 4, line 16, strike "such" and insert "the".

REPORTS

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

MOTION(S) - Suspend Rules

Senator Scheer offered the following motion to LB1198:

MO177

Suspend Rule 8, Sec. 5 to permit the bill to be read on Final Reading prior to the 45th legislative day.

The Scheer motion to suspend the rules prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1198. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2019; to appropriate funds for the Governor's Emergency Program - COVID-19; to transfer funds from the Cash Reserve Fund; to repeal the original section; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Halloran Hilkemann McCollister Pansing Brooks

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: LB1198.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LB1198e.

(Signed) Robert Hilkemann

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 2020, at 1:45 p.m. was the following: LB1198e.

(Signed) Laura Gerkin
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR

March 25, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1198e was received in my office on March 25, 2020.

This bill was signed and delivered to the Secretary of State on March 25, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

ADJOURNMENT

At 1:55 p.m., on a motion by Senator Hughes, the Legislature adjourned until the call of the Speaker.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - JULY 20, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, July 20, 2020

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hilkemann and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 1157. Placed on General File.

(Signed) Mike Hilgers, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications
Room 1525

Tuesday, July 28, 2020 12:15 p.m.

Roger Figard - Board of Public Roads Classifications and Standards
John F. Krager III - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

Education
Room 1525

Thursday, July 30, 2020 8:30 a.m.
Marjean C. Terrell - Board of Trustees of the Nebraska State Colleges

(Signed) Mike Groene, Chairperson

Health and Human Services
Video Conference Hearing

Wednesday, May 27, 2020 9:00 a.m.
Martin L. Fattig - Nebraska Rural Health Advisory Commission
Lynette Kramer - Nebraska Rural Health Advisory Commission
Jessye A. Goertz - Nebraska Rural Health Advisory Commission
April J. Dexter - Nebraska Rural Health Advisory Commission
Note: These appointments were previously heard via video conference on
May 27, 2020

Friday, May 29, 2020 2:00 p.m.
Benjamin R. Iske - Nebraska Rural Health Advisory Commission
Sandra Torres - Nebraska Rural Health Advisory Commission
Note: These appointments were previously heard via video conference on
May 29, 2020

Friday, May 29, 2020 2:30 p.m.
Rui Yi - Stem Cell Research Advisory Committee
Daniel J. Rosenthal - State Board of Health
Carolyn Petersen - Board of Emergency Medical Services
Note: These appointments were previously heard via video conference on
May 29, 2020

(Signed) Sara Howard, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 7, 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 Game and Parks Commission:

Donna Kush, 4001 S. 173 Circle, Omaha, NE 68130

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

ATTORNEY GENERAL'S OPINIONS

Opinion 20-005

SUBJECT: LB 45 – Constitutionality of the Notice and Payment Provisions of the Black-Tailed Prairie Dog Management Act

REQUESTED BY: Senator Ernie Chambers
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Joshua E. Dethlefsen, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office about the constitutionality of several provisions of the Black-Tailed Prairie Dog Management Act ("Act"), specifically (1) whether the Act violates the Due Process Clause of the Nebraska Constitution where it specifically states that failure to provide notice does not relieve landowners of the necessity of full compliance under the Act, and (2) whether the Act violates Article VII of the Nebraska Constitution when fines or penalties are directed to a fund other than for use in the common schools. Although we typically do not address the constitutionality of currently existing statutes, we will construe your question to relate to currently-pending LB 45, which calls for the repeal of the Black-Tailed Prairie Dog Management Act. Our conclusions are as follows:

- 1) The notice provisions do not violate the Due Process Clause of the Nebraska Constitution because the Act appears to require individual notice before enforcement or management actions can be taken by the county; and
- 2) The deposit of funds to a black-tailed prairie dog management fund or the county general fund if the county takes management actions does not violate the Nebraska Constitution because it is not penal in nature and, thus, is not a "fine, penalty, or license money" which must be used for

support of the common schools. However, funds from an enforcement action do appear to be penal in nature and could not be deposited in the black-tail prairie dog management fund or the county general fund and, therefore, does likely violate Article VII of the Nebraska Constitution. That provision appears to be severable from the remainder of the Act.

Our analysis supporting these conclusions is set forth below.

THE BLACK-TAILED PRAIRIE DOG MANAGEMENT ACT AND LB 45

The Black-Tailed Prairie Dog Management Act, Neb. Rev. Stat. § 23-3801 *et seq.*, was passed as LB 473 in 2012. The Act provides counties with the power to adopt "a coordinated program for the management of black-tailed prairie dogs on property within the county." Neb. Rev. Stat. § 23-3803. The Act also imposes an obligation on landowners in such counties to "effectively manage colonies present upon his, her, or its property to prevent the expansion of colonies to adjacent properties if the owner of the adjacent property objects to such expansion." Neb. Rev. Stat. § 23-3804.

If a county has adopted a coordinated management program, it is required to publish general notice in one or more newspapers of general circulation in the county on or before May 1 of each year or at other such times as the county board may determine. Neb. Rev. Stat. § 23-3806. If a county board of a county that has adopted a coordinated management program "has reason to believe, based upon information or through its own investigation," that a prairie dog colony "has expanded onto adjacent property and the owner of the adjacent property objects to such expansion" and the county board determines that management of the colony is necessary, then the county board shall serve individual notice upon the owner of record of recommended methods of when and how black-tailed prairie dogs are to be managed. *Id.* A landowner may request an informal hearing within fifteen days of the notice. *Id.*

If a landowner fails to comply with the notice and has not requested a hearing, after sixty days the county board may either "cause proper management methods to be used on such property," ("management") or shall notify the county attorney and the landowner, "shall, upon conviction, be guilty of an infraction" and shall be subject to a penalty of one hundred dollars per day for each day of violation, up to a total of one thousand five hundred dollars ("enforcement"). *Id.* If a county board elects to cause proper management methods to be used on such property, entry onto the land is authorized after forty-eight hours written notice and the cost is borne by the landowner. In such case, "the county board shall immediately cause notice to be filed of possible unpaid black-tailed prairie dog management assessments against the property upon which the management measures were used in the register of deeds office," and if the amount is unpaid for two months, "the county board shall certify to the county treasurer the

amount of such expense and such expense shall become a lien on the property upon which the management measures were taken as a special assessment levied on the date of management." *Id.* Such expenses become a part of the taxes on the land and bear interest at the same rate as delinquent taxes. *Id.*

If a landowner is dissatisfied with the amount of any costs charged to him under the Act, such landowner may file a written protest within fifteen days after being advised of the amount and the county board shall hold a hearing to determine whether the charges were appropriate. Neb. Rev. Stat. § 23-3807.

Any amounts collected under the Act "shall be deposited to the black-tailed prairie dog management fund of the county board if such fund has been created by the county board or, if no such fund has been created, then to the county general fund." Neb. Rev. Stat. § 23-3806.

LB 45, introduced by you in 2019 and carried over to 2020, proposes the complete repeal of the Black-Tailed Prairie Dog Management Act.

DISCUSSION

I. Notice Provisions.

You have asked whether the Due Process Clause of the Nebraska Constitution is violated if a person can be subjected to civil and criminal punishment under a law that explicitly disavows the requirement of notice before subjecting such person to a civil and criminal punishment. You refer specifically to Neb. Rev. Stat. § 23-3806, which provides that, "[f]ailure to publish general notice or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with the Black-Tailed Prairie Dog Management Act."

Under Article I, section 3 of the Nebraska Constitution, "[n]o person shall be deprived of life, liberty, or property, without due process of law, nor be denied the equal protection of the laws." The Supreme Court has held that, "[i]f a significant property interest is shown, due process requires notice and an opportunity to be heard that is appropriate to the case." *Am. Cent. City, Inc. v. Joint Antelope Valley Auth.*, 281 Neb. 742, 758, 807 N.W.2d 170, 183 (2011).

When interpreting a statute, "[c]omponents of a series or collection of statutes pertaining to a certain subject matter are in *pari materia* and should be conjunctively considered and construed to determine the intent of the Legislature, so that different provisions are consistent, harmonious, and sensible." *Davio v. Neb. Dept. of Health and Human Servs.*, 280 Neb. 263, 274, 786 N.W.2d 655, 665 (2010). It is our opinion, reading the statute in *pari materia*, that notice is required before any management or enforcement actions can be taken under the Act.

Although your question presumes that individual notice is not necessary for the county to act, we do not read the Act that way. To the contrary, it appears that individual notice is required for the county to institute management or enforcement activities. All of the timelines for the management or enforcement options under the Act are predicated on a date contained in the notice given to the landowner. Neb. Rev. Stat. § 23-3806(3)(a), which provides for management methods to be used on the property, states that:

If, upon expiration of the sixty-day period specified on the notice required by subdivision (1)(d)(i) of this section, the landowner has not complied with the notice and has not requested a hearing pursuant to subsection (2) of this section, the county board may cause proper management methods to be used on such property and shall advise the record landowner of the cost incurred in connection with such operation. (emphasis added).

The subdivision referenced by that provision, (1)(d)(i), describes the individual notice to be given to the landowner. So in order for the sixty-day period to begin, after which the county board may authorize management methods to be used on the property, individual notice has to be provided to the landowner specifying when that sixty-day period starts. In addition, Neb. Rev. Stat. § 23-3803, which authorizes entry onto land for purposes of the Act, states:

The county board of a county that has adopted a coordinated program for the management of black-tailed prairie dogs under section 23-3803, or anyone authorized by the county board, may enter upon property in the county for purposes of performing the duties and exercising the powers under the Black-Tailed Prairie Dog Management Act without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised and forty-eight hours' written advance notice of entrance is provided to the property owner or occupant. (emphasis added).

Thus, in addition to the individual notice, the county board is required to provide additional written notice forty-eight hours in advance of entry to an owner or occupant of such land.

Similarly, Neb. Rev. Stat. § 23-3806(3)(b), which provides for enforcement of the Act, states that:

If, upon expiration of the sixty-day period specified in the notice required by subdivision (1)(d)(ii) of this section, the landowner has not complied with the notice and has not requested a hearing pursuant to subsection (2) of this section, the county board shall notify the county attorney who shall proceed against such landowner as prescribed in this subdivision. A person who is responsible for an unmanaged colony shall, upon conviction, be guilty of an infraction pursuant to sections 29-431 to 29-438, except that the penalty shall be a fine of one hundred dollars per

day for each day of violation, up to a total of one thousand five hundred dollars for fifteen days of noncompliance. (emphasis added).

The subdivision referenced by that provision, (1)(d)(ii), also describes individual notice to be given to a landowner. So for the sixty-day period to begin, after which the matter may be referred to the county attorney, notice must be provided to the landowner of when that sixty-day period starts. In addition, if the county attorney proceeds with an action against the landowner, the county attorney would be required to serve the landowner with notice of that action.

Our reading of the statute is supported by a similar statute, the Noxious Weed Control Act, Neb. Rev. Stat. § 2-945.01 *et seq.* That act contains very similar notice requirements and contains a similar disclaimer regarding failure to provide notice: "Failure to publish general weed notices or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with the Noxious Weed Control Act and rules and regulations adopted and promulgated pursuant to the act." Neb. Rev. Stat. § 2-955. There are at least two instances in which the Nebraska Supreme Court overturned enforcement actions under the Noxious Weed Control Act because notice was insufficient despite that language. *See State v. Beethe*, 249 Neb. 743, 545 N.W.2d 108 (1996) and *State v. Brozovsky*, 249 Neb. 723, 545 N.W.2d 98 (1996). In those cases, the Supreme Court addressed the sufficiency of notice when given by a deputy weed superintendent to whom the county board had not delegated authority. Although the Court did not address the language of § 2-955 directly, that provision was present in the Noxious Weed Control Act at that time and did not prevent the Court from finding that notice was insufficient.

Given that individual notice appears to be required before any management or enforcement action can proceed, we are left with how to interpret the language you cite from Neb. Rev. Stat. § 23-3806(1)(a) that states, "[f]ailure to publish general notice or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with the Black-Tailed Prairie Dog Management Act." We acknowledge that this language is not entirely clear. However, reading the statutes in *pari materia*, we think the best reading of this language is that the obligations of the individual under the Act, rather than those of a county with a coordinated management plan—namely, to "effectively manage colonies present upon his, her, or its property to prevent the expansion of colonies to adjacent property if the owner of the adjacent property objects to such expansion,"—remain in effect whether notices were given or not. This does not mean that the county could institute management or enforcement actions without those notices because, as we have seen, the county's actions are all predicated upon timelines contained in such notices.

This conclusion is supported by the fact that a court, when facing a statute that can be read more than one way, will typically afford the statute a presumption of constitutionality. *See Thompson v. Heineman*, 289 Neb. 798,

831, 857 N.W.2d 731, 756 (2015) ("We presume that statutes are constitutional and will not strike down a statute unless its unconstitutionality is clearly established."); *Clark v. Martinez*, 543 U.S. 371, 380-81, 125 S. Ct. 716, 724 (2005) ("In other words, when deciding which of two plausible statutory constructions to adopt, a court must consider the necessary consequences of its choice. If one of them would raise a multitude of constitutional problems, the other should prevail. . ."). So to the extent the language you have quoted can be read more than one way, the court is likely to construe such language in a manner that does not cause constitutional concerns.

From the language of the Act, it would appear that a county board would not be authorized to institute either the management or enforcement options against a landowner until the required sixty-day period had expired. For the sixty-day period to begin, individual notice must be provided to the landowner notifying them of that date. Therefore, we do not believe the notice provisions violate the Due Process Clause of the Nebraska Constitution.

II. Disposition of Funds.

You have also asked whether Article VII of the Nebraska Constitution is violated when fines or penalties are diverted from exclusive use for support of the common schools and, instead, are "deposited to" a management fund or to the county general fund. You reference specifically Neb. Rev. Stat. § 23-3806(4), which provides that, "[a]mounts collected under this section shall be deposited to the black-tailed prairie dog management fund of the county board if such fund has been created by the county board or, if no such fund has been created, then to the county general fund."

Article VII, § 5(1) of the Nebraska Constitution states that:

Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of this state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all such fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five per cent in a fund for state highways and twenty-five per cent to the county general fund where the fine or penalty is paid. (emphasis added).

The Nebraska Supreme Court has stated that, "[i]t must be conceded that this provision is self-executing and if the moneys involved are penalties within the meaning of this constitutional provision, a judgment awarding them to the [school district] would be required." *School Dist. of Omaha v. Adams*, 147 Neb. 1060, 1063, 26 N.W.2d 24, 26 (1947). The Court further stated that, "[t]he distinction between a remedial and penal statute necessarily lies in the fact that the latter is prosecuted for the sole purpose of punishment, and to deter others from offending in like manner. A remedial statute, of course, is for the purpose of adjusting the rights of the parties as between themselves in respect to the wrong alleged." *Id.*

The question, then, is whether the amounts exacted under the Act are remedial or penal within the meaning of the constitutional provision.

The Act provides for two separate monetary exactions. If the county board chooses to cause management methods to be used on the property, "the cost of any such management shall be at the expense of the landowner." Neb. Rev. Stat. § 23-3806(3)(a). The Act gives the county board the ability to collect those funds through the county treasurer. If the county board chooses to refer the matter to the county attorney, however, the landowner can be found guilty of an infraction and "the penalty shall be a fine of one hundred dollars per day for each day of violation, up to a total of one thousand five hundred dollars for fifteen days of noncompliance." Neb. Rev. Stat. § 23-3806(3)(b).

It would appear that the cost of management methods used on the property of a landowner would not be penal in nature because the amount is specifically meant to make the county whole with regard to funds expended on that landowner's property. In effect, the county board is taking action that the landowner should have taken and the county is not expected to bear the cost of that action. So those funds would not fall within the constitutional provision and could legitimately be directed to the black-tail prairie dog management fund or to the county general fund.

However, if an action is brought by the county attorney and the landowner is fined as provided under the Act, that would more clearly be a penal exaction. The amount charged is not related to any amount expended by the county and looks more like a punishment for the landowner for noncompliance with the Act. Those funds would likely fall within the constitutional provision and must be used for support of the common schools.

The Noxious Weed Control Act again provides a useful parallel because it directs only funds collected for management activities to the noxious weed control fund or the county general fund, but not amounts collected if an infraction is charged. Under Neb. Rev. Stat. § 2-955(3), "[a]mounts collected under subdivision (3)(b) of this section shall be deposited to the noxious weed control fund of the control authority or, if no noxious weed control fund exists, to the county general fund." The referenced subdivision,

(3)(b), is the subdivision providing for weed control on the landowner's property. Funds generated under subdivision (3)(a), which establishes an infraction and penalty for failing to control noxious weeds, are not included in that provision. We believe this is an example of a proper fund distribution under a very similar statutory framework.

Although the disposition of funds from an enforcement action appears to be unconstitutional, that provision is likely severable from the rest of the Act. "The general rule is that when part of an act is held unconstitutional, the remainder must likewise fail, unless the unconstitutional portion is severable from the remaining portions." *Big John's Billiards, Inc. v. State*, 288 Neb. 938, 951, 852 N.W.2d 727, 739 (2014). "To determine whether an unconstitutional portion of a statute may be severed, an appellate court considers (1) whether a workable statutory scheme remains without the unconstitutional portion, (2) whether valid portions of the statute can be enforced independently, (3) whether the invalid portion was the inducement to passage of the statute, (4) whether severing the invalid portion will do violence to the intent of the Legislature, and (5) whether the statute contains a declaration of severability indicating that the Legislature would have enacted the bill without the invalid portion." *Id.* A court weighs these factors in determining severability of an unconstitutional provision. *Id.* at 952, 740. The statute does not contain a severability clause, but it appears clear that the other four factors of the test would cut in favor of severability. *Duggan v. Beermann*, 249 Neb. 411, 432, 544 N.W.2d 68, 81 (1996) ("Although the presence of a severability clause is a factor to be considered, it is not, in itself, determinative."). As to factors 1 and 2, it is clear that the remainder of the statute does not depend on where funds are directed from an enforcement action. In fact, because we have a clear constitutional provision dictating where those funds are to be directed that is superior to the statute, the workable remedy is clear: funds from those enforcement actions would simply be used for support of the common schools rather than being deposited in the black-tail prairie dog management fund or the county general fund. As to factors 3 and 4, there is no indication from a review of the legislative history that the Legislature was focused on disposition of those funds, as the vast majority of discussion was about the need to manage prairie dogs. As such, a court's consideration of the five factors would likely weigh in favor of severing the unconstitutional provision from the remainder of the Act.

CONCLUSION

In summary, we do not believe the Act violates the Due Process Clause of the Nebraska Constitution because individual notice is required before the county board can proceed with either the management or enforcement options provided under the Act. With regard to the disposition of money generated under the Act, to the extent the amounts help the county recoup money spent bringing the landowner into compliance, we do not believe it violates Article VII, Section 5 of the Nebraska Constitution. To the extent the Act directs money from penalties to a use other than the common

schools in the county, it would violate the Nebraska Constitution. However, that provision can likely be severed from the remainder of the Act.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Joshua E. Dethlefsen
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

Opinion 20-006

SUBJECT: Constitutionality of LB 1207 – The Redistricting Act

REQUESTED BY: Senator John McCollister
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office concerning the constitutionality of LB 1207. You describe the bill as establishing "statutory standards governing substance and procedures for redistricting legislation based on the decennial census performed by the U.S. Census Bureau." Your four questions are as follows:

1. Does LB 1207, either explicitly or by implication, restrict or limit the power or authority of a subsequent Legislature to enact or repeal legislation concerning the establishment of the boundaries of districts represented by elected officials in Nebraska?
2. Does LB 1207 conflict with provisions of the Constitution of the State of Nebraska that specify characteristics of the district boundaries for members of the Nebraska Supreme Court (Article V, Section 5); the Nebraska Legislature (Article III, Section 5); the Board of Regents of the University of Nebraska (Article VII, Section 10); the Public Service Commission (Article IV, Section 20); or the State Board of Education (Article VII, Section 3)?
3. Does LB 1207, either explicitly or by implication, restrict or limit the power or authority of a subsequent Legislature to adopt rules of its proceedings pursuant to Article III, Section 10 of the Constitution of the State of Nebraska?

4. Does LB 1207 conflict with any provision of the Constitution of the State of Nebraska or with any provisions of the Constitution of the United States or the Voting Rights Act of 1965 (Public Law 89-110)?

PROPOSED LEGISLATION

While we will address each of your questions in turn, our description of LB 1207 will be common to all questions.

LB 1207 creates the "Redistricting Act." LB 1207, § 3 states that the purpose of the Act is to "establish procedures" and designate "boundary lines based on population" for the election or appointment of various officials, including those listed in your second question. Section 4(2) provides that the maps shall be drawn using politically neutral criteria, which are more specifically set forth in subsections (2), (3) and (4).

LB 1207, § 5 provides that "legislative bills incorporating the initial version of the maps shall not be placed on the agenda for General File consideration until fourteen calendar days after the last public hearing held pursuant to section 6 of this act." Section 6 provides that the redistricting committee shall make maps available to the public and conduct at least one public hearing in each congressional district.

Section 7 provides that no changes other than corrective amendments shall be allowed to the initial version of the maps or the legislative bills which incorporate the maps. Section 2(2) defines a corrective amendment as "an amendment which corrects a technical error but does not substantially alter the boundary lines. . . ."

Finally, LB 1207, § 8 states that if "the Legislature fails to enact legislation to provide for district boundaries for any entity listed in section 3 of this act prior to adjournment of the legislative session, the Governor shall call a special session within thirty days after the adjournment. . . ."

ANALYSIS

I. Whether LB 1207 Would Restrict the Authority of Subsequent Legislatures to Enact or Repeal Redistricting Legislation

Our analysis begins with the fundamental principle that the Legislature has plenary legislative authority except as limited by the state and federal constitutions. *Pony Lake School District 30 v. State Committee for the Reorganization of School Districts*, 271 Neb. Neb. 173, 710 N.W.2d 609 (2006); *Lenstrom v. Thone*, 209 Neb. 783, 311 N.W.2d 884 (1981); *Dwyer v. Omaha-Douglas Public Building Commission*, 188 Neb. 30, 195 N.W.2d 236 (1972). The Nebraska Constitution is not a grant of power, but instead, a limitation of power and the Legislature may legislate upon any subject not inhibited by the Constitution. *State ex rel. Creighton University v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984).

Neb. Const. art. I, § 1 provides that "[t]he legislative authority of the state shall be vested in a Legislature consisting of one chamber." Your first question implicates another principle derived from this constitutional power of the Legislature to legislate. One legislature cannot generally bind or restrict a succeeding legislature. *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 544 N.W.2d 344 (1996) ["*Stenberg*"]. In *Stenberg*, the Legislature had enacted LB 507, which required future legislation projected to increase the total inmate population in state correctional facilities to include estimates of the operating costs resulting from the increased population. The Court held that LB 507 was an unconstitutional attempt by one legislature to restrict a future legislature from exercising its constitutional power to legislate. "The authority of a legislature is limited to the period of its own existence. One general assembly cannot bind a future one." *Stenberg*, 249 Neb. at 594, 544 N.W.2d at 348 (citing *Frost v. State.*, 172 N.W.2d 575, 583 (Iowa 1969)). In other words, one legislature cannot restrict the constitutional power of subsequent legislatures to revise, amend, or repeal an act.

In our review of LB 1207, we have found no provision which would restrict a future legislature from acting to amend or repeal the bill. A subsequent legislature could amend the statutes created by LB 1207 to set different parameters for redistricting or could determine to repeal the provisions of LB 1207 altogether.

II. Whether LB 1207 Conflicts With State Constitutional Provisions Pertaining to District Boundaries

The Nebraska Constitution sets forth requirements for the district boundaries of several elected state officials. As you point out in your second question, certain requirements for apportionment and redistricting are found in state constitutional provisions concerning districts for members of the Legislature, districts for State Board of Education members, districts for the Board of Regents members, districts for members of the Supreme Court, and districts for members of the Public Service Commission. You ask whether LB 1207 conflicts with any of these constitutional provisions.

We explained in response to your first question that the authority of the Legislature is extensive. However, while that legislative authority is very broad, it is subject to any limitations contained in the Nebraska Constitution. The question is whether any provision of LB 1207 impermissibly contradicts the constitutional provisions on apportionment and redistricting or merely supplements them.

We first note that each of the constitutional provisions which you list contains similar language concerning the population of each district created by the Legislature. For Supreme Court judicial districts and Board of Regents districts, the Legislature must divide the state into districts of "approximately equal population." Neb. Const. art. V, § 5 and Neb. Const. art. VII, § 10. For State Board of Education districts and Public Service Commission districts, the Legislature must divide the state into districts of

"substantially equal population." Neb. Const. art. VII, § 3 and Neb. Const. art. IV, § 20. Legislative districts must also be apportioned based on population and, if any county contains the population sufficient to entitle it to two or more members of the Legislature, that county shall be divided into separate districts "as nearly equal in population as may be." Neb. Const. art. III, § 5.

This principle of equal representation, or the one person-one vote rule, which underlies these population requirements is derived from the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, which requires "equal representation for equal numbers of people." *Reynolds v. Sims*, 377 U.S. 533, 560-61 (1964). There are a series of federal district court cases concerning the Nebraska legislature's multiple attempts to reapportion legislative districts following the 1960 census. The court discussed the one person-one vote doctrine in *League of Nebraska Municipalities v. Marsh*, 242 F. Supp. 357 (D. Neb. 1965) and held that a bill which reapportioned the Nebraska Legislature into 50 districts so that one vote in the smallest district created was equivalent to 1.6 votes in another district was unconstitutional. Following the enactment of a subsequent reapportionment plan, in *League of Nebraska Municipalities v. Marsh*, 253 F. Supp. 27 (D. Neb. 1966), the court pointed out that the Nebraska Constitution also required following county lines when practicable and stated that "[t]he law does not require that counties be massacred to achieve mathematical exactness." *Id.* at 30. Further, the court held that some margin of variance was acceptable and approved the redistricting plan created by LB 925, the redistricting bill at issue, in which five districts had a variance of more than 7.0 percent above the mathematical average.

Following the 1990 census, a legislative committee formulated redistricting guidelines, including a requirement that no redistricting plan would be considered in which districts deviated more than 2 percent from the ideal population. When this guideline was challenged, the Nebraska Supreme Court noted that, while several United States Supreme Court cases permitted a greater variation in district populations, such deviation was not required. "Certainly, the Legislature may adhere to a more stringent standard in order to best achieve proportional representation for the citizens of Nebraska. Indeed, such a strict standard is consistent with the requirement of article III, § 5, that any reapportionment of legislative districts be based solely on population." *Hlava v. Nelson*, 247 Neb. 482, 486, 528 N.W.2d 306, 309 (1995).

Section 3 of LB 1207 states that its purpose is to designate "boundary lines based on population" and section 4(2)(a) provides that maps and districts are to be drawn with "a population deviation of plus or minus one percent or less." This language appears consistent with the specific constitutional provisions you have listed, as interpreted by Nebraska courts.

Three of the constitutional provisions about which you inquire also require that county lines "shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature." Neb. Const. art. III, § 5 (legislative districts); Neb. Const. art. V, § 5 (Supreme Court judicial districts); Neb. Const. art. VII, § 10 (Board of Regents districts). The Nebraska Supreme Court interpreted this language in a case concerning the proposed division of Madison County after the 1990 census. *Day v. Nelson*, 240 Neb. 997, 485 N.W.2d 583 (1992). The 1990 population of Madison County closely approximated the ideal size of a legislative district at that time. The Court held that the division of Madison County violated art. III, § 5. "It is obvious that according to the plain language of article III, § 5, Madison County must constitute a single district unless not 'practicable.' It is also obvious that the presence of a number of proposed plans that apportion the state leaving District 21 substantially intact makes following that county's boundaries 'practicable.'" *Id.* at 1000-01, 485 N.W.2d at 586.

Section 4(3)(d) of LB 1207 provides that maps and districts are to be drawn with "deference to county and municipal boundary lines when appropriate." While this provision does not directly contradict the three constitutional provisions listed in the preceding paragraph, we note that the Nebraska Supreme Court, based on its holding in *Day*, could find the language of LB 1207 on following county boundaries to be less stringent than the constitutional requirements.

III. Whether LB 1207 Would Restrict the Authority of Subsequent Legislatures to Adopt Their Own Rules Pursuant to Article III, § 10

Neb. Const. art. III, § 10 provides, in pertinent part, that "the Legislature shall determine the rules of its proceedings. . . ." In interpreting this constitutional provision, the Nebraska Supreme Court stated in *State ex rel. Johnson v. Hagemester*, 161 Neb. 475, 73 N.W.2d 625 (1955), that this power "extends to the transaction of any [legislative] business, or in the performance of any duty conferred upon it by the constitution." *Id.* at 481, 73 N.W.2d at 629 (citations omitted).

"The typical understanding of state legislative bodies is that, with the limited exception of valid contractual obligations with third parties, pending matters die at the expiration of the legislative body's 2-year term." *State ex rel. Peterson v. Ebke*, 303 Neb. 637, 654, 930 N.W.2d 551, 564 (2019). "In any event, no state legislative body has been similarly described as a 'continuing body.' We hold that the Nebraska Unicameral Legislature, while unique because it is not a bicameral system, is likewise not a 'continuing body.'" *Id.* at 657, 930 N.W.2d at 566. "Finally, unlike in the Senate, all procedural rules of the Nebraska Unicameral Legislature are adopted by a majority vote at the 'commencement of each regular session in odd-numbered years,' and the adopted rules 'govern the Legislature for a period of two years.'" *Id.* at 658, 930 N.W.2d at 566.

Currently, Rule 3, § 6 of the Rules of the 106th Nebraska Legislature establishes a Redistricting Committee of the Legislature and sets out several rules to guide the Legislature's redistricting process. This rule provides that the Redistricting Committee will adopt substantive and procedural guidelines which will then be presented to the Legislature for approval. It is our understanding, based on past practice, that new substantive and procedural rules will be adopted by the 107th Legislature when that body commences its regular session in January of 2021 and that redistricting criteria will be adopted by the full legislature's approval of a legislative resolution.

LB 1207 includes provisions as to the officers of the Redistricting Committee, the holding of public hearings by the Committee, the drawing of maps and districts, the timing of placing legislative bills on the agenda and a limitation on amendments to the initial version of the maps which are drawn. It appears that LB 1207 would put into statute procedural rules for the Redistricting Committee as well as some substantive guidelines for redistricting rather than leaving those rules to be adopted by a future legislature as it commences its session. If LB 1207 were enacted, a subsequent legislature and its redistricting committee could still adopt additional rules on redistricting as long as they exercised that power in conformity with LB 1207. However, while Neb. Const. art. II, § 10 provides broad authority for the legislature to "determine the rules of its proceedings," it may not adopt rules which contradict the Constitution or attempt to modify or alter state statutes. Therefore, if a future legislature wanted to adopt redistricting rules which were not consistent with LB 1207, it would be necessary to first amend or repeal the provisions of LB 1207.

IV. Whether LB 1207 Raises Other Constitutional Concerns

Your final question asks whether LB 1207 conflicts with any provision of the state or federal constitutions or with any provision of the federal Voting Rights Act. This question is so broad that it is not possible for us to answer it within the scope of this opinion. We have discussed in section I of our opinion whether LB 1207 violates Neb. Const. art. I, § 1, and in section II whether it violates specific provisions of our state constitution which pertain to redistricting. Our response to your second question also included a brief discussion of the Equal Protection Clause of the United States Constitution. We do not believe that a general discussion of the Equal Protection Clause or the Voting Rights Act would be beneficial as cases decided under those provisions are very fact specific, depending on the details of each particular redistricting plan.

CONCLUSION

For the reasons discussed above, it is our opinion that LB 1207 does not limit the authority of a subsequent Legislature to enact legislation concerning district boundaries. Also, we conclude that LB 1207 does not

contradict the specific state constitutional provisions that you list in your second question, although a court could find the language on following county lines when establishing boundaries to be less stringent than those constitutional provisions. Finally, we conclude that, if LB 1207 were enacted, each subsequent legislature could continue to determine the rules of its proceedings. However, the rules pertaining to the redistricting committee and drawing of maps and district boundaries would need to be consistent with LB 1207 as well as pertinent constitutional provisions.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-691-29

Opinion 20-007

SUBJECT: Authority of the Governor to Distribute Payments
from the Coronavirus Relief Fund Allocated to the
State of Nebraska Under the Federal CARES Act

REQUESTED BY: Senator Steve Lathrop
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the "appropriate roles" of the Nebraska Legislature and the executive branch with respect to the distribution of federal funds received by the State of Nebraska pursuant to the Coronavirus Aid, Relief, and Economic Security Act of 2020 ("CARES Act"), Pub. L. No. 116-136 (March 27, 2020). You indicated that the Legislature is scheduled to reconvene on July 20, and that during this time the Legislature would be in the best position to appropriate the funds at issue in the event we conclude the Legislature can or must do so. Consequently, you have requested our expedited review since "time is of the essence."

BACKGROUND

On March 13, 2020, President Trump declared a national emergency due to the global pandemic caused by the novel coronavirus disease 2019 ("COVID-19").¹ Also on March 13, Governor Ricketts declared a state of emergency in Nebraska,² invoking his emergency management authority

under the Nebraska Emergency Management Act, Neb. Rev. Stat. §§ 81-829.36 to 81-829.75 (2014, Cum. Supp. 2018, Supp. 2019). Both proclamations remain in effect. According to the Nebraska Department of Health and Human Services COVID-19 Dashboard, to date there have been 22,134 confirmed cases of COVID-19 in Nebraska, including 299 fatalities.³

On March 27, 2020, the United States Congress enacted the CARES Act, which provides emergency assistance in response to COVID-19. Title V of the CARES Act created the Coronavirus Relief Fund ("CRF"), which "provides for payments to State, Local and Tribal governments navigating the impact of the COVID-19 outbreak."⁴ Under the CARES Act, the funds must only be used to cover expenses that

- (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

42 U.S.C. § 801(d). Additional provisions establish monitoring and oversight duties by the U.S. Department of the Treasury Inspector General with respect to "the receipt, disbursement, and use of funds made available under [42 U.S.C. § 801]." 42 U.S.C. § 801(f)(1). Recoupment of funds is authorized in the event an entity fails to comply with subsection (d). 42 U.S.C. § 801(f)(2).

On March 16, 2020, Speaker Jim Scheer announced that, due to COVID-19, the Legislature would not meet beginning March 17, and would remain adjourned until reconvened by his office. The Legislature reconvened on March 23, and on March 25, passed Legislative Bill 1198, which provided emergency funding to battle COVID-19. Section 1 of the bill states, in pertinent part:

There is hereby appropriated \$83,619,600 from the Governor's Emergency Cash Fund for FY2019-20 to the Military Department, for Program 191 - Governor's Emergency Program - COVID-19, to aid in carrying out the goals of the Governor's Emergency Program.

2020 Neb. Laws LB 1198, § 1. Following the passage of LB 1198 on March 25, "the Legislature adjourned until the call of the Speaker."⁵

In April, the State received approximately \$1.084 billion in CRF payments. Those funds were placed in an administratively created federal fund under Program 191, Governor's Emergency Program - COVID-19, referenced in LB 1198 above. On May 27, Governor Ricketts held a press conference during which he unveiled the State's plans to expend the CRF

funds.⁶ The State began expending CRF funds in May. Payments are ongoing.

ISSUES PRESENTED

Your request letter raises several issues for our consideration, which we have summarized below:

I. Whether certain language in 2019 Neb. Laws LB 294 (the 2019 mainline budget bill), which provides for the administrative appropriation of federal funds, constitutes a "specific appropriation" as required by Neb. Const. art. III, § 25.

II. You question the propriety of allowing the language in LB 294 to appropriate over one billion dollars in federal funds, and suggest there are "serious questions about the constitutionality of such a broad delegation of appropriations power by the Legislature to the Executive."

III. In light of the broad discretion given to the State as to how to distribute the funds, you assert that the funds are in fact "undesignated" for government purposes, which would require them to be deposited in the Cash Reserve Fund in accordance with Neb. Rev. Stat. § 84-612(3).

IV. Alternatively, if the funds are considered federal funds for emergency management purposes, you ask whether they should be deposited in a "separate and distinct fund" and appropriated by the Legislature pursuant to Neb. Rev. Stat. § 81-829.58.

V. You indicate that the Legislature appropriated federal funds received by the State under the American Recovery and Reinvestment Act ("ARRA") in 2009. However, unlike CRF funds, ARRA funding could be used to offset loss of State revenue. You question "whether this is an important distinction in determining whether the Legislature can or must appropriate the CRF dollars."

VI. Lastly, if the funds have been appropriated by LB 294 or some other mechanism, you ask whether the Legislature may change the language in LB 294 to appropriate some or all of the CRF funds.

ANALYSIS

I. Neb. Const. art. III, § 25, states:

No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may

direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

The Nebraska Supreme Court has on several occasions construed the "specific appropriation" clause in art. III, § 25. In *State v. Wallichs*, 12 Neb. 407, 11 N.W. 860 (1882), the court considered the propriety of an appropriation for services described as "[f]ugitives from justice, rewards for escaped convicts, sheriffs' fees for conveying convicts to penitentiary, etc., \$18,000." *Id.* at 408, 11 N.W. at 860 (1882) (quoting general appropriation act, approved March 1, 1881). However, the actual services involved transporting juvenile offenders to the state reform school. The court stated that "[b]y this rule the term 'specific appropriation' means a particular, a definite, a limited, a precise appropriation, which as to the services in question we do not think this appropriation is." *Id.* at 409, 11 N.W. at 861. See also *State v. Babcock*, 24 Neb. 787, 40 N.W. 316 (1888) (An appropriation of funds from the sale of lots belonging to the State in the City of Lincoln was an absolute appropriation in the amount \$78,878, even though the full proceeds from the sales had not been paid into the treasury.); *State ex rel. Norfolk Beet-Sugar Co. v. Moore*, 50 Neb. 88, 99, 69 N.W. 373, 377 (1896) ("An appropriation may be specific . . . when its amount is to be ascertained in the future from the collection of the revenue. It cannot be specific when it is to be ascertained only by the requisitions which may be made by the recipients."); *Bollen v. Price*, 129 Neb. 342, 348, 261 N.W. 689, 692 (1935) (While the court indicated that "the designation of the return of \$1.20 out of each \$5 that had been paid into [the grain warehouse] fund . . . is sufficiently definite to meet all constitutional requirements," further legislative amendment with the emergency clause allowed the court to dismiss the question of constitutional adequacy "without further consideration."); *State ex rel. Meyer v. Duxbury*, 183 Neb. 302, 307, 160 N.W.2d 88, 92 (1968) ("A fair construction of the [Clean Waters Commission Act] indicates that the Legislature intended that the fees and charges received by the commission would constitute a fund in the nature of a cash fund which the commission is authorized to use to carry on the work of the commission. The act itself is a sufficient appropriation, at least for this biennium. The proceeds received from the issuing of bonds and notes, and from municipal bonds, are not revenue requiring a specific appropriation.").

However, in *State v. Searle*, 77 Neb. 155, 109 N.W. 770 (1906), the court considered whether *federal* money designated by Congress to the University of Nebraska to conduct experimental work in agriculture could be expended by the University without a specific appropriation. The court stated that

[i]t is contended by the respondent that the fund having been paid to the State Treasurer it cannot be expended by the board without a specific appropriation thereof by the Legislature; and to sustain that contention our attention is directed to *Regents v. McConnell*, 5 Neb. 428; *State v. Liedke*, 9 Neb. 467, 4 N.W. 68; *State v. Babcock*, 17 Neb. 610, 24 N.W. 202; *State v. Moore*, 46 Neb. 373, 64 N.W. 975.

From an examination of those cases we find that in each of them the fund in question was money paid into the state treasury as taxes, and therefore it belonged to the state until specifically appropriated by the Legislature to the use of the University; while in the case at bar the fund never belonged to the state. It was donated by the United States to the experimental station of the University for a specific purpose, and was paid to the State Treasurer as the agent of the Board of Regents and custodian of the funds of the University. It never was and is not now any part of the funds of the state.

Id. at 157-158, 109 N.W. at 771. The court noted that the 1899 Legislature enacted a bill that clarified that the federal funds are to be used exclusively for the federal act "and the same shall at all times be subject to the orders of the Board of Regents for expenditure for said purposes only." *Id.* at 158, 109 N.W. at 771. Consequently, based on the fund in question, constitutional provisions pertaining to the University, and the 1899 general law, it was "clear that in general terms the expenditure of said fund by the Board of Regents [was] clearly authorized, and no other or more specific appropriation [was] necessary." *Id.* at 158-159, 109 N.W. at 771.

In *Board of Regents v. Exon*, 199 Neb. 146, 256 N.W.2d 330 (1977), the court determined whether certain legislative acts were in violation of Neb. Const. art VII, § 10, which provides that the general government of the University of Nebraska is vested in the Board of Regents, whose "duties and powers shall be prescribed by law" The court found that "[i]t is the duty of the Legislature to implement the constitutional provision by enacting legislation which vests the general government of the University in the Board of Regents." *Id.* at 148, 256 N.W.2d at 332-333. The court also found that while the Legislature may add to or subtract from the powers and duties of the regents, the general government of the University must remain with the board. *Id.* at 149, 256 N.W.2d at 333.

While the University conceded that the Legislature has complete control over appropriations to the University derived from the general revenue of the State, the controversy in *Board of Regents* involved "funds derived from the operation of the University or received from the federal government or private donors." *Id.* at 150, 256 N.W.2d at 333. The trial court found that the Legislature could not control the Board of Regent's use of these funds by requiring specific annual appropriations. In response to Defendants' challenge that the finding was erroneous under art. III, § 25, the Nebraska Supreme Court stated:

The expenditure of the general funds of the state is under the control of the Legislature and it is the duty and responsibility of the Legislature to make the appropriations necessary for the operation of state government. The restriction upon money to be drawn from the treasury has reference generally to funds of the state that may be used to defray the general expenses of government.

The funds of the University, which are not derived from taxation, have a different status. In *State ex rel. Spencer Lens Co. v. Searle*, 77 Neb. 155, 108 N.W. 1119, 109 N.W. 770, this court held that the Board of Regents could expend funds donated by the federal government to the University without a specific appropriation by the Legislature. In *State ex rel. Ledwith v. Brian*, 84 Neb. 30, 120 N.W. 916, this court granted mandamus to compel the State Treasurer to countersign a warrant drawn on the University temporary fund although there had been no biennial appropriation from the fund. This court said: "We can see no reason for a biennial appropriation of these funds. It was the pledged duty of the state to apply them to the use of the University and Agricultural College, and the motives which prompted the makers of the Constitution to hold the purse strings in the hands of the people cannot apply to the situation presented. The regents of the University under the law are the proper persons and the only persons who may expend this money, and it can be used for no other purpose.

"We are further of the opinion that, when once set apart and appropriated to the proper custodian and beneficiary, subsequent biennial appropriations are not required."

Id. at 150-151, 256 N.W.2d at 333-334.

The crux of your question is whether certain language in LB 294, § 257 is sufficient to appropriate the CRF payment—language we understand State officials relied on to accept and expend the funds. Section 257 states:

FEDERAL FUNDS. The receipts for FY2019-20 and FY2020-21 inuring to the several Federal Funds, together with any amounts held in account by the State Treasurer on June 30, 2019, are hereby credited to each of the funds respectively. Expenditure of Federal Funds appropriated in this act shall not be limited to the amount shown.

Any Federal Funds, not otherwise appropriated, any additional Federal Funds made available to the credit of the State Treasurer, and any amounts on hand in any such Federal Funds on June 30, 2019, are hereby appropriated to the expending agency designated by the federal government or, if none is designated, to such expending agency as may be designated by the Governor.

2019 Neb. Laws LB 294, § 257 (emphasis added).

Our research indicates that the Legislature treats federal funds differently than other fund sources. In the "State of Nebraska Biennial Budget (2019 Session)," federal funds are described as follows:

Federal funds account for monies received from the federal government either as grants, contracts, or matching funds. Unlike other fund

sources, federal fund appropriations are an estimate and agencies are not limited to the amount shown in the appropriation bills though receipts must meet expenditures. Similar to cash funds, there are numerous individual federal funds contained in the accounting system and they are generally limited to specific uses as authorized by the federal program from which the funds came from. Of the 77 state agencies, 34 receive some level of federal funds.⁷ (Emphasis added.)

The language in § 257 allows for the administrative appropriation, presumably while the Legislature is not in session, of any amount of federal funds received by the State above the estimated items contained in the budget bill or any other federal funds made available to the State. This is a longstanding practice. Moreover, we have identified language nearly identical to § 257 in mainline budget bills dating back as far as 1943.⁸

In Nebraska, "[s]tatutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous." *Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018); *Farmers Cooperative v. State*, 296 Neb. 347, 893 N.W.2d 728 (2017). "In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense." *Aksamit Resource Mgmt.*, 299 Neb. at 123, 907 N.W.2d at 808; *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 793, 943 N.W.2d 231, 243 (2020). "It is not within the province of the courts to read a meaning into a statute that is not there or to read anything direct and plain out of a statute." *BH Media Group*, 305 Neb. at 793, 907 N.W.2d at 808.

The plain language in § 257 allows for the administrative appropriation of federal funds. In this context, the CRF funds represent "additional Federal Funds made available to the credit of the State Treasurer." The plain language gives the governor the authority to designate the expending agency if the federal government has not done so. Since Congress did not specify the expending agency in the CARES Act, that responsibility fell to the governor who designated the Military Department/Nebraska Emergency Management Agency as the expending agency.

While Nebraska case law relating to the specific appropriation of federal funds is limited, and pertains only to the University of Nebraska, *Searle* and *Board of Regents* support the idea that federal funds should be treated differently for purposes of State government budgeting and appropriation. Federal funds are not derived from the general revenue of the State, and are allocated to the State for a designated purpose, e.g., Medicaid, education. Federal funds are also not generally used to defray the general expenses of government. In the present case, the notion that an administrative appropriation of federal funds is novel or unprecedented is simply not supported by the longstanding history of the § 257 language, and the practice which has been employed by the Legislature and relied on by the

executive branch since the 1940s. Moreover, this practice has never been challenged as violating the specific appropriation clause in the art. III, § 25. In light of the statutory language, and the Legislature's longstanding practice, it is our opinion that the funds received by the State of Nebraska from the CRF were legally appropriated.⁹

II. Since we have concluded that the language in LB 294 provides a sufficient basis to appropriate the CRF funds, the amount of the federal funds appropriated is immaterial. With respect to the idea that the Legislature has "delegated" its appropriations authority to the Executive Branch, no such delegation took place. As a general rule, the Legislature cannot delegate legislative authority to an administrative body. *State v. Sprague*, 213 Neb. 581, 330 N.W.2d 739 (1983). The Legislature may, however, grant general powers to an official or agency and delegate the power to enact rules and regulations concerning the details of the legislative purpose. *Gillette Dairy, Inc. v. Nebraska Dairy Products Board*, 192 Neb. 89, 219 N.W.2d 214 (1974). A delegation of legislative authority is not unconstitutional where the Legislature has provided reasonable limitations and standards for carrying out delegated duties. *Bosselman, Inc. v. State*, 230 Neb. 471, 432 N.W.2d 226 (1988).

To be clear, Governor Ricketts did not appropriate the CRF money. The Legislature appropriated the funds by operation of § 257. While the appropriation was administrative in nature, it was ultimately the result of legislative action.

III. Neb. Rev. Stat. § 84-612 (Supp. 2019) provides, in pertinent part, as follows:

(1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

* * *

(3) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state. (Emphasis added.)

While we agree the federal guidance gives the State broad discretion in expending CRF funds, there is no question that the CARES Act in general, and the funds at issue here, are for the purpose of COVID-19 assistance and relief. The CARES Act specifically sets out the restrictions on the use of funds. See 42 U.S.C. § 801(d). Since the funds have a special designated purpose, there is no legal basis to transfer the funds to the Cash Reserve Fund.

IV. According to State accounting and budget officials, the CRF funds were administratively appropriated under § 257. Pursuant to Neb. Rev. Stat. § 81-829.58 (2014), the funds were credited to a separate and distinct fund, i.e., the Governor's Emergency Federal Fund—COVID 19, specifically created for receipt of these funds.

We would also point out that under the Emergency Management Act,

[s]uch funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters, emergencies, and civil defense emergencies may be accepted by the State Treasurer and shall be credited to a separate and distinct fund unless otherwise specifically provided in the act of Congress making such funds available or as otherwise allowed and provided by state law.

Neb. Rev. Stat. § 81-829.42(10) (Cum. Supp. 2019). In addition, the provisions in § 81-829.42 establishing the Governor's Emergency Program "shall be liberally construed in order to accomplish the purposes of the Emergency Management Act and to permit the Governor to adequately cope with any disaster, emergency, or civil defense emergency which may arise . . ." Neb. Rev. Stat. § 81-829.42(9).

V. With respect to the money received from the federal government pursuant to ARRA, it is our understanding that ARRA funds were in fact appropriated by the Legislature. See 2009 Neb. Laws LB 315, §§ 48, 49, 99, 114, 115, 174, 211, 214, 261. However, other ARRA funds were appropriated using the same process set out in § 257:

Sec. 277. FEDERAL FUNDS.

The receipts for FY2009-10 and FY2010-11 inuring to the several Federal Funds, together with any amounts held in account by the State Treasurer on June 30, 2009, are hereby credited to each of the funds respectively. Expenditure of Federal Funds appropriated in this act shall not be limited to the amount shown.

Any Federal Funds, including funds received pursuant to the American Recovery and Reinvestment Act of 2009, not otherwise appropriated, any additional Federal Funds made available to the credit of the State Treasurer, and any amounts on hand in any such Federal Funds on June 30, 2009, are hereby appropriated to the expending agency designated by the federal government or, if none is designated, to such expending agency as may be designated by the Governor.

2009 Neb. Laws LB 315, § 277 (emphasis added). We understand that in Fiscal Year 2010, LB 315, § 277 provided the ability to administratively appropriate approximately \$130 million of ARRA funding in the Education Aid Program alone.

VI. Finally, you have inquired, in the event we conclude that § 257 or some other mechanism appropriated the funds, whether the Legislature may "change the language in LB 294 to appropriate some or all of the CRF dollars?" Since § 257 gave the Governor the administrative ability to appropriate the CRF funds, the Legislature may appropriate only funds which have not already been obligated or appropriated.

CONCLUSION

Based on the foregoing, it is our opinion that 2019 Neb. Laws § 257 provided a sufficient legal basis to appropriate the payments received from the Coronavirus Relief Fund established under the CARES Act. Those funds have been credited to the Governor's Emergency Federal Fund—COVID 19, a separate and distinct fund created specifically for receipt of the funds. The CRF funds are expressly limited to the uses set out in 42 U.S.C. § 801(d). Thus, transfer to the Cash Reserve Fund is not required.

Finally, the Legislature may choose to appropriate CRF funds not otherwise obligated or appropriated.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2499-29

¹ Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-03-18/pdf/2020-05794.pdf>.

² Press Release, Office of Governor Pete Ricketts, Gov. Ricketts Issues Emergency Declaration for COVID-19 (Mar. 13, 2020), <https://governor.nebraska.gov/press/gov-ricketts-issues-emergency-declaration-covid-19>.

³ COVID-19 Nebraska Data Dashboard, Neb. Dep't of Health & Hum. Servs., <https://experience.arcgis.com/experience/ece0db09da4d4ca68252c3967aa1e9dd> (last visited July 17, 2020).

⁴ *The CARES Act Provides Assistance for State, Local, and Tribal Governments*, U.S. Dep't of the Treasury, <https://home.treasury.gov/policy-issues/cares/state-and-local-governments> (last visited July 15, 2020); see also CARES Act "5001 (codified at 42 U.S.C. "801).

⁵ Nebraska Legislative Journal, March 25, 2020, at 976, <https://nebraskalegislature.gov/FloorDocs/Current/PDF/Journal/r2day43.pdf>.

⁶ Press Release, Office of Governor Pete Ricketts, *Gov. Ricketts Unveils Plan to Use Federal Funds to Get Nebraska Growing* (May 27, 2020), <https://governor.nebraska.gov/press/gov-ricketts-unveils-plan-use-federal-funds-get-nebraska-growing>. Douglas County, with a population of over 500,000, was eligible to receive direct CRF payments. The county's allocation was approximately \$166 million. *Id.*

⁷ Neb. Leg. Rep. Biennial Budget, FY2019-20/FY 2020-21, at 83 (2019) (emphasis added), <https://nebraskalegislature.gov/pdf/reports/fiscal/2019budget.pdf>; *see also* Neb. Leg. Fiscal Off., *Legislature's Guide to Neb. State Agencies*, at vi (2018) (stating, "[u]nlike other fund sources, federal fund appropriations are not limited to the amount shown in the appropriation bill"), <https://nebraskalegislature.gov/pdf/reports/fiscal/2019legguide.pdf>.

⁸ "Any additional federal funds made available to the credit of the State Treasurer during the biennium ending June 30, 1945 shall be allocated to the expending agency designated by the federal government or if none be designated, by such expending agency as may be designated by the Governor." 1943 Neb. Laws Ch. 220, LB 96, §53.

⁹ Authority in other states is split on the question of whether federal funds are required to be appropriated. In *Colorado General Assembly v. Lamm*, 738 P.2d 1156 (Colo. 1987), the Colorado Supreme Court held that it was within the governor's authority to veto portions of the Colorado budget in which the general assembly had purported to appropriate all federal block grant funds. The court reasoned that although the general assembly had plenary power over appropriation of state money, not all federal funds are state money. The court also reasoned that the governor has executive power to make certain resource allocation decisions. The executive power, the court stated, "includes 'the determination of which specific purpose among several options should be benefited' and is consistent with 'the role of the state in administering a fund that is essentially custodial in nature.'" *Id.* at 1173. *But see Cooper v. Berger*, 837 S.E.2d 7, 22 (N.C. Ct. App. 2019), review allowed 373 N.C. 584, 837 S.E.2d 886 (mem. Feb. 26, 2020) ("Though some states, applying their own respective constitutions and statutes, may proscribe state legislative appropriation of federal block grant funds, our Constitution and law does not permit us to be counted amongst them, and the Governor has neither rebutted the presumption that acts of the General Assembly are constitutional nor identified a 'plain and clear' constitutional violation."); *Shapp v. Sloan*, 480 Pa. 449, 465, 391 A.2d 595, 602 (Pa. 1978) ("Appellants have failed to prove their basic premise that funds not raised under general state law are constitutionally differentiated from other funds in the State Treasury, and thus constitutionally beyond the scope of the General Assembly's authority."). As noted above, the

Legislature has provided for the appropriation of federal funds for many years.

AMENDMENT(S) - Print in Journal

Senator Arch filed the following amendment to LB1158:

AM2980

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 3, line 1, strike "2021" and insert "2020"; in lines 12,
- 2 13, and 19 strike "2022" and insert "2021"; and in lines 14 and 19 strike
- 3 "2023" and insert "2022".

Senator Linehan filed the following amendment to LB1106:

AM3065

(Amendments to Standing Committee amendments, AM2870)

- 1 1. On page 1, line 10, strike "its".

Senator Briese filed the following amendment to LB1074:

AM3093

1 1. Insert the following new section:

2 Sec. 2. Section 77-2716, Revised Statutes Supplement, 2019, is

3 amended to read:

4 77-2716 (1) The following adjustments to federal adjusted gross
5 income or, for corporations and fiduciaries, federal taxable income shall
6 be made for interest or dividends received:

7 (a)(i) There shall be subtracted interest or dividends received by
8 the owner of obligations of the United States and its territories and
9 possessions or of any authority, commission, or instrumentality of the
10 United States to the extent includable in gross income for federal income
11 tax purposes but exempt from state income taxes under the laws of the
12 United States; and

13 (ii) There shall be subtracted interest received by the owner of
14 obligations of the State of Nebraska or its political subdivisions or
15 authorities which are Build America Bonds to the extent includable in
16 gross income for federal income tax purposes;

17 (b) There shall be subtracted that portion of the total dividends
18 and other income received from a regulated investment company which is
19 attributable to obligations described in subdivision (a) of this
20 subsection as reported to the recipient by the regulated investment
21 company;

22 (c) There shall be added interest or dividends received by the owner
23 of obligations of the District of Columbia, other states of the United
24 States, or their political subdivisions, authorities, commissions, or
25 instrumentalities to the extent excluded in the computation of gross
26 income for federal income tax purposes except that such interest or
27 dividends shall not be added if received by a corporation which is a
1 regulated investment company;

2 (d) There shall be added that portion of the total dividends and
3 other income received from a regulated investment company which is
4 attributable to obligations described in subdivision (c) of this
5 subsection and excluded for federal income tax purposes as reported to
6 the recipient by the regulated investment company; and

7 (e)(i) Any amount subtracted under this subsection shall be reduced
8 by any interest on indebtedness incurred to carry the obligations or
9 securities described in this subsection or the investment in the
10 regulated investment company and by any expenses incurred in the

11 production of interest or dividend income described in this subsection to
12 the extent that such expenses, including amortizable bond premiums, are
13 deductible in determining federal taxable income.

14 (ii) Any amount added under this subsection shall be reduced by any
15 expenses incurred in the production of such income to the extent
16 disallowed in the computation of federal taxable income.

17 (2) There shall be allowed a net operating loss derived from or
18 connected with Nebraska sources computed under rules and regulations
19 adopted and promulgated by the Tax Commissioner consistent, to the extent
20 possible under the Nebraska Revenue Act of 1967, with the laws of the
21 United States. For a resident individual, estate, or trust, the net
22 operating loss computed on the federal income tax return shall be
23 adjusted by the modifications contained in this section. For a
24 nonresident individual, estate, or trust or for a partial-year resident
25 individual, the net operating loss computed on the federal return shall
26 be adjusted by the modifications contained in this section and any
27 carryovers or carrybacks shall be limited to the portion of the loss
28 derived from or connected with Nebraska sources.

29 (3) There shall be subtracted from federal adjusted gross income for
30 all taxable years beginning on or after January 1, 1987, the amount of
31 any state income tax refund to the extent such refund was deducted under
1 the Internal Revenue Code, was not allowed in the computation of the tax
2 due under the Nebraska Revenue Act of 1967, and is included in federal
3 adjusted gross income.

4 (4) Federal adjusted gross income, or, for a fiduciary, federal
5 taxable income shall be modified to exclude the portion of the income or
6 loss received from a small business corporation with an election in
7 effect under subchapter S of the Internal Revenue Code or from a limited
8 liability company organized pursuant to the Nebraska Uniform Limited
9 Liability Company Act that is not derived from or connected with Nebraska
10 sources as determined in section 77-2734.01.

11 (5) There shall be subtracted from federal adjusted gross income or,
12 for corporations and fiduciaries, federal taxable income dividends
13 received or deemed to be received from corporations which are not subject
14 to the Internal Revenue Code.

15 (6) There shall be subtracted from federal taxable income a portion
16 of the income earned by a corporation subject to the Internal Revenue
17 Code of 1986 that is actually taxed by a foreign country or one of its
18 political subdivisions at a rate in excess of the maximum federal tax
19 rate for corporations. The taxpayer may make the computation for each
20 foreign country or for groups of foreign countries. The portion of the
21 taxes that may be deducted shall be computed in the following manner:

22 (a) The amount of federal taxable income from operations within a
23 foreign taxing jurisdiction shall be reduced by the amount of taxes
24 actually paid to the foreign jurisdiction that are not deductible solely
25 because the foreign tax credit was elected on the federal income tax
26 return;

27 (b) The amount of after-tax income shall be divided by one minus the
28 maximum tax rate for corporations in the Internal Revenue Code; and

29 (c) The result of the calculation in subdivision (b) of this
30 subsection shall be subtracted from the amount of federal taxable income
31 used in subdivision (a) of this subsection. The result of such
1 calculation, if greater than zero, shall be subtracted from federal
2 taxable income.

3 (7) Federal adjusted gross income shall be modified to exclude any
4 amount repaid by the taxpayer for which a reduction in federal tax is
5 allowed under section 1341(a)(5) of the Internal Revenue Code.

6 (8)(a) Federal adjusted gross income or, for corporations and
7 fiduciaries, federal taxable income shall be reduced, to the extent
8 included, by income from interest, earnings, and state contributions

9 received from the Nebraska educational savings plan trust created in
10 sections 85-1801 to 85-1817 and any account established under the
11 achieving a better life experience program as provided in sections
12 77-1401 to 77-1409.

13 (b) Federal adjusted gross income or, for corporations and
14 fiduciaries, federal taxable income shall be reduced by any contributions
15 as a participant in the Nebraska educational savings plan trust or
16 contributions to an account established under the achieving a better life
17 experience program made for the benefit of a beneficiary as provided in
18 sections 77-1401 to 77-1409, to the extent not deducted for federal
19 income tax purposes, but not to exceed five thousand dollars per married
20 filing separate return or ten thousand dollars for any other return. With
21 respect to a qualified rollover within the meaning of section 529 of the
22 Internal Revenue Code from another state's plan, any interest, earnings,
23 and state contributions received from the other state's educational
24 savings plan which is qualified under section 529 of the code shall
25 qualify for the reduction provided in this subdivision. For contributions
26 by a custodian of a custodial account including rollovers from another
27 custodial account, the reduction shall only apply to funds added to the
28 custodial account after January 1, 2014.

29 (c) Federal adjusted gross income or, for corporations and
30 fiduciaries, federal taxable income shall be increased by:

31 (i) The amount resulting from the cancellation of a participation
1 agreement refunded to the taxpayer as a participant in the Nebraska
2 educational savings plan trust to the extent previously deducted under
3 subdivision (8)(b) of this section; and

4 (ii) The amount of any withdrawals by the owner of an account
5 established under the achieving a better life experience program as
6 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
7 extent previously deducted under subdivision (8)(b) of this section.

8 (9)(a) For income tax returns filed after September 10, 2001, for
9 taxable years beginning or deemed to begin before January 1, 2006, under
10 the Internal Revenue Code of 1986, as amended, federal adjusted gross
11 income or, for corporations and fiduciaries, federal taxable income shall
12 be increased by eighty-five percent of any amount of any federal bonus
13 depreciation received under the federal Job Creation and Worker
14 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
15 under section 168(k) or section 1400L of the Internal Revenue Code of
16 1986, as amended, for assets placed in service after September 10, 2001,
17 and before December 31, 2005.

18 (b) For a partnership, limited liability company, cooperative,
19 including any cooperative exempt from income taxes under section 521 of
20 the Internal Revenue Code of 1986, as amended, limited cooperative
21 association, subchapter S corporation, or joint venture, the increase
22 shall be distributed to the partners, members, shareholders, patrons, or
23 beneficiaries in the same manner as income is distributed for use against
24 their income tax liabilities.

25 (c) For a corporation with a unitary business having activity both
26 inside and outside the state, the increase shall be apportioned to
27 Nebraska in the same manner as income is apportioned to the state by
28 section 77-2734.05.

29 (d) The amount of bonus depreciation added to federal adjusted gross
30 income or, for corporations and fiduciaries, federal taxable income by
31 this subsection shall be subtracted in a later taxable year. Twenty
1 percent of the total amount of bonus depreciation added back by this
2 subsection for tax years beginning or deemed to begin before January 1,
3 2003, under the Internal Revenue Code of 1986, as amended, may be
4 subtracted in the first taxable year beginning or deemed to begin on or
5 after January 1, 2005, under the Internal Revenue Code of 1986, as
6 amended, and twenty percent in each of the next four following taxable

7 years. Twenty percent of the total amount of bonus depreciation added
8 back by this subsection for tax years beginning or deemed to begin on or
9 after January 1, 2003, may be subtracted in the first taxable year
10 beginning or deemed to begin on or after January 1, 2006, under the
11 Internal Revenue Code of 1986, as amended, and twenty percent in each of
12 the next four following taxable years.

13 (10) For taxable years beginning or deemed to begin on or after
14 January 1, 2003, and before January 1, 2006, under the Internal Revenue
15 Code of 1986, as amended, federal adjusted gross income or, for
16 corporations and fiduciaries, federal taxable income shall be increased
17 by the amount of any capital investment that is expensed under section
18 179 of the Internal Revenue Code of 1986, as amended, that is in excess
19 of twenty-five thousand dollars that is allowed under the federal Jobs
20 and Growth Tax Act of 2003. Twenty percent of the total amount of
21 expensing added back by this subsection for tax years beginning or deemed
22 to begin on or after January 1, 2003, may be subtracted in the first
23 taxable year beginning or deemed to begin on or after January 1, 2006,
24 under the Internal Revenue Code of 1986, as amended, and twenty percent
25 in each of the next four following tax years.

26 (11)(a) For taxable years beginning or deemed to begin before
27 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
28 federal adjusted gross income shall be reduced by contributions, up to
29 two thousand dollars per married filing jointly return or one thousand
30 dollars for any other return, and any investment earnings made as a
31 participant in the Nebraska long-term care savings plan under the Long-
1 Term Care Savings Plan Act, to the extent not deducted for federal income
2 tax purposes.

3 (b) For taxable years beginning or deemed to begin before January 1,
4 2018, under the Internal Revenue Code of 1986, as amended, federal
5 adjusted gross income shall be increased by the withdrawals made as a
6 participant in the Nebraska long-term care savings plan under the act by
7 a person who is not a qualified individual or for any reason other than
8 transfer of funds to a spouse, long-term care expenses, long-term care
9 insurance premiums, or death of the participant, including withdrawals
10 made by reason of cancellation of the participation agreement, to the
11 extent previously deducted as a contribution or as investment earnings.

12 (12) There shall be added to federal adjusted gross income for
13 individuals, estates, and trusts any amount taken as a credit for
14 franchise tax paid by a financial institution under sections 77-3801 to
15 77-3807 as allowed by subsection (5) of section 77-2715.07.

16 (13)(a) For taxable years beginning or deemed to begin on or after
17 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
18 federal adjusted gross income shall be reduced by the amount received as
19 benefits under the federal Social Security Act which are included in the
20 federal adjusted gross income if:

21 (i) For taxpayers filing a married filing joint return, federal
22 adjusted gross income is fifty-eight thousand dollars or less; or
23 (ii) For taxpayers filing any other return, federal adjusted gross
24 income is forty-three thousand dollars or less.

25 (b) For taxable years beginning or deemed to begin on or after
26 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
27 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
28 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
29 individual income tax brackets under subsection (3) of section
30 77-2715.03.

31 (14) For taxable years beginning or deemed to begin on or after
1 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an
2 individual may make a one-time election within two calendar years after
3 the date of his or her retirement from the military to exclude income
4 received as a military retirement benefit by the individual to the extent

5 included in federal adjusted gross income and as provided in this
6 subsection. The individual may elect to exclude forty percent of his or
7 her military retirement benefit income for seven consecutive taxable
8 years beginning with the year in which the election is made or may elect
9 to exclude fifteen percent of his or her military retirement benefit
10 income for all taxable years beginning with the year in which he or she
11 turns sixty-seven years of age. For purposes of this subsection, military
12 retirement benefit means retirement benefits that are periodic payments
13 attributable to service in the uniformed services of the United States
14 for personal services performed by an individual prior to his or her
15 retirement.
16 (15) For taxable years beginning or deemed to begin prior to January
17 1, 2021, under the Internal Revenue Code of 1986, as amended, federal
18 adjusted gross income or, for corporations and fiduciaries, federal
19 taxable income shall be adjusted to the amount of federal adjusted gross
20 income or federal taxable income that would have been reported on the
21 taxpayer's federal income tax return had the changes in sections 2204,
22 2205, 2206, 2301, 2303, 2304, and 2306 of the federal Coronavirus Aid,
23 Relief, and Economic Security Act, Public Law 116-136, not gone into
24 effect.
25 2. Renumber the remaining sections and correct the repealer
26 accordingly.

GENERAL FILE

LEGISLATIVE BILL 944A. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present
and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1140. [ER214](#), found on page 963, was adopted.

Senator Howard offered the following amendment:

[AM3035](#)

(Amendments to Standing Committee amendments, AM2663)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. (1) Youth rehabilitation and treatment centers shall be
4 operated to provide programming and services to rehabilitate and treat
5 juveniles committed under the Nebraska Juvenile Code. Each youth
6 rehabilitation and treatment center shall be considered a separate
7 placement. Each youth rehabilitation and treatment center shall provide:
8 (a) Safe and sanitary space for sleeping, hygiene, education,
9 programming, treatment, recreation, and visitation for each juvenile;
10 (b) Health care and medical services;
11 (c) Appropriate physical separation and segregation of juveniles
12 based on gender;
13 (d) Sufficient staffing to comply with state and federal law and
14 protect the safety and security of each juvenile;
15 (e) Training that is specific to the population being served at the
16 youth rehabilitation and treatment center;
17 (f) A facility administrator for each youth rehabilitation and
18 treatment center who has the sole responsibility for administration of a
19 single youth rehabilitation and treatment center;
20 (g) An evaluation process for the development of an individualized

21 treatment plan within fourteen days after admission to the youth
22 rehabilitation and treatment center;
23 (h) An age-appropriate and developmentally appropriate education
24 program for each juvenile that can award relevant and necessary credits
25 toward high school graduation that will be accepted by the juvenile's
26 home school district;
1 (i) A case management and coordination process, designed to assure
2 appropriate reintegration of the juvenile with his or her family, school,
3 and community;
4 (j) Compliance with the requirements stated in Title XIX and Title
5 IV-E of the federal Social Security Act, as such act existed on January
6 1, 2020, the Special Education Act, or other funding guidelines as
7 appropriate;
8 (k) Research-based or evidence-based programming for all juveniles
9 that includes a strong academic program and classes in health education,
10 living skills, vocational training, behavior management and modification,
11 money management, family and parent responsibilities, substance use
12 awareness, physical education, job skills training, and job placement
13 assistance; and
14 (l) Research-based or evidence-based treatment service for
15 behavioral impairment, severe emotional disturbance, sex offender
16 behavior, other mental health or psychiatric disorder, drug and alcohol
17 addiction, physical or sexual abuse, and any other treatment indicated by
18 a juvenile's individualized treatment plan.
19 (2) Each youth rehabilitation and treatment center shall be
20 accredited by a nationally recognized entity that provides accreditation
21 for juvenile facilities.
22 (3) Each youth rehabilitation and treatment center shall
23 electronically submit a report of its activities for the preceding fiscal
24 year to the Clerk of the Legislature on or before July 15 of each year
25 beginning on July 15, 2021. The annual report shall include, but not be
26 limited to, the following information:
27 (a) Data on the population served, including, but not be limited to,
28 admissions, average daily census, average length of stay, race, and
29 ethnicity;
30 (b) An overview of programming and services; and
31 (c) An overview of any facility issues or facility improvements.
1 Sec. 2. (1) The Department of Health and Human Services shall
2 develop a five-year operations plan for the youth rehabilitation and
3 treatment centers and submit such operations plans electronically to the
4 Health and Human Services Committee of the Legislature on or before March
5 15, 2021.
6 (2) The operations plan shall be developed with input from key
7 stakeholders and shall include, but not be limited to:
8 (a) A description of the population served at each youth
9 rehabilitation and treatment center;
10 (b) An organizational chart of supervisors and operations staff. The
11 operations plan shall not allow for administrative staff to have
12 oversight over more than one youth rehabilitation and treatment center
13 and shall not allow for clinical staff to have responsibility over more
14 than one youth rehabilitation and treatment center;
15 (c) Staff who shall be centralized offsite or managed onsite,
16 including facility and maintenance staff;
17 (d) A facility plan that considers taxpayer investments already made
18 in the facility and the community support and acceptance of the juveniles
19 in the community surrounding the youth rehabilitation and treatment
20 center;
21 (e) A description of each rehabilitation program offered at the
22 youth rehabilitation and treatment center;
23 (f) A description of each mental health treatment plan offered at

24 the youth rehabilitation and treatment center;
25 (g) A description of reentry and discharge planning;
26 (h) A staffing plan that ensures adequate staffing;
27 (i) An education plan developed in collaboration with the State
28 Department of Education;
29 (j) A capital improvements budget;
30 (k) An operating budget;
31 (l) A disaster recovery plan;
1 (m) A plan to segregate the juveniles by gender on separate
2 campuses;
3 (n) A parenting plan for juveniles placed in a youth rehabilitation
4 and treatment center who are parenting;
5 (o) A statement of the rights of juveniles placed at the youth
6 rehabilitation and treatment centers, including a right to privacy, and
7 the rights of parents or guardians;
8 (p) Quality and outcome measurements for tracking outcomes for
9 juveniles when they are discharged from the youth rehabilitation and
10 treatment center, including an exit survey of such juveniles;
11 (q) Key performance indicators to be included in the annual report
12 required under this section;
13 (r) A requirement for trauma-informed training provided to staff;
14 (s) Methods and procedures for investigations at the youth
15 rehabilitation and treatment center; and
16 (t) A grievance process for juveniles placed at the youth
17 rehabilitation and treatment centers.
18 (3) The department shall submit a report electronically to the Clerk
19 of the Legislature on or before December 15, 2021, and each December 15
20 thereafter regarding such operations plan and key performance indicators.
21 Sec. 3. Section 43-251.01, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:
23 43-251.01 All placements and commitments of juveniles for
24 evaluations or as temporary or final dispositions are subject to the
25 following:
26 (1) No juvenile shall be confined in an adult correctional facility
27 as a disposition of the court;
28 (2) A juvenile who is found to be a juvenile as described in
29 subdivision (3) of section 43-247 shall not be placed in an adult
30 correctional facility, the secure youth confinement facility operated by
31 the Department of Correctional Services, or a youth rehabilitation and
1 treatment center or committed to the Office of Juvenile Services;
2 (3) A juvenile who is found to be a juvenile as described in
3 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
4 transferred to an adult correctional facility or the secure youth
5 confinement facility operated by the Department of Correctional Services;
6 (4) A juvenile under the age of fourteen years shall not be placed
7 with or committed to a youth rehabilitation and treatment center;
8 (5)(a) Before July 1, 2019, a juvenile shall not be detained in
9 secure detention or placed at a youth rehabilitation and treatment center
10 unless detention or placement of such juvenile is a matter of immediate
11 and urgent necessity for the protection of such juvenile or the person or
12 property of another or if it appears that such juvenile is likely to flee
13 the jurisdiction of the court; and
14 (b) On and after July 1, 2019:
15 (i) A juvenile shall not be detained unless the physical safety of
16 persons in the community would be seriously threatened or detention is
17 necessary to secure the presence of the juvenile at the next hearing, as
18 evidenced by a demonstrable record of willful failure to appear at a
19 scheduled court hearing within the last twelve months;
20 (ii) A child twelve years of age or younger shall not be placed in
21 detention under any circumstances; and

22 (iii) A juvenile shall not be placed into detention:
 23 (A) To allow a parent or guardian to avoid his or her legal
 24 responsibility;
 25 (B) To punish, treat, or rehabilitate such juvenile;
 26 (C) To permit more convenient administrative access to such
 27 juvenile;
 28 (D) To facilitate further interrogation or investigation; or
 29 (E) Due to a lack of more appropriate facilities except in case of
 30 an emergency as provided in section 8 of this act;
 31 (6) A juvenile alleged to be a juvenile as described in subdivision
 1 (3) of section 43-247 shall not be placed in a juvenile detention
 2 facility, including a wing labeled as staff secure at such facility,
 3 unless the designated staff secure portion of the facility fully complies
 4 with subdivision (5) of section 83-4,125 and the ingress and egress to
 5 the facility are restricted solely through staff supervision; and
 6 (7) A juvenile alleged to be a juvenile as described in subdivision
 7 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
 8 or her home as a dispositional order of the court unless:
 9 (a) All available community-based resources have been exhausted to
 10 assist the juvenile and his or her family; and
 11 (b) Maintaining the juvenile in the home presents a significant risk
 12 of harm to the juvenile or community.
 13 Sec. 4. Section 43-401, Reissue Revised Statutes of Nebraska, is
 14 amended to read:
 15 43-401 Sections 43-401 to 43-424 and sections 2, 6 to 8, and 10 of
 16 this act shall be known and may be cited as the Health and Human
 17 Services, Office of Juvenile Services Act.
 18 Sec. 5. Section 43-403, Reissue Revised Statutes of Nebraska, is
 19 amended to read:
 20 43-403 For purposes of the Health and Human Services, Office of
 21 Juvenile Services Act:
 22 (1) Aftercare means the control, supervision, and care exercised
 23 over juveniles who have been paroled;
 24 (2) Committed means an order by a court committing a juvenile to the
 25 care and custody of the Office of Juvenile Services for treatment;
 26 (3) Community supervision means the control, supervision, and care
 27 exercised over juveniles committed to the Office of Juvenile Services
 28 when a commitment to the level of treatment of a youth rehabilitation and
 29 treatment center has not been ordered by the court;
 30 (4) Emergency means a public health emergency or a situation,
 31 including fire, flood, tornado, natural disaster, or damage to a youth
 1 rehabilitation and treatment center, that renders the youth
 2 rehabilitation and treatment center uninhabitable. Emergency does not
 3 include inadequate staffing;
 4 (5) (4) Evaluation means assessment of the juvenile's social,
 5 physical, psychological, and educational development and needs, including
 6 a recommendation as to an appropriate treatment plan;
 7 (6) (5) Parole means a conditional release of a juvenile from a
 8 youth rehabilitation and treatment center to aftercare or transferred to
 9 Nebraska for parole supervision by way of interstate compact;
 10 (7) (6) Placed for evaluation means a placement with the Office of
 11 Juvenile Services or the Department of Health and Human Services for
 12 purposes of an evaluation of the juvenile; and
 13 (8) (7) Treatment means type of supervision, care, confinement, and
 14 rehabilitative services for the juvenile.
 15 Sec. 6. (1) The Department of Health and Human Services shall
 16 develop an emergency plan for the Youth Rehabilitation and Treatment
 17 Center-Geneva, the Youth Rehabilitation and Treatment Center-Kearney, and
 18 any other facility operated and utilized as a youth rehabilitation and
 19 treatment center in compliance with state law.

20 (2) Each emergency plan shall:

21 (a) Identify and designate temporary placement facilities for the
22 placement of juveniles in the event a youth rehabilitation and treatment
23 center must be evacuated due to an emergency as defined in section
24 43-403. The administrator of a proposed temporary placement facility
25 shall consent to be designated as a temporary placement facility in the
26 emergency plan. A criminal detention facility or a juvenile detention
27 facility shall only be designated as a temporary placement facility
28 pursuant to section 8 of this act;

29 (b) Identify barriers to implementation of an effective emergency
30 plan, including necessary administrative or legislative changes;

31 (c) Include procedures for the Office of Juvenile Services to
1 provide reliable, effective, and timely notification that an emergency
2 plan is to be implemented to:

3 (i) Staff at the youth rehabilitation and treatment center where the
4 emergency plan is implemented and the administrator and staff at the
5 temporary placement facility;

6 (ii) Juveniles placed at the youth rehabilitation and treatment
7 center;

8 (iii) Families and legal guardians of juveniles placed at the youth
9 rehabilitation and treatment center;

10 (iv) The State Court Administrator, in a form and manner prescribed
11 by the State Court Administrator;

12 (v) The committing court of each juvenile placed at the youth
13 rehabilitation and treatment center;

14 (vi) The chairperson of the Health and Human Services Committee of
15 the Legislature; and

16 (vii) The office of Public Counsel and the office of Inspector
17 General of Nebraska Child Welfare;

18 (d) Detail the plan for transportation of juveniles to a temporary
19 placement facility; and

20 (e) Include methods and schedules for implementing the emergency
21 plan.

22 (3) Each emergency plan shall be developed on or before December 15,
23 2020.

24 Sec. 7. (1) The Department of Health and Human Services shall
25 ensure that the administrator of each temporary placement facility
26 described in an emergency plan required under section 6 of this act
27 consents to the temporary placement of juveniles placed in such facility
28 pursuant to the emergency plan. Prior to inclusion in an emergency plan
29 as a temporary placement facility, the department and the administrator
30 of the temporary placement facility shall agree on a cost-reimbursement
31 plan for the temporary placement of juveniles at such facility.

1 (2) If an emergency plan required under section 6 of this act is
2 implemented, the Office of Juvenile Services shall, at least twenty-four
3 hours prior to implementation, if practical, and otherwise within twenty-
4 four hours after implementation of such emergency plan, notify the
5 persons and entities listed in subdivision (2)(c) of section 6 of this
6 act.

7 Sec. 8. In the event of an emergency and only after all other
8 temporary placement options have been exhausted, the Office of Juvenile
9 Services may provide for the placement of a juvenile for a period not to
10 exceed seven days at a criminal detention facility, if allowed by law, or
11 a juvenile detention facility, as such terms are defined in section
12 83-4,125.

13 Sec. 9. (1) The Department of Health and Human Services may conduct
14 a needs assessment and cost analysis for the establishment of an
15 inpatient adolescent psychiatric unit housed within the Lincoln Regional
16 Center. If the department chooses to conduct such needs assessment and
17 cost analysis, the department shall contract with an outside consultant

18 with expertise in needs assessment and cost analysis of health care
 19 facilities for the purpose of conducting such assessment and analysis.
 20 (2) If a needs assessment and cost analysis is conducted by the
 21 department, the department shall submit a report electronically to the
 22 Health and Human Service Committee of the Legislature and the Clerk of
 23 the Legislature ninety days after the completion of such needs assessment
 24 and cost analysis. Such report shall contain the following information:
 25 (a) A needs assessment, including the number of adolescents expected
 26 to use such inpatient adolescent psychiatric unit;
 27 (b) The cost of opening an existing facility at the Lincoln Regional
 28 Center for use as an inpatient adolescent psychiatric unit;
 29 (c) The cost of reopening the facility at the Lincoln Regional
 30 Center, including the costs for necessary construction, upgrades, or
 31 repairs;
 1 (d) Annual operating costs of such unit, including, but not limited
 2 to, any federal funds available to operate the unit in addition to
 3 General Fund appropriations; and
 4 (e) Cost savings realized by moving adolescents from out-of-state
 5 institutions back to Nebraska for treatment at such unit.
 6 (3) For purposes of this section, adolescent means a person under
 7 the jurisdiction of the juvenile court.
 8 Sec. 10. Policies and procedures of the Department of Health and
 9 Human Services regarding the transportation of juveniles placed at the
 10 youth rehabilitation and treatment centers shall apply to any private
 11 contractor utilized by the Office of Juvenile Services to transport
 12 juveniles placed at the youth rehabilitation and treatment centers.
 13 Sec. 11. The Revisor of Statutes shall assign sections 1 and 9 of
 14 this act to Chapter 83, article 1.
 15 Sec. 12. Sections 1, 2, 9, and 10 of this act become operative
 16 three calendar months after the adjournment of this legislative session.
 17 The other sections of this act become operative on their effective date.
 18 Sec. 13. Original sections 43-401 and 43-403, Reissue Revised
 19 Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative
 20 Supplement, 2018, are repealed.
 21 Sec. 14. Since an emergency exists, this act takes effect when
 22 passed and approved according to law.

Senator Howard offered the following amendment to her amendment:

[AM3088](#)

(Amendments to AM3035)

1 1. On page 4, after line 20, insert the following new subsection:
 2 "(4) The department shall not establish a new youth rehabilitation
 3 and treatment center or establish or move a youth rehabilitation and
 4 treatment center to a new or existing state or private facility until
 5 March 30, 2021, after the completion of the planning process required
 6 under this section. Youth committed to the Office of Juvenile Services
 7 and residing at a youth rehabilitation and treatment center may be moved
 8 to an existing state or private facility on a temporary basis in the
 9 event of an emergency, pursuant to the emergency plans created under
 10 section 6 of this act, and in compliance with the requirements and
 11 restrictions in sections 7 and 8 of this act."

Senator Howard moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Howard requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 32:

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

Voting in the negative, 3:

Bostelman	Geist	Lowe
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Present and not voting, 12:

Albrecht	Clements	Hansen, B.	La Grone
Arch	Erdman	Hilgers	Linehan
Brewer	Groene	Hughes	Slama

Excused and not voting, 2:

Hilkemann	Wayne
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The Howard amendment was adopted with 32 ayes, 3 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Howard amendment, [AM3035](#), as amended, 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 1144. [ER209](#), found on page 963, was adopted.

Senator Howard offered the following amendment:

[AM3074](#)

(Amendments to Standing Committee amendments, AM2785)

- 1 1. On page 4, line 24, strike "October 1, 2020" and insert "January
2 1, 2021".
- 3 2. On page 11, strike beginning with "on" in line 18 through the
4 period in line 20 and insert "on the condition of such state
5 institutions. The report shall be due on or before March 15, 2021, for
6 the 2020 calendar year, and on or before December 15 of each year
7 beginning in 2021, for the period beginning with December 1 of the prior
8 year through November 30 of the then current year.".

The Howard amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1188. [ER212](#), found on page 964, was adopted.

Senator Howard offered the following amendment:
[AM3069](#) is available in the Bill Room.

The Howard amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Brandt offered the following amendment:
[AM3087](#)

(Amendments to E & R amendments, ER212)

- 1 1. On page 20, strike lines 29 through 31, and insert the following
- 2 new subdivisions:
- 3 "~~(b) Except as provided in subdivision (2)(c) of this section, the~~
- 4 ~~department shall operate the Youth Rehabilitation and Treatment Center-~~
- 5 ~~Kearney and such institution shall be used for the treatment of boys~~
- 6 ~~only.~~
- 7 (c) Except as provided in subdivision (2)(c) of this section, the
- 8 ~~department shall operate the Youth Rehabilitation and Treatment Center-~~
- 9 ~~Geneva and such institution shall be used for the treatment of girls~~
- 10 ~~only.~~"
- 11 2. On page 21, strike lines 1 through 5.

Senator Brandt withdrew his amendment.

Senator Howard offered the following amendment:
[AM3099](#)

(Amendments to AM3069)

- 1 1. On page 21, line 6, after "means" insert "a public health
- 2 emergency or".

The Howard amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1148. [ER215](#), found on page 964, was adopted.

Senator Vargas offered the following amendment:
[AM3075](#) is available in the Bill Room.

The Vargas amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1152. [ER192](#), found on page 872, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1055. [ER195](#), found on page 880, was adopted.

Senator Williams withdrew his amendments, [AM2741](#) and [AM2856](#), found on pages 863 and 899.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 774. [ER200](#), found on page 953, was adopted.

Senator Arch offered the following amendment:

[AM2978](#)

(Amendments to Standing Committee amendments, AM2558)

1 1. On page 22, line 24, after the period insert "A facility that
2 advertises itself as a network provider of a health insurer shall provide
3 a clarifying statement if the facility is not a network provider for all
4 insurance products offered by the health insurer."; in lines 25 through
5 29 strike the new matter; and in line 30 strike "(6)" and insert "(4)".

The Arch amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 780. [ER213](#), found on page 964, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 780A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1003. [ER217](#), found on page 966, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 840. [ER180](#), found on page 798, was adopted.

Senator Quick withdrew his amendments, [AM2770](#) and [AM2877](#), found on pages 840 and 909.

Senator Quick offered his amendment, [AM2925](#), found on page 948.

The Quick amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bakenhus, Shelby - State Racing Commission - General Affairs
Kush, Donna - Game and Parks Commission - Natural Resources

(Signed) Mike Hilgers, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1525

Tuesday, July 28, 2020 8:00 a.m.

Stephanie Beasley - Division of Children and Family Services

Martin L. Fattig - Nebraska Rural Health Advisory Commission
Lynette Kramer - Nebraska Rural Health Advisory Commission
Jessye A. Goertz - Nebraska Rural Health Advisory Commission
April J. Dexter - Nebraska Rural Health Advisory Commission
Benjamin R. Iske - Nebraska Rural Health Advisory Commission
Sandra Torres - Nebraska Rural Health Advisory Commission
Rui Yi - Stem Cell Research Advisory Committee
Daniel J. Rosenthal - State Board of Health
Carolyn Petersen - Board of Emergency Medical Services

Note: Hearing is for Stephanie Beasley. Other gubernatorial appointments listed had confirmation hearings on 5/27/20 and 5/29/20 by video conference. Public testimony for these appointments is welcome after Stephanie Beasley's hearing.

(Signed) Sara Howard, Chairperson

Revenue
Room 1525

Monday, July 27, 2020 12:00 p.m.

AM3093 Note: Amendment to LB1074

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525

Tuesday, August 4, 2020 1:00 p.m.

Donna Kush - Game and Parks Commission

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB858:
[AM2997](#)

(Amendments to Final Reading copy)

- 1 1. Strike section 21 and insert the following new section:
- 2 Sec. 21. Sections 14, 15, 16, 17, and 22 of this act become
- 3 operative on June 30, 2020. The other sections of this act become
- 4 operative on their effective date.
- 5 2. On page 16, line 22, strike "Notwithstanding any other provision
- 6 of law, there", show as stricken, and insert "There".

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB720:

[MO178](#)

Bracket until August 13, 2020.

Senator Lathrop filed the following motion to LB720:

[MO179](#)

Bracket until August 13, 2020.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB924:

[AM3000](#)

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. On page 1, line 9, strike "and"; and in line 10 after "sections"
- 5 insert "; and to declare an emergency".

Senator Hunt filed the following amendment to LB814:

[AM2938](#)

- 1 1. On page 4, lines 23 and 24 and 28 strike "due to a medical
- 2 emergency" and insert "based on such person's reasonable medical
- 3 judgment".

Senator Hunt filed the following amendment to LB814:

[AM2956](#)

- 1 1. On page 5, line 20, after "performed" insert "and such parent or
- 2 guardian did not authorize or consent to the procedure".
- 3 2. On page 6, line 5, after "child" insert "if no parent or guardian
- 4 authorized or consented to the procedure".

Senator Hunt filed the following amendment to LB814:

[AM2941](#)

- 1 1. On page 7, line 16, strike "a right to abortion or".

MOTION(S) - Print in Journal

Senator Linehan filed the following motion to [LB720](#):

[MO180](#)

Recommit to the Revenue Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 346. Introduced by Lindstrom, 18.

WHEREAS, Shelby M. Johnson demonstrated selfless bravery by traveling from Nebraska to New York City in April of 2020 to assist in treating COVID-19 patients at overwhelmed hospitals; and

WHEREAS, Nebraskans are known for their hard work and dedication, particularly while acting in the spirit of community service; and

WHEREAS, Shelby Johnson, BSN-RN, graduated from the nursing program at Clarkson College in 2017; and

WHEREAS, Shelby Johnson also graduated from Marian High School in Omaha and the University of Nebraska-Lincoln, where she worked as a resident assistant in the dormitories and was active in the Iron N, the official student section of Husker Athletics; and

WHEREAS, Shelby Johnson works as a registered nurse for Bryan Medical Center in Lincoln in the cardiac intensive care unit; and

WHEREAS, front-line health care workers have earned gratitude and respect, especially for their service during a global pandemic.

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

1. That the Legislature honors Shelby M. Johnson and the countless other medical professionals who have risked their own safety and comfort to save lives during the coronavirus pandemic.

2. That copies of this resolution be sent to Shelby M. Johnson and Bryan Medical Center.

Laid over.

LEGISLATIVE RESOLUTION 347. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine the use of heat-applied tax stamps on individual cigarette packages in Nebraska. New technologies enable manufacturers to apply a bar code, hologram, or quick response code or use another data embedding technique that is easily read and counterfeit resistant, and have been utilized in several other states.

The interim study shall:

(1) Examine the efficiency of the current method of heat-applied tax stamps for the State of Nebraska, manufacturers, and retailers;

(2) Examine the potential of bar coding, holograms, quick response codes, and other embedding techniques to aid in collection of state excise taxes on cigarettes and other tobacco products;

(3) Identify barriers within federal, state, and local laws to using such technologies; and

(4) Examine legislation in other states allowing bar codes and holograms to be used as tax stamps on cigarette packages and how such legislation has affected tax collection and deterred counterfeit and illegal cigarette sales.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this interim study is to examine service animal fraud and emotional support animal fraud.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The process for obtaining a service or emotional support animal;
- (2) Federal and state laws, local ordinances, policies, or other controls regarding service and emotional support animals;
- (3) Efforts to increase public awareness on the federal and state laws, local ordinances, policies, or other controls regarding service or emotional support animals; and
- (4) The design, implementation, and enforcement of legislation, ordinances, policies, or other controls used in other states to address and regulate the process by which people obtain and use service and emotional support animals appropriately.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 944A. Placed on Select File.

(Signed) Julie Slama, Chairperson

WITHDRAW - Cointroducer(s)

Senator Groene name withdrawn from LB1084.

RECESS

At 11:54 a.m., on a motion by Senator Halloran, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard, Morfeld, and Vargas who were excused until they arrive.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 992. Placed on General File with amendment. [AM3055](#) is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB153](#):

[AM3003](#)

(Amendments to Final Reading copy)

1 1. On page 8, line 27; and page 9, line 9, strike "2021" and insert
2 "2022".

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1525

Monday, July 27, 2020 8:00 a.m.
AM3104 to LB1167

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Bostelman.

SELECT FILE

LEGISLATIVE BILL 931. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 461. [ER183](#), found on page 823, was adopted.

Senator Friesen offered the following amendment:
[AM3054](#) is available in the Bill Room.

The Friesen amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1042. [ER184](#), found on page 823, was adopted.

Senator La Grone offered the following amendment:
[AM3083](#)

(Amendments to E&R amendments, ER184)

- 1 1. On page 1, line 9, strike "[July 15](#)" and insert "[September 1](#)".
- 2 2. On page 11, line 6, strike "[July 15](#)" and insert "[September 1](#)".

The La Grone amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1042A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 43. [ER185](#), found on page 824, was adopted.

Senator Chambers offered his amendment, [AM2748](#), found on page 824.

Senator Chambers withdrew his amendment.

Senator Bolz offered her amendment, [AM2864](#), found on page 905.

The Bolz amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Senator Bolz offered the following amendment:
[FA117](#)

Amend AM2037

Strike pg. 3 line 8 starting with or and ending on line 9 with the period after the word organizations.

The Bolz amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 755. [ER193](#), found on page 865, was adopted.

Senator Hilkemann offered his amendment, [AM2829](#), found on page 917.

The Hilkemann amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Blood offered the following amendment:

[AM2991](#)

(Amendments to Standing Committee amendments, AM2480)

1 1. Insert the following new section:

2 Sec. 47. The Department of Health and Human Services and Department
3 of Veterans' Affairs shall work jointly to encourage service providers in
4 their respective departments and in other state and local agencies and
5 departments to ask the question "Have you or a family member ever served
6 in the military?". The question should be included in intake forms and
7 interviews where appropriate, including, but not limited to, at
8 hospitals, mental health care centers, senior centers, employment
9 offices, courts, and schools and in encounters with law enforcement.
10 2. Renumber the remaining section accordingly.

The Blood amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 899. [ER190](#), found on page 866, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 808. [ER196](#), found on page 880, was adopted.

Senator Lindstrom offered the Lindstrom-Pansing Brooks amendment, [AM2875](#), found on page 919.

Senator La Grone offered the following amendment to the Lindstrom-Pansing Brooks amendment:

[AM2944](#)

(Amendments to AM2875)

1 1. Insert the following new section:

2 Sec. 99. Original section 21-201, Revised Statutes Cumulative
3 Supplement, 2018, is repealed.
4 2. On page 110, line 23, strike beginning with "2" through "10,";
5 and in line 27 after the period insert "Sections 2, 3, 4, 5, 6, 7, 8, 9,
6 10, and 99 of this act become operative on July 1, 2021."
7 3. On page 111, line 3, strike "21-201,".
8 4. Renumber the remaining sections accordingly.

The La Grone amendment was adopted with 44 ayes, 0 nays, 4 present and

not voting, and 1 excused and not voting.

The Lindstrom-Pansing Brooks amendment, as amended, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1186. Senator Wayne offered his amendment, [AM2869](#), found on page 907.

Senator Wayne withdrew his amendment.

Senator Hilgers offered his amendment, [AM2887](#), found on page 949.

The Hilgers amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 881. [ER197](#), found on page 880, was adopted.

Senator Lathrop offered the following amendment:
[AM3066](#) is available in the Bill Room.

The Lathrop amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Senator Wayne offered the following amendment:
[AM3013](#)

(Amendments to Standing Committee amendments, AM2628)

1 1. On page 13, line 8, strike "Alternate" and insert "Unless a party
2 objects, alternate"; and in lines 28 and 31 strike "must" and insert
3 "shall".

The Wayne amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1060. [ER208](#), found on page 963, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1183. [ER205](#), found on page 963, was adopted.

Senator Arch offered the following amendment:
[AM3058](#)

(Amendments to Standing Committee amendments, AM2607)

1 1. On page 3, line 9, strike "October 1, 2020" and insert "February
2 1, 2021".

3 2. On page 3, line 10; page 4, lines 29 and 30; and page 5, line 1,
 4 strike "December 1, 2020" and insert "April 1, 2021".
 5 3. On page 14, lines 21 through 30, strike the new matter and insert
 6 "The department shall contract with the statewide health information
 7 exchange for the administration of the Health Information Technology
 8 Board, and such contract shall specify that the health information
 9 exchange is responsible for the administration of the Health Information
 10 Technology Board, including, but not limited to, providing meeting
 11 notices, recording and distributing meeting minutes, administrative tasks
 12 related to the same, and funding such activities. The contract shall also
 13 include provisions for the statewide health information exchange to
 14 reimburse the expenses of the members of the board pursuant to subsection
 15 (5) of section 5 of this act. Such reimbursement shall be paid using a
 16 process essentially similar to sections 81-1174 to 81-1177. No state
 17 funds, including General Funds, cash funds, and federal funds, shall be
 18 used to carry out the administrative duties of the Health Information
 19 Technology Board nor for reimbursement of the expenses of the board
 20 members."

The Arch amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 912. [ER206](#), found on page 963, was adopted.

Senator Lathrop offered the following amendment:

[AM3041](#)

(Amendments to E & R amendments, ER206)

1 1. Strike sections 1 to 7 and insert the following new sections:
 2 Section 1. Sections 1 to 9 of this act shall be known and may be
 3 cited as the County Court Expedited Civil Actions Act.
 4 Sec. 2. (1) The County Court Expedited Civil Actions Act applies to
 5 civil actions in county court in which the sole relief sought is a money
 6 judgment and in which the claim of each plaintiff is less than or equal
 7 to the county court jurisdictional amount set forth in subdivision (5) of
 8 section 24-517, including damages of any kind, penalties, interest
 9 accrued before the filing date, and attorney's fees, but excluding
 10 prejudgment interest accrued after the filing date, postjudgment
 11 interest, and costs.
 12 (2) The act does not apply to Small Claims Court actions or domestic
 13 relations matters or paternity or custody determinations as defined in
 14 section 25-2740.
 15 (3) For the purposes of the act, side means all litigants with
 16 generally common interests in the litigation.
 17 Sec. 3. (1) Eligible plaintiffs may elect to proceed under the
 18 County Court Expedited Civil Actions Act by certifying that the relief
 19 sought meets the requirements of section 2 of this act. The certification
 20 must be on a form approved by the Supreme Court, signed by all plaintiffs
 21 and their attorneys, if represented, and filed with the complaint. The
 22 certification is not admissible to prove a plaintiff's damages in any
 23 proceeding.
 24 (2) Except as otherwise specifically provided, the Nebraska laws and
 25 court rules that are applicable to civil actions are applicable to
 26 actions under the act.
 1 (3) A party proceeding under the act may not recover a judgment in
 2 excess of the county court jurisdictional amount set forth in subdivision
 3 (5) of section 24-517, nor may a judgment be entered against a party in

4 excess of such amount, excluding prejudgment interest that accrues after
5 the filing date, postjudgment interest, and costs. The jury, if any, must
6 not be informed of the county court jurisdictional amount. If the jury
7 returns a verdict for damages in excess of the county court
8 jurisdictional amount for or against a party, the court shall not enter
9 judgment on that verdict in excess of such amount, exclusive of the
10 prejudgment interest that accrues after the filing date, postjudgment
11 interest, and costs.
12 (4) Upon timely application of any party, the county court may
13 terminate application of the act and enter such orders as are appropriate
14 under the circumstances if:
15 (a) The moving party makes a specific showing of substantially
16 changed circumstances sufficient to render the application of the act
17 unfair; or
18 (b) A party has in good faith filed a counterclaim that seeks relief
19 other than that allowed under the act.
20 (5) A party may assert a counterclaim only if the counterclaim
21 arises out of the same transaction or occurrence as the opposing party's
22 claim. Any such counterclaim is subject to the county court
23 jurisdictional limit on damages under the act, unless the court severs
24 the counterclaim or certifies the action to district court pursuant to
25 section 25-2706 on the grounds that the amount in controversy exceeds the
26 county court jurisdictional limit.
27 Sec. 4. (1) Except upon agreement of the parties or leave of court
28 granted upon a showing of good cause, all discovery under the County
29 Court Expedited Civil Actions Act must be completed no later than sixty
30 days before trial.
31 (2) Except upon agreement of the parties or leave of court granted
1 upon a showing of good cause, discovery under the act is subject to the
2 following additional limitations:
3 (a) Each side shall serve no more than ten interrogatories on any
4 other side;
5 (b) Each side shall serve no more than ten requests for production
6 on any other side;
7 (c) Each side shall serve no more than ten requests for admission on
8 any other side. This limit does not apply to requests for admission of
9 the genuineness of documents that a party intends to offer into evidence
10 at trial;
11 (d) One deposition of each party may be taken. With regard to
12 corporations, partnerships, voluntary associations, or any other groups
13 or entities named as a party, the entity or one officer, member, or
14 employee of such entity may be deposed; and
15 (e) Each side may take the deposition of up to two nonparties.
16 (3) Each side is entitled to one expert, except upon agreement of
17 the parties or leave of court granted upon a showing of good cause. A
18 treating health care provider is counted as an expert for purposes of
19 this subsection.
20 (4) A motion for leave of court to modify the limitations set forth
21 in this section must be in writing and must set forth the proposed
22 additional discovery or expert and the reasons establishing good cause.
23 Sec. 5. (1) Any party may file any motion permitted under rules
24 adopted by the Supreme Court for pre-answer motions.
25 (2) A motion for summary judgment must be filed no later than ninety
26 days before trial.
27 Sec. 6. An action under the County Court Expedited Civil Actions
28 Act should ordinarily be submitted to the jury or the court within two
29 business days from the commencement of trial. Unless the court allows
30 additional time for good cause shown, each side shall be allowed no more
31 than six hours to complete jury selection, opening statements,
1 presentation of evidence, examination and cross-examination of witnesses,

2 and closing arguments. Time spent on objections, bench conferences, and
3 challenges for cause to a juror are not included in the time limit.
4 Sec. 7. (1) Parties to an action under the County Court Expedited
5 Civil Actions Act should stipulate to factual and evidentiary matters to
6 the greatest extent possible.
7 (2) For purposes of the act, the court may overrule objections based
8 on authenticity and hearsay to the admission of a document,
9 notwithstanding the absence of testimony or certification from a
10 custodian or other qualified witness, if:
11 (a) The party offering the document gives notice to all other
12 parties of the party's intention to offer the document into evidence at
13 least ninety days in advance of trial. The notice must be given to all
14 parties together with a copy of any document intended to be offered;
15 (b) The document on its face appears to be what the proponent claims
16 it is;
17 (c) The document on its face appears not to be hearsay or appears to
18 fall within a hearsay exception set forth in Nebraska law; and
19 (d) The objecting party has not raised a substantial question as to
20 the authenticity or trustworthiness of the document.
21 (3) Except as otherwise specifically provided by the act, the
22 Nebraska Evidence Rules are applicable to actions under the act.
23 (4) Nothing in subsection (2) of this section authorizes admission
24 of a document that contains hearsay within hearsay, unless the court
25 determines from the face of the document that each part of the combined
26 statements conforms with a hearsay exception set forth in Nebraska law.
27 (5) Any authenticity or hearsay objections to a document as to which
28 notice has been provided under subdivision (2)(a) of this section must be
29 made within thirty days after receipt of the notice.
30 (6)(a) The report of any treating health care provider concerning
31 the plaintiff may be used in lieu of deposition or in-court testimony of
1 the health care provider, so long as the report offered into evidence is
2 on a form adopted for such purpose by the Supreme Court and is signed by
3 the health care provider making the report.
4 (b) The Supreme Court shall adopt a form for the purposes of
5 subdivision (6)(a) of this section.
6 (c) Unless otherwise stipulated or ordered by the court, a copy of
7 any completed health care provider report under subdivision (6)(a) of
8 this section must be served on all parties at least ninety days in
9 advance of trial. Any objections to the health care provider statement,
10 including an objection that the statement is incomplete or does not
11 otherwise comply with this subsection, must be made within thirty days
12 after receipt of the statement. For good cause shown, the court may issue
13 such orders regarding the health care provider report as justice may
14 require, including an order permitting a health care provider to
15 supplement the report.
16 (d) Any party against whom a health care provider report may be used
17 has the right, at the party's own initial expense, to cross-examine by
18 deposition the health care provider signing the report, and the
19 deposition may be used at trial.
20 (e) The deposition of the health care provider and the discovery of
21 facts or opinions held by an expert are not counted for purposes of the
22 numerical limits of section 4 of this act.
23 Sec. 8. The Supreme Court may promulgate rules and forms for actions
24 governed by the County Court Expedited Civil Actions Act, and such rules
25 and forms shall not be in conflict with the act.
26 Sec. 9. The County Court Expedited Civil Actions Act applies to
27 civil actions filed on or after January 1, 2022.
28 2. On page 15, line 13, strike "9" and insert "11".
29 3. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 803. [ER186](#), found on page 824, was adopted.

Senator Hughes withdrew his amendment, [AM2772](#), found on page 876.

Senator Hughes offered the following amendment:
[AM2999](#) is available in the Bill Room.

The Hughes amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 803A. Senator Hughes offered the following amendment:

[AM3105](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$140,000 from the Dry
4 Pea and Lentil Fund for FY2020-21 and (2) \$140,000 from the Dry Pea and
5 Lentil Fund for FY2021-22 to Agency 95 — Dry Pea and Lentil Commission,
6 for Program 862, to aid in carrying out the provisions of Legislative
7 Bill 803, One Hundred Sixth Legislature, Second Session, 2020.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$35,000
10 for FY2020-21 or \$35,000 for FY2021-22.
11 Sec. 2. Since an emergency exists, this act takes effect when
12 passed and approved according to law.

The Hughes amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 247. [ER189](#), found on page 871, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 797. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 832. [ER188](#), found on page 872, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 850. [ER194](#), found on page 880, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. [ER198](#), found on page 893, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 705. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1028. [ER201](#), found on page 953, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1130. Senator Groene offered the following amendment:

[AM3006](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 35-1204, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 35-1204 (1) A mutual finance organization may be created by
 6 agreement among its members pursuant to the Interlocal Cooperation Act or
 7 the Joint Public Agency Act. The agreement shall:
 8 (a) Have a duration of ~~at least~~ three years;
 9 (b) Require that ~~each member~~ ~~all members~~ of the mutual finance
 10 organization levy the same agreed-upon property tax rate within their
 11 boundaries for one out of ~~the every~~ three tax years covered by the
 12 agreement. ~~The members need not levy such agreed-upon property tax rate~~
 13 ~~during the same year; and~~
 14 (c) Require that all members of the mutual finance organization levy
 15 no more than such agreed-upon property tax rate for the remaining tax
 16 years covered by the agreement; ~~and~~ -
 17 (d) Contain a statement of the agreed-upon maximum property tax
 18 rate.
 19 (2) The property tax rates described in subsection (1) of this
 20 section shall be levied for the purpose of jointly funding the operations
 21 of all members of the mutual finance organization. All such property tax
 22 rates shall exclude levies for bonded indebtedness and lease-purchase
 23 contracts in existence on July 1, 1998.
 24 (3) The changes made to this section by this legislative bill do not
 25 affect eligibility for funding pursuant to the Mutual Finance Assistance
 26 Act that is to be paid on or before May 1, 2021.
 27 Sec. 2. Section 35-1207, Revised Statutes Supplement, 2019, is
 1 amended to read:
 2 35-1207 (1) Any rural or suburban fire protection district or mutual
 3 finance organization seeking funds pursuant to the Mutual Finance
 4 Assistance Act shall submit an application and any forms required by the
 5 State Treasurer. Such application and forms shall be submitted to the
 6 State Treasurer by ~~September 20 July 1~~. The State Treasurer shall develop
 7 the application which requires calculations showing assumed population
 8 eligibility under section 35-1205 and the distribution amount under
 9 section 35-1206. If the applicant is a mutual finance organization, it
 10 shall attach to its first application a copy of the agreement pursuant to
 11 section 35-1204 and attach to any subsequent application a copy of an

12 amended agreement or an affidavit stating that the previously submitted
 13 agreement is still accurate and effective. Any mutual finance
 14 organization making application pursuant to this section shall include
 15 with the application additional financial information regarding the
 16 manner in which any funds received by the mutual finance organization
 17 based upon the prior year's application pursuant to the act have been
 18 expended or distributed by that mutual finance organization. The State
 19 Treasurer shall provide electronic copies of such reports on mutual
 20 finance organization expenditures and distributions to the Clerk of the
 21 Legislature by December 1 of each year in which any reports are filed.
 22 (2) The State Treasurer shall review all applications for
 23 eligibility for funds under the act and approve any application which is
 24 accurate and demonstrates that the applicant is eligible for funds. On or
 25 before ~~November 4~~ ~~August 15~~, the State Treasurer shall notify the
 26 applicant of approval or denial of the application and certify the amount
 27 of funds for which an approved applicant is eligible. The decision of the
 28 State Treasurer may be appealed as provided in the Administrative
 29 Procedure Act.
 30 (3)(a) ~~(3)~~ Except as provided in subsection (5) (4) of this section,
 31 funds shall be disbursed by the State Treasurer in two payments which are
 1 as nearly equal as possible. ~~Such payments shall be made as follows: ~~to~~~~
 2 ~~be paid~~
 3 (i) For applications received by the State Treasurer by July 1,
 4 ~~2020~~, such payments shall be made on or before November 1, ~~2020~~, and May
 5 1, ~~2021~~;
 6 (ii) For applications received by the State Treasurer after July 1,
 7 ~~2020~~, and by September 20, 2021, such payments shall be made on or before
 8 January 20, 2022, and May 20, 2022; and
 9 (iii) For applications received by the State Treasurer by September
 10 20 of any year thereafter, such payments shall be made on or before the
 11 next following January 20 and May 20.
 12 (b) If the Mutual Finance Assistance Fund is insufficient to make
 13 all payments to all applicants in the amounts provided in section
 14 35-1206, the State Treasurer shall prorate payments to approved
 15 applicants.
 16 (4) Funds remaining in the Mutual Finance Assistance Fund on June 20
 17 ~~1~~ shall be transferred to the General Fund before July 1.
 18 (5) (4) No funds shall be disbursed to an eligible mutual finance
 19 organization until it has provided to the State Treasurer the financial
 20 information regarding the manner in which it has expended or distributed
 21 prior disbursements made pursuant to the Mutual Finance Assistance Act as
 22 provided in subsection (1) of this section.
 23 Sec. 3. Original sections 35-1204 and 35-1207, Revised Statutes
 24 Supplement, 2019, are repealed.

The Groene amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 911. [ER202](#), found on page 954, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 911A. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 889. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1166. [ER203](#), found on page 957, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1080. [ER207](#), found on page 957, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1185. [ER211](#), found on page 958, was adopted.

Senator Howard offered the following amendment:

[AM3080](#)

(Amendments to E & R amendments, ER211)

1 1. On page 8, lines 5, 16, and 17, strike "October 1, 2020" and

2 insert "the effective date of this act".

The Howard amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1185A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 835. [ER216](#), found on page 964, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 1048. Placed on General File with amendment.

[AM2972](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 349. Introduced by Cavanaugh, 6.

WHEREAS, the National Education Association, as a part of their annual Human and Civil Rights Awards program, presents the Rosa Parks Memorial Award to an individual or organization that inspires others to champion the cause of human and civil rights by:

(1) Demonstrating the courage to challenge the status quo in order to achieve a just society for the disadvantaged;

(2) Exemplifying a nonviolent philosophy in pursuit of a better life for minorities;

(3) Inspiring direct action in the cause of human and civil rights; and

(4) Contributing to the establishment of laws and policies that promote equal opportunities for minorities and the disadvantaged; and

WHEREAS, the 2020 Rosa Parks Memorial Award was awarded to Inclusive Communities; and

WHEREAS, Inclusive Communities is a nonprofit organization based in Omaha with an almost 100-year, storied history of promoting justice through educating and engaging the community around racial equity, economic opportunity, and social justice; and

WHEREAS, as a recipient of this award, Inclusive Communities has consistently demonstrated service deserving of the award; and

WHEREAS, the staff and volunteers at Inclusive Communities demonstrate perseverance and skill in achieving this remarkable honor.

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

1. That the Legislature congratulates Inclusive Communities on receiving the National Education Association's 2020 Rosa Parks Memorial Award.

2. That a copy of this resolution be sent to Inclusive Communities and Executive Director Maggie Wood.

Laid over.

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to [LB927](#): [AM3053](#)

(Amendments to Standing Committee amendments, AM2822)

1 1. Insert the following new section:

2 Sec. 2. 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 attorney's fees and costs associated with a required
6 appearance before a tribunal for which the state agency has insufficient
7 funds to pay, which requires the approval of the Legislature for payment.
8 \$50,628.87 for Case No. CI 20-29 and Case No. CI 20-46, in Lancaster
9 County District Court, for self-insured liability attorney's fees and
10 costs for which there is insufficient agency funding, against the State
11 Racing Commission, pay to Lamson Dugan and Murray LLP, 10306 Regency
12 Parkway Drive, Omaha, NE 68114-3708, out of the General Fund.
13 The amount included in this section shall be paid through Program
14 536 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
18 <u>GENERAL FUND</u>	<u>\$50,628.87</u>
19 <u>CASH FUND</u>	<u>\$-0-</u>
20 <u>REVOLVING FUND</u>	<u>\$-0-</u>
21 <u>TOTAL</u>	<u>\$50,628.87</u>

22.2. Renumber the remaining sections accordingly.

Senator Linehan filed the following amendment to [LB1106](#):
[AM3063](#)

(Amendments to Standing Committee amendments, AM2870)

1 1. Strike sections 23 and 24 and insert the following new sections:

2 Sec. 23. Section 79-1022, Revised Statutes Supplement, 2019, as

3 amended by section 1, Legislative Bill 880, One Hundred Sixth

4 Legislature, Second Session, 2020, is amended to read:

5 79-1022 (1)(a) ~~(1)~~ On or before ~~August 14~~ ~~May 1~~, 2020, and on or

6 before March 1 of each year thereafter, the department shall determine

7 the amounts to be distributed to each local system for the ensuing school

8 fiscal year pursuant to the Tax Equity and Educational Opportunities

9 Support Act ~~and shall certify the amounts to the Director of~~

10 ~~Administrative Services, the Auditor of Public Accounts, and each local~~

11 ~~system.~~

12 (b) For school fiscal year 2020-21 and each school fiscal year

13 thereafter, the amount to be distributed to each local system shall equal

14 the sum of the equalization aid determined pursuant to section

15 ~~79-1008.01, net option funding determined pursuant to section 79-1009,~~

16 ~~foundation aid determined pursuant to section 16 of this act, and~~

17 ~~community achievement plan aid determined pursuant to section 79-1005.~~

18 (c) The department shall certify the amounts to be distributed as

19 determined pursuant to this subsection to the Director of Administrative

20 ~~Services, the Auditor of Public Accounts, and each district.~~

21 (d) On or before ~~August 14~~ ~~May 1~~, 2020, and on or before March 1 of

22 each year thereafter, the department shall report the necessary funding

23 level for the ensuing school fiscal year to the Governor, the

24 Appropriations Committee of the Legislature, and the Education Committee

25 of the Legislature. The report submitted to the committees of the

26 Legislature shall be submitted electronically.

1 (e) Except as otherwise provided in this subsection, certified state

2 aid amounts, including adjustments pursuant to section 79-1065.02, shall

3 be shown as budgeted non-property-tax receipts and deducted prior to

4 calculating the property tax request in the local system's general fund

5 budget statement as provided to the Auditor of Public Accounts pursuant

6 to section 79-1024.

7 (2) Except as provided in this subsection, subsection (8) of section

8 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts

9 certified pursuant to subsection (1) of this section shall be distributed

10 in ten as nearly as possible equal payments on the last business day of

11 each month beginning in September of each ensuing school fiscal year and

12 ending in June of the following year, except that when a local system is

13 to receive a monthly payment of less than one thousand dollars, such

14 payment shall be one lump-sum payment on the last business day of

15 December during the ensuing school fiscal year.

16 (3) On or before ~~August 14, 2020~~, and on or before ~~March 1~~ of each

17 ~~year thereafter, for the purpose of calculating any levy exclusion~~

18 ~~pursuant to subdivision (2)(d)(vii) of section 77-3442, the department~~

19 ~~shall provide to each school district an estimate of aid without any~~

20 ~~short-term adjustment by the Legislature. Such estimate shall equal the~~

21 ~~amount that would have been certified pursuant to this section for the~~

22 ~~immediately following school fiscal year using the components of the Tax~~

23 ~~Equity and Educational Opportunities Support Act as such act existed on~~

24 ~~August 14, 2020. For purposes of this subsection, short-term adjustment~~

25 ~~means a change passed by the Legislature with a defined period of~~

26 ~~applicability.~~

27 Sec. 24. Section 79-1022.02, Revised Statutes Supplement, 2019, as

28 amended by section 2, Legislative Bill 880, One Hundred Sixth

29 Legislature, Second Session, 2020, is amended to read:

30 79-1022.02 Notwithstanding any other provision of law, any
31 certification of state aid pursuant to section 79-1022, certification of
1 budget authority pursuant to section 79-1023, and certification of
2 applicable allowable reserve percentages pursuant to section 79-1027
3 completed prior to the effective date of this act ~~February 13, 2020~~, for
4 school fiscal year 2020-21 are null and void.

5 Sec. 25. Section 79-1023, Revised Statutes Supplement, 2019, as
6 amended by section 3, Legislative Bill 880, One Hundred Sixth
7 Legislature, Second Session, 2020, is amended to read:

8 79-1023 (1) On or before ~~August 14~~ ~~May 1~~, 2020, and on or before
9 March 1 of each year thereafter, the department shall determine and
10 certify to each school district budget authority for the general fund
11 budget of expenditures for the ensuing school fiscal year.

12 (2) Except as provided in subsection (3) of this section for school
13 fiscal year 2020-21 and in sections 79-1028.01, 79-1029, 79-1030, and
14 81-829.51, each school district shall have budget authority for the
15 general fund budget of expenditures equal to the greater of (a) the
16 general fund budget of expenditures for the immediately preceding school
17 fiscal year minus exclusions pursuant to subsection (1) of section
18 79-1028.01 for such school fiscal year with the difference increased by
19 the basic allowable growth rate for the school fiscal year for which
20 budget authority is being calculated, (b) the general fund budget of
21 expenditures for the immediately preceding school fiscal year minus
22 exclusions pursuant to subsection (1) of section 79-1028.01 for such
23 school fiscal year with the difference increased by an amount equal to
24 any student growth adjustment calculated for the school fiscal year for
25 which budget authority is being calculated, or (c) one hundred ten
26 percent of formula need for the school fiscal year for which budget
27 authority is being calculated minus the special education budget of
28 expenditures as filed on the school district budget statement on or
29 before September 20 for the immediately preceding school fiscal year,
30 which special education budget of expenditures is increased by the basic
31 allowable growth rate for the school fiscal year for which budget
1 authority is being calculated.

2 (3) For school fiscal year 2020-21, except as provided in sections
3 79-1028.01, 79-1029, 79-1030, and 81-829.51, each school district shall
4 have budget authority for the general fund budget of expenditures equal
5 to the lesser of (a) the budget authority for the general fund budget of
6 expenditures calculated pursuant to subsection (2) of this section or (b)
7 the greater of (i) the general fund expenditures for school fiscal year
8 2018-19 minus any expenditures that qualified for an exclusion from the
9 budget authority for the general fund budget of expenditures pursuant to
10 subsection (1) of section 79-1028.01 for such school fiscal year with the
11 difference increased by ten percent for school fiscal year 2020-21, (ii)
12 the general fund expenditures for school fiscal year 2018-19 minus any
13 expenditures that qualified for an exclusion from the budget authority
14 for the general fund budget of expenditures pursuant to subsection (1) of
15 section 79-1028.01 for such school fiscal year with the difference
16 increased (A) by the basic allowable growth rate for school fiscal year
17 2019-20 pursuant to section 79-1025 and then (B) by an amount equal to
18 any student growth adjustment calculated for school fiscal year 2020-21,
19 or (iii) one hundred ten percent of formula need for school fiscal year
20 2020-21 minus the special education expenditures for school fiscal year
21 2018-19 with such special education expenditures increased by the basic
22 allowable growth rate for school fiscal year 2020-21 pursuant to section
23 79-1025.

24 (4) ~~(3)~~ For any school fiscal year for which the budget authority
25 for the general fund budget of expenditures for a school district is
26 based on a student growth adjustment, the budget authority for the
27 general fund budget of expenditures for such school district shall be

28 adjusted in future years to reflect any student growth adjustment
 29 corrections related to such student growth adjustment.
 30 Sec. 26. Section 79-1027, Revised Statutes Supplement, 2019, as
 31 amended by section 4, Legislative Bill 880, One Hundred Sixth
 1 Legislature, Second Session, 2020, is amended to read:
 2 79-1027 No district shall adopt a budget, which includes total
 3 requirements of depreciation funds, necessary employee benefit fund cash
 4 reserves, and necessary general fund cash reserves, exceeding the
 5 applicable allowable reserve percentages of total general fund budget of
 6 expenditures as specified in the schedule set forth in this section.
 7 Average daily Allowable
 8 membership of reserve
 9 district percentage
 10 0 - 471 45
 11 471.01 - 3,044 35
 12 3,044.01 - 10,000 25
 13 10,000.01 and over 20
 14 On or before ~~August 14~~ ~~May 1~~, 2020, and on or before March 1 each
 15 year thereafter, the department shall determine and certify each
 16 district's applicable allowable reserve percentage for the ensuing school
 17 fiscal year.
 18 Each district with combined necessary general fund cash reserves,
 19 total requirements of depreciation funds, and necessary employee benefit
 20 fund cash reserves less than the applicable allowable reserve percentage
 21 specified in this section may, notwithstanding the district's applicable
 22 allowable growth rate, increase its necessary general fund cash reserves
 23 such that the total necessary general fund cash reserves, total
 24 requirements of depreciation funds, and necessary employee benefit fund
 25 cash reserves do not exceed such applicable allowable reserve percentage.
 26 Sec. 28. Section 79-1031.01, Revised Statutes Supplement, 2019, as
 27 amended by section 5, Legislative Bill 880, One Hundred Sixth
 28 Legislature, Second Session, 2020, is amended to read:
 29 79-1031.01 The Appropriations Committee of the Legislature shall
 30 annually include the amount necessary to fund the state aid that will be
 1 certified to school districts on or before ~~August 14~~ ~~May 1~~, 2020, and on
 2 or before March 1 of each year thereafter for each ensuing school fiscal
 3 year in its recommendations to the Legislature to carry out the
 4 requirements of the Tax Equity and Educational Opportunities Support Act.
 5 2. On page 43, line 2, strike "~~April 15~~" and insert "August 7".
 6 3. On page 54, line 14, strike "~~April 15~~" and insert "August 7".
 7 4. On page 70, line 21, strike the last "and"; in line 22 after
 8 "79-1005.01," insert "and"; strike beginning with "79-1022" in line 22
 9 through the first comma in line 23; and in line 23 after the last comma
 10 insert "and sections 79-1022, 79-1022.02, 79-1023, 79-1027, and
 11 79-1031.01, Revised Statutes Supplement, 2019, as amended by sections 1,
 12 2, 3, 4, and 5, respectively, Legislative Bill 880, One Hundred Sixth
 13 Legislature, Second Session, 2020,".
 14 5. Renumber the remaining sections accordingly.

Senator Kolterman filed the following amendment to LB720:
AM3049 is available in the Bill Room.

Senator Briese filed the following amendment to LB720:
AM3097

(Amendments to AM3049)

1 1. On page 46, strike line 31 and insert "as follows:
 2 (i) For calendar year 2021, the base authority shall be equal to one
 3 hundred million dollars minus the amount of matching funds expected to be
 4 paid by the State of Nebraska during such calendar year pursuant to the

5 Nebraska Transformational Projects Act;

6 (ii) For calendar year 2022, the base authority shall be equal to
 7 one hundred million dollars minus the amount of matching funds expected
 8 to be paid by the State of Nebraska during such calendar year pursuant to
 9 the Nebraska Transformational Projects Act;

10 (iii) For calendar year 2023, the base authority shall be equal to
 11 one hundred twenty-five million dollars minus the amount of matching
 12 funds expected to be paid by the State of Nebraska during such calendar
 13 year pursuant to the Nebraska Transformational Projects Act;

14 (iv) For calendar year 2024, the base authority shall be equal to
 15 one hundred twenty-five million dollars minus the amount of matching
 16 funds expected to be paid by the State of Nebraska during such calendar
 17 year pursuant to the Nebraska Transformational Projects Act;

18 (v) For calendar year 2025, the base authority shall be equal to one
 19 hundred fifty million dollars minus the amount of matching funds expected
 20 to be paid by the State of Nebraska during such calendar year pursuant to
 21 the Nebraska Transformational Projects Act;

22 (vi) For calendar year 2026, the base authority shall be equal to
 23 one hundred fifty million dollars minus the amount of matching funds
 24 expected to be paid by the State of Nebraska during such calendar year
 25 pursuant to the Nebraska Transformational Projects Act; and

26 (vii) Beginning with calendar year 2027 and every three years
 1 thereafter, the director shall adjust the base authority to an amount
 2 equal to three percent of the actual General Fund net receipts for the
 3 most recent fiscal year for which such information is available minus the
 4 amount of matching funds expected to be paid by the State of Nebraska
 5 during the calendar year in which such adjustment occurs pursuant to the
 6 Nebraska Transformational Projects Act."

7 2. On page 47, strike lines 1 through 6.

Senator Cavanaugh filed the following amendment to [LB534](#):
[AM2996](#)

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 2. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. On page 1, line 4, strike "and" and after "terms" insert "; and
- 5 to declare an emergency".

Senator Groene filed the following amendment to [LB147](#):
[AM3067](#) is available in the Bill Room.

Senator Vargas filed the following amendment to [LB477A](#):
[AM2995](#)

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 2. The State Treasurer shall transfer \$58,192 from the
- 3 Department of Revenue Enforcement Fund to the General Fund on or before
- 4 November 30, 2020.
- 5 2. On page 1, line 3, after "2020" insert "; and to provide for a
- 6 transfer of funds".

Senator Hunt filed the following amendment to [LB814](#):
[AM3114](#)

- 1 1. Strike original section 11 and renumber the remaining section
- 2 accordingly.

Senator Hunt filed the following amendment to LB814:

[AM3116](#)

- 1 1. Insert the following new section:
- 2 Sec. 11. This act becomes operative on June 1, 2021.
- 3 2. Renumber the remaining sections accordingly.

Senator Brewer filed the following amendment to LB1167:

[AM3104](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
- 4 amended to read:
- 5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
- 6 known and may be cited as the Online Notary Public Act.
- 7 Sec. 2. No otherwise valid online notarial act performed on or
- 8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
- 9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
- 10 because it was performed prior to the operative date of Laws 2019, LB186.
- 11 Sec. 3. Section 84-1411, Revised Statutes Supplement, 2019, is
- 12 amended to read:
- 13 84-1411 (1) Each public body shall give reasonable advance
- 14 publicized notice of the time and place of each meeting by a method
- 15 designated by each public body and recorded in its minutes. Such notice
- 16 shall be transmitted to all members of the public body and to the public.
- 17 Such notice shall contain an agenda of subjects known at the time of the
- 18 publicized notice or a statement that the agenda, which shall be kept
- 19 continually current, shall be readily available for public inspection at
- 20 the principal office of the public body during normal business hours.
- 21 Agenda items shall be sufficiently descriptive to give the public
- 22 reasonable notice of the matters to be considered at the meeting. Except
- 23 for items of an emergency nature, the agenda shall not be altered later
- 24 than (a) twenty-four hours before the scheduled commencement of the
- 25 meeting or (b) forty-eight hours before the scheduled commencement of a
- 26 meeting of a city council or village board scheduled outside the
- 27 corporate limits of the municipality. The public body shall have the
- 1 right to modify the agenda to include items of an emergency nature only
- 2 at such public meeting.
- 3 (2) Except as otherwise provided in subsection (7) of this section,
- 4 a A meeting of a state agency, state board, state commission, state
- 5 council, or state committee, of an advisory committee of any such state
- 6 entity, of an organization created under the Interlocal Cooperation Act,
- 7 the Joint Public Agency Act, or the Municipal Cooperative Financing Act,
- 8 of the governing body of a public power district having a chartered
- 9 territory of more than one county in this state, of the governing body of
- 10 a public power and irrigation district having a chartered territory of
- 11 more than one county in this state, of a board of an educational service
- 12 unit, of the Educational Service Unit Coordinating Council, of the
- 13 governing body of a risk management pool or its advisory committees
- 14 organized in accordance with the Intergovernmental Risk Management Act,
- 15 or of a community college board of governors may be held by means of
- 16 videoconferencing or, in the case of the Judicial Resources Commission in
- 17 those cases specified in section 24-1204, by telephone conference, if:
- 18 (a) Reasonable advance publicized notice is given;
- 19 (b) Reasonable arrangements are made to accommodate the public's
- 20 right to attend, hear, and speak at the meeting, including seating,
- 21 recordation by audio or visual recording devices, and a reasonable
- 22 opportunity for input such as public comment or questions to at least the
- 23 same extent as would be provided if videoconferencing or telephone
- 24 conferencing was not used;

25 (c) At least one copy of all documents being considered is available
26 to the public at each site of the videoconference or telephone
27 conference;

28 (d) At least one member of the state entity, advisory committee,
29 board, council, or governing body is present at each site of the
30 videoconference or telephone conference, except that a member of an
31 organization created under the Interlocal Cooperation Act that sells
1 electricity or natural gas at wholesale on a multistate basis, an
2 organization created under the Municipal Cooperative Financing Act, or a
3 governing body of a risk management pool or an advisory committee of such
4 organization or pool may designate a nonvoting designee, who shall not be
5 included as part of the quorum, to be present at any site; and

6 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,
7 no more than one-half of the state entity's, advisory committee's,
8 board's, council's, or governing body's meetings in a calendar year are
9 held by videoconference or telephone conference; or

10 (ii) In the case of an organization created under the Interlocal
11 Cooperation Act that sells electricity or natural gas at wholesale on a
12 multistate basis or an organization created under the Municipal
13 Cooperative Financing Act, such organization holds at least one meeting
14 each calendar year that is not by videoconferencing or telephone
15 conferencing.

16 Videoconferencing, telephone conferencing, or conferencing by other
17 electronic communication shall not be used to circumvent any of the
18 public government purposes established in the Open Meetings Act.

19 (3) Except as otherwise provided in subsection (7) of this section,
20 ~~a~~ meeting of a board of an educational service unit, of the Educational
21 Service Unit Coordinating Council, of the governing body of an entity
22 formed under the Interlocal Cooperation Act, the Joint Public Agency Act,
23 or the Municipal Cooperative Financing Act, of the governing body of a
24 risk management pool or its advisory committees organized in accordance
25 with the Intergovernmental Risk Management Act, of a community college
26 board of governors, of the governing body of a public power district, of
27 the governing body of a public power and irrigation district, or of the
28 Nebraska Brand Committee may be held by telephone conference call if:

29 (a) The territory represented by the educational service unit,
30 member educational service units, community college board of governors,
31 public power district, public power and irrigation district, Nebraska
1 Brand Committee, or member public agencies of the entity or pool covers
2 more than one county;

3 (b) Reasonable advance publicized notice is given which identifies
4 each telephone conference location at which there will be present: (i) A
5 member of the educational service unit board, council, community college
6 board of governors, governing body of a public power district, governing
7 body of a public power and irrigation district, Nebraska Brand Committee,
8 or entity's or pool's governing body; or (ii) A nonvoting designee
9 designated under subdivision (3)(f) of this section;

10 (c) All telephone conference meeting sites identified in the notice
11 are located within public buildings used by members of the educational
12 service unit board, council, community college board of governors,
13 governing body of the public power district, governing body of the public
14 power and irrigation district, Nebraska Brand Committee, or entity or
15 pool or at a place which will accommodate the anticipated audience;

16 (d) Reasonable arrangements are made to accommodate the public's
17 right to attend, hear, and speak at the meeting, including seating,
18 recordation by audio recording devices, and a reasonable opportunity for
19 input such as public comment or questions to at least the same extent as
20 would be provided if a telephone conference call was not used;

21 (e) At least one copy of all documents being considered is available
22 to the public at each site of the telephone conference call;

23 (f) At least one member of the educational service unit board,
24 council, community college board of governors, governing body of the
25 public power district, governing body of the public power and irrigation
26 district, Nebraska Brand Committee, or governing body of the entity or
27 pool is present at each site of the telephone conference call identified
28 in the public notice, except that a member of an organization created
29 under the Interlocal Cooperation Act that sells electricity or natural
30 gas at wholesale on a multistate basis, an organization created under the
31 Municipal Cooperative Financing Act, or a governing body of a risk
1 management pool or an advisory committee of such organization or pool may
2 designate a nonvoting designee, who shall not be included as part of the
3 quorum, to be present at any site;

4 (g) The telephone conference call lasts no more than five hours; and
5 (h) No more than one-half of the board's, council's, governing
6 body's, committee's, entity's, or pool's meetings in a calendar year are
7 held by telephone conference call, except that:

8 (i) The governing body of a risk management pool that meets at least
9 quarterly and the advisory committees of the governing body may each hold
10 more than one-half of its meetings by telephone conference call if the
11 governing body's quarterly meetings are not held by telephone conference
12 call or videoconferencing; and
13 (ii) An organization created under the Interlocal Cooperation Act
14 that sells electricity or natural gas at wholesale on a multistate basis
15 or an organization created under the Municipal Cooperative Financing Act
16 may hold more than one-half of its meetings by telephone conference call
17 if the organization holds at least one meeting each calendar year that is
18 not by videoconferencing or telephone conference call.
19 Nothing in this subsection shall prevent the participation of
20 consultants, members of the press, and other nonmembers of the governing
21 body at sites not identified in the public notice. Telephone conference
22 calls, emails, faxes, or other electronic communication shall not be used
23 to circumvent any of the public government purposes established in the
24 Open Meetings Act.

25 (4) The secretary or other designee of each public body shall
26 maintain a list of the news media requesting notification of meetings and
27 shall make reasonable efforts to provide advance notification to them of
28 the time and place of each meeting and the subjects to be discussed at
29 that meeting.

30 (5) When it is necessary to hold an emergency meeting without
31 reasonable advance public notice, the nature of the emergency shall be
1 stated in the minutes and any formal action taken in such meeting shall
2 pertain only to the emergency. Such emergency meetings may be held by
3 means of electronic or telecommunication equipment. The provisions of
4 subsection (4) of this section shall be complied with in conducting
5 emergency meetings. Complete minutes of such emergency meetings
6 specifying the nature of the emergency and any formal action taken at the
7 meeting shall be made available to the public by no later than the end of
8 the next regular business day.

9 (6) A public body may allow a member of the public or any other
10 witness other than a member of the public body to appear before the
11 public body by means of video or telecommunications equipment.

12 (7)(a) This subsection applies until July 1, 2021.

13 (b) Notwithstanding subsections (2) and (3) of this section, to hold
14 a meeting during a health crisis, a public body shall give reasonable
15 advance publicized notice as described in subsection (1) of this section.
16 The notice shall include information regarding access for the public and
17 news media. Such meeting may be held by means of videoconferencing or
18 telephone conferencing. The public body may hold such meeting for the
19 purpose of briefing, discussion of public business, formation of
20 tentative policy, or the taking of any action of the public body.

21 (c) The public body shall provide access by providing a public,
 22 toll-free, dial-in number or a free-of-charge videoconference link and a
 23 link to an electronic copy of the agenda and all documents being
 24 considered at the meeting. Reasonable arrangements shall be made to
 25 accommodate the public's right to hear and speak at the meeting and
 26 record the meeting. A public body may not be required to allow citizens
 27 to speak at each meeting held pursuant to this subsection, but it may not
 28 forbid public participation at all such meetings. Subsection (4) of this
 29 section shall be complied with in conducting such meetings.
 30 (d) The nature of the health crisis shall be stated in the minutes.
 31 Complete minutes of such meeting specifying the nature of the health
 1 crisis and any formal action taken at the meeting shall be made available
 2 for inspection as provided in subsections (5) and (6) of section 84-1413.
 3 (e) For purposes of this subsection, health crisis means a situation
 4 in which a state of emergency proclamation has been issued by the
 5 Governor as provided in section 81-829.40 or by the principal executive
 6 officer of a local government as provided in section 81-829.50 for any
 7 contagious, infectious, epidemic, or pandemic disease or illness. The
 8 health crisis shall be limited to the duration of such emergency
 9 proclamation.
 10 Sec. 4. Original sections 64-401 and 84-1411, Revised Statutes
 11 Supplement, 2019, are repealed.
 12 Sec. 5. Since an emergency exists, this act takes effect when
 13 passed and approved according to law.

Senator Quick filed the following amendment to [LB424](#):
[AM3032](#)

(Amendments to AM2122)

1 1. On page 2, after line 3 insert the following new subdivision:
 2 "(3) Immediate family has the same meaning as in section 49-1425;"
 3 in line 4 strike "(3)" and insert "(4)"; in line 6 strike "(4)" and
 4 insert "(5)"; and in line 10 strike "(5)" and insert "(6)".
 5 2. On page 7, line 8, strike "14."
 6 3. On page 8, line 26, strike "or"; in line 29 strike the new matter
 7 and reinstate the stricken matter; and after line 29 insert the following
 8 new subdivision:
 9 "(c) Acquisition of the real property by the land bank would serve
 10 the best interests of the community as determined by two-thirds of the
 11 voting members of the board. Only a land bank created by a city of the
 12 metropolitan class may use the reason provided in this subdivision. In
 13 determining whether the acquisition would serve the best interests of the
 14 community, the board shall take into consideration the hierarchical
 15 ranking of priorities for the use of real property conveyed by a land
 16 bank established pursuant to subsection (5) of section 10 of this act, if
 17 any such hierarchical ranking is established."
 18 4. On page 10, line 22, after "Act" insert ", except that a land
 19 bank shall not issue any bonds on or after the effective date of this
 20 act".
 21 5. On page 11, line 14, after "money" insert ", except that a land
 22 bank shall not invest its money in any instrument, obligation, security,
 23 or property that is owned by a member of the board or an employee of the
 24 land bank, by a board member's or an employee's immediate family, or by a
 25 business or entity in which a board member or an employee has an
 26 ownership interest".
 1 6. On page 12, line 8, after "to" insert "(a)" and after "taxes"
 2 insert "or (b) receive property tax revenue from a political subdivision
 3 pursuant to an agreement entered into under the Joint Public Agency Act".
 4 7. On page 16, line 11, strike "A", show as stricken, and insert
 5 "Subject to subsection (7) of this section, a".
 6 8. On page 17, after line 19 insert the following new subsection:

7 "(7) A land bank shall not issue any bonds on or after the effective
8 date of this act."
9 9. On page 18, strike beginning with "by" in line 8 through line 10,
10 show as stricken, and insert "in accordance with this section. For a land
11 bank created pursuant to subsection (1) of section 4 of this act, the
12 resolution of dissolution must be approved by two-thirds of the members
13 of the governing body of the municipality that created the land bank. For
14 a land bank created pursuant to subsection (2) or (3) of section 4 of
15 this act, the resolution of dissolution must be approved by a majority of
16 the members of the governing body of each municipality that created the
17 land bank. A governing body"; and in line 27 after the period insert "No
18 member of the board or employee of a land bank shall have any interest,
19 direct or indirect, in any investment of the land bank. The restrictions
20 in this subsection shall also apply to a board member's or employee's
21 immediate family and to any business or entity in which the board member
22 or employee has an ownership interest."

Senator Hunt filed the following amendment to LB814:
[AM3117](#)

- 1 1. Strike original sections 4 to 6.
- 2 2. On page 4, line 21, strike "(1)"; and strike lines 25 through 31.
- 3 3. On page 5, strike lines 1 and 2; in line 3 strike "(3)" and
4 insert "(2)".
- 5 4. Renumber the remaining sections and correct internal references
6 accordingly.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion:
Suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new
bill, Req. 6133, after the tenth legislative day by a member.

ADJOURNMENT

At 5:12 p.m., on a motion by Senator DeBoer, the Legislature adjourned
until 9:00 a.m., Tuesday, July 21, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - JULY 21, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, July 21, 2020

PRAYER

The prayer was offered by Senator DeBoer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Hilkemann who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 755A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 755, One Hundred Sixth Legislature, Second Session, 2020.

SELECT FILE

LEGISLATIVE BILL 944A. Considered.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB1140 to Select File

Senator Howard moved to return LB1140 to Select File for the following specific amendment:

[AM3121](#)

(Amendments to AM3035)

1 1. On page 10, line 15, strike "2,".

The Howard motion to return prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1140. The Howard specific amendment, [AM3121](#), found in this day's Journal, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB344 with 36 ayes, 5 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 344.

A BILL FOR AN ACT relating to agriculture; to amend sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018; to adopt the Animal Health and Disease Control Act; to eliminate and provide general powers and duties of and for the Department of Agriculture; to eliminate the Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act, the Anthrax Control Act, the Animal Importation Act, the Nebraska Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the Pseudorabies Control and Eradication Act, the Scrapie Control and Eradication Act, and the Bureau of Animal Industry; to terminate the Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund, the Brucellosis Control Cash Fund, the Pseudorabies Control Cash Fund, and the Scrapie Control Cash Fund and make fund transfers to and create the Animal Health and Disease Control Cash Fund; to provide for criminal and administrative penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal

sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-745, 54-746, 54-747, 54-753.01, 54-753.04, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of Nebraska, sections 54-701.03, 54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018, and sections 54-703 and 54-744.01, Revised Statutes Supplement, 2019.

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 1:

Hilkemann

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 770.

A BILL FOR AN ACT relating to game and parks; to amend section 37-438, Reissue Revised Statutes of Nebraska, as amended by section 10, Legislative Bill 287, One Hundred Sixth Legislature, Second Session, 2020; to change the fees for annual and temporary permits for nonresident motor vehicles; to provide for disabled veteran permits; to provide powers for the Game and Parks Commission; 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, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	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:

Hilkemann

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

LEGISLATIVE BILL 870. With Emergency Clause.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Supplement, 2019; to change provisions relating to direct borrowing; to repeal the original section; 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, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	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:

Hilkemann

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 LB909 with 39 ayes, 4 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 909. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-224.01, 30-3205, 45-191.02, 45-191.09, 45-601, 45-602, 45-605, 45-606, 45-609, 45-610, 45-611, 45-620, 45-623, 45-905, 45-906, 45-912, 45-915, 45-1017, 45-1033, and 59-1725.01, Reissue Revised Statutes of Nebraska, sections 8-103, 8-141, 8-167, 45-901, 45-902, 45-910, 45-911, 52-1308, and 59-1722, Revised Statutes Cumulative Supplement, 2018, sections 8-135, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1103, 8-1111, 8-1704, 8-1707, 21-17,115, 69-2103, 69-2104, 69-2112, 77-2398, and 77-23,100, Revised Statutes Supplement, 2019, section 9-513A, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018, and section 4A-108, Uniform Commercial Code, Revised Statutes Supplement, 2019; to change financial institution loan provisions relating to Department of Banking and Finance employees; to redefine a term and update a federal reference relating to loan limits; to update and change references to certain federal provisions under the Nebraska Banking Act, building and loan association provisions, the Securities Act of Nebraska, the Commodity Code, the Seller-Assisted Marketing Plan Act, and the Consumer Rental Purchase Agreement Act; to eliminate a bank reporting notice requirement and exemption; to redefine terms under the Securities Act of Nebraska; to revise powers of state-chartered banks, building and loan associations, and credit unions; to authorize financial institutions to place a hold on certain customer transactions in cases of financial exploitation; to provide exceptions from certain prohibited investments and authorize investments in certain securities, shares, and interests by trust companies; to change obsolete civil penalty provisions; to change the fund for remittance of loan broker filing fees; to authorize licensees under the Collection Agency Act to be licensed and registered through the Nationwide Mortgage Licensing System and Registry, define and redefine terms, and change certain fee and license renewal provisions; to update a definition, define a term, add a processing fee, and change licensing provisions under the Delayed Deposit Services Licensing Act; to change provisions relating to examinations under the Nebraska Installment Loan Act; to change provisions relating to farm product liens and actions relating to termination statements; to change

provisions relating to secured deposits and pooled collateral and change reporting requirements under the Public Funds Deposit Security Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 8-167.01, Revised Statutes Supplement, 2019; 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, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	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:

Hilkemann

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to postsecondary institutions; to amend sections 48-2610 and 48-2614, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Fair Pay to Play Act; to change the Nebraska Uniform Athlete Agents Act; to provide severability; 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	Hunt	Morfeld	Vargas
Blood	DeBoer	Kolowski	Moser	Walz
Bolz	Dorn	Kolterman	Murman	Wayne
Brandt	Gragert	La Grone	Pansing Brooks	Williams
Brewer	Hansen, M.	Lathrop	Quick	Wishart
Briese	Hilgers	Lindstrom	Scheer	
Cavanaugh	Howard	McCollister	Slama	
Chambers	Hughes	McDonnell	Stinner	

Voting in the negative, 6:

Albrecht	Clements	Friesen
Bostelman	Erdman	Lowe

Present and not voting, 5:

Geist	Groene	Halloran	Hansen, B.	Linehan
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Excused and not voting, 1:

Hilkemann

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

LEGISLATIVE BILL 996. With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications; to amend section 49-14,101.03, Reissue Revised Statutes of Nebraska, and section 86-101, Revised Statutes Supplement, 2019; to create the Broadband Data Improvement Program; to provide powers and duties for the Public Service Commission under the Nebraska Telecommunications Regulation Act; to provide for a government Internet network use policy for the Legislature; to harmonize provisions; to provide operative dates; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Hilkemann

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 997.

A BILL FOR AN ACT relating to insurance; to adopt the Out-of-Network Emergency Medical Care Act; and to provide an operative date.

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	Howard	McCollister	Vargas
Bolz	Dorn	Hughes	McDonnell	Walz
Bostelman	Erdman	Hunt	Morfeld	Wayne
Brandt	Friesen	Kolowski	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:

Hansen, B.

Excused and not voting, 1:

Hilkemann

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

LEGISLATIVE BILL 1014.

A BILL FOR AN ACT relating to insurance; to amend sections 44-7601, 44-7603, 44-7604, 44-7605, 44-7606, 44-7612, 44-7614, and 44-7617, Reissue Revised Statutes of Nebraska; to change the Multiple Employer Welfare Arrangement 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, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	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:

Hilkemann

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

WITHDRAW - Amendment to LB1016

Senator M. Hansen withdrew his amendment, [FA112](#), found on page 944, to LB1016.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1016. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend sections 48-1228, 48-1231, 48-2107, and 48-2907, Revised Statutes Cumulative Supplement, 2018, and sections 48-622.03 and 48-1234, Revised Statutes Supplement, 2019; to change reporting requirements for the Department of Labor; to prohibit retaliation or discrimination by employers as prescribed; to provide and change requirements for claims under the Nebraska Wage Payment and Collection Act; to provide restrictions on employers with unpaid citations under the act; to require public posting of certain information related to compliance with the act; to change fee provisions under the Contractor Registration Act; to change enforcement provisions under the Employee Classification Act; to eliminate provisions related to service letters, high voltage lines, and private employment agencies; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 48-209, 48-210, 48-211, 48-440, 48-501.01, 48-503, 48-504, 48-505, 48-506, 48-507, 48-508, 48-510, 48-511, 48-512, 48-513, 48-514, 48-515, 48-516, 48-517, 48-518, 48-519, 48-520, 48-521, 48-523, and 48-524, 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, 42:

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

Voting in the negative, 4:

Albrecht	Clements	Erdman	Lowe
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Present and not voting, 2:

Arch	Brewer
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Excused and not voting, 1:

Hilkemann

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 LB1054 with 35 ayes, 6 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1054. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-932, 84-1317, 84-1320, and 84-1321, Reissue Revised Statutes of Nebraska, sections 23-2301, 23-2315, 23-2319, 24-701, 24-708, 81-2014, 81-2025, and 84-1301, Revised Statutes Cumulative Supplement, 2018, and sections 23-2317, 79-902, and 84-1319, Revised Statutes Supplement, 2019; to define required beginning date and change deferral of payment provisions under the County Employees Retirement Act, Judges Retirement Act, School Employees Retirement Act, Nebraska State Patrol Retirement Act, and State Employees Retirement Act; to harmonize provisions; to provide severability; 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, 48:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Crawford	Hansen, M.	Linehan	Slama
Blood	DeBoer	Hilgers	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:

Hilkemann

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 LB1061 with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1061.

A BILL FOR AN ACT relating to children; to amend sections 28-710.01, 43-4331, and 71-3405, Reissue Revised Statutes of Nebraska, sections 28-712 and 28-712.01, Revised Statutes Cumulative Supplement, 2018, and sections 28-710, 28-713, and 43-4203, Revised Statutes Supplement, 2019; to change the Child Protection and Family Safety Act; to eliminate a committee of the Nebraska Children's Commission; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Stinner Walz

Excused and not voting, 1:

Hilkemann

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

MOTION(S) - Return LB858 to Select File

Senator Hughes moved to return LB858 to Select File for his specific amendment, [AM2997](#), found on page 1018.

The Hughes motion to return prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 858. The Hughes specific amendment, [AM2997](#), found on page 1018, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB924 to Select File

Senator Chambers moved to return LB924 to Select File for his specific amendment, [AM3000](#), found on page 1018.

The Chambers motion to return prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 924. The Chambers specific amendment, [AM3000](#), found on page 1018, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB153 to Select File

Senator Brewer moved to return LB153 to Select File for his specific amendment, [AM3003](#), found on page 1021.

The Brewer motion to return prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The Brewer specific amendment, [AM3003](#),

found on page 1021, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 344, 770, 870, 909, 962, 996, 997, 1014, 1016, 1054, and 1061.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 966. Placed on General File with amendment.
[AM2947](#) is available in the Bill Room.

LEGISLATIVE BILL 1004. Placed on General File with amendment.
[AM3094](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 43-2101, Revised Statutes Supplement, 2019, is
4 amended to read:
5 43-2101 (1) All persons under nineteen years of age are declared to
6 be minors, but in case any person marries under the age of nineteen
7 years, his or her minority ends.
8 (2) Upon becoming the age of majority, a person is considered an
9 adult and acquires all rights and responsibilities granted or imposed by
10 statute or common law, except that a person:
11 (a) Eighteen years of age or older and who is not a ward of the
12 state may:
13 (i) Enter into a binding contract or lease of whatever kind or
14 nature and shall be legally responsible for such contract or lease,
15 including legal responsibility to third parties;
16 (ii) Execute, sign, authorize, or otherwise authenticate (A) an
17 effective financing statement, (B) a promissory note or other instrument
18 evidencing an obligation to repay, or (C) a mortgage, trust deed,
19 security agreement, financing statement, or other security instrument to
20 grant a lien or security interest in real or personal property or
21 fixtures, and shall be legally responsible for such document, including
22 legal responsibility to third parties; and
23 (iii) Acquire or convey title to real property and shall have legal
24 responsibility for such acquisition or conveyance, including legal
25 responsibility to third parties; ~~and~~
26 (b) Eighteen years of age or older may consent to mental health
27 services for himself or herself without the consent of his or her parent
1 or guardian; -
2 (c) Eighteen years of age or older may make health care decisions
3 for himself or herself without the consent of his or her parent or
4 guardian; and
5 (d) Under nineteen years of age and who is committed to the
6 Department of Correctional Services for secure care may consent to, and
7 make decisions regarding, such person's medical care, mental health
8 services, and related services during the period of the person's
9 commitment to the department without the consent of such person's parent
10 or guardian.

11 Sec. 2. Section 83-1,102, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 83-1,102 The Director of Supervision and Services shall:

14 (1) Supervise and administer the Division of Parole Supervision;

15 (2) Establish and maintain policies, standards, and procedures for
16 the field parole service and the community supervision of sex offenders
17 pursuant to section 83-174.03. The policies, standards, and procedures
18 for the field parole service shall include specific caseload standards
19 for parole officers and specific policies, standards, and procedures for
20 the use of electronic monitoring of parolees;

21 (3) Divide the state into parole districts and appoint district
22 parole officers and such other employees as may be required to carry out
23 adequate parole supervision of all parolees, prescribe their powers and
24 duties, and obtain division offices for staff in each district as may be
25 necessary;

26 (4) Cooperate with the Board of Parole, the courts, the Community
27 Corrections Division of the Nebraska Commission on Law Enforcement and
28 Criminal Justice, and all other agencies, public and private, which are
29 concerned with the treatment or welfare of persons on parole;

30 (5) Provide the Board of Parole and district judges with any record
31 of a parolee which the board or such judges may require;

1 (6) Make recommendations to the Board of Parole or district judge in
2 cases of violation of the conditions of parole, issue warrants for the
3 arrest of parole violators when so instructed by the board or district
4 judge, notify the Director of Correctional Services of determinations
5 made by the board, and upon instruction of the board, issue certificates
6 of parole and of parole revocation to the facilities and certificates of
7 discharge from parole to parolees;

8 (7) Organize and conduct training programs for the district parole
9 officers and other employees;

10 (8) Use the funds provided under section 83-1,107.02 to augment
11 operational or personnel costs associated with the development,
12 implementation, and evaluation of enhanced parole-based programs and
13 purchase services to provide such programs aimed at enhancing adult
14 parolee supervision in the community and treatment needs of parolees.
15 Such enhanced parole-based programs include, but are not limited to,
16 specialized units of supervision, related equipment purchases and
17 training, and programs that address a parolee's vocational, educational,
18 mental health, behavioral, or substance abuse treatment needs, including
19 evidence-based peer and family support programs;

20 (9) Ensure that any risk or needs assessment instrument utilized by
21 the system be periodically validated;

22 (10) Request adequate funding to ensure sufficient staffing levels
23 to comply with state law, including section 83-1,103, and all policies,
24 standards, and procedures;

25 (11) On or before January 1, 2021, and by each January 1 thereafter,
26 report (10) Report annually to the Governor and electronically to the
27 Clerk of the Legislature beginning January 1, 2015, the number of parole
28 revocations and the number of technical violations of parole for the
29 preceding calendar year. The report shall also include detailed
30 statistics on the caseloads of parole officers, including the number of
31 parolees supervised by each parole officer and the offense types and risk
1 assessment levels of parolees supervised by parole officers; and

2 (12) (11) Exercise all powers and perform all duties necessary and
3 proper in carrying out his or her responsibilities.

4 Sec. 3. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 83-1,110 (1) Every committed offender shall be eligible for parole
7 when the offender has served one-half the minimum term of his or her
8 sentence as provided in sections 83-1,107 and 83-1,108 or two years prior

9 to the offender's mandatory discharge date, whichever is earlier. The
 10 board shall conduct a parole review not later than sixty days prior to
 11 the date a committed offender becomes eligible for parole as provided in
 12 this subsection, except that if a committed offender is eligible for
 13 parole upon his or her commitment to the department, a parole review
 14 shall occur as early as is practical. No such reduction of sentence shall
 15 be applied to any sentence imposing a mandatory minimum term.
 16 (2) Every committed offender sentenced to consecutive terms, whether
 17 received at the same time or at any time during the original sentence,
 18 shall be eligible for release on parole when the offender has served the
 19 total of one-half the minimum term as provided in sections 83-1,107 and
 20 83-1,108 or two years prior to the offender's mandatory discharge date,
 21 whichever is earlier. The maximum terms shall be added to compute the new
 22 maximum term which, less good time, shall determine the date when
 23 discharge from the custody of the state becomes mandatory.
 24 Sec. 4. Original section 83-1,110, Reissue Revised Statutes of
 25 Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018,
 26 and section 43-2101, Revised Statutes Supplement, 2019, are repealed.

LEGISLATIVE BILL 1221. Placed on General File with amendment.
[AM2614](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 350. Introduced by Arch, 14; Howard, 9;
 Williams, 36.

PURPOSE: The purpose of this resolution is to examine the role of telehealth services during the COVID-19 pandemic of 2020 and the practices and regulations that were adjusted in order to effectively meet health care needs during the crisis. The study shall examine the aspects of telehealth that could be modified to provide for the responsible evolution of this component of the health care system, including, but not limited to, the following:

- (1) The types of health care services that are delivered through telehealth;
- (2) The costs of telehealth services and the reimbursement structure for services in the Nebraska medicaid program and in private insurance plans;
- (3) The utilization of telehealth services during the pandemic compared to previous years and the anticipated utilization in future years;
- (4) The electronic technology utilized in the delivery of telehealth services and the ability to protect patient privacy; and
- (5) The occupational licensing necessary to provide quality telehealth services and the potential barriers licensing regulations place on the delivery of health care services through telehealth.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 910. Considered.

SENATOR WILLIAMS PRESIDING

Senator Chambers withdrew his motion, [MO168](#), found on page 918, to bracket until April 22, 2020.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 424. Committee amendment, [AM509](#), found on page 705 and considered on pages 1198, 1199, 1451, First Session, 2019, and page 712, was renewed.

Senator Hilgers renewed his amendment, [FA102](#), found on page 716 and considered on page 725, to the committee amendment.

Senator Hilgers withdrew his amendment.

Senator Quick withdrew his amendment, [AM2686](#), found on page 804.

Senator Quick offered his amendment, [AM2847](#), found on page 949, to the committee amendment.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on July 21, 2020, at 11:15 a.m. were the following: LBs 344, 770, 870e, 909e, 962, 996e, 997, 1014, 1016e, 1054e, and 1061.

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

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 344, 770, 870e, 909, 962, 996e, 997, 1014, 1016e, 1054e, and 1061.

(Signed) Robert Hilkemann

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Cavanaugh name added to LB43.

RECESS

At 11:57 a.m., on a motion by Senator McCollister, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Howard, Morfeld, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 1160. Placed on General File with amendment.

[AM3084](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 4 of this act shall be known and may be
 4 cited as the Nebraska Statewide Workforce and Education Reporting System
 5 Act.
 6 Sec. 2. The Legislature finds that:
 7 (1) In order to promote strong economic development policies, good
 8 jobs, growing businesses, and thriving communities, it is the intent of
 9 the Legislature that the state support the continued planning and
 10 development of the Nebraska Statewide Workforce and Education Reporting
 11 System;
 12 (2) As recommended in the 2019 Nebraska Economic Development Task
 13 Force Report, it is the long-term goal of the state to target resources
 14 and focus data analysis on assessing workforce development and employment
 15 success;
 16 (3) The Nebraska Statewide Workforce and Education Reporting System
 17 is envisioned as a comprehensive, sustainable, and robust lifelong
 18 learning and workforce longitudinal data system serving the needs of the
 19 people of Nebraska;
 20 (4) The Nebraska Statewide Workforce and Education Reporting System
 21 collaboration has its roots in Legislative Bill 1071 enacted by the One
 22 Hundred First Legislature, Second Session, which directed the Board of
 23 Regents of the University of Nebraska, the State Board of Education, the
 24 Board of Trustees of the Nebraska State Colleges, and the Community
 25 College Board of Governors for each community college area to adopt a
 26 policy to share student data. In 2019, such partners completed the legal
 27 formation of the Nebraska Statewide Workforce and Education Reporting

1 System as a joint public entity under the Interlocal Cooperation Act in
 2 order to cooperate for mutual advantage with regard to data initiatives;
 3 and
 4 (5) The Nebraska Statewide Workforce and Education Reporting System
 5 shall be a comprehensive, sustainable, robust, lifelong learning and
 6 workforce longitudinal data system to enable the training of tomorrow's
 7 workforce, today.
 8 Sec. 3. The Nebraska Statewide Workforce and Education Reporting
 9 System allows Nebraska to:
 10 (1) Provide workforce-outcomes data to postsecondary institutions to
 11 guide program, educator, and institutional improvement;
 12 (2) Support students and parents in understanding what education,
 13 training, and career pathways best prepare students for occupational
 14 success;
 15 (3) Provide comprehensive data about student success and workforce
 16 outcomes to policymakers to inform decisions and resource allocation;
 17 (4) Track workforce outcomes in order to better align programs with
 18 demands in the labor market;
 19 (5) Disaggregate student outcomes by race, ethnicity, gender, and
 20 economic status in order to identify and close educational attainment
 21 gaps; and
 22 (6) Identify the long-term return on investment from early education
 23 programs.
 24 Sec. 4. (1) The Department of Labor shall execute a memorandum of
 25 understanding with the Nebraska Statewide Workforce and Education
 26 Reporting System before December 31, 2020, to ensure the exchange of
 27 available Department of Labor data throughout the prekindergarten to
 28 postsecondary education to workforce continuum, and may utilize data and
 29 agreements under sections 79-776, 85-110, 85-309, and 85-1511.
 30 (2) The Nebraska Statewide Workforce and Education Reporting System
 31 shall issue a report electronically to the Clerk of the Legislature on or
 1 before December 1, 2021. Such report shall make recommendations on the
 2 planning and development of the Nebraska Statewide Workforce and
 3 Education Reporting System, including, but not limited to, additional
 4 data and stakeholder needs and potential future funding.
 5 Sec. 5. Since an emergency exists, this act takes effect when passed
 6 and approved according to law.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 424. Senator Quick renewed his amendment, [AM2847](#), found on page 949 and considered in this day's Journal, to the committee amendment.

The Quick amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Committee [AM509](#), as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 11 nays, and 12 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 351. Introduced by Brewer, 43; Briese, 41; Groene, 42; Linehan, 39; Murman, 38.

WHEREAS, Wayne "Rusty" Ruppert has served Nebraska schools for forty-nine years: twenty-five years as a teacher, eight years as a principal, and sixteen years as a superintendent; and

WHEREAS, Mr. Ruppert coached five different sports over forty-nine years: Football, basketball, track, wrestling, and swimming. Two of the football teams were state-champion runner-ups, and one girls' basketball team was Class D-2 state champion; and

WHEREAS, Mr. Ruppert is the father of three sons: Eric, Brandon, and Raif; and

WHEREAS, Mr. Ruppert has served on multiple boards and organizations, including being president of the Nebraska Association of School Administrators Region Activity Conference and serving on the Nebraska Six-Man Football Coaches Association.

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

1. That the Legislature recognizes the achievements and dedication of Rusty Ruppert.
2. That a copy of this resolution be sent to Rusty Ruppert.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 147. Senator Wayne renewed his motion, [MO38](#), found on page 1006, First Session, 2019, and considered on pages 258, 267, and 270, to indefinitely postpone pursuant to Rule 6, Sec. 3(f) .

PRESIDENT FOLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

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

[AM3141](#)

1 1. On page 6, strike lines 1 and 2 and insert the following new
2 subdivision:

3 "(b) The father of the unborn child if paternity was proven at the

4 time the dismemberment abortion was performed; or".

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

[AM3140](#)

1 1. On page 6, strike lines 3 through 5 and insert the following new

2 subdivision:

3 "(c) The grandparents of the unborn child.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 352. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to explore the enforcement of the ordinances and codes of cities of the second class and villages to promote the public welfare and economic development. The interim study shall include, but not be limited to, an examination of the following:

- (1) How cities of the second class and villages across Nebraska provide ordinance and code enforcement;
- (2) How other cities of the second class and villages across the country provide municipal and village ordinance and code enforcement;
- (3) Resources available to such political subdivisions to ensure such ordinance and code enforcement;
- (4) The unique challenges smaller cities and villages face in such ordinance and code enforcement; and
- (5) The resources the state can provide and potential laws the Legislature can consider to assist such political subdivisions in such ordinance and code enforcement.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 338, 339, 341, 342, and 343 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 338, 339, 341, 342, and 343.

GENERAL FILE

LEGISLATIVE BILL 147. Senator Chambers offered the following motion:

[MO181](#)

Recommit to the Education Committee.

Pending.

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to [LB1106](#):

[AM3122](#)

(Amendments to Standing Committee amendments, AM2870)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 77-4212, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-4212 (1) For tax year 2007, the amount of relief granted under

6 the Property Tax Credit Act shall be one hundred five million dollars.

7 For tax year 2008, the amount of relief granted under the act shall be

8 one hundred fifteen million dollars. It is the intent of the Legislature

9 to fund the Property Tax Credit Act for tax years after tax year 2008

10 using available revenue. For tax year 2017, the amount of relief granted

11 under the act shall be two hundred twenty-four million dollars. For tax

12 year 2020, the amount of relief granted under the act shall be five

13 hundred million dollars. The relief shall be in the form of a property

14 tax credit which appears on the property tax statement.

15 (2)(a) For tax years prior to tax year 2017, to determine the amount

16 of the property tax credit, the county treasurer shall multiply the

17 amount disbursed to the county under subdivision (4)(a) of this section

18 by the ratio of the real property valuation of the parcel to the total

19 real property valuation in the county. The amount determined shall be the

20 property tax credit for the property.

21 (b) Beginning with tax year 2017, to determine the amount of the

22 property tax credit, the county treasurer shall multiply the amount

23 disbursed to the county under subdivision (4)(b) of this section by the

24 ratio of the credit allocation valuation of the parcel to the total

25 credit allocation valuation in the county. The amount determined shall be

26 the property tax credit for the property.

1 (3) If the real property owner qualifies for a homestead exemption

2 under sections 77-3501 to 77-3529, the owner shall also be qualified for

3 the relief provided in the act to the extent of any remaining liability

4 after calculation of the relief provided by the homestead exemption. If

5 the credit results in a property tax liability on the homestead that is

6 less than zero, the amount of the credit which cannot be used by the

7 taxpayer shall be returned to the State Treasurer by July 1 of the year

8 the amount disbursed to the county was disbursed. The State Treasurer

9 shall immediately credit any funds returned under this subsection to the

10 Property Tax Credit Cash Fund. Upon the return of any funds under this

11 subsection, the county treasurer shall electronically file a report with

12 the Property Tax Administrator, on a form prescribed by the Tax

13 Commissioner, indicating the amount of funds distributed to each taxing

14 unit in the county in the year the funds were returned, any collection

15 fee retained by the county in such year, and the amount of unused credits

16 returned.

17 (4)(a) For tax years prior to tax year 2017, the amount disbursed to

18 each county shall be equal to the amount available for disbursement
19 determined under subsection (1) of this section multiplied by the ratio
20 of the real property valuation in the county to the real property
21 valuation in the state. By September 15, the Property Tax Administrator
22 shall determine the amount to be disbursed under this subdivision to each
23 county and certify such amounts to the State Treasurer and to each
24 county. The disbursements to the counties shall occur in two equal
25 payments, the first on or before January 31 and the second on or before
26 April 1. After retaining one percent of the receipts for costs, the
27 county treasurer shall allocate the remaining receipts to each taxing
28 unit levying taxes on taxable property in the tax district in which the
29 real property is located in the same proportion that the levy of such
30 taxing unit bears to the total levy on taxable property of all the taxing
31 units in the tax district in which the real property is located.

1 (b) Beginning with tax year 2017, the amount disbursed to each
2 county shall be equal to the amount available for disbursement determined
3 under subsection (1) of this section multiplied by the ratio of the
4 credit allocation valuation in the county to the credit allocation
5 valuation in the state. By September 15, the Property Tax Administrator
6 shall determine the amount to be disbursed under this subdivision to each
7 county and certify such amounts to the State Treasurer and to each
8 county. The disbursements to the counties shall occur in two equal
9 payments, the first on or before January 31 and the second on or before
10 April 1. After retaining one percent of the receipts for costs, the
11 county treasurer shall allocate the remaining receipts to each taxing
12 unit based on its share of the credits granted to all taxpayers in the
13 taxing unit.

14 (5) For purposes of this section, credit allocation valuation means
15 the taxable value for all real property except agricultural land and
16 horticultural land, one hundred twenty percent of taxable value for
17 agricultural land and horticultural land that is not subject to special
18 valuation, and one hundred twenty percent of taxable value for
19 agricultural land and horticultural land that is subject to special
20 valuation.

21 (6) The State Treasurer shall transfer from the General Fund to the
22 Property Tax Credit Cash Fund one hundred five million dollars by August
23 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

24 (7) The Legislature shall have the power to transfer funds from the
25 Property Tax Credit Cash Fund to the General Fund.

26 Sec. 2. Section 84-612, Revised Statutes Supplement, 2019, is
27 amended to read:

28 84-612 (1) There is hereby created within the state treasury a fund
29 known as the Cash Reserve Fund which shall be under the direction of the
30 State Treasurer. The fund shall only be used pursuant to this section.

31 (2) The State Treasurer shall transfer funds from the Cash Reserve
1 Fund to the General Fund upon certification by the Director of
2 Administrative Services that the current cash balance in the General Fund
3 is inadequate to meet current obligations. Such certification shall
4 include the dollar amount to be transferred. Any transfers made pursuant
5 to this subsection shall be reversed upon notification by the Director of
6 Administrative Services that sufficient funds are available.

7 (3) In addition to receiving transfers from other funds, the Cash
8 Reserve Fund shall receive federal funds received by the State of
9 Nebraska for undesignated general government purposes, federal revenue
10 sharing, or general fiscal relief of the state.

11 (4) The State Treasurer, at the direction of the budget
12 administrator of the budget division of the Department of Administrative
13 Services, shall transfer not to exceed forty million seven hundred
14 fifteen thousand four hundred fifty-nine dollars in total from the Cash
15 Reserve Fund to the Nebraska Capital Construction Fund between July 1,

16 2013, and June 30, 2018.

17 (5) The State Treasurer shall transfer the following amounts from
18 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
19 dates as directed by the budget administrator of the budget division of
20 the Department of Administrative Services:

21 (a) Seven million eight hundred four thousand two hundred ninety-two
22 dollars on or after June 15, 2016, but before June 30, 2016;

23 (b) Five million fifty-eight thousand four hundred five dollars on
24 or after July 1, 2018, but before June 30, 2019, on such dates and in
25 such amounts as directed by the budget administrator of the budget
26 division of the Department of Administrative Services;

27 (c) Fifteen million three hundred seventy-eight thousand three
28 hundred nine dollars on or after January 1, 2019, but before June 30,
29 2019, on such dates and in such amounts as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services; and

1 (d) Fifty-four million seven hundred thousand dollars on or after
2 July 1, 2019, but before June 15, 2021, on such dates and in such amounts
3 as directed by the budget administrator of the budget division of the
4 Department of Administrative Services.

5 (6) The State Treasurer shall transfer seventy-five million two
6 hundred fifteen thousand three hundred thirteen dollars from the Cash
7 Reserve Fund to the Nebraska Capital Construction Fund on or before July
8 31, 2017, on such date as directed by the budget administrator of the
9 budget division of the Department of Administrative Services.

10 (7) The State Treasurer shall transfer thirty-one million dollars
11 from the Cash Reserve Fund to the General Fund after July 1, 2017, but
12 before July 15, 2017, on such date as directed by the budget
13 administrator of the budget division of the Department of Administrative
14 Services.

15 (8) The State Treasurer shall transfer thirty-one million dollars
16 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
17 before October 15, 2017, on such date as directed by the budget
18 administrator of the budget division of the Department of Administrative
19 Services.

20 (9) The State Treasurer shall transfer thirty-one million dollars
21 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
22 before January 15, 2018, on such date as directed by the budget
23 administrator of the budget division of the Department of Administrative
24 Services.

25 (10) The State Treasurer shall transfer thirty-two million dollars
26 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
27 before April 15, 2018, on such date as directed by the budget
28 administrator of the budget division of the Department of Administrative
29 Services.

30 (11) The State Treasurer shall transfer one hundred million dollars
31 from the Cash Reserve Fund to the General Fund on or before June 30,
1 2018, on such dates and in such amounts as directed by the budget
2 administrator of the budget division of the Department of Administrative
3 Services.

4 (12) The State Treasurer shall transfer forty-eight million dollars
5 from the Cash Reserve Fund to the General Fund after March 1, 2019, but
6 before March 15, 2019, on such date as directed by the budget
7 administrator of the budget division of the Department of Administrative
8 Services.

9 (13) The State Treasurer shall transfer one hundred twenty-five
10 million dollars from the Cash Reserve Fund to the Property Tax Credit
11 Cash Fund after September 1, 2020, but before September 15, 2020, on such
12 date as directed by the budget administrator of the budget division of
13 the Department of Administrative Services.

14 Sec. 3. Original section 77-4212, Reissue Revised Statutes of
 15 Nebraska, and section 84-612, Revised Statutes Supplement, 2019, are
 16 repealed.
 17 Sec. 4. Since an emergency exists, this act takes effect when
 18 passed and approved according to law.

RECESS

At 5:38 p.m., on a motion by Senator Quick, the Legislature recessed until
 6:45 p.m.

AFTER RECESS

The Legislature reconvened at 6:45 p.m., President Foley presiding.

ROLL CALL

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

GENERAL FILE

LEGISLATIVE BILL 920. Title read. Considered.

Committee [AM2388](#), found on page 586, was offered.

Senator Groene offered the following amendment to the committee
 amendment:

[AM2907](#)

(Amendments to Standing Committee amendments, AM2388)

- 1 1. On page 4, strike beginning with "The" in line 15 through the
 2 period in line 25 and show the old matter as stricken.
- 3 2. On page 5, line 3, strike "(c)" and insert "(b)"; in line 8
 4 strike "(d)" and insert "(c)"; in line 16 strike "(i)", show as stricken,
 5 and insert "(A)"; in line 17 strike "(ii)", show as stricken, and insert
 6 "(B)"; and in line 29 strike "(e)" and insert "(d)".
- 7 3. On page 6, line 1, strike "(f)" and insert "(e)"; after line 2
 8 insert the following new subsection:
 9 "(8) A portion of each transfer pursuant to subdivisions (5)(b),
 10 (c), (d), (e), (f), (g), and (i) of this section may be retained by the
 11 agency administering the fund to which such transfer is made for actual
 12 and necessary expenses incurred by such agency for administration,
 13 evaluation, and technical assistance related to the purposes of the
 14 transfer."; in lines 3 and 15 strike "(8)(a)" and insert "(9)(a)"; and in
 15 line 27 strike "(9)" and insert "(10)".
- 16 4. On page 7, line 2, strike "(10)" and insert "(11)"; and in line 8
 17 strike "(11)" and insert "(12)".
- 18 5. On page 43, line 9, strike "(8)" and insert "(9)".

The Groene amendment was adopted with 41 ayes, 0 nays, 5 present and not
 voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 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.

LEGISLATIVE BILL 1064. Title read. Considered.

Senator Briese offered the following amendment:

[AM3062](#)

1 1. On page 6, line 10, strike "June" and insert "October".

The Briese amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1052. Title read. Considered.

Committee [AM2645](#), found on page 834, was offered.

Pending.

MOTION(S) - Place LB814 on General File

Senator Geist offered her motion, [MO165](#), found on page 903, to place LB814 on General File pursuant to Rule 3, Sec. 20(b).

Pending.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to [LB1124](#):

[AM3127](#)

1 1. Strike original section 6 and insert the following new section:
2 Sec. 6. (1) The Nebraska Opioid Recovery Fund is created. The fund
3 shall include all recoveries received on behalf of the state by the
4 Department of Justice pursuant to the Consumer Protection Act or the
5 Uniform Deceptive Trade Practices Act related to the advertising of
6 opioids. The fund shall include any money, payments, or other things of
7 value in the nature of civil damages or other payment, except criminal
8 penalties, whether such recovery is by way of verdict, judgment,
9 compromise, or settlement in or out of court, of any case or controversy
10 pursuant to such acts. The Department of Justice shall remit any such
11 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery
12 Fund.
13 (2) Any funds appropriated, expended, or distributed from the
14 Nebraska Opioid Recovery Fund shall be spent in accordance with the terms
15 of any verdict, judgment, compromise, or settlement in or out of court,
16 of any case or controversy brought by the Attorney General pursuant to
17 the Consumer Protection Act or the Uniform Deceptive Trade Practices Act.

18 (3) The fund shall exclude funds held in a trust capacity where
 19 specific benefits accrue to specific individuals, organizations,
 20 political subdivisions, or governments. Such excluded funds shall be
 21 deposited in the State Settlement Trust Fund pursuant to section
 22 59-1608.05.

23 (4) Any money in the Nebraska Opioid Recovery Fund available for
 24 investment shall be invested by the state investment officer pursuant to
 25 the Nebraska Capital Expansion Act and the Nebraska State Funds
 26 Investment Act.

Senator Brewer filed the following amendment to LB781:
AM2693

(Amendments to Standing Committee amendments, AM2445)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. Strike original section 8 and insert the following new sections:

3 Sec. 7. Section 23-1605, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:

5 23-1605 (1)(a) During the months of January and July of each year,
 6 the county treasurer shall cause a tabulated statement of the affairs of
 7 the county treasurer's office to be published in a legal newspaper
 8 published in the county. In counties having more than two hundred fifty
 9 thousand inhabitants, the statement shall be published in a daily legal
 10 newspaper published in the county.

11 (b) If no legal newspaper is published in the county, the statement
 12 shall be published in a legal newspaper of general circulation within the
 13 county.

14 (c) The county shall pay the newspaper reasonable compensation for
 15 the publication of such statement.

16 (d) The statement shall show the receipts and disbursements of the
 17 county treasurer's office for the last preceding six months ending June
 18 30 and December 31, including (i) the amount of money received and for
 19 what fund category, (ii) the amount of disbursements and from what fund
 20 category, (iii) the ending fund balance in each fund category, (iv) the
 21 amount of outstanding warrants or orders registered and unpaid, (v) the
 22 total balance, and (vi) the total amount of unpaid claims of the county
 23 as of June 30 and December 31 of each year, as certified to the county
 24 treasurer by the county clerk.

25 (2) The county treasurer may also publish the statement on a web
 26 site maintained by the county.

1 (3) If a newspaper cannot publish the statement in a timely manner,
 2 publication on a county's web site shall be considered compliance with
 3 subsection (1) of this section.

4 The county treasurer shall, during the months of July and January of
 5 each year, cause to be published in a legal newspaper, and in counties
 6 having more than two hundred fifty thousand inhabitants in a daily legal
 7 newspaper printed in the county, or if there is no legal newspaper
 8 published in the county, in a legal newspaper of general circulation
 9 within the county, a tabulated statement of the affairs of the county
 10 treasurer's office, showing the receipts and disbursements of the office
 11 for the last preceding six months ending June 30 and December 31.

12 Sec. 9. Sections 1, 2, 3, 4, 5, 6, 7, 10, and 12 of this act become
 13 operative three calendar months after the adjournment of this legislative
 14 session. The other sections of this act become operative on their
 15 effective date.

16 Sec. 10. Original sections 14-553, 15-317, and 23-1601, Reissue
 17 Revised Statutes of Nebraska, sections 17-605, 17-606, and 23-1605,
 18 Revised Statutes Cumulative Supplement, 2018, and section 16-318, Revised
 19 Statutes Supplement, 2019, are repealed.

20 Sec. 11. Original section 84-304, Revised Statutes Supplement,
 21 2019, is repealed.

22 Sec. 12. The following sections are outright repealed: Sections
23 23-1606 and 23-1607, Reissue Revised Statutes of Nebraska.
24 Sec. 13. Since an emergency exists, this act takes effect when
25 passed and approved according to law.
26 4. Renumber the remaining sections accordingly.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1140. Placed on Final Reading.

[ST53](#)

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

1. In the Howard amendment, AM3035:
 - a. On page 2, line 27, "be" has been struck; and
 - b. On page 9, line 22, "Service" has been struck and "Services" inserted.
2. In the E&R amendments, ER214, on page 1, lines 4 and 5, "operations requirements for youth rehabilitation and treatment centers" has been struck and "requirements for operating a youth rehabilitation and treatment center" inserted; and in line 8 "require" has been struck and "authorize" inserted.

LEGISLATIVE BILL 1144. Placed on Final Reading.

LEGISLATIVE BILL 1188. Placed on Final Reading.

[ST62](#)

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

1. In the E&R amendments, ER212, on page 23, line 7, "and the Department of Health and Human Services" has been inserted after "Services"; the matter beginning with "to" in line 9 through the semicolon in line 12 has been struck; and in line 17 "and provide and change duties of the department" has been struck.

(Signed) Julie Slama, Chairperson

MOTION(S) - Place LB814 on General File

Senator Geist renewed her motion, [MO165](#), found on page 903 and considered in this day's Journal, to place LB814 on General File pursuant to Rule 3, Sec. 20(b).

Senator Bostelman moved the previous question. The question is, "Shall the debate now close?"

Senator Slama moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Slama requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Albrecht	Clements	Groene	La Grone	Murman
Arch	Dorn	Halloran	Lindstrom	Scheer
Bostelman	Erdman	Hansen, B.	Linehan	Slama
Brandt	Friesen	Hilgers	Lowe	
Brewer	Geist	Hilkemann	McDonnell	
Briese	Gragert	Hughes	Moser	

Voting in the negative, 12:

Cavanaugh	DeBoer	Hunt	Morfeld
Chambers	Hansen, M.	Lathrop	Pansing Brooks
Crawford	Howard	McCollister	Vargas

Present and not voting, 6:

Kolterman	Stinner	Williams
Quick	Walz	Wishart

Excused and not voting, 4:

Blood	Bolz	Kolowski	Wayne
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The motion to cease debate prevailed with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

The Geist motion to place LB814 on General File prevailed with 30 ayes, 8 nays, 7 present and not voting, and 4 excused and not voting.

MOTION(S) - Print in Journal

Senator Cavanaugh filed the following motion to [LB901](#):
[MO182](#)
Place on General File pursuant to Rule 3, Section 20(b).

Senator Cavanaugh filed the following motion to [LB1039](#):
[MO183](#)
Place on General File pursuant to Rule 3, Section 20(b).

Senator Cavanaugh filed the following motion to [LB1170](#):
[MO184](#)
Place on General File pursuant to Rule 3, Section 20(b).

Senator Cavanaugh filed the following motion to [LB1171](#):
[MO185](#)
Place on General File pursuant to Rule 3, Section 20(b).

ADJOURNMENT

At 9:16 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Wednesday, July 22, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - JULY 22, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

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

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Cavanaugh, Hilkemann, Hunt, Morfeld, Moser, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1016, line 25, strike "AM2887" and insert "AM2877".

Page 1017, lines 4 and 5, strike "Beasley, Stephanie - Division of Children and Family Services - Dept. of Health and Human Services - Health and Human Services" and insert "Bakenhus, Shelby - State Racing Commission - General Affairs".

Page 1023, line 26, strike "following".

The Journal for the forty-fourth day was approved as corrected.

The Journal for the forty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1106. Title read. Considered.

Committee [AM2870](#), found on page 973, was offered.

Senator DeBoer offered the following motion:

[MO186](#)

Bracket until August 13, 2020.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Pending.

ANNOUNCEMENT

The Chair announced the birthday of Senator Morfeld.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 461. Placed on Final Reading.**ST54**

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

1. In the E&R amendments, ER183:
 - a. On page 19, line 27, "75-304.02," has been struck; and
 - b. On page 20, lines 4 and 5, "an operative date; and to repeal the original sections" has been struck and "operative dates; to repeal the original sections; and to outright repeal section 75-304.02, Reissue Revised Statutes of Nebraska" inserted.

LEGISLATIVE BILL 774. Placed on Final Reading.**ST63**

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

1. In the Standing Committee amendments, AM2558:
 - a. On page 11, line 26, "pursuant to section 44-416.09" has been inserted after "director"; and
 - b. On page 29, line 18, "(i)" has been struck and "(a)" inserted; and in line 21, "(ii)" has been struck and "(b)" inserted.

LEGISLATIVE BILL 780. Placed on Final Reading.

LEGISLATIVE BILL 780A. Placed on Final Reading.

LEGISLATIVE BILL 840. Placed on Final Reading.

LEGISLATIVE BILL 931. Placed on Final Reading.

LEGISLATIVE BILL 1003. Placed on Final Reading.

LEGISLATIVE BILL 1042. Placed on Final Reading.

LEGISLATIVE BILL 1042A. Placed on Final Reading.

LEGISLATIVE BILL 1055. Placed on Final Reading.

LEGISLATIVE BILL 1148. Placed on Final Reading.

LEGISLATIVE BILL 1152. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 353.** Introduced by Quick, 35.

WHEREAS, Nebraska pioneering men and women, known as cowboys, helped establish America's frontiers; and

WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion, and determination; and

WHEREAS, the cowboy Vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, the cowboy is an excellent steward of the land and its creatures; and

WHEREAS, the core values expressed within the Cowboy Code of Conduct continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, cowboy and ranching traditions have been part of the American landscape and culture since 1523, and today's cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, annual attendance at rodeos exceeds thirty million fans worldwide; and

WHEREAS, membership and participation in the National Day of the Cowboy Organization and other organizations that encompass the livelihood of the cowboy, continue to expand both nationally and internationally; and

WHEREAS, the cowboy and his horse are a central figure in literature, art, film, poetry, photography, and music; and

WHEREAS, the cowboy is a true American icon occupying a central place in the public's imagination.

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

1. That the Legislature expresses support for the designation of the 4th Saturday in July as the National Day of the Cowboy.

2. That the Legislature encourages the people of Nebraska to observe National Day of the Cowboy with appropriate ceremonies and activities.

Laid over.

RECESS

At 11:50 a.m., on a motion by Senator Gragert, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Morfeld, and Pansing Brooks who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 354. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to review the credentialing requirements in the Real Property Appraiser Act in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1106. Senator DeBoer renewed her motion, [MO186](#), found in this day's Journal, to bracket until August 13, 2020.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 356. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Business and Labor Committee of the Legislature that may arise during the interim.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review occupational regulations for locksmiths. The study shall be conducted to meet the requirements of sections 84-948 and the Occupational Board Reform Act. The study shall include an examination of the requirements in sections 28-1402 to 28-1405 for each locksmith to register with the county clerk in the county in which the locksmith's business is located.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Nebraska Workers' Compensation Act.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The workings of the Nebraska Workers' Compensation Act in general;
- (2) The effects of court decisions on interpretations of current statutes within the Nebraska Workers' Compensation Act and whether any such court decisions require additional action by the Legislature; and

(3) The effects of the COVID-19 pandemic on both workers and employers in regard to workers' compensation.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the Employment Security Law and the effects of the COVID-19 pandemic on the efficacy of the law. The review should include an examination of the successes and challenges found during the unemployment crisis caused by the pandemic.

The issues addressed by this interim study shall include, but not be limited to:

(1) The response to and the lessons learned from the unprecedented number of applications submitted during the initial phase of the pandemic;

(2) Best practices and examples of how to improve adjudication times in order to prevent long delays for persons receiving benefits;

(3) How Nebraska and federal law worked together and where improvements can be made in order to effectuate the federal response to the pandemic;

(4) General lessons learned on how to best serve Nebraska beneficiaries and examine ways to provide communication about benefits and requirements to those struggling with unemployment; and

(5) Any other issues or concerns about the Employment Security Law that were brought to light due to the pandemic.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Lowe, 37.

WHEREAS, Hot Meals U.S.A., founded by Dick Cochran two years ago, served over 120,000 free meals in Kearney during the coronavirus pandemic; and

WHEREAS, Dick takes pride in the food he serves and was quoted as saying, "They get one heck of a meal."; and

WHEREAS, for eleven weeks Dick, his family, and volunteers prepared, served, and delivered 2,000 meals, six days a week, to ensure their neighbors were fed; and

WHEREAS, Dick and the volunteers began serving meals on March 16th at the Kearney Jubilee Center, then moved distribution to the Church of Christ, and finally settled in the parking lot of the Museum of Nebraska Arts in cooperation with the City of Kearney; and

WHEREAS, Dick Cochran's efforts in Kearney expanded to Lexington with the help of John McCoy, owner of Orthman Manufacturing, Inc., where over 40 volunteers served about 1,000 meals a day in Lexington; and

WHEREAS, the community helped each other, raising over \$40,000 to serve hot meals to neighbors in need in Kearney and Lexington.

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

1. That the Legislature recognizes Dick Cochran and Hot Meals U.S.A. for providing meals in Kearney and Lexington.

2. That a copy of this resolution be sent to Dick Cochran.

Laid over.

SELECT FILE

LEGISLATIVE BILL 720. Senator Erdman withdrew his motion, [MO92](#), found on page 1561, First Session, 2019, to bracket until June 6, 2019 .

Senator Erdman withdrew his motion, [MO157](#), found on page 685, to bracket until April 23, 2020.

Senator Erdman offered his motion, [MO178](#), found on page 1018, to bracket until August 13, 2020.

SENATOR HILGERS PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 43. Placed on Final Reading.**ST55**

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

1. In lieu of the Bolz amendment, FA117, in the Bolz amendment, AM2864, on page 3, lines 15 and 16, "or other organizations with similar expertise on sexual assault forensic examinations" has been struck.
2. On page 1, line 2, "Survivors" has been struck and "Victims" inserted.

LEGISLATIVE BILL 755. Placed on Final Reading.**ST56**

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

1. In the Blood amendment, AM2991, section 47 has been renumbered as section 46.
2. In the Hilkemann amendment, AM2829:
 - a. On page 1, line 1, "and all amendments thereto" has been inserted after "15"; and
 - b. On page 2, line 6, "30" has been struck and "31" inserted.
3. In the E&R amendments, ER193, on page 1 line 19, "to provide a duty for the Department of Health and Human Services and the Department of Veterans' Affairs;" has been inserted after the first semicolon.

LEGISLATIVE BILL 899. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1052. Committee [AM2645](#), found on page 834 and considered on page 1069, was renewed.

The committee amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1124. Title read. Considered.

Senator Howard offered her amendment, [AM3127](#), found on page 1069.

The Howard amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 781. Title read. Considered.

Committee [AM2445](#), found on page 719, was offered.

Senator Brewer offered his amendment, [AM2693](#), found on page 1070, to

the committee amendment.

The Brewer amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Senator Lindstrom offered the following amendment:

[AM3150](#)

1 1. On page 6, line 3, strike "July" and insert "October".

The Lindstrom amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Committee [AM2766](#), found on page 858, was offered.

Senator Hunt requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM2866](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
6 be known and may be cited as the Integrated Solid Waste Management Act.
7 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 13-2003 For purposes of the Integrated Solid Waste Management Act,
10 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
11 this act shall be used.
12 Sec. 4. Container means a bag, cup, can, pouch, package, container,
13 bottle, or other packaging that is (1) designed to be reusable,
14 recyclable, or single-use, (2) made of cloth, paper, plastic, including
15 foamed or expanded plastic, cardboard, corrugated material, aluminum,
16 glass, or postconsumer recycled or similar material or substrates,
17 including coated, laminated, or multilayer substrates, and (3) designed
18 for consuming, protecting, or transporting merchandise, food, or
19 beverages from or at a food service or retail facility.

20 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 13-2017 It is the policy of this state:

23 (1) To encourage the development of integrated solid waste

24 management programs, including waste volume reduction and recycling
25 programs and education, at the local governmental level through

26 incentives, technical assistance, grants, and other practical measures;

27 (2) To support and encourage the development of new uses and markets
1 for recycled goods, placing emphasis on the development in Nebraska of

2 businesses relating to waste reduction and recycling;

3 (3) To provide education concerning the components of integrated

4 solid waste management, at the elementary level through the high school
5 level and through community organizations, to enhance the success of

6 local programs requiring public involvement; ~~and~~

7 (4) To support and encourage manufacturing methods which are

8 environmentally sustainable, technologically safe, and ecologically sound

9 and which enhance waste reduction by creating products which have longer

10 usage life and which are adaptable to secondary uses through processes

11 such as pyrolysis or biomass, require less input material, and decrease

12 resource consumption; ~~and~~ -

13 (5) To encourage uniform regulation of containers in order to avoid

14 the burden on retailers of having to comply with varying regulatory

15 policies in multiple jurisdictions.

16 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is

17 amended to read:

18 13-2023 (1) A county, municipality, or agency may, by ordinance or

19 resolution, adopt regulations governing collection, source separation,

20 storage, transportation, transfer, processing, treatment, and disposal of

21 solid waste within its solid waste jurisdiction area as necessary to

22 protect the public health and welfare and the environment. Regulations

23 authorized by this section shall be equal to or more stringent than the

24 provisions of the Integrated Solid Waste Management Act and rules and

25 regulations adopted and promulgated by the council as authorized by the

26 act. Any person who violates any such regulation shall be subject to a

27 noncompliance fee not to exceed five hundred dollars.

28 (2) A county, municipality, or agency shall not adopt, enforce, or

29 otherwise administer an ordinance or resolution that prohibits the use of

30 or that sets standards, fees, prohibitions, or requirements regarding the

31 sale, use, or marketing of containers. This subsection shall not apply to

1 county, municipality, or agency recycling or solid waste collection

2 programs, except that in no event shall such programs prohibit or have

3 the effect of prohibiting the sale, use, or marketing of any containers.

4 Sec. 14. Original sections 13-2001, 13-2003, 13-2017, 13-2023,

5 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section

6 2-1504, Revised Statutes Cumulative Supplement, 2018, are repealed.

The second committee amendment is as follows:

[AM2865](#)

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

2 sections:

3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 2-1504 (1) The Nebraska Natural Resources Commission is established.

6 The commission shall advise the department as requested by the director

7 and shall perform such other functions as are specifically conferred on

8 the commission by law. The commission shall have no jurisdiction over

9 matters pertaining to water rights.

10 (2) Each member of the commission shall be a resident of the State

11 of Nebraska and shall have attained the age of majority. The voting

12 members of the commission, ~~all of whom shall have attained the age of~~

majority, shall be:

- 14 (a) One resident of each of the following river basins, with
15 delineations being those on the Nebraska river basin map officially
16 adopted by the commission and on file with the department: (i) The
17 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
18 River basin, (iii) the South Platte River basin, (iv) the middle Platte
19 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
20 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
21 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
22 the Big Blue River basin, and (xii) the Nemaha River basin;
- 23 (b) One additional resident of each river basin which encompasses
24 one or more cities of the metropolitan class; and
- 25 (c) Fourteen members appointed by the Governor, subject to
26 confirmation by the Legislature. Of the members appointed by the
27 Governor, one shall represent each of the following categories:
 - 1 Agribusiness interests; agricultural interests; ground water irrigators;
 - 2 irrigation districts; manufacturing interests; metropolitan utilities
 - 3 districts; municipal users of water from a city of the primary class;
 - 4 municipal users of water from a city of the first or second class or a
 - 5 village; outdoor recreation users; public power districts; public power
 - 6 and irrigation districts; range livestock owners; surface water
 - 7 irrigators; and wildlife conservation interests.
- 8 (3) Members of the commission described in subdivision (2)(a) of
9 this section shall be selected for four-year terms at individual caucuses
10 of the natural resources district directors residing in the river basin
11 from which the member is selected. Such caucuses shall be held for each
12 basin within ten days following the first Thursday after the first
13 Tuesday of the year the term of office of the member from that basin
14 expires. The dates and locations for such caucuses shall be established
15 by the commission, and the commission shall provide notice to the public
16 by issuing press releases for publication in a newspaper of general
17 circulation in each county that comprises the river basin for which a
18 caucus election will be held. Terms of office of such members shall
19 follow the sequence originally determined by the river basin
20 representatives to the commission at their first meeting on the third
21 Thursday after the first Tuesday in January 1975. All river basin members
22 shall take office on the third Thursday after the first Tuesday in
23 January following their selection and any vacancy shall be filled for the
24 unexpired term by a caucus held within thirty days following the date
25 such vacancy is created. Each member of the commission representing a
26 river basin shall qualify by filing with the other members of the
27 commission an acceptance in writing of his or her selection.
- 28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
1 having the same term sequence as provided for the other members from such
2 basin under subsection (3) of this section.
- 3 (5) For members of the commission described in subdivision (2)(c) of
4 this section:
 - 5 (a) The Governor shall appoint the eleven additional members added
6 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
7 additional appointments shall be for staggered four-year terms, as
8 determined by the Governor. The Governor shall also set the terms of the
9 current members of the commission appointed under such subdivision and
10 serving on April 17, 2014, to staggered four-year terms. Future
11 appointments shall be for four-year terms. Members whose terms have
12 expired shall continue to serve until their successors have been
13 appointed. In the case of a vacancy, the Governor shall appoint a
14 successor for the unexpired term. Members may be removed for cause.

15 Initial appointees shall begin serving immediately following notice of
 16 appointment, except that the member appointed representing municipal
 17 users of water from the class of city or a village that is being
 18 represented by the current member representing municipal users of water
 19 and the members representing surface water irrigators and ground water
 20 irrigators shall not begin serving until the term of the current member
 21 representative of the category expires or such member resigns or is
 22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
 25 experience with, and is representative of Nebraska's water use and
 26 economy;

27 (ii) Give recognition to the importance of both water quantity and
 28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
 30 the state, including urban and rural areas, and represent, to the extent
 31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
 2 section, the commission shall revise or adopt and promulgate rules and
 3 regulations as necessary to administer the Water Sustainability Fund
 4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
 6 amended to read:

7 70-1605 No public or private utility company, other than a municipal
 8 utility owned and operated by a village, furnishing water, natural gas,
 9 or electricity at retail in this state shall discontinue service to any
 10 domestic subscriber for nonpayment of any past-due account unless the
 11 utility company first gives notice to any subscriber whose service is
 12 proposed to be terminated. Such notice shall be given in person, by
 13 first-class mail, or by electronic delivery, except that electronic
 14 delivery shall only be used if the subscriber has specifically elected to
 15 receive such notices by electronic delivery. If notice is given by first-
 16 class mail or electronic delivery, such notice shall be conspicuously
 17 marked as to its importance. Service shall not be discontinued for at
 18 least seven days after notice is sent or given. Holidays and weekends
 19 shall be excluded from the seven days. A public or private utility
 20 company shall not charge a fee for the discontinuance or reconnection of
 21 utility service that exceeds the reasonable costs of providing such
 22 service.

23 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
 24 amended to read:

25 70-1606 (1) The notice required by section 70-1605 shall contain
 26 the following information:

27 (a) ~~(1)~~ The reason for the proposed disconnection;

28 (b) ~~(2)~~ A statement of intention to disconnect unless the domestic
 29 subscriber either pays the bill or reaches an agreement with the utility
 30 regarding payment of the bill;

31 (c) ~~(3)~~ The date upon which service will be disconnected if the
 1 domestic subscriber does not take appropriate action;

2 (d) ~~(4)~~ The name, address, and telephone number of the utility's
 3 employee or department to whom the domestic subscriber may address any
 4 inquiry or complaint;

5 (e) ~~(5)~~ The domestic subscriber's right, prior to the disconnection
 6 date, to request a conference regarding any dispute over such proposed
 7 disconnection;

8 (f) ~~(6)~~ A statement that the utility may not disconnect service
 9 pending the conclusion of the conference;

10 (g) ~~(7)~~ A statement to the effect that disconnection shall may be
 11 postponed or prevented upon presentation of a duly licensed physician's,
 12 physician assistant's, or advanced practice registered nurse's

13 certificate, which shall certify that a domestic subscriber or resident
14 within such subscriber's household has an existing illness or handicap
15 which would cause such subscriber or resident to suffer an immediate and
16 serious health hazard by the disconnection of the utility's service to
17 that household. Such certificate shall be filed with the utility within
18 five days of receiving notice under this section, excluding holidays and
19 weekends, and will prevent the disconnection of the utility's service for
20 a period of at least thirty days from such filing. Only one postponement
21 of disconnection shall be required allowed under this subdivision for
22 each incidence of nonpayment of any past-due account;

23 ~~(h) (8)~~ The cost that will be borne by the domestic subscriber for
24 restoration of service;

25 ~~(i) (9)~~ A statement that the domestic subscriber may arrange with
26 the utility for an installment payment plan;

27 ~~(j) (10)~~ A statement to the effect that those domestic subscribers
28 who are welfare recipients may qualify for assistance in payment of their
29 utility bill and that they should contact their caseworker in that
30 regard; and

31 ~~(k) (11)~~ Any additional information not inconsistent with this
1 section which has received prior approval from the board of directors or
2 administrative board of any utility.

3 ~~(2)~~ A public or private utility company, other than a municipal
4 utility owned and operated by a village, shall make the service
5 termination information required under subdivisions (d), (e), (f), (g),
6 ~~(i), (j), and (k)~~ of subsection (1) of this section readily accessible to
7 the public on the web site of the utility company and available by mail
8 upon request.

9 Sec. 9. The Legislature finds and declares that the State of
10 Nebraska experienced a historic flood event in 2019. This flood event
11 significantly impacted numerous communities and individual Nebraskans.
12 Coordination and communication between state and local entities
13 implementing flood mitigation strategies is essential to maximize federal
14 funds for flood mitigation efforts.

15 Sec. 10. The Department of Natural Resources shall develop a state
16 flood mitigation plan as a stand-alone document to be annexed into the
17 state hazard mitigation plan maintained by the Nebraska Emergency
18 Management Agency. Such plan shall be structured in accordance with
19 Federal Emergency Management Agency guidelines, and shall be
20 comprehensive, collaborative, and statewide in scope with opportunities
21 for input from diverse stakeholders.

22 Sec. 11. The Department of Natural Resources shall convene a plan
23 development group which shall be housed and staffed for administrative
24 purposes within such department. The Department of Natural Resources
25 shall engage with federal, state, and local agency and community
26 stakeholders in the development of the state flood mitigation plan,
27 including, but not limited to, the Department of Transportation, the
28 Department of Environment and Energy, the Department of Economic
29 Development, the Department of Agriculture, the Nebraska Emergency
30 Management Agency, natural resources districts, the United States
31 Department of Agriculture, the United States Army Corps of Engineers, the
1 United States Geological Survey, the Federal Emergency Management Agency,
2 the University of Nebraska, representatives of counties, municipalities,
3 and other political subdivisions, and the Natural Resources Committee of
4 the Legislature. The Department of Natural Resources may engage other
5 sources to provide technical expertise as needed.

6 Sec. 12. The Department of Natural Resources shall:

7 (1) Evaluate the flood issues that occurred in 2019, and identify
8 cost-effective flood mitigation strategies that should be adopted to
9 reduce the disruption of lives and livelihoods and prioritize making
10 Nebraska communities more resilient;

11 (2) Identify opportunities to implement flood hazard mitigation
 12 strategies with the intent to reduce the impact of flood events;
 13 (3) Work to improve knowledge and understanding of available
 14 recovery resources while identifying potential gaps in current disaster
 15 program delivery;
 16 (4) Identify potential available funding sources that can be
 17 accessed to improve the resilience of the state through flood mitigation
 18 and post-flood disaster recovery. The funding sources shall include, but
 19 not be limited to, assistance from (a) the Federal Emergency Management
 20 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
 21 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
 22 Program, Public Assistance Program, and Individual Assistance Program,
 23 (b) the United States Department of Housing and Urban Development's
 24 Community Development Block Grant Program and Community Development Block
 25 Grant Disaster Recovery Program, and (c) programs of the United States
 26 Department of Agriculture's Natural Resources Conservation Service.
 27 Identification of such funding sources shall be in addition to grants and
 28 cost-sharing programs available through other agencies that support flood
 29 hazard mitigation planning in communities;
 30 (5) Compile a centralized list of critical infrastructure and state-
 31 owned facilities and identify those with the highest risk of flooding. In
 1 compiling such list, the Department of Natural Resources shall consult
 2 and collaborate with other state and local agencies that have information
 3 that identifies vulnerable facilities;
 4 (6) Evaluate state laws, rules, regulations, policies, and programs
 5 related to flood hazard mitigation and development in flood hazard-prone
 6 areas to support the state's administration of the Federal Emergency
 7 Management Agency's National Flood Insurance Program, Community Rating
 8 System, and Risk Mapping, Assessment, and Planning Program;
 9 (7) Examine existing law and, if necessary, recommend statutory or
 10 administrative changes to help ensure collaboration and coordination
 11 between state and local entities in statewide flood mitigation planning;
 12 and
 13 (8) Hold two public hearings, one prior to the first state flood
 14 mitigation plan development meeting and one prior to the completion of
 15 such plan. Notice of each hearing shall be published at least thirty days
 16 prior to the hearing date.
 17 Sec. 13. The state flood mitigation plan shall be completed and
 18 reported to the Governor and electronically to the Legislature on or
 19 before December 31, 2021.

The first committee amendment, [AM2866](#), found in this day's Journal, was offered.

The first committee amendment was adopted with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

The second committee [AM2865](#), found in this day's Journal, was offered.

The second committee amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1056. Committee [AM2595](#), found on page 791 and considered on page 857, was renewed.

Senator Lowe withdrew his amendment, [AM2795](#), found on page 851 and considered on page 857.

Senator Briese offered the following amendment to the committee amendment:

[AM3001](#)

(Amendments to Standing Committee amendments, AM2595)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 9-426, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 9-426 (1) A licensed organization may obtain from the department a

6 special permit to conduct one raffle and one lottery. The cost of the

7 special permit shall be ten dollars. The special permit shall exempt the

8 licensed organization from subsections (2) and (3) of section 9-427 and

9 from section 9-430. The organization shall comply with all other

10 requirements of the Nebraska Lottery and Raffle Act.

11 (2) The special permit shall be valid for ~~one year three calendar~~

12 ~~months~~ and shall be issued by the department upon the proper application

13 by the licensed organization. The special permit shall become invalid

14 upon termination, revocation, or cancellation of the organization's

15 license to conduct a lottery or raffle. The application shall be in such

16 form and contain such information as the department may prescribe. ~~No~~

17 ~~licensed organization may obtain more than one special permit for each~~

18 ~~twelve-month period commencing October 1 of each year or such other date~~

19 ~~as the department may prescribe by rule and regulation.~~

20 (3) No licensed organization conducting a raffle or lottery pursuant

21 to a special permit shall pay persons selling tickets or stubs for the

22 raffle or lottery, except that nothing in this subsection shall prohibit

23 the awarding of prizes to such persons based on ticket or stub sales.

24 Sec. 2. Section 9-429, Reissue Revised Statutes of Nebraska, is

25 amended to read:

26 9-429 Any licensed organization or any other organization or person

1 conducting a lottery or raffle activity required to be licensed pursuant

2 to the Nebraska Lottery and Raffle Act shall pay to the department a tax

3 of two percent of the gross proceeds of each lottery having gross

4 proceeds of more than one thousand dollars or raffle having gross

5 proceeds of more than five thousand dollars. Such tax shall be remitted

6 ~~annually by September 30 each year quarterly, within thirty days of the~~

7 ~~end of the quarter~~, on forms approved and provided by the department. The

8 department shall remit the tax to the State Treasurer for credit to the

9 Charitable Gaming Operations Fund. All deficiencies of the tax imposed by

10 this section shall accrue interest and be subject to a penalty as

11 provided for sales and use taxes in the Nebraska Revenue Act of 1967.

12 Sec. 3. Section 9-431, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 9-431 Each licensed organization conducting a lottery or raffle

15 conducted pursuant to the Nebraska Lottery and Raffle Act shall have its

16 name and identification number clearly printed on each lottery or raffle

17 ticket or stub used in such lottery or raffle. No such ticket or stub

18 shall be sold unless such name and identification number is so printed

19 thereon. In addition, all lottery or raffle tickets or stubs shall bear a

20 number, which numbers shall be in sequence and clearly printed on the

21 ticket or stub.

22 Each ticket or stub shall have an equal chance of being chosen in

23 the drawing. Each ticket or stub shall be constructed of the same
24 material, shall have the same surface, and shall be substantially the
25 same shape, size, form and weight.
26 Each licensed organization conducting a lottery or raffle shall keep
27 a record of all locations where its tickets or stubs are sold. In
28 addition to other authorized sales, a licensed organization conducting a
29 raffle conducted pursuant to the Nebraska Lottery and Raffle Act may also
30 sell tickets or stubs for such raffles on its web site and at events, and
31 such tickets or stubs may be purchased using a debit card online on the
1 web site and at events in addition to other authorized methods of
2 payment.
3 Sec. 4. Section 53-123.11, Revised Statutes Supplement, 2019, is
4 amended to read:
5 53-123.11 (1) A farm winery license shall entitle the holder to:
6 (a) Sell wines produced at the farm winery onsite at wholesale and
7 retail and to sell wines produced at the farm winery at off-premises
8 sites holding the appropriate retail license;
9 (b) Sell wines produced at the farm winery at retail for consumption
10 on the premises as designated pursuant to section 53-123.12;
11 (c) Permit a customer to remove one unsealed bottle of wine for
12 consumption off the premises. The licensee or his or her agent shall (i)
13 securely reseal such bottle and place the bottle in a bag designed so
14 that it is visibly apparent that the resealed bottle of wine has not been
15 opened or tampered with and (ii) provide a dated receipt to the customer
16 and attach to such bag a copy of the dated receipt for the resealed
17 bottle of wine. If the resealed bottle of wine is transported in a motor
18 vehicle, it must be placed in the trunk of the motor vehicle or the area
19 behind the last upright seat of such motor vehicle if the area is not
20 normally occupied by the driver or a passenger and the motor vehicle is
21 not equipped with a trunk;
22 (d) Ship wines produced at the farm winery by common carrier and
23 sold at retail to recipients in and outside the State of Nebraska, if the
24 output of such farm winery for each calendar year as reported to the
25 commission by December 31 of each year does not exceed thirty thousand
26 gallons. In the event such amount exceeds thirty thousand gallons, the
27 farm winery shall be required to use a licensed wholesaler to distribute
28 its wines for the following calendar year, except that this requirement
29 shall not apply to wines produced and sold onsite at the farm winery
30 pursuant to subdivision (1)(a) of this section;
31 (e) Allow sampling and sale of the wine at the farm winery and at
1 four branch outlets in the state in reasonable amounts;
2 (f) Sell wines produced at the farm winery to other Nebraska farm
3 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
4 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
5 regulations existed on January 1, 2008;
6 (g) Purchase distilled spirits from licensed microdistilleries in
7 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
8 winery wine to be used in the production of fortified wine at the
9 purchasing licensed farm winery; and
10 (h) Store and warehouse products produced at the farm winery in a
11 designated, secure, offsite storage facility if the holder of the farm
12 winery license notifies the commission of the location of the facility
13 and maintains, at the farm winery and at the facility, a separate
14 perpetual inventory of the product stored at the facility. Consumption of
15 alcoholic liquor at the facility is strictly prohibited.
16 (2) No farm winery shall manufacture wine in excess of fifty
17 thousand gallons per year.
18 (3) A farm winery may manufacture and sell hard cider on its
19 licensed premises. A farm winery shall not otherwise distribute the hard
20 cider it manufactures except by sale to a wholesaler licensed under the

21 Nebraska Liquor Control Act.

22 (4) A holder of a farm winery license may obtain a special

23 designated license pursuant to section 53-124.11.

24 (5) A holder of a farm winery license may obtain an annual catering

25 license pursuant to section 53-124.12.

26 Sec. 5. Section 53-123.12, Revised Statutes Cumulative Supplement,

27 2018, is amended to read:

28 53-123.12 (1) Any person desiring to obtain a new license to operate

29 a farm winery shall:

30 (a) File an application with the commission in triplicate original

31 upon such forms as the commission from time to time prescribes;

1 (b) Pay the license fee to the commission under sections 53-124 and

2 53-124.01, which fee shall be returned to the applicant if the

3 application is denied; and

4 (c) Pay the nonrefundable application fee to the commission in the

5 sum of four hundred dollars.

6 (2) To renew a farm winery license, a farm winery licensee shall

7 file an application with the commission, pay the license fee under

8 sections 53-124 and 53-124.01, and pay the renewal fee of forty-five

9 dollars.

10 (3) License fees, application fees, and renewal fees may be paid to

11 the commission by certified or cashier's check of a bank within this

12 state, personal or business check, United States post office money order,

13 or cash in the full amount of such fees.

14 (4) For a new license, the commission shall then notify the

15 municipal clerk of the city or incorporated village where such license is

16 sought or, if the license is not sought within a city or incorporated

17 village, the county clerk of the county where such license is sought of

18 the receipt of the application and shall include with such notice one

19 copy of the application. No such license shall then be issued by the

20 commission until the expiration of at least forty-five days from the date

21 of receipt by mail or electronic delivery of such application from the

22 commission. Within thirty-five days from the date of receipt of such

23 application from the commission, the local governing bodies of nearby

24 cities or villages or the county may make and submit to the commission

25 recommendations relative to the granting of or refusal to grant such

26 license to the applicant.

27 (5)(a) A farm winery licensee may apply to the local governing body

28 for a temporary expansion of the licensed premises to an immediately

29 adjacent area owned or leased by the licensee or to an immediately

30 adjacent street, parking lot, or alley, not to exceed fifteen days per

31 calendar year. The temporary area shall comply with the Nebraska Liquor

1 Control Act for consumption on the premises and shall be subject to the

2 following conditions: (i) The temporary area shall be enclosed during the

3 temporary expansion by a temporary fence or other means approved by the

4 county, city, or village; (ii) the temporary area shall have easily

5 identifiable entrances and exits; and (iii) the licensee shall ensure

6 that the area meets all sanitation requirements for a licensed premises.

7 The local governing body shall electronically notify the commission

8 within five days after the authorization of any temporary expansion

9 pursuant to this subsection.

10 (b) The licensee shall file an application with the local governing

11 body which shall contain (i) the name of the applicant, (ii) the premises

12 for which a temporary expansion is requested, identified by street and

13 number if practicable and, if not, by some other appropriate description

14 which definitely locates the premises, (iii) the name of the owner or

15 lessee of the premises for which the temporary expansion is requested,

16 (iv) sufficient evidence that the licensee will carry on the activities

17 and business authorized by the license for himself, herself, or itself

18 and not as the agent of any other person, group, organization, or

19 corporation, for profit or not for profit, (v) a statement of the type of
20 activity to be carried on during the time period for which a temporary
21 expansion is requested, and (vi) sufficient evidence that the temporary
22 expansion will be supervised by persons or managers who are agents of and
23 directly responsible to the licensee.

24 (c) No temporary expansion provided for by this subsection shall be
25 granted without the approval of the local governing body. The local
26 governing body may establish criteria for approving or denying a
27 temporary expansion. The local governing body may designate an agent to
28 determine whether a temporary expansion is to be approved or denied. Such
29 agent shall follow criteria established by the local governing body in
30 making the determination. The determination of the agent shall be
31 considered the determination of the local governing body unless otherwise
1 provided by the local governing body.

2 (d) For purposes of this section, the local governing body shall be
3 that of the city or village within which the premises for which the
4 temporary expansion is requested are located or, if such premises are not
5 within the corporate limits of a city or village, then the local
6 governing body shall be that of the county within which the premises for
7 which the temporary expansion is requested are located.

8 (e) The decision of the local governing body shall be final. If the
9 applicant does not qualify for a temporary expansion, the temporary
10 expansion shall be denied by the local governing body.

11 (f) The city, village, or county clerk shall deliver confirmation of
12 the temporary expansion to the licensee upon receipt of any fee or tax
13 imposed by such city, village, or county.

14 Sec. 6. Section 53-129, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 53-129 (1) Except as otherwise provided in subsection (3) of this
17 section, ~~retail~~ Retail, bottle club, craft brewery, and microdistillery
18 licenses issued under the Nebraska Liquor Control Act apply only to that
19 part of the premises described in the application approved by the
20 commission and in the license issued on the application. For retail,
21 bottle club, and microdistillery licenses, only one location shall be
22 described in each license. For craft brewery licenses, up to five
23 separate physical locations may be described in each license.

24 (2) After such license has been granted for the particular premises,
25 the commission, with the approval of the local governing body and upon
26 proper showing, may endorse upon the license permission to add to, delete
27 from, or abandon the premises described in such license and, if
28 applicable, to move from the premises to other premises approved by the
29 local governing body. In ~~it~~, but in order to obtain such approval, the
30 retail, bottle club, craft brewery, or microdistillery licensee shall
31 file with the local governing body a request in writing and a statement
1 under oath which shows that the premises, as added to or deleted from or
2 to which such move is to be made, comply in all respects with the
3 requirements of the act. No such addition, deletion, or move shall be
4 made by any such licensee until the license has been endorsed to that
5 effect in writing by the local governing body and by the commission and
6 the licensee furnishes proof of payment of the renewal fee prescribed in
7 subsection (4) of section 53-131.

8 (3)(a) A retail, bottle club, craft brewery, or microdistillery
9 licensee may apply to the local governing body for a temporary expansion
10 of its licensed premises to an immediately adjacent area owned or leased
11 by the licensee or to an immediately adjacent street, parking lot, or
12 alley, not to exceed fifteen days per calendar year. The temporary area
13 shall otherwise comply with all requirements of the Nebraska Liquor
14 Control Act.

15 (b) The licensee shall file an application with the local governing
16 body which shall contain (i) the name of the applicant, (ii) the premises

17 for which a temporary expansion is requested, identified by street and
18 number if practicable and, if not, by some other appropriate description
19 which definitely locates the premises, (iii) the name of the owner or
20 lessee of the premises for which the temporary expansion is requested,
21 (iv) sufficient evidence that the licensee will carry on the activities
22 and business authorized by the license for himself, herself, or itself
23 and not as the agent of any other person, group, organization, or
24 corporation, for profit or not for profit, (v) a statement of the type of
25 activity to be carried on during the time period for which a temporary
26 expansion is requested, and (vi) sufficient evidence that the temporary
27 expansion will be supervised by persons or managers who are agents of and
28 directly responsible to the licensee.

29 (c) No temporary expansion provided for by this subsection shall be
30 granted without the approval of the local governing body. The local
31 governing body may establish criteria for approving or denying a
1 temporary expansion. The local governing body may designate an agent to
2 determine whether a temporary expansion is to be approved or denied. Such
3 agent shall follow criteria established by the local governing body in
4 making the determination. The determination of the agent shall be
5 considered the determination of the local governing body unless otherwise
6 provided by the local governing body.

7 (d) For purposes of this section, the local governing body shall be
8 that of the city or village within which the premises for which the
9 temporary expansion is requested are located or, if such premises are not
10 within the corporate limits of a city or village, then the local
11 governing body shall be that of the county within which the premises for
12 which the temporary expansion is requested are located.

13 (e) The decision of the local governing body shall be final. If the
14 applicant does not qualify for a temporary expansion, the temporary
15 expansion shall be denied by the local governing body.

16 (f) The city, village, or county clerk shall deliver confirmation of
17 the temporary expansion to the licensee upon receipt of any fee or tax
18 imposed by such city, village, or county.

19 Sec. 7. Section 53-134, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 53-134 The local governing body of any city or village with respect
22 to licenses within its corporate limits and the local governing body of
23 any county with respect to licenses not within the corporate limits of
24 any city or village but within the county shall have the following
25 powers, functions, and duties with respect to retail, bottle club, craft
26 brewery, microdistillery, and entertainment district licenses:

27 (1) To cancel or revoke for cause retail, craft brewery,
28 microdistillery, or entertainment district licenses to sell or dispense
29 alcoholic liquor or bottle club licenses, issued to persons for premises
30 within its jurisdiction, subject to the right of appeal to the
31 commission;

1 (2) To enter or to authorize any law enforcement officer to enter at
2 any time upon any premises licensed under the Nebraska Liquor Control Act
3 to determine whether any provision of the act, any rule or regulation
4 adopted and promulgated pursuant to the act, or any ordinance,
5 resolution, rule, or regulation adopted by the local governing body has
6 been or is being violated and at such time examine the premises of such
7 licensee in connection with such determination. Any law enforcement
8 officer who determines that any provision of the act, any rule or
9 regulation adopted and promulgated pursuant to the act, or any ordinance,
10 resolution, rule, or regulation adopted by the local governing body has
11 been or is being violated shall report such violation in writing to the
12 executive director of the commission (a) within thirty days after
13 determining that such violation has occurred, (b) within thirty days
14 after the conclusion of an ongoing police investigation, or (c) within

15 thirty days after the verdict in a prosecution related to such an ongoing
16 police investigation if the prosecuting attorney determines that
17 reporting such violation prior to the verdict would jeopardize such
18 prosecution, whichever is later;

19 (3) To receive a signed complaint from any citizen within its
20 jurisdiction that any provision of the act, any rule or regulation
21 adopted and promulgated pursuant to the act, or any ordinance,
22 resolution, rule, or regulation relating to alcoholic liquor has been or
23 is being violated and to act upon such complaints in the manner provided
24 in the act;

25 (4) To receive retail license fees, bottle club license fees, craft
26 brewery license fees, and microdistillery license fees as provided in
27 sections 53-124 and 53-124.01 and entertainment district license fees as
28 provided in section 53-123.17 and pay the same, after the license has
29 been delivered to the applicant, to the city, village, or county
30 treasurer;

31 (5) To examine or cause to be examined any applicant or any retail
1 licensee, bottle club licensee, craft brewery licensee, microdistillery
2 licensee, or entertainment district licensee upon whom notice of
3 cancellation or revocation has been served as provided in the act, to
4 examine or cause to be examined the books and records of any applicant or
5 licensee except as otherwise provided for bottle club licensees in
6 section 53-123.08, and to hear testimony and to take proof for its
7 information in the performance of its duties. For purposes of obtaining
8 any of the information desired, the local governing body may authorize
9 its agent or attorney to act on its behalf;

10 (6) To cancel or revoke on its own motion any license if, upon the
11 same notice and hearing as provided in section 53-134.04, it determines
12 that the licensee has violated any of the provisions of the act or any
13 valid and subsisting ordinance, resolution, rule, or regulation duly
14 enacted, adopted, and promulgated relating to alcoholic liquor. Such
15 order of cancellation or revocation may be appealed to the commission
16 within thirty days after the date of the order by filing a notice of
17 appeal with the commission. The commission shall handle the appeal in the
18 manner provided for hearing on an application in section 53-133; ~~and~~

19 (7) Upon receipt from the commission of the notice and copy of
20 application as provided in section 53-131, to fix a time and place for a
21 hearing at which the local governing body shall receive evidence, either
22 orally or by affidavit from the applicant and any other person, bearing
23 upon the propriety of the issuance of a license. Notice of the time and
24 place of such hearing shall be published in a legal newspaper in or of
25 general circulation in such city, village, or county one time not less
26 than seven and not more than fourteen days before the time of the
27 hearing. Such notice shall include, but not be limited to, a statement
28 that all persons desiring to give evidence before the local governing
29 body in support of or in protest against the issuance of such license may
30 do so at the time of the hearing. Such hearing shall be held not more
31 than forty-five days after the date of receipt of the notice from the
1 commission, and after such hearing the local governing body shall cause
2 to be recorded in the minute record of their proceedings a resolution
3 recommending either issuance or refusal of such license. The clerk of
4 such city, village, or county shall mail to the commission by first-class
5 mail, postage prepaid, a copy of the resolution which shall state the
6 cost of the published notice, except that failure to comply with this
7 provision shall not void any license issued by the commission. If the
8 commission refuses to issue such a license, the cost of publication of
9 notice shall be paid by the commission from the security for costs; ~~and -~~

10 (8) To review and authorize an application by a retail, bottle club,
11 craft brewery, farm winery, or microdistillery licensee for a temporary
12 expansion of its licensed premises within the jurisdiction of the local

13 governing body to an immediately adjacent area owned or leased by the
14 licensee or to an immediately adjacent street, parking lot, or alley, not
15 to exceed fifteen days per calendar year, as provided in sections
16 53-123.12 and 53-129.
17 Sec. 8. Original sections 9-426, 9-429, and 9-431, Reissue Revised
18 Statutes of Nebraska, sections 53-123.12, 53-129, and 53-134, Revised
19 Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised
20 Statutes Supplement, 2019, are repealed.

The Briese amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 1056A. Title read. Considered.

Senator Lowe offered the following motion:

[MO187](#)

Indefinitely postpone.

The Lowe motion to indefinitely postpone prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1160. Title read. Considered.

Committee [AM3084](#), found on page 1061, was adopted with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 956. Title read. Considered.

Committee [AM2827](#), found on page 926, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 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.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 681. Placed on General File with amendment.

[AM3149](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-2011.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 29-2011.02 Whenever a witness refuses, on the basis of the privilege
6 against self-incrimination, to testify or to provide other information in
7 a criminal proceeding or investigation before a court, a grand jury, the
8 Auditor of Public Accounts, the Legislative Council, or a standing
9 committee or a special legislative investigative or oversight committee
10 of the Legislature authorized pursuant to section 50-404, the court, on
11 motion of the county attorney, other prosecuting attorney, Auditor of
12 Public Accounts, chairperson of the Executive Board of the Legislative
13 Council, or chairperson of a standing or special committee of the
14 Legislature, may order the witness to testify or to provide other
15 information. The witness may not refuse to comply with such an order of
16 the court on the basis of the privilege against self-incrimination, but
17 no testimony or other information compelled under the court's order or
18 any information directly or indirectly derived from such testimony or
19 other information may be used against the witness in any criminal case
20 except in a prosecution for perjury, giving a false statement, or failing
21 to comply with the order of the court.

22 Sec. 2. Section 29-2011.03, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-2011.03 The county attorney, other prosecuting attorney, Auditor
25 of Public Accounts, or chairperson of the Executive Board of the
26 Legislative Council or chairperson of a standing committee or a special
27 legislative investigative or oversight committee of the Legislature
1 authorized pursuant to section 50-404 upon an affirmative vote of a
2 majority of the board or committee, may request an order pursuant to
3 section 29-2011.02 when in such person's his or her judgment:

4 (1) The testimony or other information from such individual may be
5 necessary to the public interest; and
6 (2) Such individual has refused or is likely to refuse to testify or
7 provide other information on the basis of the privilege against self-
8 incrimination.

9 Sec. 3. Section 50-406, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 50-406 (1) It is within the inherent power of the Legislature,
12 including the Legislative Council and any standing committee of the
13 Legislature, to secure needed information in order to legislate, hold
14 hearings, and administer oaths, as the council or committee deems
15 necessary, and to conduct investigations of matters within the subject
16 matter jurisdiction of the council or committee. This power of inquiry is
17 broad and indispensable.

18 (2) ~~The In the discharge of any duty imposed by the Legislative~~
19 ~~Council, by statute, or by a resolution of the Legislature, the council,~~
20 ~~any committee thereof, and any standing or special committee created by~~
21 ~~statute or resolution of the Legislature may hold public hearings and may~~
22 ~~administer oaths, issue subpoenas with when the committee has received~~
23 ~~prior approval, by a majority vote, of the Executive Board of the~~
24 ~~Legislative Council to issue subpoenas in connection with the specific~~
25 ~~inquiry or investigation in question, compel the attendance of witnesses~~
26 ~~and the production of any papers, books, accounts, documents, and~~
27 ~~testimony, and cause the depositions of witnesses to be taken in the~~
28 ~~manner prescribed by law for taking depositions in civil actions in the~~
29 ~~district court.~~

30 (3) A standing committee of the Legislature may hold public
31 hearings, administer oaths, and gather information. After receiving prior
1 approval, by a majority vote, of the Executive Board of the Legislative
2 Council, a standing committee may issue subpoenas to compel the
3 attendance of witnesses and the production of any papers, books,
4 accounts, documents, and testimony and cause the depositions of witnesses
5 to be taken in the manner prescribed by law for taking depositions in

6 civil actions in the district court.

7 (4)(a) A special legislative investigative or oversight committee
 8 may hold public hearings, administer oaths, and gather information
 9 pursuant to a statute or legislative resolution that provides for a
 10 specific legislative inquiry or investigation. In the case of a
 11 resolution, such resolution shall have first been adopted by a majority
 12 of the members of the Legislature during a legislative session or by a
 13 majority of the members of the Executive Board of the Legislative Council
 14 during the interim between legislative sessions.

15 (b) If authorized to issue subpoenas by statute or by a resolution
 16 described in subdivision (4)(a) of this section, a special legislative
 17 investigative or oversight committee may issue subpoenas to compel the
 18 attendance of witnesses and the production of any papers, books,
 19 accounts, documents, and testimony and cause the depositions of witnesses
 20 to be taken in the manner prescribed by law for taking depositions in
 21 civil actions in the district court.

22 (c) A resolution or statute creating a special legislative
 23 investigative or oversight committee may prescribe limitations on the
 24 authority granted by this section.

25 (5) When authorized to issue subpoenas under this section, the ~~The~~
 26 council or a ~~the~~ committee may require any state agency, political
 27 subdivision, or person to provide information relevant to the council's
 28 or committee's work, and the state agency, political subdivision, or
 29 person shall:

30 (a) Appear at a hearing on the date set in the subpoena; and
 31 (b) Provide ~~provide~~ the information requested within thirty days
 1 after the request except as provided for in the a subpoena. ~~The statute~~
 2 ~~or resolution creating a committee may prescribe limitations on the~~
 3 ~~authority granted by this section.~~

4 (6) Litigation to compel or quash compliance with authority
 5 exercised pursuant to this section and section 50-407 shall be advanced
 6 on the trial docket and heard and decided by the court as quickly as
 7 possible. The court shall issue its decision no later than twenty days
 8 after the filing of the application or petition or a motion to quash,
 9 whichever is filed first. Either party may appeal to the Court of Appeals
 10 within ten days after a decision is rendered.

11 (7) The district court of Lancaster County has jurisdiction over all
 12 litigation arising under this section and section 50-407. In all such
 13 litigation, the Executive Board of the Legislative Council ~~executive~~
 14 ~~board~~ shall provide for legal representation for the council or
 15 committee.

16 Sec. 4. Section 50-407, Revised Statutes Cumulative Supplement,
 17 2018, is amended to read:

18 50-407 (1) In case of disobedience on the part of any person,
 19 including a representative of a state agency or political subdivision, to
 20 comply with any subpoena issued pursuant to section 50-406 on behalf of
 21 the council or any committee thereof or in case of the refusal of any
 22 witness to testify on any matters regarding which the witness he or she
 23 may be lawfully interrogated, the Legislative Council or the standing
 24 committee or special legislative investigative or oversight committee
 25 which issued the subpoena shall, at the hearing at which the person was
 26 subpoenaed to appear, hold a vote to find the person in contempt unless
 27 the council or committee votes to find that the failure to comply or
 28 refusal to testify was not willful.

29 (2) If the council or committee finds a person in contempt as
 30 provided in subsection (1) of this section, the council or committee may,
 31 by application or petition to the district court of Lancaster County,
 1 request the court to or the judge thereof, on application of a member of
 2 the council, shall compel obedience by proceedings for contempt as in the
 3 case of disobedience of the requirements of a subpoena issued from such

4 court or a refusal to testify therein. The application or petition shall
 5 be filed by the chairperson of the Executive Board of the Legislative
 6 Council, and in the case of a standing or special legislative
 7 investigative or oversight committee, such filing shall be joined by the
 8 chairperson of such committee.

9 (3) If a witness who has been subpoenaed pursuant to section 50-406
 10 refuses to testify before the council or a committee a special committee
 11 of the Legislature authorized pursuant to section 50-404 on the basis of
 12 the privilege against self-incrimination, the chairperson of the
 13 committee may request a court order may be requested pursuant to sections
 14 29-2011.02 and 29-2011.03. In the case of a proceeding before the
 15 Legislative Council, the request shall be filed by the chairperson of the
 16 Executive Board of the Legislative Council. In the case of a proceeding
 17 before a standing committee or special legislative investigative or
 18 oversight committee, the request shall be filed by the chairperson of
 19 such committee.

20 Sec. 5. (1)(a) If a member of the Legislature presents a newly
 21 constituted Legislature with a subpoena issued pursuant to section 50-406
 22 during a previous legislative biennium and such subpoena is still
 23 pending:

24 (i) The Executive Board of the Legislative Council shall vote to
 25 determine whether to renew the subpoena; and
 26 (ii) If the subpoena was issued by a standing committee, such
 27 committee shall also vote to determine whether to renew the subpoena.
 28 (b) The vote or votes required in subdivision (1)(a) of this section
 29 shall be taken no later than ten days after the day the regular session
 30 of the Legislature commences as provided in Article III, section 10, of
 31 the Constitution of Nebraska.

1 (c) If a majority of the members of the Executive Board of the
 2 Legislative Council and, if applicable, of the committee, are in favor of
 3 renewing the subpoena, the subpoena is renewed and relates back to its
 4 previous issuance and such subpoena shall be considered to have been in
 5 full force and effect for such entire period.

6 (2) The Legislature has the constitutional authority to determine
 7 the rules of its proceedings. The question of the referencing of an
 8 investigation or inquiry is not justiciable and cannot be challenged or
 9 invalidated in a judicial proceeding.

10 Sec. 6. Section 50-408, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 50-408 Each witness who appears before the Legislative Council, any
 13 standing committee, or any special legislative investigative or oversight
 14 committee council, or any committee thereof, by subpoena of such council
 15 or committee its order, other than a state officer or employee, shall
 16 receive for his or her attendance the fees provided for witnesses in
 17 civil cases in courts of record and mileage as provided in section
 18 81-1176 for state employees, which shall be audited and paid upon the
 19 presentation of proper vouchers sworn to by such witness and approved by
 20 the secretary and chairperson of the council.

21 Sec. 7. Section 50-1205, Revised Statutes Cumulative Supplement,
 22 2018, is amended to read:

23 50-1205 The committee shall:

24 (1) Adopt, by majority vote, procedures consistent with the
 25 Legislative Performance Audit Act to govern the business of the committee
 26 and the conduct of performance audits;

27 (2) Ensure that performance audits done by the committee are not
 28 undertaken based on or influenced by special or partisan interests;

29 (3) Review performance audit requests and select, by majority vote,
 30 agencies or agency programs for performance audit;

31 (4) Review, amend, if necessary, and approve a scope statement and
 1 an audit plan for each performance audit;

2 (5) Respond to inquiries regarding performance audits;
3 (6) Inspect or approve the inspection of the premises, or any parts
4 thereof, of any agency or any property owned, leased, or operated by an
5 agency as frequently as is necessary in the opinion of the committee to
6 carry out a performance audit or preaudit inquiry;
7 (7) Inspect and examine, or approve the inspection and examination
8 of, the records and documents of any agency as a part of a performance
9 audit or preaudit inquiry;
10 (8) Pursuant to section 50-406, administer ~~Administer~~ oaths, issue
11 subpoenas, compel the attendance of witnesses and the production of any
12 papers, books, accounts, documents, and testimony, and cause the
13 depositions of witnesses either residing within or without the state to
14 be taken in the manner prescribed by law for taking depositions in civil
15 actions in the district court;
16 (9) Review completed performance audit reports prepared by the
17 office, together with comments from the evaluated agency, and adopt
18 recommendations and incorporate them into a committee report;
19 (10) Release the committee report to the public and distribute it
20 electronically to the Clerk of the Legislature with or without benefit of
21 a public hearing;
22 (11) Hold a public hearing, at the committee's discretion, for the
23 purpose of receiving testimony prior to issuance of the committee report;
24 (12) Establish a system to ascertain and monitor an agency's
25 implementation of the recommendations contained in the committee report
26 and compliance with any statutory changes resulting from the
27 recommendations;
28 (13) Issue an annual report each September, to be prepared by the
29 Legislative Auditor and approved by the committee, summarizing
30 recommendations made pursuant to reports of performance audits during the
31 previous fiscal year and the status of implementation of those
1 recommendations;
2 (14) Consult with the Legislative Auditor regarding the staffing and
3 budgetary needs of the office and assist in presenting budget requests to
4 the Appropriations Committee of the Legislature;
5 (15) Approve or reject, within the budgetary limits of the office,
6 contracts to retain consultants to assist with performance audits
7 requiring specialized knowledge or expertise. Requests for consultant
8 contracts shall be approved by the Legislative Auditor and presented to
9 the Legislative Performance Audit Committee by the Legislative Auditor. A
10 majority vote shall be required to approve consultant contract requests.
11 For purposes of section 50-1213, subsection (11) of section 77-2711, and
12 subsections (10) through (13) of section 77-27,119, any consultant
13 retained to assist with a performance audit or preaudit inquiry shall be
14 considered an employee of the office during the course of the contract;
15 and
16 (16) At its discretion, and with the agreement of the Auditor of
17 Public Accounts, conduct joint fiscal or performance audits with the
18 Auditor of Public Accounts. The details of any joint audit shall be
19 agreed upon in writing by the committee and the Auditor of Public
20 Accounts.
21 Sec. 8. Original sections 29-2011.02, 29-2011.03, and 50-408,
22 Reissue Revised Statutes of Nebraska, and sections 50-406, 50-407, and
23 50-1205, Revised Statutes Cumulative Supplement, 2018, are repealed.

(Signed) Mike Hilgers, Chairperson

ADJOURNMENT

At 5:31 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, July 23, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - JULY 23, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, July 23, 2020

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Cavanaugh, B. Hansen, McCollister, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

Karl Barfuss - Environmental Quality Council
Dennis D. Grams - Environmental Quality Council
Seth B. Harder - Environmental Quality Council

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Dallen R. Juelfs - Oil and Gas Conservation Commission
John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Felix B. Davidson - Nebraska Environmental Trust Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Elizabeth A. Hilyard - Nebraska Power Review Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Timothy L. Else - Nebraska Ethanol Board

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Dan C. Kreitman - Game and Parks Commission

Aye: 7. Albrecht, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 1. Bostelman.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB911A:
[AM3148](#)

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following:
- 2 Section 1. There is hereby appropriated \$270,000 from the Nebraska
- 3 Veteran Cemetery System Operation Fund for FY2020-21 to the Department of
- 4 Veterans' Affairs, for Program 938, to aid in carrying out the provisions
- 5 of Legislative Bill 911, One Hundred Sixth Legislature, Second Session,
- 6 2020.
- 7 No expenditures for permanent and temporary salaries and per diems
- 8 for state employees shall be made from funds appropriated in this
- 9 section.
- 10 Sec. 2. Since an emergency exists, this act takes effect when
- 11 passed and approved according to law.

MOTION(S) - Suspend Rules

Senator Wayne offered his motion, found on page 1041, to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req. 6133, after the tenth legislative day by a member.

SPEAKER SCHEER PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to suspend the rules.

Voting in the affirmative, 32:

Blood	DeBoer	Howard	McCollister	Walz
Bolz	Dorn	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Pansing Brooks	Wishart
Cavanaugh	Hansen, B.	Lathrop	Quick	
Chambers	Hansen, M.	Lindstrom	Scheer	
Crawford	Hilkemann	Linehan	Vargas	

Voting in the negative, 4:

Albrecht	Erdman	Friesen	Hilgers
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Present and not voting, 12:

Arch	Clements	Hughes	McDonnell
Bostelman	Geist	La Grone	Murman
Brewer	Halloran	Low	Slama

Excused and not voting, 1:

Stinner

The Wayne motion to suspend the rules prevailed with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1222. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to adopt the Municipal Police Oversight Act.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 361. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine matters related to the upcoming redistricting process in Nebraska. The study shall specifically examine, but not be limited to, the following matters:

- (1) The effect of the COVID-19 pandemic on redistricting and the census;
- (2) The effect of the delayed deadline for census data to be collected and the expected delay in receiving census data for the redistricting process;
- (3) Information on what other states are doing to mitigate difficulties in the redistricting process related to COVID-19;
- (4) The impact on redistricting if there is a change in the number of legislative districts;
- (5) Best practices to add transparency to the process of redistricting through legislative rule changes or other means;
- (6) Information about past redistricting practices in Nebraska that might help to aid the process of redistricting;
- (7) Best redistricting practices to comply with state and federal law, ensure fair minority representation, ensure fair distribution of legislative districts throughout the state, and ensure Nebraskans are confident in the redistricting process; and
- (8) Any other matters related to redistricting that will help the Legislature to fairly complete its redistricting duties in a timely manner.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board of the Legislative Council shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an in-depth review of the financing of special education in public primary and secondary schools.

The issues addressed by this interim study shall include, but not be limited to:

(1) The methods of financing special education in public schools, including methods in other states that would provide equitable education across the state;

(2) The percentage of special education funding received from federal, state, and local sources, and how the ratio of funding from these sources has changed over the past ten years;

(3) The maintenance of effort requirements regarding federal funding for special education; and

(4) The annual change in special education expenditures in school districts of various sizes.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an in-depth review of the financing of the public elementary and secondary schools.

The issues addressed by this interim study shall include, but not be limited to:

(1) The methods of financing public elementary and secondary schools, including methods used in other states, which would provide equitable educational opportunities across the state and offer alternatives to a heavy reliance on property taxes;

(2) The option of using income as a component in the financing of public elementary and secondary schools;

(3) The option of using sales tax as a component in the financing of public elementary and secondary schools, including, but not limited to, an examination of the experience of any other states with such option;

(4) Financing issues as they relate to the quality and performance of public elementary and secondary schools;

(5) Options for funding college-readiness and career-readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;

(6) The costs and resources necessary to meet the diverse and growing needs of students across the state, including, but not limited to, the needs of students in poverty and limited English proficiency students;

(7) Methods used by other states to fund public elementary and secondary school infrastructure needs;

(8) Options for funding distance learning programs;

(9) The effects of the COVID-19 outbreak on school finance; and

(10) Other issues related to public elementary and secondary school finance, as necessary.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an in-depth review of the use of plastic shopping bags and single-use checkout bags.

The issues addressed by this interim study shall include, but not be limited to:

(1) Legislation enacting fees or bans on plastic shopping bags and single-use checkout bags, including the effects of such legislation on reducing the use of such bags;

(2) The effectiveness of different fee amounts in reducing the use of plastic shopping bags and single-use checkout bags;

(3) The impact of such fees on low-income individuals or those who rely on benefits from the Supplemental Nutrition Assistance Program or other similar programs;

(4) The implementation of such fees in other jurisdictions;

(5) Environmental impacts of plastic shopping bags and single-use checkout bags, including, but not limited to, the impacts on farmland, livestock, and water treatment plants; and

(6) Possible methods to produce and distribute reusable canvas shopping bags.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to conduct an in-depth review of the use of highway cable barriers on Nebraska's highways.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The use of highway cable barriers in the medians of divided highways in other states, including the cost of installing such barriers and the effect on traffic fatalities since installation;
- (2) The projected cost of installing highway cable barriers on Nebraska's divided highways;
- (3) The effectiveness of highway cable barriers on highway stretches with varying traffic levels and median widths; and
- (4) The projected decrease in traffic fatalities or property damage as a result of highway barrier cables.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by McCollister, 20.

WHEREAS, National Environmental Education Week is the nation's largest celebration of environmental education; and

WHEREAS, during National Environmental Education Week educators, students, government agencies, businesses, communities, and nonprofits collaborate to inspire environmental learning and encourage good stewardship of our essential resources of land, air, and water; and

WHEREAS, the environment sustains life on earth and provides all living beings with physical and psychological benefits; and

WHEREAS, environmental education has the power to transform lives and society while it informs, inspires, and motivates; and

WHEREAS, the field of environmental education raises awareness of issues impacting the environment on which we all depend, as well as actions we can take to improve and sustain it; and

WHEREAS, in 2019 the National Environmental Education Foundation created the Greening STEM education program model for tackling real-world challenges and engaging students with the natural environment; and

WHEREAS, the Nebraska Alliance for Conservation and Environment Education fosters a community of conservation and environmental education professionals by providing coordination, promotion, and education opportunities across Nebraska.

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

1. That the Legislature recognizes April 20 through 24, 2020, as National Environmental Education Week.

2. That a copy of this resolution be sent to the National Environmental Education Foundation and the Nebraska Alliance for Conservation and Environment Education.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Dorn, 30.

PURPOSE: As partners in delivering essential governmental duties to citizens in Nebraska, county governments undertake implementing statutorily required services on a daily basis. Numerous required services have statutorily set fees or fines. This study shall examine these set fee and fine amounts and the costs experienced by county governments when administering the associated services.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 247. Placed on Final Reading.

LEGISLATIVE BILL 797. Placed on Final Reading.

LEGISLATIVE BILL 803. Placed on Final Reading.[ST60](#)

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

1. On page 1, line 4, "Pulse Crop Resources Act" has been struck and "Dry Pea and Lentil Resources Act; to create a commission and a fund" inserted; and line 9 has been struck and "and to repeal the original sections." inserted.

LEGISLATIVE BILL 803A. Placed on Final Reading.**LEGISLATIVE BILL 808.** Placed on Final Reading.[ST61](#)

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

1. In the E&R Amendments, ER196:
a. On page 109, line 18, "76-902," has been struck; and in line 24 "and 21-201" has been struck and ", 21-201, and 81-885.24" inserted; and
b. On page 110, lines 1 and 2, "and change tax provisions for property transferred under the act" has been struck; in line 5 "to define and eliminate certain terms under the Nebraska Appraisal Management Company Registration Act;" has been inserted after the first semicolon; and the matter beginning with "provide" in line 7 through "prescribed" in line 8 has been struck and "change provisions under the Nebraska Real Estate License Act" inserted.

LEGISLATIVE BILL 832. Placed on Final Reading.**LEGISLATIVE BILL 881.** Placed on Final Reading.[ST59](#)

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

1. In the Standing Committee amendments, AM2628, section 17 has been struck and the following new section inserted: Sec. 28. Original sections 27-1103, 28-713.01, and 29-1406, Reissue Revised Statutes of Nebraska, sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264, and 29-3005, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-413, 28-101, 28-311.11, 28-318, 28-710, 28-713, 29-110, 29-1823, and 29-4003, Revised Statutes Supplement, 2019, are repealed.

2. On page 1, the matter beginning with "criminal" in line 1 through "section" in line 4 and all amendments thereto has been struck and "criminal and civil procedure; to amend sections 27-1103, 28-713.01, and 29-1406, Reissue Revised Statutes of Nebraska, sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264, and 29-3005, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-413, 28-101, 28-311.11, 28-318, 28-710, 28-713, 29-110, 29-1823, and 29-4003, Revised Statutes Supplement, 2019; to require cities of the primary class and metropolitan class to make an annual report on the number of untested sexual assault evidence collection kits; to change provisions relating to evidence; to define and redefine terms; to provide for the admission of expert testimony on eyewitness identification and memory as prescribed; to change provisions relating to sex offenses and the Child Protection and Family Safety Act; to create the offense of sexual abuse by a school employee and provide a penalty; to change the statute of limitations for failure to report child abuse or neglect; to change provisions relating to bail; to require appointment of counsel as prescribed; to change provisions relating to grand jury transcripts and competency for criminal proceedings; to provide powers for the Department of Health and Human Services; to change provisions relating to alternate jurors; to state intent regarding construction; to prohibit holding a defendant in custody awaiting trial beyond a prescribed period; to change provisions relating to collection of fines and costs and setting aside convictions; to provide for applicability; to change provisions under the Sex Offender Registration Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections" inserted.

LEGISLATIVE BILL 912. Placed on Final Reading.[ST57](#)

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

1. In the E&R amendments, ER206, on page 15, line 22, "Special Proceedings" has been struck and "Expedited Civil Actions" inserted.

LEGISLATIVE BILL 1060. Placed on Final Reading.
LEGISLATIVE BILL 1183. Placed on Final Reading.
LEGISLATIVE BILL 1186. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 783. Title read. Considered.

Committee [AM2775](#), found on page 923, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1158. Title read. Considered.

Committee [AM2851](#), found on page 931, was offered.

Senator Arch offered his amendment, [AM2980](#), found on page 1004, to the committee amendment.

The Arch amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, 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 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 705. Placed on Final Reading.
LEGISLATIVE BILL 751. Placed on Final Reading.
LEGISLATIVE BILL 760. Placed on Final Reading.

LEGISLATIVE BILL 850. Placed on Final Reading.
[ST64](#)

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

1. On page 2, line 2, the first comma has been struck.

LEGISLATIVE BILL 911. Placed on Final Reading.
LEGISLATIVE BILL 911A. Placed on Final Reading.
LEGISLATIVE BILL 1028. Placed on Final Reading.

LEGISLATIVE BILL 1130. Placed on Final Reading.**ST58**

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

1. On page 1, the matter beginning with the second "to" in line 5 through line 6 has been struck and "and to repeal the original sections." inserted.

(Signed) Julie Slama, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 368.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to study and analyze underinvestment in primary care in the State of Nebraska. Primary care is the essential foundation of a successful, sustainable health care system. Primary care helps prevent illness and death and is associated with a more equitable distribution of health. Primary care treatment not only improves the health of patients, it is also a highly effective use of health care dollars. It is estimated that almost forty percent of emergency department visits and roughly ten to seventeen percent of inpatient hospitalization costs are preventable. Primary care can help save money on these preventable visits. Primary care is important to the health of individuals and has consequential results for both the cost and quality of a patient's health care, whether such care is funded privately or by public means.

The interim study shall include, but not be limited to, an examination of the following:

- (1) The current amount of health care spending in Nebraska, both public and private, on primary care;
- (2) Whether the Legislature should establish reporting requirements for primary care spending for public and private health care payors;
- (3) The public health benefits for citizens of the state if the Legislature were to establish a minimum level of primary care spending for public and private health care payors;
- (4) The potential cost savings for the state if the Legislature were to establish a minimum level of primary care spending for public and private health care payors; and
- (5) The public health benefits and cost savings achieved by other states which have implemented such measures related to primary care spending.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
3. That the study committee shall draft legislation for introduction at the commencement of the 107th Nebraska Legislature to carry out the study committee's recommendations.

Referred to the Executive Board.

RECESS

At 11:49 a.m., on a motion by Senator Hughes, 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 Senator Blood who was excused; and Senators Chambers, Clements, Dorn, Hilkemann, Hunt, Linehan, McDonnell, Stinner, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 369. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to review the occupational regulations for fire alarm inspectors. Such a review is required by section 84-948, and this study fulfills the requirements of the Occupational Board Reform Act. The study shall include an examination of the guidelines issued by the State Fire Marshal to determine qualifications for fire alarm inspectors pursuant to section 28-1251.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the statutes governing all classes of municipalities in Chapter 18 of the Nebraska

Revised Statutes. The goal of the study shall be to update and modernize statutes through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 371. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the impact of sanitary and improvement districts on residential neighborhood development in Nebraska.

The issues addressed by this interim study shall include, but not be limited to:

(1) A comparison of residential neighborhood development in municipalities that encourage the use of sanitary and improvement districts and municipalities that do not encourage the use of sanitary and improvement districts;

(2) A review of the impact of sanitary and improvement districts on the availability of affordable housing in municipalities that encourage sanitary and improvement districts; and

(3) An examination of the impact of sanitary and improvement districts on racial and socioeconomic segregation within metropolitan statistical areas.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Albrecht, 17.

PURPOSE: The purpose of this study is to conduct a comprehensive review of statutory and regulatory policies of the State of Nebraska as they pertain to Nebraska's biofuels industry, and to determine what changes are needed to further enhance and promote the biofuels industry in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) Current state-supported funding provisions that promote and enhance higher blends of biofuels and increased sales of biofuels to consumers in Nebraska;

(2) Current state-authorized collection of data with regard to a variety of higher blends of biofuels;

(3) Current state and national regulations that may be impeding the growth and stability of Nebraska's biofuels industry;

(4) Current tax provisions that either support or hinder biofuels production and sales in Nebraska;

(5) A potential policy of replacing current E10 retail pump offerings with E15 offerings and the economic impact this proposal would have on the ethanol industry and ethanol sales in Nebraska, if enacted;

(6) Potential statutory and regulatory changes that would be necessary to support a "Clean Fuels Standard" in Nebraska similar to what is being considered in several other Midwestern states;

(7) State-level policies that have been implemented in other states to promote higher biofuel sales and enhance the biofuels industry in their states;

(8) Opportunities that exist for biofuels to be used in the renewable chemical processes and other similar processes that may diversify the use of, and increase the demand for, Nebraska produced biofuels; and

(9) The current level of research being conducted in Nebraska on the use of biofuels and determine what future research needs there may be with regard to biofuels.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall work in close consultation with the Nebraska Ethanol Board to complete the above interim study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 1021. Placed on General File with amendment. [AM2988](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to [LB927](#):
[AM3152](#)

(Amendments to Standing Committee amendments, AM2822)

1 1. Insert the following new section:

2 Sec. 2. 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 attorney's fees and costs associated with a required
6 appearance before a tribunal for which the state agency has insufficient
7 funds to pay, which requires the approval of the Legislature for payment.
8 \$50,628.87 for Case No. CI 20-29 in Lancaster County District Court
9 and Case No. CI 20-46 in Hall County District Court for self-insured
10 liability attorney's fees and costs for which there is insufficient
11 agency funding, against the State Racing Commission, pay to Lamson Dugan
12 and Murray LLP, 10306 Regency Parkway Drive, Omaha, NE 68114-3708, out of
13 the General Fund.

14 The amount included in this section shall be paid through Program
15 536 in Agency 65.

16 For informational purposes only, the appropriation contained in this
17 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
19 <u>GENERAL FUND</u>	<u>\$50,628.87</u>
20 <u>CASH FUND</u>	<u>\$-0-</u>
21 <u>REVOLVING FUND</u>	<u>\$-0-</u>
22 <u>TOTAL</u>	<u>\$50,628.87</u>

23 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 283. Title read. Considered.

Committee [AM2481](#), found on page 647, was offered.

Senator Pansing Brooks offered the Vargas amendment, [AM2576](#), found on page 704, to the committee amendment.

Senator Erdman offered the following motion:

[MO188](#)

Bracket until August 13, 2020.

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 374. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the historical practice known as redlining within Nebraska municipalities. Redlining is the discriminatory practice whereby banks, mortgage lenders, realtors, and other private entities restrict services to certain areas of a community, often because of the racial characteristics of an applicant's neighborhood. The issues addressed by this interim study shall include, but not be limited to:

(1) The negative impacts of redlining on racial and socioeconomic segregation within municipalities;

(2) The legal underpinnings of redlining, including the role of federal, state, and local governments in promoting the practice of redlining; and

(3) Potential policy solutions to reverse the negative impacts of redlining.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 632A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, One Hundred Sixth Legislature, Second Session, 2020.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 835. Placed on Final Reading.
LEGISLATIVE BILL 889. Placed on Final Reading.
LEGISLATIVE BILL 944A. Placed on Final Reading.
LEGISLATIVE BILL 1080. Placed on Final Reading.
LEGISLATIVE BILL 1166. Placed on Final Reading.
LEGISLATIVE BILL 1185. Placed on Final Reading.
LEGISLATIVE BILL 1185A. Placed on Final Reading.

LEGISLATIVE BILL 153. Placed on Final Reading Second.
LEGISLATIVE BILL 858. Placed on Final Reading Second.
LEGISLATIVE BILL 924. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 283. The Erdman motion, [MO188](#), found in this day's Journal, to bracket until August 13, 2020, was renewed.

Senator Wishart moved the previous question. The question is, "Shall the debate now close?"

Senator Wishart moved for a call of the house. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 21:

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

Voting in the negative, 25:

Albrecht	Briese	Gragert	Hughes	Moser
Arch	Clements	Groene	La Grone	Murman
Bostelman	Dorn	Halloran	Lindstrom	Scheer
Brandt	Friesen	Hansen, B.	Linehan	Slama
Brewer	Geist	Hilkemann	Lowe	Williams

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Blood Stinner

The motion to cease debate failed with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB918:

AM3151

1 1. Strike original section 8.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1222	Urban Affairs

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 375. Introduced by Kolterman, 24.

WHEREAS, Dr. Gary C. Sieck, Ph.D. received the University of Nebraska Medical Center's 2019 Distinguished Alumnus Award; and

WHEREAS, Dr. Gary Sieck graduated from the University of Nebraska with a Bachelor of Science in zoology in 1971, from the University of Nebraska Medical Center with a Doctor of Philosophy in physiology and biophysics in 1976, finishing his postdoctoral fellowship in neurophysiology at the University of California, Los Angeles; and

WHEREAS, Dr. Gary Sieck served as a faculty member at UCLA in the Department of Anatomy and Cell Biology until 1987 when he joined the faculty at the University of Southern California in the Department of Biomedical Engineering where he remained until 1990 when he joined the staff at the Mayo Clinic; and

WHEREAS, Dr. Gary Sieck is the Vernon F. and Earline D. Dale Professor of Physiology and Biomedical Engineering at the Mayo Clinic

and a Mayo Distinguished Investigator. He served as the Chair of the Department of Physiology and Biomedical Engineering from 2002 to 2014, Dean for Research Academic Affairs from 2006-2012, and Director of the Biomedical Engineering Program in the Mayo Graduate School from 2001 to 2013; and

WHEREAS, Dr. Gary Sieck served as the President of the American Physiological Society, President of the Association of Chairs of Departments of Physiology, a member of the American Thoracic Society Board of Directors, a member of the National Council of the American Lung Association, was selected as a founding Fellow of the American Physiological Society, and he was elected as a Fellow of the American Institute of Medical and Biological Engineering; and

WHEREAS, Dr. Gary Sieck has been active in the publication of scientific research regarding physiology, serving as Editor-in-Chief of the Journal of Applied Physiology from 1999 to 2005, and currently serving as Editor-in-Chief of Physiology, Topic Editor for Comprehensive Physiology, and Associate Editor for the Federation of American Societies for Experimental Biology's journal, BioAdvances, while also publishing more than 403 peer-reviewed papers; and

WHEREAS, over the years, Dr. Gary Sieck has received numerous awards and honors for scientific distinction including the Joseph R. Rodarte Award for Scientific Distinction from the American Thoracic Society in 2004; and

WHEREAS, Dr. Gary Sieck has advised and mentored dozens of graduate students, postdoctoral fellows, junior faculty members, and visiting scientists at the Mayo Clinic; and

WHEREAS, Dr. Gary Sieck's research has been continuously funded by multiple grants from the National Institutes of Health for more than 38 years; and

WHEREAS, Dr. Gary Sieck currently serves as the Director and Principal Investigator of a National Heart, Lung, and Blood Institute funded training grant on lung physiology and biomedical engineering at the Mayo Clinic where his research focuses on the neural control of respiratory muscles including the diaphragm and airway smooth muscle. The long-term goal of Dr. Sieck's laboratory is to develop novel therapeutic approaches to counter the effects of acute and chronic diseases including asthma, chronic obstructive pulmonary disease, neuromuscular disease, aging, heart failure, and spinal cord injury.

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

1. That the Legislature congratulates Dr. Gary C. Sieck for his many professional accomplishments, his contributions to education, science, and medicine, and for receiving the 2019 Distinguished Alumnus Award from the University of Nebraska Medical Center.

2. That a copy of this resolution be sent to Dr. Gary C. Sieck.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB283:

[FA118](#)

On page 5, lines 5 and 6, strike "Waste Reduction and Recycling Incentive Fund to the University of Nebraska" and insert "current University of Nebraska Budget".

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB283:

[MO189](#)

Recommit to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 681. Title read. Considered.

Committee [AM3149](#), found on page 1095, was offered.

Senator Hunt offered the following motion:

[MO190](#)

Recommit to the Executive Board.

Senator Hunt withdrew her motion to recommit to committee.

The committee amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 376. Introduced by McDonnell, 5.

WHEREAS, Caterina Giulivo was born in Reggio Calabria, Italy, in 1935, grew up, and married Luigi Malara; and

WHEREAS, Luigi and Caterina Malara, both wishing a better life, moved to Buenos Aires, Argentina, around 1954 and began their family, having three girls; and

WHEREAS, in 1963 the couple came to the United States of America with their three daughters to care for Caterina's mother who had been diagnosed with breast cancer. It was during this time their fourth daughter was born; and

WHEREAS, Luigi Malara died in 1967 in a work-related accident. Caterina Malara was left alone in a new country to raise four daughters; and

WHEREAS, Caterina Malara, realizing the United States of America was the land where she wanted to raise her family, worked hard to become a productive citizen for herself and her children; and

WHEREAS, Caterina Malara, a proud and independent woman, wanting to provide for her family, did what she had to do to make life comfortable for her daughters; and

WHEREAS, Caterina Malara baked, sewed, babysat, and made all of her Italian culinary specialties available for friends to purchase, leading her to open her own business; and

WHEREAS, in 1984, Caterina Malara opened Malara's Italian Restaurant in an old store front on the corner of 22nd and Pierce Streets in Omaha; and

WHEREAS, Caterina Malara began her restaurant as a food take-out business, later growing it into a full service establishment seating 220 patrons; and

WHEREAS, Caterina Malara was an active member of the former St. Ann's parish, sending all four daughters through St. Ann's grade school; and

WHEREAS, Caterina Malara continues to run her restaurant from the kitchen every day; and

WHEREAS, Caterina Malara's family continues to be her number one priority. Her family has grown to include 11 grandchildren and 12 great-grandchildren who love to visit their Nani; and

WHEREAS, Malara's Italian Restaurant is one of Nebraska's longest performing, woman owned and operated businesses, having been in operation for over 36 years.

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

1. That the Legislature recognizes the excellent service of Caterina Malara to Nebraska and honors her as an outstanding citizen, mother, grandmother, and great-grandmother.

2. That a copy of this resolution be sent to Caterina Malara.

Laid over.

LEGISLATIVE RESOLUTION 377. Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to complete a comprehensive study on the reform of policing in Nebraska. The study shall focus on, but not be limited to, the feasibility of steps that the Legislature could take to establish, or promote the establishment of, governmental entities that would provide oversight of law enforcement agencies and that would be separate from and independent of the law enforcement agencies being overseen. The study committee shall obtain input from experts and interested parties.

The study shall include an examination of:

(1) Other oversight mechanisms that have been established in Nebraska and elsewhere;

(2) Those features that would work best to make law enforcement oversight entities as independent as possible from the law enforcement agencies being overseen;

(3) The legal responsibilities of law enforcement agencies that are subject to such oversight to provide the oversight entities with all needed evidence or relevant information; and

(4) The feasibility of a system whereby all law enforcement agencies would be required by law to publicly disclose all disciplinary actions taken by such agencies against their officers.

The study may also include, but not be limited to, an examination of:

(1) Whether it is desirable to reform law enforcement practices, including, but not limited to: (a) The use of chokeholds, electroshock weapons, sprays or other chemical irritants, batons, and high impact munitions for crowd control or for the arrest and restraint of suspects; and (b) the use of deadly force;

(2) Whether improvements can be made in the staffing and hiring practices of law enforcement agencies; and

(3) Whether improvements can be made in the training of law enforcement officers.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1525

Friday, July 31, 2020 1:00 p.m.
LB1222

(Signed) Justin Wayne, Chairperson

MOTION(S) - Print in Journal

Senator Vargas filed the following motion:

Suspend the rules, Rule 5, Section 4(c) to permit introduction of a new bill, Req. 6234, after the tenth legislative day by a member.

ADJOURNMENT

At 5:08 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Friday, July 24, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - JULY 24, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, July 24, 2020

PRAYER

The prayer was offered by Senator Lindstrom.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Blood, Hilkemann, and Moser who were excused; and Senators Bolz and B. Hansen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 378. Introduced by Halloran, 33.

PURPOSE: The purpose of this resolution is to examine the Livestock Brand Act and the role and mission of the Nebraska Brand Committee.

Specifically, the study shall:

(1)(a) Compare and describe similarities and differences between brand inspection services and mandates applied in Nebraska and those applied in other states where brand inspection is performed. Such comparison shall:

(b) Identify public or private entities responsible for performing brand inspection, carrying out livestock brand recording, and carrying out other related services and regulations;

(c) Identify any employment of law enforcement personnel or relationships with other law enforcement agencies by such entities; and

(d) Compare the points in commerce where brand inspection is performed, the cost of brand inspection, and how such cost is supported;

(2) Gather data, literature, and other information along with opinions from the Nebraska livestock industry relevant to the following questions:

(a) Whether brand recording, brand inspection, and related services and regulations under the Livestock Brand Act remains a cost-effective, essential, and valued tool for theft detection and prevention;

(b) Whether brand inspection services continue to have commercial utility to all segments of the cattle industry and provide a vital contribution to the integrity of the marketplace;

(c) Whether the Livestock Brand Act and the rules and regulations of the Nebraska Brand Committee, or any provisions thereof, impose unnecessary regulatory costs and burdens or result in competitive disadvantages for Nebraska's cattle industry as a whole or for segments of the cattle industry;

(d) Whether any revisions to the Livestock Brand Act and its implementation would eliminate or mitigate such burdens or competitive disadvantages;

(e) Whether alternative methods of organizing and providing brand inspection and related services would more cost effectively and more appropriately serve the cattle industry in Nebraska; and

(f) Whether the mission of the Nebraska Brand Committee should expand or evolve to provide other livestock identification recording and verification services that would be of value to the cattle industry; and

(3) Consult and involve various interested parties and organizations in its inquiry under this resolution, including, but not limited to, the Nebraska Brand Committee, cow-calf producers, livestock feeders, dairy producers, breeding stock producers, livestock auction market operators, livestock processors, and academic and industry experts in livestock identification methods and technologies as related to herd management, livestock marketing, and disease traceability.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of July 23, 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

American Communications Group, Inc.
Nebraska Occupational Therapy Association
Baumfalk, Benjamin
First Five Nebraska (Withdrawn 07/23/2020)
Benson, David
American Cancer Society Cancer Action Network
Borgeson, Robert A.
SMART-TD
Catalyst Public Affairs
Nebraska Board of Engineers and Architects
CP Strategies LLC
American Federation for Children (Withdrawn 03/26/2020)
PACE Sage Capital, LLC (Withdrawn 04/15/2020)
Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company
Douglas, Eric
Prime Therapeutics, LLC (Withdrawn 06/04/2020)
Faustman, Nicholas
American Cancer Society Cancer Action Network (Withdrawn
05/26/2020)
Harding, Mariel
United Way of the Midlands (Withdrawn 06/04/2020)
Heartland Strategy Group, LLC
Heartland Relief, LLC
Nebraska Occupational Therapy Association (Withdrawn 07/22/2020)
Hilton, Mary
Smart Approaches to Marijuana Nebraska (Withdrawn 07/09/2020)
Lautenbaugh, Scott
Nebraska Premium Tobacco
Lawrence, Katherine
ACT, Inc. (Withdrawn 07/13/2020)
Malik, Meghan
Women's Fund of Greater Omaha, Inc. (Withdrawn 07/21/2020)
Mueller Robak
NaphCare, Inc.
Mueting, Marcia
Nebraska Pharmacists Association
Onley, Mark
The Good Food Institute, Inc. (Withdrawn 04/13/2020)
Paden, Nicholas K.
Rembolt Ludtke, LLP (Withdrawn 05/05/2020)
Rasmussen, Jordan
Center for Rural Affairs (Withdrawn 04/29/2020)
Rips, Sara
ACLU Nebraska

Segal, Kate

Biogen (Withdrawn 05/01/2020)

Townsend, Julie

Advance America (Withdrawn 06/09/2020)

Traynor, Hunter

Rembolt Ludtke, LLP

White, Rosemary

AAA Nebraska and The Auto Club Group (Withdrawn 07/09/2020)

Zulkoski Weber LLC

Nelnet, Inc. (Withdrawn 07/08/2020)

MOTION(S) - Return LB911A to Select File

Senator Quick moved to return LB911A to Select File for his specific amendment, [AM3148](#), found on page 1103.

The Quick motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 911A. The Quick specific amendment, [AM3148](#), found on page 1103, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Escort Governor

Senator Brandt moved that a committee of six be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver any message he may have for the Legislature.

The motion prevailed.

The Speaker appointed Senators Lindstrom, McDonnell, Hughes, Crawford, Linehan, and Dorn to serve on said committee.

The committee escorted Governor Pete Ricketts from the Chamber.

WITHDRAW - Amendment to LB534

Senator Cavanaugh withdrew her amendment, [AM2996](#), found on page 1036, to LB534.

MOTION(S) - Return LB534 to Select File

Senator Cavanaugh moved to return LB534 to Select File for the following specific amendment:

AM3160

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:
2 Section 1. (1) On or before September 15, 2021, and September 15 of
3 each odd-numbered year thereafter, each public postsecondary institution
4 shall electronically submit a report regarding sexual harassment and
5 Title IX compliance to the Clerk of the Legislature and the Education
6 Committee of the Legislature. The report shall include:
7 (a) Results of any campus climate survey related to sexual
8 harassment;
9 (b) Information related to the training provided to Title IX
10 coordinators, investigators, and decisionmakers regarding sexual
11 harassment;
12 (c) Any policies, initiatives, or grievance procedures the
13 postsecondary institution has adopted to address sexual harassment;
14 (d) Information on where the postsecondary institution's students
15 and employees may receive immediate emergency assistance to address
16 instances of sexual harassment;
17 (e) Information on how the postsecondary institution's students and
18 employees may report concerns of sexual harassment to the postsecondary
19 institution;
20 (f) Information on resources, programs, and support available to the
21 postsecondary institution's students and employees to address concerns of
22 sexual harassment;
23 (g) Information on any of the postsecondary institution's student or
24 employee-led organizations engaged in supporting victims of sexual
25 harassment; and
26 (h) Any agreement between the postsecondary institution and a local
1 law enforcement agency or the county attorney related to addressing
2 instances of sexual harassment.
3 (2) The report shall not include any personally identifiable
4 information, information that is subject to a privilege arising under
5 state or federal law, or records that may be withheld from disclosure
6 under section 84-712.05.
7 (3) On or before December 15, 2021, and on or before December 15 of
8 each odd-numbered year thereafter, the Education Committee of the
9 Legislature shall hold a public hearing to review all reports submitted
10 under this section.
11 (4) For purposes of this section:
12 (a) Postsecondary institution has the same meaning as in section
13 85-2403;
14 (b) Sexual harassment means conduct that satisfies one or more of
15 the following:
16 (i) An employee conditioning the provision of an aid, benefit, or
17 service on an individual's participation in unwelcome sexual conduct;
18 (ii) Unwelcome conduct on the basis of sex determined by a
19 reasonable person to be so severe, pervasive, and objectively offensive
20 that it effectively denies a person equal access to the education program
21 or activity;
22 (iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);
23 (iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);
24 (v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or
25 (vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and
26 (c) Title IX means Title IX of the Education Amendments of 1972,
27 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying

28 regulations and guidance documents, as amended.
29 2. On page 1, strike line 3 and insert "harassment; to".

The Cavanaugh motion to return prevailed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 534. The Cavanaugh specific amendment, [AM3160](#), found in this day's Journal, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 927. Title read. Considered.

Committee [AM2822](#), found on page 893, was offered.

Senator M. Hansen withdrew his amendment, [AM3053](#), found on page 1032.

Senator M. Hansen offered his amendment, [AM3152](#), found on page 1115, to the committee amendment.

The M. Hansen amendment was adopted with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 379. Introduced by Geist, 25.

PURPOSE: The purpose of this interim study is to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement. The study shall include, but not be limited to, a review of mental health records to the extent such review is consistent with state and federal law regarding the confidentiality of such records.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380. Introduced by Brewer, 43; Bostelman, 23; Erdman, 47; Gragert, 40; Halloran, 33.

PURPOSE: The purpose of this interim study is to examine the feasibility of creating a state meat inspection program. A state meat inspection program would allow cattle producers and small beef processors in this state to better feed Nebraska residents, greatly strengthen and secure the beef supply chain from cattle producers to consumers, and spur economic development in rural Nebraska. The study should seek to consult with and involve various interests and stakeholders in its inquiry under this resolution including, but not limited to, livestock producers, small plant processors, the Department of Agriculture, and industry and trade groups. The study should examine, but not be limited to, the following:

- (1) Different ways cattle producers and meat processors can take advantage of federal law and legislation to allow intrastate, interstate, and e-commerce sales of state-inspected meat;
- (2) How cattle producers can develop their own branded beef programs and take advantage of available United States Department of Agriculture (USDA) producer grants;
- (3) Courses of action that are safe so that the requirements of the Food Safety and Inspection Service of the USDA are met or exceeded, and which do not have a General Fund impact;
- (4) Programs offered in other states to stimulate the expansion of local meat processing; and
- (5) How to support investment in custom and small plant processing and expand direct-to-the-consumer marketing of inspected meat.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 966. Title read. Considered.

Committee [AM2947](#), found on page 1057, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 1053. Title read. Considered.

Committee [AM2806](#), found on page 931, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1004A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, One Hundred Sixth Legislature, Second Session, 2020; and to provide for a transfer.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 381. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to review the collective-bargaining agreements of law enforcement agencies and the statutory requirements for such agreements.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Common provisions in individual collective-bargaining agreements with law enforcement agencies;
- (2) Disciplinary procedures provided for in collective-bargaining agreements, including, but not limited to, responses to the use of force and safeguards for the public;
- (3) Duties of the Nebraska Commission on Law Enforcement and Criminal Justice imposed by sections 81-1456 and 81-1457;
- (4) Requirements of the Commission of Industrial Relations on collective-bargaining agreements between political subdivisions and law enforcement agencies; and
- (5) Requirements for collective-bargaining between the Nebraska State Patrol and its employees.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Adjournment

Speaker Scheer moved to adjourn until 9:00 a.m., Monday, July 27, 2020.

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

The Scheer motion to adjourn prevailed with 37 ayes, 2 nays, 4 present and not voting, and 6 excused and not voting, and at 11:02 a.m., the Legislature adjourned until 9:00 a.m., Monday, July 27, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - JULY 27, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, July 27, 2020

PRAYER

The prayer was offered by Senator Murman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

July 24, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 344, 770, 870e, 909e, 962, 996e, 997, 1014, 1016e, 1054e, and 1061 were received in my office on July 21, 2020.

These bills were signed and delivered to the Secretary of State on July 24, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

NOTICE OF COMMITTEE HEARING(S)
 Government, Military and Veterans Affairs
 Room 1525

Monday, July 27, 2020 8:00 a.m.
 AM3104 to LB1167 (cancel)

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB323](#):
[AM3118](#)

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-915, Revised Statutes Supplement, 2019, is
 4 amended to read:
 5 68-915 The following persons shall be eligible for medical
 6 assistance:
 7 (1) Dependent children as defined in section 43-504;
 8 (2) Aged, blind, and disabled persons as defined in sections 68-1002
 9 to 68-1005;
 10 (3) Children under nineteen years of age who are eligible under
 11 section 1905(a)(i) of the federal Social Security Act;
 12 (4) Persons who are presumptively eligible as allowed under sections
 13 1920 and 1920B of the federal Social Security Act;
 14 (5) Children under nineteen years of age with a family income equal
 15 to or less than two hundred percent of the Office of Management and
 16 Budget income poverty guideline, as allowed under Title XIX and Title XXI
 17 of the federal Social Security Act, without regard to resources, and
 18 pregnant women with a family income equal to or less than one hundred
 19 eighty-five percent of the Office of Management and Budget income poverty
 20 guideline, as allowed under Title XIX and Title XXI of the federal Social
 21 Security Act, without regard to resources. Children described in this
 22 subdivision and subdivision (6) of this section shall remain eligible for
 23 six consecutive months from the date of initial eligibility prior to
 24 redetermination of eligibility. The department may review eligibility
 25 monthly thereafter pursuant to rules and regulations adopted and
 26 promulgated by the department. The department may determine upon such
 1 review that a child is ineligible for medical assistance if such child no
 2 longer meets eligibility standards established by the department;
 3 (6) For purposes of Title XIX of the federal Social Security Act as
 4 provided in subdivision (5) of this section, children with a family
 5 income as follows:
 6 (a) Equal to or less than one hundred fifty percent of the Office of
 7 Management and Budget income poverty guideline with eligible children one
 8 year of age or younger;
 9 (b) Equal to or less than one hundred thirty-three percent of the
 10 Office of Management and Budget income poverty guideline with eligible
 11 children over one year of age and under six years of age; or
 12 (c) Equal to or less than one hundred percent of the Office of
 13 Management and Budget income poverty guideline with eligible children six
 14 years of age or older and less than nineteen years of age;
 15 (7) Persons who are medically needy caretaker relatives as allowed
 16 under 42 U.S.C. 1396d(a)(ii);

17 (8) As allowed under 42 U.S.C. ~~1396a(a)(10)(A)(ii)(XV) and (XVI)~~
18 ~~1396a(a)(10)(A)(ii)~~, disabled persons who have as defined in section
19 ~~68-1005~~ with a family income of less than two hundred fifty percent of
20 the Office of Management and Budget income poverty guideline and who, but
21 for earnings in excess of the limit established under 42 U.S.C. ~~1396d(q)~~
22 ~~(2)(B)~~, would be considered to be receiving federal Supplemental Security
23 Income. The department shall apply for a waiver to disregard any unearned
24 income that is contingent upon a trial work period in applying the
25 Supplemental Security Income standard. Such disabled persons shall be
26 subject to payment of premiums as a percentage of family income beginning
27 at not less than two hundred percent of the Office of Management and
28 Budget income poverty guideline. Such premiums shall be graduated based
29 on family income and shall not exceed seven and one-half ~~be less than two~~
30 ~~percent or more than ten~~ percent of family income;
31 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
1 (a) Have been screened for breast and cervical cancer under the
2 Centers for Disease Control and Prevention breast and cervical cancer
3 early detection program established under Title XV of the federal Public
4 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
5 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
6 treatment for breast or cervical cancer, including precancerous and
7 cancerous conditions of the breast or cervix;
8 (b) Are not otherwise covered under creditable coverage as defined
9 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
10 ~~300gg-3(c) 300gg(e)~~;
11 (c) Have not attained sixty-five years of age; and
12 (d) Are not eligible for medical assistance under any mandatory
13 categorically needy eligibility group;
14 (10) Persons eligible for services described in subsection (3) of
15 section 68-972; and
16 (11) Persons eligible pursuant to section 68-992.
17 Except as provided in subdivision (8) of this section and section
18 68-972, eligibility shall be determined under this section using an
19 income budgetary methodology that determines children's eligibility at no
20 greater than two hundred percent of the Office of Management and Budget
21 income poverty guideline and adult eligibility using adult income
22 standards no greater than the applicable categorical eligibility
23 standards established pursuant to state or federal law. Except as
24 otherwise provided in subdivision (8) of this section, the The department
25 shall determine eligibility under this section pursuant to such income
26 budgetary methodology and subdivision (1)(q) of section 68-1713.
27 Sec. 2. This act becomes operative on October 1, 2021.
28 Sec. 3. Original section 68-915, Revised Statutes Supplement, 2019,
29 is repealed.
30 2. On page 1, strike beginning with "Cumulative" in line 2 through
31 "427" in line 3 and insert "Supplement, 2019"; and in line 4 after the
1 semicolon insert "to provide an operative date;"

Senator Crawford filed the following amendment to LB323A:
AM3123

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated \$14,873 from the General
4 Fund and \$14,873 from federal funds for FY2021-22 to the Department of
5 Health and Human Services, for Program 33, to aid in carrying out the
6 provisions of Legislative Bill 323, One Hundred Sixth Legislature, Second
7 Session, 2020.
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this

10 section.

11 Sec. 2. There is hereby appropriated \$116,710 from the General Fund,
 12 \$23,669 from the Health and Human Services Cash Fund, and \$151,404 from
 13 federal funds for FY2021-22 to the Department of Health and Human
 14 Services, for Program 348, to aid in carrying out the provisions of
 15 Legislative Bill 323, One Hundred Sixth Legislature, Second Session,
 16 2020.

17 No expenditures for permanent and temporary salaries and per diems
 18 for state employees shall be made from funds appropriated in this
 19 section.

20 2. On page 1, line 3, strike "First Session, 2019" and insert
 21 "Second Session, 2020".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 382. Introduced by Legislative Performance Audit Committee: Geist, 25, Chairperson; Crawford, 45; Friesen, 34; Hansen, B., 16; Hilgers, 21; Scheer, 19; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the oversight of non-court-involved child welfare cases. The study shall include, but not be limited to, an examination of the following:

- (1) Oversight entities for non-court-involved child welfare cases;
- (2) Authority and access to information regarding non-court-involved child welfare cases;
- (3) The differences in oversight of non-court-involved child welfare cases across the state; and
- (4) Whether the current oversight of non-court-involved child welfare cases is sufficient.

The study committee shall solicit information from representatives of the Department of Health and Human Services service areas, the Foster Care Review Office, child abuse and neglect investigation teams formed pursuant to section 28-729, and other interested parties.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1053. Considered.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Committee [AM2774](#), found on page 939, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

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

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 534. Placed on Final Reading Second.

LEGISLATIVE BILL 911A. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 910. Placed on Select File with amendment.

[ER229](#)

- 1 1. On page 1, line 17, after the first semicolon insert "to
- 2 harmonize provisions;".
- 3 2. On page 51, line 6, strike "telephone and written" and show as
- 4 stricken.

LEGISLATIVE BILL 424. Placed on Select File with amendment.

[ER223](#) is available in the Bill Room.

LEGISLATIVE BILL 920. Placed on Select File with amendment.

[ER231](#) is available in the Bill Room.

LEGISLATIVE BILL 1064. Placed on Select File.

LEGISLATIVE BILL 1052. Placed on Select File with amendment.

[ER224](#)

- 1 1. On page 1, strike beginning with "Medical" in line 1 through line
- 2 4 and insert "public health and welfare; to amend sections 38-2826,
- 3 38-28,107, 68-955, 71-401, 71-403, 71-2411, 71-2412, 71-2413, 71-2457,
- 4 71-2458, 71-2468, 71-2478, and 71-2479, Reissue Revised Statutes of
- 5 Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement,
- 6 2018; to authorize pharmacists to adapt prescriptions as prescribed; to
- 7 define and redefine terms; to change provisions relating to dispensed
- 8 drugs or devices, certain prescription drugs, and emergency box drugs; to
- 9 provide requirements for assisted-living facilities, nursing facilities,
- 10 and skilled nursing facilities; to harmonize provisions; and to repeal
- 11 the original sections."

LEGISLATIVE BILL 1124. Placed on Select File with amendment.

[ER219](#)

1 1. On page 2, line 15, insert an underscored comma after
2 "disorders".

LEGISLATIVE BILL 781. Placed on Select File with amendment.
[ER222](#) is available in the Bill Room.

LEGISLATIVE BILL 923. Placed on Select File.

LEGISLATIVE BILL 632. Placed on Select File with amendment.
[ER220](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 2-1504 (1) The Nebraska Natural Resources Commission is established.
6 The commission shall advise the department as requested by the director
7 and shall perform such other functions as are specifically conferred on
8 the commission by law. The commission shall have no jurisdiction over
9 matters pertaining to water rights.
10 (2) Each member of the commission shall be a resident of the State
11 of Nebraska and shall have attained the age of majority. The voting
12 members of the commission, ~~all of whom shall have attained the age of~~
13 ~~majority,~~ shall be:
14 (a) One resident of each of the following river basins, with
15 delineations being those on the Nebraska river basin map officially
16 adopted by the commission and on file with the department: (i) The
17 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
18 River basin, (iii) the South Platte River basin, (iv) the middle Platte
19 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
20 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
21 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
22 the Big Blue River basin, and (xii) the Nemaha River basin;
23 (b) One additional resident of each river basin which encompasses
24 one or more cities of the metropolitan class; and
25 (c) Fourteen members appointed by the Governor, subject to
26 confirmation by the Legislature. Of the members appointed by the
27 Governor, one shall represent each of the following categories:
1 Agribusiness interests; agricultural interests; ground water irrigators;
2 irrigation districts; manufacturing interests; metropolitan utilities
3 districts; municipal users of water from a city of the primary class;
4 municipal users of water from a city of the first or second class or a
5 village; outdoor recreation users; public power districts; public power
6 and irrigation districts; range livestock owners; surface water
7 irrigators; and wildlife conservation interests.
8 (3) Members of the commission described in subdivision (2)(a) of
9 this section shall be selected for four-year terms at individual caucuses
10 of the natural resources district directors residing in the river basin
11 from which the member is selected. Such caucuses shall be held for each
12 basin within ten days following the first Thursday after the first
13 Tuesday of the year the term of office of the member from that basin
14 expires. The dates and locations for such caucuses shall be established
15 by the commission, and the commission shall provide notice to the public
16 by issuing press releases for publication in a newspaper of general
17 circulation in each county that comprises the river basin for which a
18 caucus election will be held. Terms of office of such members shall
19 follow the sequence originally determined by the river basin
20 representatives to the commission at their first meeting on the third
21 Thursday after the first Tuesday in January 1975. All river basin members

22 shall take office on the third Thursday after the first Tuesday in
23 January following their selection and any vacancy shall be filled for the
24 unexpired term by a caucus held within thirty days following the date
25 such vacancy is created. Each member of the commission representing a
26 river basin shall qualify by filing with the other members of the
27 commission an acceptance in writing of his or her selection.

28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
1 having the same term sequence as provided for the other members from such
2 basin under subsection (3) of this section.

3 (5) For members of the commission described in subdivision (2)(c) of
4 this section:

5 (a) The Governor shall appoint the eleven additional members added
6 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
7 additional appointments shall be for staggered four-year terms, as
8 determined by the Governor. The Governor shall also set the terms of the
9 current members of the commission appointed under such subdivision and
10 serving on April 17, 2014, to staggered four-year terms. Future
11 appointments shall be for four-year terms. Members whose terms have
12 expired shall continue to serve until their successors have been
13 appointed. In the case of a vacancy, the Governor shall appoint a
14 successor for the unexpired term. Members may be removed for cause.
15 Initial appointees shall begin serving immediately following notice of
16 appointment, except that the member appointed representing municipal
17 users of water from the class of city or a village that is being
18 represented by the current member representing municipal users of water
19 and the members representing surface water irrigators and ground water
20 irrigators shall not begin serving until the term of the current member
21 representative of the category expires or such member resigns or is
22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
25 experience with, and is representative of Nebraska's water use and
26 economy;

27 (ii) Give recognition to the importance of both water quantity and
28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
30 the state, including urban and rural areas, and represent, to the extent
31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
2 section, the commission shall revise or adopt and promulgate rules and
3 regulations as necessary to administer the Water Sustainability Fund
4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
8 be known and may be cited as the Integrated Solid Waste Management Act.

9 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 13-2003 For purposes of the Integrated Solid Waste Management Act,
12 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
13 this act shall be used.

14 Sec. 4. Container means a bag, cup, can, pouch, package, container,
15 bottle, or other packaging that is (1) designed to be reusable,
16 recyclable, or single-use, (2) made of cloth, paper, plastic, including
17 foamed or expanded plastic, cardboard, corrugated material, aluminum,
18 glass, or postconsumer recycled or similar material or substrates,
19 including coated, laminated, or multilayer substrates, and (3) designed

20 for consuming, protecting, or transporting merchandise, food, or
21 beverages from or at a food service or retail facility.

22 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 13-2017 It is the policy of this state:

25 (1) To encourage the development of integrated solid waste
26 management programs, including waste volume reduction and recycling
27 programs and education, at the local governmental level through
28 incentives, technical assistance, grants, and other practical measures;

29 (2) To support and encourage the development of new uses and markets
30 for recycled goods, placing emphasis on the development in Nebraska of
31 businesses relating to waste reduction and recycling;

1 (3) To provide education concerning the components of integrated
2 solid waste management, at the elementary level through the high school
3 level and through community organizations, to enhance the success of
4 local programs requiring public involvement; ~~and~~

5 (4) To support and encourage manufacturing methods which are
6 environmentally sustainable, technologically safe, and ecologically sound
7 and which enhance waste reduction by creating products which have longer
8 usage life and which are adaptable to secondary uses through processes
9 such as pyrolysis or biomass, require less input material, and decrease
10 resource consumption; and .

11 (5) To encourage uniform regulation of containers in order to avoid
12 the burden on retailers of having to comply with varying regulatory
13 policies in multiple jurisdictions.

14 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-2023 (1) A county, municipality, or agency may, by ordinance or
17 resolution, adopt regulations governing collection, source separation,
18 storage, transportation, transfer, processing, treatment, and disposal of
19 solid waste within its solid waste jurisdiction area as necessary to
20 protect the public health and welfare and the environment. Regulations
21 authorized by this section shall be equal to or more stringent than the
22 provisions of the Integrated Solid Waste Management Act and rules and
23 regulations adopted and promulgated by the council as authorized by the
24 act. Any person who violates any such regulation shall be subject to a
25 noncompliance fee not to exceed five hundred dollars.

26 (2) A county, municipality, or agency shall not adopt, enforce, or
27 otherwise administer an ordinance or resolution that prohibits the use of
28 or that sets standards, fees, prohibitions, or requirements regarding the
29 sale, use, or marketing of containers. This subsection shall not apply to
30 county, municipality, or agency recycling or solid waste collection
31 programs, except that in no event shall such programs prohibit or have
1 the effect of prohibiting the sale, use, or marketing of any containers.

2 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 70-1605 No public or private utility company, other than a municipal
5 utility owned and operated by a village, furnishing water, natural gas,
6 or electricity at retail in this state shall discontinue service to any
7 domestic subscriber for nonpayment of any past-due account unless the
8 utility company first gives notice to any subscriber whose service is
9 proposed to be terminated. Such notice shall be given in person, by
10 first-class mail, or by electronic delivery, except that electronic
11 delivery shall only be used if the subscriber has specifically elected to
12 receive such notices by electronic delivery. If notice is given by first-
13 class mail or electronic delivery, such notice shall be conspicuously
14 marked as to its importance. Service shall not be discontinued for at
15 least seven days after notice is sent or given. Holidays and weekends
16 shall be excluded from the seven days. A public or private utility
17 company shall not charge a fee for the discontinuance or reconnection of

18 utility service that exceeds the reasonable costs of providing such
 19 service.

20 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 70-1606 (1) The notice required by section 70-1605 shall contain
 23 the following information:

24 (a) (1) The reason for the proposed disconnection;

25 (b) (2) A statement of intention to disconnect unless the domestic
 26 subscriber either pays the bill or reaches an agreement with the utility
 27 regarding payment of the bill;

28 (c) (3) The date upon which service will be disconnected if the
 29 domestic subscriber does not take appropriate action;

30 (d) (4) The name, address, and telephone number of the utility's
 31 employee or department to whom the domestic subscriber may address any
 1 inquiry or complaint;

2 (e) (5) The domestic subscriber's right, prior to the disconnection
 3 date, to request a conference regarding any dispute over such proposed
 4 disconnection;

5 (f) (6) A statement that the utility may not disconnect service
 6 pending the conclusion of the conference;

7 (g) (7) A statement to the effect that disconnection shall may be
 8 postponed or prevented upon presentation of a duly licensed physician's,
 9 physician assistant's, or advanced practice registered nurse's
 10 certificate, which shall certify that a domestic subscriber or resident
 11 within such subscriber's household has an existing illness or handicap
 12 which would cause such subscriber or resident to suffer an immediate and
 13 serious health hazard by the disconnection of the utility's service to
 14 that household. Such certificate shall be filed with the utility within
 15 five days of receiving notice under this section, excluding holidays and
 16 weekends, and will prevent the disconnection of the utility's service for
 17 a period of at least thirty days from such filing. Only one postponement
 18 of disconnection shall be required allowed under this subdivision for
 19 each incidence of nonpayment of any past-due account;

20 (h) (8) The cost that will be borne by the domestic subscriber for
 21 restoration of service;

22 (i) (9) A statement that the domestic subscriber may arrange with
 23 the utility for an installment payment plan;

24 (j) (10) A statement to the effect that those domestic subscribers
 25 who are welfare recipients may qualify for assistance in payment of their
 26 utility bill and that they should contact their caseworker in that
 27 regard; and

28 (k) (11) Any additional information not inconsistent with this
 29 section which has received prior approval from the board of directors or
 30 administrative board of any utility.

31 (2) A public or private utility company, other than a municipal
 1 utility owned and operated by a village, shall make the service
 2 termination information required under subdivisions (d), (e), (f), (g),
 3 (i), (j), and (k) of subsection (1) of this section readily accessible to
 4 the public on the web site of the utility company and available by mail
 5 upon request.

6 Sec. 9. The Legislature finds and declares that the State of
 7 Nebraska experienced a historic flood event in 2019. This flood event
 8 significantly impacted numerous communities and individual Nebraskans.
 9 Coordination and communication between state and local entities
 10 implementing flood mitigation strategies is essential to maximize federal
 11 funds for flood mitigation efforts.

12 Sec. 10. The Department of Natural Resources shall develop a state
 13 flood mitigation plan as a stand-alone document to be annexed into the
 14 state hazard mitigation plan maintained by the Nebraska Emergency
 15 Management Agency. Such plan shall be structured in accordance with

16 Federal Emergency Management Agency guidelines, and shall be
17 comprehensive, collaborative, and statewide in scope with opportunities
18 for input from diverse stakeholders.
19 Sec. 11. The Department of Natural Resources shall convene a plan
20 development group which shall be housed and staffed for administrative
21 purposes within such department. The Department of Natural Resources
22 shall engage with federal, state, and local agency and community
23 stakeholders in the development of the state flood mitigation plan,
24 including, but not limited to, the Department of Transportation, the
25 Department of Environment and Energy, the Department of Economic
26 Development, the Department of Agriculture, the Nebraska Emergency
27 Management Agency, natural resources districts, the United States
28 Department of Agriculture, the United States Army Corps of Engineers, the
29 United States Geological Survey, the Federal Emergency Management Agency,
30 the University of Nebraska, representatives of counties, municipalities,
31 and other political subdivisions, and the Natural Resources Committee of
1 the Legislature. The Department of Natural Resources may engage other
2 sources to provide technical expertise as needed.
3 Sec. 12. The Department of Natural Resources shall:
4 (1) Evaluate the flood issues that occurred in 2019, and identify
5 cost-effective flood mitigation strategies that should be adopted to
6 reduce the disruption of lives and livelihoods and prioritize making
7 Nebraska communities more resilient;
8 (2) Identify opportunities to implement flood hazard mitigation
9 strategies with the intent to reduce the impact of flood events;
10 (3) Work to improve knowledge and understanding of available
11 recovery resources while identifying potential gaps in current disaster
12 program delivery;
13 (4) Identify potential available funding sources that can be
14 accessed to improve the resilience of the state through flood mitigation
15 and post-flood disaster recovery. The funding sources shall include, but
16 not be limited to, assistance from (a) the Federal Emergency Management
17 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
18 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
19 Program, Public Assistance Program, and Individual Assistance Program,
20 (b) the United States Department of Housing and Urban Development's
21 Community Development Block Grant Program and Community Development Block
22 Grant Disaster Recovery Program, and (c) programs of the United States
23 Department of Agriculture's Natural Resources Conservation Service.
24 Identification of such funding sources shall be in addition to grants and
25 cost-sharing programs available through other agencies that support flood
26 hazard mitigation planning in communities;
27 (5) Compile a centralized list of critical infrastructure and state-
28 owned facilities and identify those with the highest risk of flooding. In
29 compiling such list, the Department of Natural Resources shall consult
30 and collaborate with other state and local agencies that have information
31 that identifies vulnerable facilities;
1 (6) Evaluate state laws, rules, regulations, policies, and programs
2 related to flood hazard mitigation and development in flood hazard-prone
3 areas to support the state's administration of the Federal Emergency
4 Management Agency's National Flood Insurance Program, Community Rating
5 System, and Risk Mapping, Assessment, and Planning Program;
6 (7) Examine existing law and, if necessary, recommend statutory or
7 administrative changes to help ensure collaboration and coordination
8 between state and local entities in statewide flood mitigation planning;
9 and
10 (8) Hold two public hearings, one prior to the first state flood
11 mitigation plan development meeting and one prior to the completion of
12 such plan. Notice of each hearing shall be published at least thirty days
13 prior to the hearing date.

14 Sec. 13. The state flood mitigation plan shall be completed and
 15 reported to the Governor and electronically to the Legislature on or
 16 before December 31, 2021.
 17 Sec. 14. Original sections 13-2001, 13-2003, 13-2017, 13-2023,
 18 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section
 19 2-1504, Revised Statutes Cumulative Supplement, 2018, are repealed.
 20 2. On page 1, strike beginning with "regulation" in line 1 through
 21 line 4 and insert "environment and energy; to amend sections 13-2001,
 22 13-2003, 13-2017, 13-2023, 70-1605, and 70-1606, Reissue Revised Statutes
 23 of Nebraska, and section 2-1504, Revised Statutes Cumulative Supplement,
 24 2018; to change provisions relating to Nebraska Natural Resources
 25 Commission membership and the Integrated Solid Waste Management Act; to
 26 define a term; to restate policy; to prohibit regulation of containers as
 27 prescribed; to change provisions relating to utility discontinuance and
 28 reconnection; to require the Department of Natural Resources to develop a
 29 state flood mitigation plan; to harmonize provisions; and to repeal the
 30 original sections."

LEGISLATIVE BILL 1056. Placed on Select File with amendment.

[ER221](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 6
 2 and insert "regulated activities; to amend sections 9-426, 9-429, and
 3 9-431, Reissue Revised Statutes of Nebraska, sections 53-123.12, 53-129,
 4 and 53-134, Revised Statutes Cumulative Supplement, 2018, and section
 5 53-123.11, Revised Statutes Supplement, 2019; to change provisions
 6 regarding special permits, remittance of taxes on gross proceeds, and
 7 sales of raffle tickets or stubs pursuant to the Nebraska Lottery and
 8 Raffle Act; to provide for temporary expansion of licensed premises under
 9 the Nebraska Liquor Control Act; to harmonize provisions; and to repeal
 10 the original sections."

LEGISLATIVE BILL 1160. Placed on Select File with amendment.

[ER225](#)

1 1. In the Standing Committee amendments, AM3084, on page 2, line 5,
 2 strike "~~robust~~," and insert "~~and robust~~".
 3 2. On page 1, line 1, after "Nebraska" insert "Statewide".

LEGISLATIVE BILL 956. Placed on Select File with amendment.

[ER226](#)

1 1. On page 1, strike lines 2 through 5 and insert "sections 68-914
 2 and 68-973, Reissue Revised Statutes of Nebraska, and sections 68-901 and
 3 68-974, Revised Statutes Supplement, 2019; to define and redefine terms;
 4 to provide duties for managed care organizations regarding changes to
 5 provider contracts as prescribed; to change provisions relating to notice
 6 regarding eligibility for or modifications to medical assistance; to
 7 state findings and intent regarding integrity procedures; to provide for
 8 program integrity contractors and remove references to recovery audit
 9 contractors; and to repeal the original sections."

LEGISLATIVE BILL 783. Placed on Select File with amendment.

[ER227](#)

1 1. On page 1, strike beginning with "facilities" in line 1 through
 2 "section" in line 3 and insert "; to amend section 71-405, Reissue
 3 Revised Statutes of Nebraska, section 38-2025, Revised Statutes
 4 Cumulative Supplement, 2018, and section 71-7910.01, Revised Statutes
 5 Supplement, 2019; to provide an exemption from licensure under the
 6 Medicine and Surgery Practice Act; to redefine ambulatory surgical center

7 under the Health Care Facility Licensure Act; to redefine professional
8 health care service entity under the Health Care Quality Improvement Act;
9 and to repeal the original sections".

LEGISLATIVE BILL 1158. Placed on Select File with amendment.

ER228

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
4 amended to read:
5 68-901 Sections 68-901 to 68-994 and sections 2 to 4 of this act
6 shall be known and may be cited as the Medical Assistance Act.
7 Sec. 2. Section 71-831, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 ~~71-831~~ All contracts and agreements relating to the medical
10 assistance program governing at-risk managed care service delivery for
11 behavioral health services entered into by the department and existing on
12 or after July 1, 2020 ~~21, 2016~~, shall:
13 (1) Provide a definition and cap on administrative spending such
14 that (a) administrative expenditures do not include profit greater than
15 the contracted amount, (b) any administrative spending is necessary to
16 improve the health status of the population to be served, and (c)
17 administrative expenditures do not include contractor incentives.
18 Administrative spending shall not under any circumstances exceed twelve
19 percent. Such spending shall be tracked by the contractor and reported ~~to~~
20 the department quarterly to the department and electronically to the
21 Clerk of the Legislature;
22 (2) Provide a definition of annual contractor profits and losses and
23 restrict such profits and losses under the contract so that profit shall
24 not exceed a percentage specified by the department but not more than
25 three percent per year as a percentage of the aggregate of all income and
26 revenue earned by the contractor and related parties, including parent
27 and subsidiary companies and risk-bearing partners, under the contract;
1 (3) Provide for ~~return reinvestment~~ of (a) any remittance if the
2 contractor does not meet the minimum medical loss ratio, (b) ~~performance~~
3 ~~contingencies imposed by the department~~, and (c) any unearned incentive
4 funds, and (c) any other funds in excess of the contractor limitations
5 identified in state or federal statute or contract to the State Treasurer
6 for credit to the Medicaid Managed Care Excess Profit Fund to fund
7 additional health services for children, families, and adults according
8 to a plan developed with input from stakeholders and approved by the
9 department. Such plan shall address the health needs of adults and
10 children, including filling service gaps and providing system
11 improvements;
12 (4) Provide for a minimum medical loss ratio of eighty-five percent
13 of the aggregate of all income and revenue earned by the contractor and
14 related parties under the contract;
15 (5) Provide that contractor incentives, in addition to potential
16 profit, be up to two percent of the aggregate of all income and revenue
17 earned by the contractor and related parties under the contract; and
18 (6) Be reviewed and awarded competitively and in full compliance
19 with the procurement requirements of the State of Nebraska.
20 Sec. 3. The Medicaid Managed Care Excess Profit Fund is created.
21 The fund shall contain money returned to the State Treasurer pursuant to
22 subdivision (3) of section 2 of this act. The fund shall first be used to
23 offset any losses under subdivision (2) of section 2 of this act and then
24 to provide for services addressing the health needs of adults and
25 children under the Medical Assistance Act, including filling service
26 gaps, providing system improvements, and sustaining access to care as
27 determined by the Legislature. The fund shall only be used for the

28 purposes described in this section. Any money in the fund available for
 29 investment shall be invested by the state investment officer pursuant to
 30 the Nebraska Capital Expansion Act and the Nebraska State Funds
 31 Investment Act.

1 Sec. 4. (1) Beginning October 1, 2020, the Department of Health and
 2 Human Services shall inform each adult applicant for medical assistance
 3 about job-skills programs within the Department of Health and Human
 4 Services, the Department of Labor, or other skill-based programs that
 5 could assist the applicant for medical assistance in obtaining job skills
 6 or training, employment, higher-paying jobs, or related skills. The
 7 Department of Health and Human Services shall connect interested
 8 applicants to such job-skills programs. The job-skills programs may be
 9 utilized on a voluntary basis by applicants for medical assistance or
 10 recipients of medical assistance. The job-skills programs do not affect
 11 the receipt of services provided under the Medical Assistance Act.

12 (2) Beginning February 1, 2021, and within thirty days of the
 13 expiration of each subsequent calendar quarter within the years 2021 and
 14 2022, the Department of Health and Human Services shall report
 15 electronically to the Clerk of the Legislature on the total number of
 16 applicants for medical assistance who were referred to job-skills
 17 programs under this section and any job-skills services received as a
 18 result of this section by applicants for medical assistance.

19 (3) Beginning January 1, 2021, through December 31, 2022, the
 20 Department of Labor shall report quarterly to the Department of Health
 21 and Human Services the number of applicants for medical assistance who
 22 were referred to job-skills programs under this section, the number of
 23 applicants for medical assistance who received help obtaining job skills
 24 or training, employment, higher-paying jobs, or related skills under this
 25 section, and the types of job-skills services received as a result of
 26 this section.

27 (4) The Department of Health and Human Services and the Department
 28 of Labor shall administer this section.

29 Sec. 5. Section 71-801, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 71-801 Sections 71-801 to 71-830 ~~71-831~~ shall be known and may be
 1 cited as the Nebraska Behavioral Health Services Act.

2 Sec. 6. Original sections 71-801 and 71-831, Reissue Revised
 3 Statutes of Nebraska, and section 68-901, Revised Statutes Supplement,
 4 2019, are repealed.

5 Sec. 7. Since an emergency exists, this act takes effect when
 6 passed and approved according to law.

7 2. On page 1, strike beginning with "the" in line 1 through line 4
 8 and insert "social services; to amend sections 71-801 and 71-831, Reissue
 9 Revised Statutes of Nebraska, and section 68-901, Revised Statutes
 10 Supplement, 2019; to change provisions regarding contracts and agreements
 11 relating to the medical assistance program; to create a fund; to provide
 12 duties regarding job-skills programs for applicants for medical
 13 assistance; to transfer provisions; to harmonize provisions; to repeal
 14 the original sections; and to declare an emergency."

LEGISLATIVE BILL 681. Placed on Select File with amendment.

[ER232](#)

1 1. On page 1, strike beginning with "50-406" in line 1 through line
 2 4 and insert "29-2011.02, 29-2011.03, and 50-408, Reissue Revised
 3 Statutes of Nebraska, and sections 50-406, 50-407, and 50-1205, Revised
 4 Statutes Cumulative Supplement, 2018; to change provisions relating to
 5 witnesses who refuse to testify or provide information, powers of the
 6 Legislative Council and committees of the Legislature, litigation related
 7 to legislative subpoenas, and enforcement of legislative subpoenas; to
 8 provide for renewal of legislative subpoenas as prescribed; to provide

9 that certain legislative issues are not justiciable; to change provisions
10 relating to certain witness fees; to harmonize provisions; and to repeal
11 the original sections."

LEGISLATIVE BILL 927. Placed on Select File with amendment.

ER230

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. The following sum of money, or so much thereof as may be
4 required, is hereby appropriated from the General Fund or from other
5 funds as indicated in the state treasury, not otherwise appropriated, for
6 the payment of a state settlement, which has been settled by the Attorney
7 General in the district court and which requires the approval of the
8 Legislature for payment.
9 \$107,243.21 for 8:16CV546, a self-insured liability settlement with
10 Riley Nicole Shadle, against the State of Nebraska, pay to Michael D.
11 Gooch, Attorney, 7215 North 162nd Street, Bennington, NE 68007, out of
12 the General Fund.
13 The claim included in this section shall be paid through Program 536
14 in Agency 65.

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

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

22 Sec. 2. The following sum of money, or so much thereof as may be
23 required, is hereby appropriated from the General Fund or from other
24 funds as indicated in the state treasury, not otherwise appropriated, for
25 the payment of attorney's fees and costs associated with a required
26 appearance before a tribunal for which the state agency has insufficient
27 funds to pay, which requires the approval of the Legislature for payment.

1 \$50,628.87 for Case No. CI 20-29 in Lancaster County District Court
2 and Case No. CI 20-46 in Hall County District Court for self-insured
3 liability attorney's fees and costs for which there is insufficient
4 agency funding, against the State Racing Commission, pay to Lamson Dugan
5 and Murray LLP, 10306 Regency Parkway Drive, Omaha, NE 68114-3708, out of
6 the General Fund.
7 The amount included in this section shall be paid through Program
8 536 in Agency 65.

9 For informational purposes only, the appropriation contained in this
10 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
12 <u>GENERAL FUND</u>	<u>\$50,628.87</u>
13 <u>CASH FUND</u>	<u>\$-0-</u>
14 <u>REVOLVING FUND</u>	<u>\$-0-</u>
15 <u>TOTAL</u>	<u>\$50,628.87</u>

16 Sec. 3. The following sums of money, or so much thereof as may be
17 required, are hereby appropriated from the General Fund or from other
18 funds as indicated in the state treasury, not otherwise appropriated, for
19 the payment of tort claims which have been settled by the State Claims
20 Board and approved by the district court, which have been settled by the
21 Attorney General in the district court, or in which court judgments have
22 been entered and which require the approval of the Legislature for
23 payment.
24 \$335,000.00 for Tort Claim Number 2017-16279, against the State of
25 Nebraska, pay to Disability Rights Nebraska Trust Account on behalf of
26 Ruth Cecetka, 134 South 13th Street, Suite 600, Lincoln, NE 68508, out of
27 the General Fund.

28 \$850,000.00 for Tort Claim Numbers 2018-18149 and 2018-18150,
 29 against the State of Nebraska, pay jointly to Christine Allen (now
 30 "Harms") and Cynthia Allen; Woods & Aitken LLP, 301 South 13th Street,
 1 Suite 500, Lincoln, NE 68508-2578, out of the General Fund.
 2 The claims included in this section shall be paid through Program
 3 591 in Agency 65.
 4 For informational purposes only, the appropriations contained in
 5 this section and fund source:
 6

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
7 <u>GENERAL FUND</u>	<u>\$1,185,000.00</u>
8 <u>CASH FUND</u>	<u>\$-0-</u>
9 <u>REVOLVING FUND</u>	<u>\$-0-</u>
10 <u>TOTAL</u>	<u>\$1,185,000.00</u>

 11 Sec. 4. The following sums of money, or so much thereof as may be
 12 required, are hereby appropriated from the General Fund or from other
 13 funds as indicated in the state treasury, not otherwise appropriated, for
 14 the payment of workers' compensation claims which have been settled by
 15 the Attorney General in the Nebraska Workers' Compensation Court or in
 16 which court judgments have been entered and which require the approval of
 17 the Legislature for payment.
 18 \$116,898.88 for a workers' compensation claim, pay to American
 19 General Annuity Service Corporation, f/b/o Randy Bradley, 2271 SE 27th
 20 Avenue, Amarillo, TX 79103, out of the Workers' Compensation Claims
 21 Revolving Fund.
 22 \$140,834.84 for a workers' compensation claim, pay to Randy Bradley
 23 and David Handley, 2809 S 160th Street, Suite 309, Omaha, NE 68130, out
 24 of the Workers' Compensation Claims Revolving Fund.
 25 \$25,000.00 for a workers' compensation claim, pay to Michael Morgan
 26 and Joe Dowding, Dowding, Dowding & Urbom Law Office, 201 North
 27 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, out of the
 28 Workers' Compensation Claims Revolving Fund.
 29 The claims included in this section shall be paid through Program
 30 593 in Agency 65.
 1 For informational purposes only, the appropriations contained in
 2 this section and fund source:
 3

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
4 <u>GENERAL FUND</u>	<u>\$-0-</u>
5 <u>CASH FUND</u>	<u>\$-0-</u>
6 <u>REVOLVING FUND</u>	<u>\$282,733.72</u>
7 <u>TOTAL</u>	<u>\$282,733.72</u>

 8 Sec. 5. The following sums of money, or so much thereof as may be
 9 required, are hereby appropriated from the General Fund or from other
 10 funds as indicated in the state treasury, not otherwise appropriated, for
 11 the payment of tort claims which have been settled by the State Claims
 12 Board and approved by the district court, which have been settled by the
 13 Attorney General in the district court, or in which court judgments have
 14 been entered and which require the approval of the Legislature for
 15 payment.
 16 \$90,000.00 for Tort Claim Number 2016-15375, against the State of
 17 Nebraska, pay to Jennifer Urbina and Dyer Law, Attorney, Dyer Law PC,
 18 LLO, 2611 South 117th Street, Omaha, NE 68144, out of the State Insurance
 19 Fund.
 20 \$112,000.00 for Tort Claim Number 2016-16049, against the State of
 21 Nebraska, pay to Copple and Rockey Trust Account, 2425 Taylor Avenue,
 22 P.O. Box 78, Norfolk, NE 68701, out of the State Insurance Fund.
 23 \$323,846.79 for Tort Claim Number 2017-16406, against the State of
 24 Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and
 25 Lenaghan, 13924 Gold Circle, Omaha, NE 68144, out of the State Insurance
 26 Fund.
 27 The claims included in this section shall be paid through Program

28 594 in Agency 65.

29 For informational purposes only, the appropriations contained in
30 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
2 <u>GENERAL FUND</u>	\$-0-
3 <u>CASH FUND</u>	\$-0-
4 <u>REVOLVING FUND</u>	\$525,846.79
5 <u>TOTAL</u>	\$525,846.79

6 Sec. 6. The Director of Administrative Services is hereby
7 authorized and directed to draw his or her warrants upon the funds in the
8 state treasury enumerated in this act, in favor of the several
9 beneficiaries named in this act for the amount set opposite their
10 respective names, upon the presentation of proper vouchers therefor. The
11 several amounts appropriated in this act shall be in full payment of any
12 and all claims, rights, causes of action, damages, and demands of every
13 character and kind owing by or against the State of Nebraska, its
14 officers, agents, and employees, and their successors and assigns with
15 respect to each of the beneficiaries respectively in whose favor the
16 appropriations are made. The director shall not deliver any warrant for
17 any items appropriated in this act until a receipt and release in full,
18 releasing the State of Nebraska, its officers, employees, and agents, and
19 their successors and assigns, has been filed by each of the beneficiaries
20 respectively. Upon presentation of the warrants, the State Treasurer is
21 hereby directed to pay the same out of money in the General Fund or out
22 of money in other funds indicated in this act not otherwise appropriated.

23 Sec. 7. The following requests were filed by state agencies seeking
24 permission to write off certain accounts. The State Claims Board reviewed
25 and approved the following requests:

26 \$8,045.21 for Request Number 2020-19968, made by the Nebraska Public
27 Employees Retirement System.
28 \$1,469,717.55 for Request Number 2020-19974, made by the Department
29 of Health and Human Services.
30 \$110,998.88 for Request Number 2020-19977, made by the Department of

1 Veterans' Affairs.
2 \$112,695.24 for Request Number 2020-19978, made by the Department of
3 Transportation.

4 \$910,000.00 for Request Number 2020-19991, made by the Nebraska
5 State Patrol.
6 \$63,342,441.64 for Request Number 2020-19996, made by the Department
7 of Labor.

8 \$5,952.89 for Request Number 2020-19997, made by the Game and Parks
9 Commission.

10 \$760.00 for Request Number 2020-19998, made by the State Fire
11 Marshal.
12 \$83,174.24 for Request Number 2020-19999, made by the Department of
13 Motor Vehicles.

14 \$3.00 for Request Number 2020-20010, made by the Nebraska Workers'
15 Compensation Court.

16 Sec. 8. Since an emergency exists, this act takes effect when
17 passed and approved according to law.

LEGISLATIVE BILL 966. Placed on Select File with amendment.

ER233

1 1. On page 1, strike beginning with "decedents" in line 1 through
2 line 2 and insert "law; to amend sections 30-2414, 30-2416, 30-2426,
3 71-601, and 76-3413, Reissue Revised Statutes of Nebraska, and section
4 30-2201, Revised Statutes Cumulative Supplement, 2018; to adopt the
5 Uniform Wills Recognition Act (1977); to change Nebraska Probate Code
6 provisions relating to individuals who are related to a decedent through
7 two lines of relationship, parents who are barred from inheriting from a

8 child, allowable will provisions, informal probate and appointment
9 proceedings, and formal testacy or appointment proceedings; to provide
10 for an acknowledgment of maternity as prescribed; to change provisions
11 relating to the revocation of transfer on death deeds under the Nebraska
12 Uniform Real Property Transfer on Death Act; to harmonize provisions; and
13 to repeal the original sections."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Arch filed the following amendment to [LB1158](#):
[AM3174](#)

(Amendments to E&R amendments, ER228)

1 1. On page 1, line 12, strike "July 1, 2020", show the old matter as
2 stricken, and insert "the effective date of this act".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 383. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature that may arise during the interim.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to Nebraska's correctional system.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to investigate the advertisement and use of unproven stem cell injections as a therapy for health disorders. Stem cells of the body are capable of developing into any of the body's 200 different kinds of cells and, with proper study, development and approval, may offer the potential to combat diseases that have few or no treatments. The only stem-cell-based products that have approval from the federal Food and Drug Administration are those made from blood-forming cells that are derived from umbilical cord blood, peripheral blood, or bone marrow. These are used primarily to treat patients with cancer or other disorders of the blood or immune system. Any other advertised use of stem cells is not approved by the federal Food and Drug Administration and the advertising of such unapproved uses violates state and federal law. It has been documented across the United States that patients who have received unapproved stem cell therapy have suffered serious infections, blindness, tumor growth, or even death. Older individuals are particularly vulnerable to misleading marketing statements regarding stem cell therapy as they may not be good candidates for other treatment options but are desperate for relief. More than 500 clinics across the United States, including several in Nebraska, offer unproven stem cell therapies which cost tens of thousands of dollars and are not covered by private or public insurance. Such clinics do not possess approval from the federal Food and Drug Administration, nor scientific substantiation for the claims made within their advertising campaigns, and are harming Nebraskans. Other states have implemented new laws to establish consumer protections for those in the public who are unaware of potential risks, dangerous side effects, and lack of effectiveness of such unapproved stem cell therapy. By informing the public that certain treatments have not been proven safe or effective Nebraskans can make more informed decisions about their healthcare.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Stem cells and stem cell products;
- (2) The approval process for stem cell therapies by the federal Food and Drug Administration;
- (3) Current clinical trials for stem cells and stem cell products;
- (4) Products and services offered at stem cell clinics located in Nebraska and the advertising techniques used to promote such products and services; and
- (5) The role the state can play in protecting the public from potential adverse effects of unproven stem cell therapies, including the state agencies that can work together to share certain information.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386. Introduced by Pansing Brooks, 28; Vargas, 7.

PURPOSE: The purpose of this interim study is to examine Nebraska law, policy, and application in the filing and transferring of cases involving youth between juvenile and criminal court and to consider the jurisdictional structure currently set forth in sections 29-1816, 43-246.01, 43-247, and 43-274 and in light of national best practices, scientific understanding of adolescent development, the lived experience of youth and families in Nebraska, and racial equity outcomes. The purpose of this interim study is also to examine how the current jurisdictional structure supports the intent of the juvenile code to effectuate the outcomes listed in section 43-246 and to explore the expansion of problem-solving courts and alternative juvenile court jurisdictional models, including extending the age of juvenile court jurisdiction or adopting a young adult court.

This interim study shall include, but not be limited to, an examination of:

(1) The number and type of cases in Nebraska, disaggregated by demographic factors, wherein:

(a) An individual under the age of eighteen was charged as an adult in county or district court, whether or not a motion to transfer the case to juvenile court was filed;

(b) An individual under the age of eighteen was petitioned in juvenile court and a motion to transfer the case to county or district court was filed; or

(c) An individual under the age of eighteen was charged as an adult in county or district court and petitioned in juvenile court for separate offenses arising from a singular incident;

(2) Case progression data with regard to filing of transfer motions, hearings on transfer motions, orders on transfer motions, and any appeals that may have been filed in the matter;

(3) The disproportionate use of discretionary charging and transfers for Black, Indigenous, and other youth of color in Nebraska and whether and to what extent the factors set forth in section 43-276 contribute to racial and ethnic disparities for youth sentenced as adults;

(4) The variance of discretionary charging and transfers of youth between juvenile and criminal court across counties, by gender, by age, and by type of offense;

(5) The case outcomes or sentences for youth charged and sentenced as adults, as compared with the case outcomes or dispositions for youth charged as adults but transferred to juvenile court;

(6) The experience and outcomes of discretionary criminal court charging and transfers, as articulated by youth and family advocates with lived experience of the transfer process in Nebraska; and

(7) Other state models and best practices for structuring juvenile, adult, and young adult court jurisdictions to support rehabilitation, healing, and community safety.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER'S MAJOR PROPOSALS

July 27, 2020

Senator Mike Hilgers, Chair
Legislative Executive Board
State Capitol, Room 2108
Lincoln, NE 68509

RE: Speaker's Major Proposals

Dear Senator Hilgers and Members of the Executive Board:

Pursuant to Rule 1, Section 17, I have selected Legislative Bills 1008 and 1009, the state budget bills, as two of my 2020 Speaker's Major Proposals. I am requesting Executive Board approval of this designation as required by rule.

Thank you for your assistance.

Sincerely,
(Signed) Jim Scheer

GENERAL FILE

LEGISLATIVE BILL 992. Title read. Considered.

Committee [AM3055](#), found on page 1021, was offered.

SENATOR WILLIAMS PRESIDING

The committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 387. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine the processes by which children, from birth to age three, who are the victim of a substantiated case of abuse or neglect, are able to access services through Nebraska's Early Development Network under the federal Individuals with Disabilities Education Act, Part C.

This interim study shall include, but not be limited to, an examination of the following:

(1) The percentage of children from birth to age three who are the victim of a substantiated case of abuse or neglect that receive services through the Nebraska Early Development Network;

(2) Points in the process that present barriers to services for children from birth to age three who are the victim of a substantiated case of abuse or neglect;

(3) Conversations with Nebraska Early Development Network leadership, regional Early Developmental Network leadership, Early Development Network service coordinators, Early Development Network evaluators, families, and other interested parties from rural and urban settings;

(4) Eligibility under the federal Individuals with Disabilities Education Act, Part C, for children from birth to age three who are the victim of a substantiated case of abuse or neglect in surrounding states; and

(5) Potential solutions to ensure children from birth to age three who are the victim of a substantiated case of abuse or neglect have access to the services they need to thrive.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB1064](#):

[AM3175](#)

1 1. Insert the following new section:

2 Sec. 8. Section 77-2602.05, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 77-2602.05 (1) A person that paid taxes applicable under section

5 77-2602 on cigarettes sold in an exempt transaction shall be eligible for
6 a refund of the taxes paid on those cigarettes.
7 (2) Exempt transactions, for purposes of this section and section
8 69-2703, are defined as:
9 (a) Cigarette sales on a federal installation in a transaction that
10 is exempt from state taxation under federal law; and
11 (b) Cigarette sales on an Indian tribe's Indian country to its
12 tribal members where state taxation is precluded by federal law.
13 (3) Except as provided in subsection (5) of this section, the person
14 seeking a refund of taxes shall submit an application to the Tax
15 Commissioner providing documentation sufficient to demonstrate (a) that
16 the cigarettes were sold in a package bearing the correct stamp required
17 under section 77-2603 or 77-2603.01 and that the stamp was one that
18 required payment of tax, (b) that the person paid the applicable taxes in
19 question, (c) that the cigarettes were sold in an exempt transaction, and
20 (d) that the person has not previously obtained the refund on the
21 cigarettes. The documentation shall include, in addition to information
22 necessary to meet the requirements of subdivisions (3)(a) through (d) of
23 this section and any other information that the Tax Commissioner may
24 reasonably require, documents showing the identity of the seller and
25 purchaser and the places of shipment and delivery of the cigarettes. The
26 Tax Commissioner shall verify the accuracy and completeness of the
27 required documentation and information before granting the requested
1 refund.
2 (4) If a meritorious refund claim under subsection (3) of this
3 section is not paid within sixty days after submission of the required
4 documentation, the refund shall include interest on the amount of such
5 refund at the rate specified in section 45-104.02 as such rate existed at
6 the date of submission of the required documentation.
7 (5) The Tax Commissioner and an Indian tribe may agree upon a tax
8 refund formula to operate in lieu of application for refunds under
9 subsection (3) of this section. The aggregate refund provided to an
10 Indian tribe under a formula for a year shall not exceed the aggregate
11 tax paid by entities owned and operated by that tribe or a member of that
12 tribe on cigarettes sold in exempt transactions on that tribe's Indian
13 country during that year. Refunds of taxes under subsection (3) of this
14 section shall not be available for cigarettes sold in exempt transactions
15 on an Indian tribe's Indian country by an Indian tribe that agrees upon a
16 refund formula under this subsection. Nothing in this subsection shall
17 limit the state's authority to enter into an agreement pursuant to
18 section 77-2602.06 pertaining to the collection and dissemination of any
19 cigarette taxes which may otherwise be inconsistent with this subsection.
20 (6) Any product that is taxed as a cigar under Title 26 of the
21 United States Code, as such title existed on January 1, 2020, and is a
22 cigarette for purposes of section 77-2602, shall not be treated as a
23 cigarette for purposes of (a) subdivision (4) of section 69-2702 and the
24 Master Settlement Agreement as defined in section 69-2702 or (b) the
25 Reduced Cigarette Ignition Propensity Act.
26 2. Renumber the remaining sections and correct the repealer
27 accordingly.

GENERAL FILE

LEGISLATIVE BILL 866. Title read. Considered.

Committee [AM2913](#), found on page 942, was offered.

Senator Morfeld offered the following amendment to the committee

amendment:

[AM3172](#)

(Amendments to Standing Committee amendments, AM2913)

- 1 1. Insert the following new sections:
- 2 Sec. 7. (1) For purposes of sections 7 to 11 of this act:
- 3 (a) City means a city of any class or a village;
- 4 (b) Dwelling unit includes a dwelling unit as defined in sections
- 5 76-1410 and 76-1459;
- 6 (c) Eviction means the use by a landlord of any judicial or
- 7 nonjudicial means to involuntarily terminate a rental agreement or
- 8 tenancy or remove a tenant from a dwelling unit;
- 9 (d) Eviction action means a judicial or administrative proceeding
- 10 that seeks recovery or possession of a dwelling unit from a tenant,
- 11 including under sections 76-1440 to 76-1447 or under section 76-14,104;
- 12 (e) Eviction notice means any notice directing a resident to vacate
- 13 a dwelling unit or purporting to terminate a rental agreement or tenancy;
- 14 (f) Eviction order means any order entered in an eviction action
- 15 that directs or authorizes the removal of a tenant from a dwelling unit.
- 16 Notwithstanding that such an order may require removal of a person from a
- 17 dwelling unit, eviction order does not include a domestic violence
- 18 protection order issued pursuant to section 42-924, a harassment
- 19 protection order issued pursuant to section 28-311.09 or 28-311.10, or a
- 20 sexual assault protection order issued pursuant to section 28-311.11 or
- 21 28-311.12, or any similar order entered in any type of proceeding to
- 22 protect a tenant from domestic violence, sexual violence, stalking, or
- 23 other violence. Eviction order also does not include an order restoring a
- 24 resident to possession of premises under section 10 of this act;
- 25 (g) Judicial foreclosure action means an action that seeks the
- 26 foreclosure or satisfaction of a mortgage in accordance with sections
- 27 25-2137 to 25-2155;
- 28 (h) Landlord includes a landlord as defined in sections 76-1410 and
- 29 76-1462;
- 30 (i) Moratorium period means the time period beginning on the date a
- 31 city enacts a moratorium under section 8 of this act and lasting until
- 32 the moratorium is terminated;
- 33 (j) Rent includes rent as defined in sections 76-1410 and 76-1467;
- 34 (k) Rental agreement means a rental agreement as defined in sections
- 35 76-1410 and 76-1468;
- 36 (l) Tenant includes a tenant as defined in sections 76-1410 and
- 37 76-1471 and also includes any member of a tenant's household, whether or
- 38 not listed in a rental agreement;
- 39 (m) Trust deed has the same meaning as in section 76-1001; and
- 40 (n) Trustee has the same meaning as in section 76-1001.
- 41 (2) When reference in this section is made to a definition found in
- 42 both the Uniform Residential Landlord and Tenant Act and the Mobile Home
- 43 Landlord and Tenant Act, the definition relevant to the type of tenant or
- 44 dwelling unit at issue applies for purposes of sections 7 to 11 of this
- 45 act.
- 46 Sec. 8. (1)(a) If a city finds that it is necessary to protect the
- 47 public welfare from the spread of a virus or infectious disease, the city
- 48 may enact a moratorium on any evictions and foreclosures within the city.
- 49 (b) A moratorium may be enacted by either the governing body of the
- 50 city or the chief executive officer of the city, by resolution or
- 51 proclamation.
- 52 (2)(a) Except as provided in subdivision (2)(b) of this section, the
- 53 moratorium shall end when either the governing body or the chief
- 54 executive officer of the city determines, by resolution or proclamation,
- 55 that the moratorium is no longer necessary to protect the public welfare,
- 56 regardless of which entity enacted the moratorium. The moratorium period
- 57 shall terminate on the date specified in the resolution or proclamation,

1 which shall not be sooner than fourteen days after the issuance of the
2 resolution or proclamation.
3 (b) If the moratorium is enacted by the governing body of the city
4 and the chief executive officer terminates the moratorium, the governing
5 body may reinstate the moratorium with a two-thirds majority vote.
6 (3) If the Legislature determines that a moratorium is unnecessary
7 for the protection of the public welfare, it may by resolution rescind
8 any moratorium enacted by a city.
9 Sec. 9. (1) During the period in which a city has enacted a
10 moratorium, the following shall apply to any dwelling unit within the
11 jurisdiction of the city:
12 (a) A landlord shall not serve a tenant of such a dwelling unit with
13 a notice of intent to terminate a rental agreement or an eviction notice.
14 Any such notice issued to a tenant during the moratorium period is void
15 and shall not be enforced against the tenant;
16 (b) A landlord shall not file a judicial eviction action against a
17 tenant of such a dwelling unit. A court in which such an action is filed
18 shall summarily dismiss such action;
19 (c) A court in which an eviction action relating to such a dwelling
20 unit is pending shall not convene to hear such action or decide such an
21 action;
22 (d) Service of process shall not be issued against a tenant for an
23 eviction action concerning such a dwelling unit;
24 (e) A court shall not accept for filing any eviction action relating
25 to such a dwelling unit;
26 (f) All deadlines pertaining to the filing, service, or other
27 prosecution of an eviction action relating to such a dwelling unit are
28 tolled for the duration of the moratorium period;
29 (g) No eviction order shall be served or executed on a tenant of
30 such a dwelling unit; and
31 (h) A landlord shall not charge fees, penalties, or other charges to
1 a tenant for nonpayment of rent for such a dwelling unit.
2 (2) During the six months following expiration of a moratorium
3 period, a landlord shall not terminate or decline to renew a rental
4 agreement because of a rent delinquency that arose during a moratorium
5 period.
6 (3)(a) Following the expiration of the six-month grace period
7 described in subsection (2) of this section, a landlord shall not
8 terminate or decline to renew a rental agreement because of a rent
9 delinquency that arose during a moratorium period and that remains unpaid
10 unless the landlord first allows the tenant the opportunity to propose a
11 reasonable payment plan after the expiration of the moratorium period. If
12 the proposed payment plan is reasonable under the circumstances, the
13 landlord shall accept the plan.
14 (b) A payment plan is presumptively reasonable for purposes of this
15 subsection if:
16 (i) The tenant agrees that future rental payments will be paid in
17 full as they come due;
18 (ii) Any arrearage on the tenant's account would be paid in full
19 within six months of the agreement; and
20 (iii) The tenant has, or there is good cause to believe the tenant
21 will have, the means to make the required payments according to the
22 schedule.
23 (c) In an eviction action governed by this subsection:
24 (i) The landlord has the burden to prove that the landlord provided
25 an opportunity to propose a reasonable payment plan as required by
26 subdivision (3)(a) of this section;
27 (ii) The tenant has the burden to prove that a payment plan was
28 offered and the proposed terms of such plan; and
29 (iii) If the terms of the proposed payment plan are presumptively

30 reasonable under subdivision (3)(b) of this section, the landlord shall
31 have the burden to prove that the plan was not, in fact, reasonable under
1 the circumstances. If the plan was not presumptively reasonable, the
2 tenant has the burden to prove that the plan was, in fact, reasonable
3 under the circumstances.

4 (4) Except as provided in subsections (5) and (6) of this section,
5 this section does not preclude a landlord from terminating, after
6 expiration of the moratorium period, and for a good cause unrelated to
7 the rent delinquency, the rental agreement of a tenant who became
8 delinquent in rent during a moratorium period.

9 (5) After expiration of a moratorium period, a landlord may
10 terminate a rental agreement that existed during the moratorium period
11 for good cause that arose during the moratorium period, other than a
12 delinquency in rent, only as follows:

13 (a) By giving a new eviction notice that provides the tenant the
14 opportunity to cure the lease violation as required by law, if any; or
15 (b) By giving the tenant at least thirty days' written notice to
16 vacate the premises if (i) no eviction notice would have been required to
17 terminate the rental agreement prior to the moratorium period or (ii) an
18 eviction notice was given before the moratorium period and the deadline
19 for the tenant to preserve the rental agreement by curing the lease
20 violation, if any, expired prior to the expiration of the moratorium
21 period.

22 (6) A landlord shall not terminate or attempt to terminate a rental
23 agreement that existed during a moratorium period wholly or in part
24 because of the tenant's assertion or exercise of a right or protection
25 arising under this section. It shall be a defense to a rental agreement
26 termination or eviction action that the landlord's action was motivated
27 wholly or in part by the tenant's assertion of such right or protection.

28 Sec. 10. (1) Any tenant displaced from a dwelling unit in violation
29 of section 9 of this act may bring an action in a court of competent
30 jurisdiction for a writ of restitution to be restored to such dwelling
31 unit. Such a claim shall constitute an emergency and critical function of
1 the judicial system. The procedure for such a claim shall be as follows:

2 (a) The tenant shall initiate such action by filing a sworn
3 complaint stating the factual basis for the claim and requesting relief
4 as authorized by this subsection;

5 (b) The court shall schedule a hearing on the complaint for as soon
6 thereafter as practicable. Such hearing may be held by telephone or
7 videoconference or through other remote means if practicable, if such
8 means are available to the parties and the court, and if the parties
9 agree to hold a hearing by such means; and

10 (c) Unless the hearing on the complaint is held on the same day as
11 it is filed, the court shall consider the sworn allegations in the
12 complaint and may, on the basis of such sworn allegations, issue an ex
13 parte order that entitles the tenant to immediate and temporary
14 possession of the dwelling unit pending the hearing.

15 (2) A tenant adversely affected by any violation of section 9 of
16 this act may bring a civil action to restrain further violations and to
17 recover the tenant's damages, costs, and reasonable attorney fees. In the
18 case of a willful violation, such tenant shall be awarded damages equal
19 to the tenant's actual and consequential damages or liquidated damages
20 equal to three times the monthly rent, whichever is greater. An action
21 under this subsection may be combined with or brought in addition to an
22 action under subsection (1) of this section.

23 (3) This section waives sovereign immunity with respect to any
24 violation of section 9 of this act committed by a public official or
25 agency, including any landlord which is a public housing agency or
26 governmental entity.

27 Sec. 11. (1) During the period in which a city has enacted a

28 moratorium, the following shall apply to any real property of a landlord
 29 within the jurisdiction of the city containing one or more dwelling units
 30 rented to tenants:
 31 (a) A mortgagee shall not file a judicial foreclosure action against
 1 a mortgagor of such real property. A court in which such an action is
 2 filed shall summarily dismiss such action;
 3 (b) A trustee of any trust deed for such real property shall not:
 4 (i) Exercise the power of sale as provided in section 76-1005;
 5 (ii) Foreclose upon the trust deed in the manner provided by law for
 6 the foreclosure of mortgages on real property as provided in section
 7 76-1005;
 8 (iii) File for recording a notice of default as provided in section
 9 76-1006; or
 10 (iv) Publish a notice of sale as provided in section 76-1007;
 11 (c) An office of the register of deeds in which a notice described
 12 in subdivision (1)(b)(iii) is filed shall refuse to record or accept such
 13 filing;
 14 (d) Service of process shall not be issued against a mortgagor of
 15 such real property for a judicial foreclosure action concerning such real
 16 property;
 17 (e) A court in which a judicial foreclosure action concerning such
 18 real property is pending shall not convene to hear such an action or
 19 decide such an action;
 20 (f) A court shall not accept for filing any judicial foreclosure
 21 action concerning such real property; and
 22 (g) The following deadlines shall be tolled for the duration of the
 23 moratorium period:
 24 (i) All deadlines pertaining to the filing, service, or other
 25 prosecution of a judicial foreclosure action;
 26 (ii) All deadlines pertaining to exercising the trustee's power of
 27 sale or foreclosure under section 76-1005;
 28 (iii) All deadlines pertaining to the filing, service, or other
 29 prosecution of an action commenced to recover the balance due upon the
 30 obligation for which a trust deed was given as security under section
 31 76-1013; and
 1 (iv) All deadlines relating to exercising the right to cure a
 2 default under section 76-1012.
 3 (2) A landlord adversely affected by any violation of this section
 4 may bring a civil action to restrain further violations and to recover
 5 damages, costs, and reasonable attorney fees. In the case of a willful
 6 violation, such landlord shall be awarded damages equal to the landlord's
 7 actual and consequential damages or liquidated damages equal to three
 8 times the monthly mortgage payment, whichever is greater.
 9 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, and 18 of this
 10 act become operative three calendar months after the adjournment of this
 11 legislative session. The other sections of this act become operative on
 12 their effective date.
 13 Sec. 19. Since an emergency exists, this act takes effect when
 14 passed and approved according to law.
 15 2. Renumber the remaining sections accordingly.

Senator Clements requested a ruling of the Chair on whether the Morfeld amendment is germane to the committee amendment.

The Chair ruled the Morfeld amendment is not germane to the committee amendment.

Senator Morfeld challenged the ruling of the Chair. The question is, "Shall

the Chair be overruled?"

Senator Morfeld moved for a call of the house. The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Senator Clements requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 19:

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

Voting in the negative, 30:

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

The Morfeld motion to overrule the Chair failed with 19 ayes, 30 nays, and 0 not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 388. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the coordination of efforts to find alternatives to incarceration for offenses that involve operating a motor vehicle under the influence of alcohol or other drugs. The study shall focus on allowing counties to create and implement 24/7 sobriety programs, in which participants are tested twice daily at designated facilities for evidence of alcohol or drug consumption in place of incarceration or other conditions of bond, and allowing for application for permits for such programs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study and analyze existing public postsecondary institution programs, initiatives, and strategies to:

(1) Address workforce and talent shortages and the economic impact of the COVID-19 pandemic on those shortages; and

(2) Identify best practices for increasing postsecondary degrees and credentials to assist in filling vacant high-wage, high-demand, high-skill jobs in Nebraska to reduce the impact of COVID-19 on Nebraska's economy and develop Nebraska's workforce in a post-pandemic environment.

The study shall include, but not be limited to, an examination of the following:

(1) The effects of the COVID-19 pandemic on Nebraska's workforce and demand for high-wage, high-demand, high-skill jobs in Nebraska;

(2) State and federal programs that are specifically targeted to high-wage, high-demand, high-skill jobs;

(3) Public postsecondary institution initiatives that seek to address workforce and talent shortages in high-wage, high-demand, high-skill occupations;

(4) Degree and credential completion initiatives that seek to assist Nebraskans who have postsecondary education credits, but who have not earned a degree or certification;

(5) Best practices of public postsecondary institutions in assisting first-generation students and adult-learners seeking to enter into high-wage, high-demand, high-skill careers;

(6) Barriers for public postsecondary institutions to increase the college-going rate to further address vacant high-wage, high-demand, high-skill jobs in Nebraska;

(7) Education attainment, demographic, and high-wage, high-demand, high-skill occupation projections through 2030;

(8) Best practices in the utilization of differentiated tuition and tuition waivers for public postsecondary institutions for high-wage, high-demand, high-skill connected degree and credential programs; and

(9) Historical review of state appropriations for dual credit scholarship and targeted public postsecondary institution scholarship programs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Stinner, 48.

PURPOSE: The purpose of this study resolution is to assess the fiscal and economic impact of the COVID-19 pandemic on Nebraska's early childhood workforce and the early childhood care and education system and to ensure that the early childhood care and education system is stable enough to support children's development during and after this crisis situation and to support families, communities, and businesses while rebuilding the state's economy.

The foundation for this study resolution is an analysis of Nebraska's strengths and challenges across all sectors affecting early childhood care and education as presented in "Elevating Nebraska's Early Childhood Workforce: Report and Recommendations of the Nebraska Early Childhood Workforce Commission," released on January 30, 2020, by the Buffett Early Childhood Institute at the University of Nebraska. The science of early childhood development makes it clear that the early years, from birth through the age of eight, are a time of unparalleled human growth and brain development and that healthy development during these pivotal early years requires reliable, positive, and consistent interactions between the developing child and parents and other familiar, caring adults.

In Nebraska, seventy-five percent of children under the age of six live in homes where all adults in their family work outside the home. Most parents of young children who work outside the home rely on early childhood professionals, whether in family child care homes, child care centers, or public or private schools, to provide additional positive interactions and experiences that young children need to thrive. Prior to the pandemic, many communities across the state already lacked sufficient and affordable early childhood care and education options. Eleven Nebraska counties had no licensed child care facilities and eighty-four percent of Nebraska counties lacked sufficient child care openings to meet the needs of families living in the county.

A survey of Nebraska child care providers conducted by the Buffett Early Childhood Institute in the initial days of the pandemic revealed many of the providers could not survive a closure of any length, decreasing parent options and increasing stress on local economies. Ensuring all families and children have equitable access to affordable high-quality care is key to both the healthy growth and development of Nebraska's children as well as the economic vitality and prosperity of communities and the state.

This study shall include, but not be limited to, an examination of the following:

(1) The fiscal and economic impact of the COVID-19 pandemic on the early childhood workforce and the early childhood care and education system;

(2) Federal and state investments and expenditures in Nebraska's early childhood care and education system;

(3) The funding gap between current investments and the total investments needed to fully fund a high-quality early childhood care and education system; and

(4) Financing options for closing the funding gap for a high-quality early childhood care and education system, including state and community-based models.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to conduct a review of current academic literature and research examining the impact of paid sick leave policies on pandemic spread in various states and industries and to identify lessons and best practices for the development of paid sick leave policy in Nebraska.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the feasibility of increasing the capacity of pre-health academic and research undergraduate programs at the University of Nebraska at Kearney to help expand the permanent presence of the University of Nebraska Medical Center in central and western Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) The current capacity of existing pre-health or health care-related undergraduate programs at the University of Nebraska at Kearney;

- (2) Existing initiatives to recruit undergraduate students into pre-health or health care-related degree programs;
- (3) Internship, apprenticeship, and professional development initiatives that focus on recruiting undergraduate students into health-related careers;
- (4) The current master facility plan at the University of Nebraska at Kearney as it relates to potential expansions of existing University of Nebraska Medical Center programs and facility space;
- (5) Current planning efforts and the capacity of the University of Nebraska Medical Center to expand the delivery of new and expanded health sciences programs at the University of Nebraska at Kearney; and
- (6) Recommendations for potential strategies and funding sources to achieve the expansion of undergraduate pre-health career pipelines between the University of Nebraska at Kearney and the University of Nebraska Medical Center.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Pansing Brooks, 28; Vargas, 7.

PURPOSE: The purpose of this interim study is to review juvenile justice involvement for youth who commit a status offense specified in subdivision (3)(b) of section 43-247. Status offenses include a range of behaviors prohibited by law for children, but not adults, including chronic absenteeism, running away from home, being uncontrollable in the home, engaging in behavior that injures or seriously endangers the morals or health of the youth or others, and possessing or consuming alcohol or tobacco. National juvenile justice best practices encourage policymakers to increase community-based interventions that address the underlying causes of status offenses and eliminate formal court interventions.

The interim study shall include, but not be limited to, an examination of the following:

- (1) The number and type of status offenses cases filed across the state;
- (2) The outcomes for youth adjudicated for status offenses, including length of time on probation, recidivism, or other metrics to assess whether youth are transitioning to a productive adulthood;
- (3) Any outcomes not tracked, including educational attainment, behavioral and mental health improvements, skill development, and employment;

(4) The amount of money the state commits to state systems to address status behaviors, including, but not limited to, the costs of formal court involvement, the cost to the educational system to address chronic absenteeism, and the cost of state-aid dedicated to community-based interventions for youth;

(5) The variance of chronic absenteeism in our state across school districts, diversion programs focused on chronic absenteeism, and referrals to county attorneys for formal court intervention, including demographic information and how chronic absenteeism may disproportionately affect communities of color and non-English learners;

(6) The programs addressing chronic absenteeism supported through community-based aid dollars, other community-based programs that address behaviors that lead to status offense filings, and the outcomes for youth resulting from all such programs;

(7) Any programs used by probation to address chronic absenteeism within probation districts and the outcomes for youth resulting from such programs;

(8) Best practices to improve youth and family engagement and positive youth outcomes resulting from collaborative plan meetings required pursuant to subdivision (2)(b) of section 79-209; and

(9) A survey of national best practices in addressing status offenses to identify necessary services and gaps in service delivery in this state.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to [LB1056](#):
[AM3158](#)

(Amendments to Briese amendments, AM3001)

1 1. Insert the following new section:

2 Sec. 9. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

4 2. On page 5, line 30; page 8, line 12; and page 12, line 15, after

5 "exceed" insert "fifty days for calendar year 2020 and, for each calendar

6 year thereafter, not to exceed".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Murman name added to LR373.

RECESS

At 11:54 a.m., on a motion by Senator Lowe, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Groene, Hunt, and Pansing Brooks who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 394. Introduced by Cavanaugh, 6.

PURPOSE: To study the TestNebraska program. TestNebraska is a new initiative which began in April 2020 based on a partnership between the state leaders in Nebraska and private corporations. The goal of the initiative is to dramatically increase the rate of testing for the 2019 novel coronavirus (COVID-19), an upper-respiratory tract illness, so Nebraskans would have better access to testing and help stem the spread of COVID-19 in order to return society to normal as quickly as possible.

The study should include investigation into the contract which formed the basis of the partnership, the procurement process used for purposes of the program, the exclusion of certain state resources by the program, and the lack of access to the program for vulnerable populations, including low-income, minority, medically fragile, and disability populations.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 927. [ER230](#), found in this day's Journal, was adopted.

Senator Hilgers offered the following amendment:

[AM3181](#)

(Amendments to E & R amendments, ER230)

- 1 1. On page 2, line 6, strike "General" and insert "Racing
- 2 Commission's Cash"; and strike lines 12 and 13 and insert
- 3 "GENERAL FUND \$-0-
- 4 CASH FUND \$50,628.87".

The Hilgers amendment was adopted with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB857](#):

[AM3186](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
- 4 amended to read:
- 5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
- 6 known and may be cited as the Online Notary Public Act.
- 7 Sec. 2. No otherwise valid online notarial act performed on or
- 8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
- 9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
- 10 because it was performed prior to the operative date of Laws 2019, LB186.
- 11 Sec. 3. Original section 64-401, Revised Statutes Supplement, 2019,
- 12 is repealed.
- 13 Sec. 4. Since an emergency exists, this act takes effect when
- 14 passed and approved according to law.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1525

Monday, August 3, 2020 12:00 p.m.
AM3186 to LB857

(Signed) Tom Brewer, Chairperson

General Affairs
Room 1525

Monday, August 3, 2020 8:30 a.m.
Shane Greckel - State Racing Commission

(Signed) Tom Briese, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 395.** Introduced by Blood, 3.

PURPOSE: The purpose of this interim study is to determine the benefits of requiring each committee of the Legislature to complete a study and hold a public hearing for each interim study resolution referred to the committee prior to the beginning of the following legislative session.

The study shall include, but not be limited to, an examination of the following:

(1) Whether the portion of Rule 4, Section 3(c), of the Rules of the Nebraska Unicameral Legislature, which states "...the chairperson of each committee may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for any study resolution referenced to such committee" should be replaced with "...the chairperson of each committee shall file, on a form prescribed by the Clerk in consultation with the Executive Board, a study plan for all study resolutions referenced to such committee"; and

(2) How such form should be designed to obtain more comprehensive information about the research to be completed and to ensure all interim study resolutions are given the proper time and attention.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Friesen, 34; Williams, 36.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact peer-to-peer vehicle sharing program legislation. The study should include a review of issues raised during consideration of Legislative Bill 961, One Hundred Sixth Legislature, Second Session, 2020, which, as introduced, was based on the Peer-to-Peer Car Sharing Program Model Act adopted in 2019 by the National Council of Insurance Legislators. In order to carry out the purpose of this resolution, the study committee shall seek and consider the input of interested persons and organizations as the study committee deems necessary and beneficial.

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

1. That the Transportation and Telecommunications Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with the recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to study the implementation and impact of eliminating felony disenfranchisement in Nebraska.

This study shall include, but not be limited to, an examination of the following issues:

(1) The history, process, and impact of eliminating felony disenfranchisement in Vermont and Maine;

(2) The requirements for successful implementation of voting from prison in Nebraska;

(3) The impacts on public safety, including recidivism; and

(4) The policy justification for restricting voting rights for Nebraskans convicted of a felony.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine retirement benefits for law enforcement employees in all counties, except counties containing a city of the metropolitan class, and all cities and villages, except cities of the metropolitan class. The study shall examine the average retirement benefits for such law enforcement officers and compare such average retirement benefits to the retirement benefits for law enforcement officers in other states. The study shall consider any federal policies, including, but not limited to, the federal Healthcare Enhancement for Local Public Safety Retirees Act, as included in the Pension Protection Act of 2006, and any additional contributions allowable by employees and employers to enhance law enforcement retirement benefits.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and policies of retirement systems for such law enforcement officers.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1008. [ER210](#), found on page 952, was adopted.

Senator Stinner withdrew his amendment, [AM2936](#), found on page 948.

Senator Stinner offered the following amendment:
[AM3008](#) is available in the Bill Room.

SENATOR HILGERS PRESIDING

The Stinner amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 399. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to conduct an in-depth review of how at-risk and economically disadvantaged students are identified as a qualification factor for state-funded, education-related programs at the primary, secondary, and postsecondary education levels. The study shall include, but not be limited to, an examination of the following:

(1) The use of the federal National School Lunch Program administered by the federal Department of Agriculture as a proxy to identify poverty;

(2) The impact changes in such program, specifically the implementation of the community eligibility provision and direct certification, have had on current and future student eligibility for state programs;

(3) How poverty is identified and program qualification factors are written in other states;

(4) Relevant studies and literature with a focus on the best practices for determinations of poverty for education-related funding programs; and

(5) Whether a need exists to update current state statutes to meet the legislative intent for the various funding programs in light of changes in federal policy, and, if so, what options are available for such statutory updates.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study the enrollment option program as applied across the state to ensure that it is offering equality to all Nebraska students. The issues addressed by this interim study shall include, but not be limited to:

(1) The demographics of school districts that students option into compared to the districts from which such students option out;

(2) The rate at which students are denied the ability to option into another school district based on:

(a) Full capacity in a program, class, grade level, or school building;

(b) Special education limitations; or

(c) Missed application deadlines; and

(3) Equitable state funding options for students that attend school through the enrollment option program.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study the impact of COVID-19 on the education of Nebraska's children and options available to ensure that free instruction is provided to all students. The issues addressed by this interim study shall include, but not be limited to:

- (1) Broadening options for educational opportunities;
- (2) Consequences for students and families, including, but not limited to:
 - (a) A widening of learning gaps;
 - (b) Costs and attributes related to stay-at-home efforts and remote learning; and
 - (c) Costs of alternative learning environments; and
- (3) Impacts on the educational workforce.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Cavanaugh, 6.

WHEREAS, the National Education Association, as a part of their annual Human and Civil Rights Awards program, presents the Dr. Martin Luther King, Jr., Memorial Award to an individual or organization that inspires others to champion the cause of human and civil rights by:

- (1) Initiating or engaging in activities that positively impact the educational, social, economic, or political life of the community;
- (2) Contributing to the achievement of self-determination by individuals or groups;
- (3) Displaying creativity, determination, and perseverance in achieving human and civil rights goals;
- (4) Establishing an ongoing program or institution for the improvement of human relations and civil rights; or
- (5) Exemplifying the nonviolent philosophy of Dr. King, and other nonviolent activists in the quest for improved human relations and civil rights; and

WHEREAS, the Empowerment Network based in Omaha was awarded the 2020 Dr. Martin Luther King, Jr., Memorial Award; and

WHEREAS, as a recipient of this award, Empowerment Network has consistently demonstrated the criteria to be deserving of the award; and

WHEREAS, the staff and volunteers with the Empowerment Network demonstrated perseverance and skill in achieving this remarkable honor.

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

1. That the Legislature congratulated the Empowerment Network on receiving the National Education Association's 2020 Dr. Martin Luther King, Jr., Memorial Award.

2. That a copies of this resolution be sent to the Empowerment Network and President Willie Barney.

Laid over.

LEGISLATIVE RESOLUTION 404. Introduced by Morfeld, 46; Howard, 9.

PURPOSE: The purpose of this interim study is to provide continued oversight of and updates regarding the execution and administration of medicaid expansion by the Department of Health and Human Services pursuant to Neb. Rev. Stat. §68-992.

In November 2018, the people of Nebraska voted to expand access to the medical assistance program through Initiative No. 427. On April 1, 2019, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services submitted three state plan amendments to the federal Centers for Medicaid and Medicare Services, which are necessary to implement medicaid expansion. Expanded coverage is expected to begin October 1, 2020, with enrollment beginning August 1, 2020.

The issues addressed by this interim study shall include, but not be limited to:

(1) The hiring and retention of employees tasked with determining eligibility for expanded medicaid coverage through the Heritage Health Adult program;

(2) Any challenges to beneficiaries, providers, contractors, or the department in implementing the medical assistance program;

(3) The effectiveness of educational media and programming relating to the enrollment of individuals in the medical assistance program; and

(4) Any other issues relating to expanded edicaid coverage in Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the feasibility of developing the Nebraska Juvenile Justice Information System (NJJIS), an independent, external, juvenile justice and child welfare data warehouse that will integrate current data sources from state and local agencies, for the applied purposes of research and evaluation. The purpose of the NJJIS is to answer key questions about youth at risk of entering the child welfare and juvenile justice system, along with youth involved in either system, to guide future investment in preventing involvement in both systems.

Currently, juvenile justice, child welfare, education, and law enforcement data are maintained by separate agencies, making research efforts to improve these systems limited in scope to a single agency, while lacking in uniform definition and independent evaluation.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Current gaps in data and information sharing;
- (2) Legal issues surrounding data sharing, including, but not limited to, privacy protections provided under the law by federal, state, and local governments;
- (3) Specific agency concerns and solutions for overcoming such concerns;
- (4) Data sharing memorandums of understanding that should be put into place between local and state agencies;
- (5) The process for matching youth cases across systems;
- (6) The process for releasing data for the purposes of research and evaluation; and
- (7) How data is reported and current statistics distributed in compliance with federal requirements and with sections 84-712 to 84-712.09.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Health and Human Services Committee of the Legislature that may arise during the interim.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a fifty million dollars endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska. The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund.

This study shall include:

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
- (2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and
- (3) Recommendations for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The United States Congress passed the Coronavirus Aid, Relief and Economic Security (CARES) Act that was signed into law on March 27, 2020.

The assistance provided by the CARES Act was intended to provide direct economic stimulus to individuals, families, small businesses, and industry, and provide assistance for state, local, and tribal governments affected by the COVID-19 pandemic.

A portion of these economic stimulus funds were directed to state relief and entitlement programs under the jurisdiction of the Health and Human Services Committee of the Legislature.

The issues addressed by this interim study shall include, but not be limited to:

1. How much money was distributed from the Nebraska Department of Health and Human Services' Community CARES grant program and to how many eligible grant recipients;

2. The individual communities or geographic areas of the state receiving Community CARES Act funding and how such funding was allocated geographically;

3. The types of programs funded from the Community CARES grant program, including, but not limited to, programs under the jurisdiction of the Health and Human Services Committee of the Legislature;

4. The measurable outcomes reported for programs funded by the Community CARES grant program, including how many individuals or families received assistance and the average amount of assistance received by an individual or household;

5. How other funding from the federal CARES Act that was allocated to specific Department of Health and Human Services programs was spent, including, but not limited to, the number and geographic distribution of providers or eligible recipients receiving such funds.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the drug testing protocol in the Division of Children and Family Services of the Department of Health and Human Services for families involved in the child welfare system.

This interim study shall include, but not be limited to, an examination of the following:

- (1) The experience of other states with drug testing protocols related to child welfare systems;
- (2) Drug testing for initial assessments and structured decisionmaking safety and risk assessments;
- (3) The use of a new drug testing protocol in high-risk cases and for families subject to a safety plan;
- (4) The use of substance use disorder evaluations when the structured decisionmaking assessment outcome is safe or conditionally safe;
- (5) The benefits of allowing infants and children who may have been exposed to drugs to be tested;
- (6) The current laws related to drug testing policies in the child welfare system;
- (7) The impacts of possible drug use on children after the drug testing protocol change;
- (8) The process for holding parents and guardians accountable under a safety plan or case plan; and
- (9) The efforts by the department to find a compromise solution with stakeholders regarding drug testing protocols.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to provide continued oversight of and updates regarding the contract between the Department of Health and Human Services and St. Francis Ministries for child welfare case management services in the eastern service area.

Pursuant to section 68-1212 the Department of Health and Human Services is authorized to contract with a lead agency for a case management lead agency model pilot project in the eastern service area. In June 2019, the department awarded that contract to St. Francis Ministries, replacing PromiseShip, a collaborative that had been providing services for the

previous nine years. The bid from St. Francis Ministries received lower scores but was significantly less expensive with a reduction of more than half the cost of PromiseShip's bid and more than half of what it had historically cost PromiseShip or the State of Nebraska to provide services to the children in the eastern service area. In October 2019, the timetable for the transfer of cases from PromiseShip to St. Francis Ministries was accelerated, and all cases were transferred by January 1, 2020.

The Health and Human Services Committee has continued oversight over the case management lead agency model pilot program in the eastern service area. To keep the committee informed of the progress and performance of the new lead agency contract, this interim study shall include, but not be limited to, an examination of the following:

- (1) The areas of contract oversight and performance review detailed in section 68-1212;
- (2) The caseload size for caseworkers at St. Francis Ministries and how those caseload are calculated;
- (3) The availability of appropriate foster homes and emergency short term placements in the eastern service area;
- (4) The hiring and retention of staff by St. Francis Ministries, including the qualifications for each role;
- (5) Services offered by St. Francis Ministries; and
- (6) The use of sub-contractors by St. Francis Ministries for service delivery, which entities are serving as sub-contractors, and the percentage of services being provided by St. Francis Ministries or a subsidiary of St. Francis Ministries.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to provide continued oversight of and updates regarding the response of the Department of Health and Human Services to the COVID-19 pandemic.

The issues addressed by this interim study shall include, but not be limited to, an examination of the following:

- (1) Statewide and local measures implemented to address COVID-19;
- (2) The effectiveness and availability of testing;
- (3) The hiring and retention of contact tracers;

(4) The effectiveness of waivers to the medical assistance program or other economic assistance programs implemented during the COVID-19 pandemic; and

(5) Future plans for mitigation of COVID-19 for locations or populations at high risk of outbreak, including schools, meat-packing facilities, long-term care facilities, and large scale events.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources needed to ensure a robust behavioral health service delivery system.

The study shall include, but not be limited to, and examination of the following:

(1) The current system for mental and behavioral health care and adherence to the Division of Behavioral Health Strategic Plan for 2017-2020;

(2) Mental and behavioral health programs and services administered by the Department of Health and Human Services and the behavioral health regions;

(3) Funding sources for mental and behavioral health assessment, treatment, and community support;

(4) Model policies and programs used by behavioral health groups to ensure community mental and behavioral health needs are met; and

(5) Emergency protective custody and steps the Department of Health and Human Services takes to ensure a safe and appropriate environment for individuals placed in such custody.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to continue oversight of the residential facilities for juveniles, including the youth rehabilitation and treatment centers, under the supervision of the Department of Health and Human Services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Walz, 15; Howard, 9.

PURPOSE: The purpose of this interim study is to examine issues under the jurisdiction of the Health and Human Services Committee of the Legislature related to long-term care facilities, assisted living facilities, and nursing facilities.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Clements, 2.

PURPOSE: The purpose of this resolution is to examine the state inheritance tax, its current structure, and recommendations on whether it should be amended, replaced, or repealed. As Nebraska seeks to reform its tax structure to encourage economic growth, simplification, and fairness for its residents while providing adequate funds for necessary government duties and services, it is appropriate to review the inheritance tax.

The study shall include, but not be limited to, an examination of the following:

- (1) The current structure, rates, and thresholds of the inheritance tax;

(2) The revenue generated and the ways in which it is spent throughout the state; and

(3) Recommendations on whether the inheritance tax should be amended, replaced, or repealed.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the terms used to refer to law enforcement officers in Nebraska statutes. The study shall examine:

(1) The usage of the term law enforcement officer, police officer, peace officer, sheriff, constable, and any other terms used to refer to a law enforcement officer throughout Nebraska statutes;

(2) The difference in meaning, if any, between the terms used to refer to law enforcement officers;

(3) Whether it would be beneficial to adopt consistent usage and definitions for law enforcement officers in Nebraska statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine law enforcement jurisdictions in the state and the existing policies on the use of force by law enforcement officers.

This study shall include, but not be limited to:

(1) An analysis of current use of force policies across jurisdictions to determine the most common components of these policies;

(2) An examination of current national best practices regarding use of force policies and whether Nebraska jurisdictions are adopting best practices; and

(3) Barriers law enforcement agencies may face in adopting effective use of force policies.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the categorization of criminal offenses. Currently, discussion and debate about criminal laws often include terms such as drug related crimes or violent crimes, of which there are not consistent definitions within Nebraska statutes. Nebraska's classification of crimes into misdemeanors and felonies does not serve as a viable proxy for these terms. For instance, some misdemeanors may be seen as more serious than some felonies.

This study shall include, but not be limited to, an examination of the following:

(1) Whether the criminal offenses in Nebraska can be categorized into drug-related and non-drug-related within the existing classification system;

(2) Whether the criminal offenses in Nebraska can be categorized into violent and nonviolent offenses within the existing classification system; and

(3) Whether any other potential categorization would be necessary or helpful in drafting future legislation relating to criminal justice issues.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the various age requirements in the Nebraska statutes related to minors and the age of majority.

The study shall include, but not be limited to, an examination of the following:

- (1) Age requirements related to receiving state services;
- (2) Age requirements related to juvenile court and criminal proceedings;
- (3) Age requirements related to consent for medical care;
- (4) Age requirements related to consent for contracts;
- (5) Any other related age requirements in statute; and
- (6) Potential advantages and disadvantages of adopting consistent ages throughout Nebraska statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Howard, 9; Lathrop, 12.

PURPOSE: The purpose of this interim study is to study the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including, specifically, for youth committed to the youth rehabilitation and treatment centers. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems.

The issues addressed by this interim study shall include, but not be limited to:

- (1) An action plan for reducing racial and ethnic disproportionality in the foster care and juvenile justice systems that includes input from a diverse group of community members of color, including, but not limited to, Nebraska's four federally recognized Indian tribes, and others whose lives have been affected by the foster care and juvenile justice systems;
- (2) The need for a formal body, such as a subcommittee of the Nebraska Children's Commission, or a task force, to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;
- (3) Current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;
- (4) The need for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Specific procedures that may be contributing to the current disproportionality;

(6) Racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Potential model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 421. Introduced by Lathrop, 12; Howard, 9.

PURPOSE: The purpose of this interim study is to study the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including, specifically, for youth committed to the youth rehabilitation and treatment centers. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems.

The issues addressed by this interim study shall include, but not be limited to:

(1) An action plan for reducing racial and ethnic disproportionality in the foster care and juvenile justice systems that includes input from a diverse group of community members of color, including, but not limited to, Nebraska's four federally recognized Indian tribes, and others whose lives have been affected by the foster care and juvenile justice systems;

(2) The need for a formal body, such as a subcommittee of the Nebraska Children's Commission, or a task force, to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;

(3) Current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;

(4) The need for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Specific procedures that may be contributing to the current disproportionality;

(6) Racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Potential model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Arch, 14.

PURPOSE: The purpose of this resolution is to examine the modifications made to child welfare policies and practices during the COVID-19 pandemic of 2020 and the practices and regulations that have been adjusted in order to effectively maintain the physical safety of workers, children, families, and others, while meeting the unique needs of children and families during the crisis.

The study shall examine the aspects of emergency policy and practice changes relating to child welfare that evolved during the crisis, including, but not limited to, the following:

(1) The types of child welfare services that have been delivered through virtual means;

(2) The costs of telehealth and other virtual services in the child welfare system and the reimbursement structure for services through the Nebraska medicaid program, private insurance plans, and federal child welfare funding streams;

(3) The utilization of telehealth services and other virtual services during the pandemic compared to previous years and the anticipated utilization in future years; and

(4) The electronic technology utilized in the delivery of telehealth and other child welfare services and the ability to protect child and family privacy, maintain progress toward permanency, and provide for child-caregiver bonding.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Vargas, 7; Kolterman, 24.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of the pay plan and salary grade ranges for legislative employees and to make recommendations that will modernize current policies and practices.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Vargas, 7; Cavanaugh, 6; Howard, 9.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of maternal and child mortality and make recommendations that will improve the quality of care in Nebraska for mothers and babies. The study shall include, but not be limited to, an examination of the following:

- (1) National best practices relating to maternal and child mortality;
- (2) Recent legislative action, policy initiatives, and recommendations addressing maternal and child mortality;
- (3) Potential reporting improvements that could lead to a more complete understanding of rates and causes of maternal mortality;
- (4) Racial, economic, and geographic disparities that exist in maternal and child mortality;
- (5) Potential reporting improvements for major morbidities of pregnancy;
- (6) Possible improvements to the data included on birth and death certificates of mothers and babies; and
- (7) The current organizational infrastructure that exists to address maternal and child mortality and additional resources may be needed.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Hilkemann, 4.

PURPOSE: The purpose of this interim study is to:

(1) Examine the administrative costs of local systems and school districts, including, but not limited to, the definition of what constitutes an administrative cost and the portion of total authorized expenditures that are budgeted for such costs;

(2) Investigate methods for reducing such costs; and

(3) Investigate methods for consolidating administrative costs of school districts.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Hilkemann, 4; Bolz, 29; Hansen, B., 16.

WHEREAS, Dr. Scott Nelson was elected as the president of the American College of Foot and Ankle Surgeons in February, 2020; and

WHEREAS, the American College of Foot and Ankle Surgeons is a professional society of more than 7,600 foot and ankle surgeons; and

WHEREAS, the American College of Foot and Ankle Surgeons seeks to promote the art and science of foot, ankle, and related lower extremity surgery to ensure superb patient care and to advance and improve standards of education and surgical skill; and

WHEREAS, Dr. Nelson is a Nebraska native who grew up in Blair; and

WHEREAS, Dr. Nelson received a Bachelor of Science degree from Nebraska Wesleyan University and a Doctor of Podiatric Medicine degree from Des Moines University; and

WHEREAS, Dr. Nelson is married to Jenny Nelson and the couple has three boys, Jake, Alex, and Reid; and

WHEREAS, Dr. Nelson is a journal article reviewer for The Journal of Foot and Ankle Surgery as well as the Journal of the American Podiatric Medical Association; and

WHEREAS, Dr. Nelson serves on the Board of Podiatry for the State of Nebraska.

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

1. That the Legislature congratulates Dr. Scott Nelson on being elected as the president of the American College of Foot and Ankle Surgeons and thanks him for his service to the state.

2. That a copy of this resolution be sent to Dr. Scott Nelson and the American College of Foot and Ankle Surgeons.

Laid over.

LEGISLATIVE RESOLUTION 427. Introduced by Wishart, 27; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the issue of reentry housing utilized by people exiting the Nebraska Department of Correctional Services and requiring post-release supervision.

The study shall include, but not be limited to, an examination of the following:

(1) Whether state licensing is necessary to ensure the safety of residents and the surrounding community; and

(2) Whether facilities use evidence-based plans for programming and what standards are set to support the residents transitioning to independence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers.

The study shall include, but not be limited to:

(1) Research by the study committee on the development of minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers;

(2) Development of goals and guidance for the study committee to develop minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers; and

(3) Research on partner organizations to work in cooperation to develop minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1064:

AM3161

1 1. Strike original sections 3 and 7 and insert the following new
2 sections:

3 Sec. 3. Section 28-1419, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-1419. (1) Whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,
7 electronic nicotine delivery systems, or alternative nicotine products,
8 to any person under ~~twenty-one~~ ~~nineteen~~ years of age, is guilty of a
9 Class III misdemeanor for each offense.

10 (2)(a) In order to further the public policy of deterring licensees
11 or other persons from violating subsection (1) of this section, a person
12 who is at least fifteen years of age but under twenty-one years of age
13 may assist a peace officer in determining compliance with such subsection
14 if:

15 (i) The parent or legal guardian of the person has given written
16 consent for the person to participate in such compliance check if such
17 person is under nineteen years of age;

18 (ii) The person is an employee, a volunteer, or an intern with a
19 state or local law enforcement agency;

20 (iii) The person is acting within the scope of his or her assigned
21 duties as part of a law enforcement investigation;

22 (iv) The person does not use or consume a tobacco product as part of
23 such duties; and

24 (v) The person is not actively assigned to a diversion program, is
25 not a party to a pending criminal proceeding or a proceeding pending
26 under the Nebraska Juvenile Code, and is not on probation.

27 (b) Any person under the age of twenty-one years acting in
1 accordance with and under the authority of this subsection shall not be
2 in violation of section 28-1427.

3 Sec. 7. Section 28-1427, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-1427. Except as provided in subsection (2) of section 28-1419,
6 any Any person under the age of ~~twenty-one~~ ~~nineteen~~ years who obtains

7 cigars, tobacco, cigarettes, cigarette material, electronic nicotine
 8 delivery systems, or alternative nicotine products from a licensee by
 9 representing that he or she is of the age of ~~twenty-one~~ ~~nineteen~~ years or
 10 over is guilty of a Class V misdemeanor.

Senator Bostelman filed the following amendment to LB632:

AM3183

(Amendments to E&R amendments, ER220)

1 1. On page 10, line 16, strike "December 31, 2021" and insert "July
 2 1, 2022".

SELECT FILE

LEGISLATIVE BILL 1008. Senator Cavanaugh offered the following amendment:

AM3205

(Amendments to AM3008)

1 1. Insert the following new sections:
 2 Sec. 69. Laws 2019, LB294, section 257, is amended to read:
 3 Sec. 257. FEDERAL FUNDS.
 4 The receipts for FY2019-20 and FY2020-21 inuring to the several
 5 Federal Funds, together with any amounts held in account by the State
 6 Treasurer on June 30, 2019, are hereby credited to each of the funds
 7 respectively. Expenditure of Federal Funds appropriated in this act shall
 8 not be limited to the amount shown.
 9 Any Federal Funds, not otherwise appropriated, any additional
 10 Federal Funds made available to the credit of the State Treasurer
 11 excluding funds made available under the provisions of the Coronavirus
 12 Aid, Relief, and Economic Security Act of 2020, section 5001, Coronavirus
 13 Relief Fund, and any amounts on hand in any such Federal Funds on June
 14 30, 2019, are hereby appropriated to the expending agency designated by
 15 the federal government or, if none is designated, to such expending
 16 agency as may be designated by the Governor.
 17 Sec. 70. There is hereby appropriated \$80,000,000 Federal Funds for
 18 FY2020-21 to the Military Department, for Program 191.
 19 Such funds shall be used for providing reimbursement for necessary
 20 COVID-19 related expenditures incurred by state agencies, including
 21 acquisition of personal protective equipment, sanitizing products, and
 22 other necessary COVID-19 medical supplies and equipment, COVID-19 medical
 23 leave, telework capabilities, expenses for sanitizing public areas, and
 24 temporary emergency staffing and overtime costs for staff that is
 25 substantially dedicated to the mitigation or response to the COVID-19
 26 public health emergency.
 1 Sec. 71. There is hereby appropriated \$100,000,000 Federal Funds for
 2 FY2020-21 to the Military Department, for Program 191.
 3 Such funds may be used for providing reimbursement for necessary
 4 COVID-19 related expenditures incurred by counties, cities, villages, and
 5 utility districts, including acquisition of personal protective
 6 equipment, sanitizing products, and other necessary COVID-19 medical
 7 supplies and equipment, COVID-19 medical leave, telework capabilities,
 8 expenses for sanitizing public areas, temporary emergency staffing and
 9 overtime costs for staff substantially dedicated to the mitigation or
 10 response to the COVID-19 public health emergency, medical transportation,
 11 and temporary isolation or quarantine sites. For purposes of payroll
 12 costs for public health and public safety employees for services
 13 dedicated to mitigating or responding to the COVID-19 public health
 14 emergency, no presumption is permitted.
 15 Douglas County and local political subdivisions within Douglas
 16 County, excluding the city of Omaha, are ineligible to receive
 17 reimbursement pursuant to this program. In order for any county

18 government to receive funds, the county courthouse and county offices
19 must have been open for business to the public on a non-appointment basis
20 by June 15, 2020.

21 Sec. 72. There is hereby appropriated \$216,300,000 Federal Funds for
22 FY2020-21 to the Department of Health and Human Services, for Program
23 800.

24 Such funds shall be used to provide qualifying organizations awards
25 or reimbursements to support existing services and programs that have
26 been strained during the COVID-19 public health emergency. Preference
27 shall be given to those organizations and programs that (1) work in
28 underserved or low-income communities; (2) provide critical services
29 during health, economic, and environmental emergencies; and (3) have
30 difficulty accessing other funding. In addition such funds shall be used
31 to assist low-income individuals and families in need during the COVID-19
1 public health emergency.

2 There is included in the appropriation to this program for FY2020-21
3 \$40,000,000 Federal Funds for stabilization grants for charitable
4 organizations and providers to cover operating expenses related to
5 COVID-19, which shall only be used for such purpose.

6 There is included in the appropriation to this program for FY2020-21
7 \$43,000,000 Federal Funds for response and recovery grants for charitable
8 organizations and providers to help children, families, and communities
9 respond to and recover from the impact of COVID-19, which shall only be
10 used for such purpose.

11 There is included in the appropriation to this program for FY2020-21
12 \$2,000,000 Federal Funds for grants for child care providers and centers
13 of worship to assist facilities with the purchase of personal protective
14 equipment and cleaning supplies, which shall only be used for such
15 purpose.

16 There is included in the appropriation to this program \$30,000,000
17 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
18 Security Act (Public Law 116-136) for FY2020-21 to the Department of
19 Health and Human Services. It is the intent of the Legislature to create
20 a grant program to increase child care capacity for school-age children
21 through age thirteen who are not in school full-time and to support
22 extended learning opportunities where before-school and after-school
23 child care opportunities are limited as a result of the coronavirus
24 emergency in the State of Nebraska in accordance with federal law.
25 Priority shall be given to programs that serve a majority of children
26 eligible for free or reduced-price meal programs.

27 There is included in the appropriation to this program \$30,000,000
28 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
29 Security Act (Public Law 116-136) for FY2020-21 to the Department of
30 Health and Human Services. It is the intent of the Legislature that the
31 funds be used for housing stabilization as a response to the coronavirus
1 emergency in the State of Nebraska in accordance with federal law. The
2 department shall use such appropriation to distribute funds for housing
3 assistance in a manner to be determined by the department, to households
4 at or below two hundred percent of the federal poverty level. Funds shall
5 be used to promote housing stability, prevent homelessness, and support
6 public health measures, including, but not limited to:

7 (1) Tenant-based rental assistance;

8 (2) Utility assistance;

9 (3) Rapid rehousing;

10 (4) Street outreach;

11 (5) Emergency homeless services;

12 (6) Legal assistance; and

13 (7) Administrative or staffing costs associated with increased
14 demand for services.

15 There is included in the appropriation to this program \$6,100,000

16 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
17 Security Act (Public Law 116-136) for FY2020-21 to the Department of
18 Health and Human Services. It is the intent of the Legislature to provide
19 an additional, one-time five-hundred-dollar payment to each child
20 eligible for the Aid to Dependent Children program on September 1, 2020,
21 as a response to the coronavirus emergency in the State of Nebraska in
22 accordance with federal law.
23 There is included in the appropriation to this program \$28,200,000
24 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
25 Security Act (Public Law 116-136) for FY2020-21 to the Department of
26 Health and Human Services. It is the intent of the Legislature to
27 administer a program to provide a one-time five-hundred-dollar payment to
28 Nebraska families with a demonstrated loss of fifty percent or more in
29 total household income for two weeks or more since March 13, 2020, up to
30 one hundred eighty-five percent of the federal poverty level who are not
31 otherwise eligible for the Aid to Dependent Children program through
1 December 31, 2020, as a response to the coronavirus emergency in the
2 State of Nebraska in accordance with federal law.
3 There is included in the appropriation to this program \$10,000,000
4 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
5 Security Act (Public Law 116-336) for FY2020-21 to the Department of
6 Health and Human Services. It is the intent of the Legislature to provide
7 temporary food assistance to households at or below two hundred percent
8 of the federal poverty level, who are ineligible for the Supplemental
9 Nutrition Assistance Program due to exceeding income limits. Household
10 eligibility for such assistance, other than the higher income limit
11 herein, shall follow Supplemental Nutrition Assistance Program rules and
12 shall be administered in the same manner, including, but not limited to,
13 utilization of electronic benefit transfer cards.
14 There is included in the appropriation to this program \$25,000,000
15 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
16 Security Act (Public Law 116-136) for FY2020-21 to the Department of
17 Health and Human Services. It is the intent of the Legislature to provide
18 temporary child care subsidies to households at or below two hundred
19 percent of the federal poverty level, who are ineligible for the child
20 care subsidy program established under section 68-1206, due to exceeding
21 the income limit. Household eligibility for such assistance, other than
22 the higher income limit, shall follow the rules of the child care subsidy
23 program established under section 68-1206 and shall be administered in
24 the same manner. When a household's eligibility period ends, the
25 household shall continue to be eligible for transitional child care
26 assistance if the family's income is below two hundred fifty percent of
27 the federal poverty level.
28 There is included in the appropriation to this program \$2,000,000
29 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
30 Security Act (Public Law 116-136) for FY2020-21 to the Department of
31 Health and Human Services. It is the intent of the Legislature that cost-
1 sharing requirements be temporarily waived for recipient families in the
2 child care subsidy program through December 31, 2020, as a response to
3 the coronavirus emergency in the State of Nebraska in accordance with
4 federal law.
5 Sec. 73. There is hereby appropriated \$392,000,000 Federal Funds for
6 FY2020-21 to the Department of Economic Development, for Program 801.
7 There is included in the appropriation to this program for FY2020-21
8 \$230,000,000 Federal Funds for grants to small businesses with seventy-
9 five or fewer employees who have been severely impacted by COVID-19
10 related closures, occupancy restrictions, and the overall loss of
11 consumer traffic, which shall only be used for such purpose. Such grants
12 shall not exceed twelve thousand dollars per applicant.
13 There is included in the appropriation to this program for FY2020-21

14 \$100,000,000 Federal Funds for grants to livestock producers, including
 15 beef, pork, poultry, dairy, and sheep and goat producers, negatively
 16 impacted by COVID-19, which shall only be used for such purpose. Such
 17 grants shall not exceed twelve thousand dollars per applicant.
 18 There is included in the appropriation to this program for FY2020-21
 19 \$1,000,000 Federal Funds for business leadership training by businesses
 20 with fewer than five hundred employees negatively impacted by COVID-19,
 21 which shall only be used for such purpose.
 22 There is included in the appropriation to this program for FY2020-21
 23 \$40,000,000 Federal Funds for high-speed broadband Internet access to
 24 those who have been directly impacted by COVID-19, including communities
 25 or households lacking broadband Internet access, as defined by the
 26 Federal Communications Commission standard of 25/3 Mbps download/upload
 27 speeds, thus impacting the ability to work from home, participate in
 28 online learning, or access healthcare via telehealth, which shall only be
 29 used for such purpose.
 30 There is included in the appropriation to this program for FY2020-21
 31 \$16,000,000 Federal Funds for community college workforce training
 1 programs, including administration expenses, and college scholarships to
 2 unemployed and underemployed individuals negatively impacted by COVID-19,
 3 which shall only be used for such purpose. Twenty percent of the total
 4 appropriation shall be allocated to the community colleges based upon the
 5 percentage of unemployed persons in the community college area.
 6 There is included in the appropriation to this program for FY2020-21
 7 \$5,000,000 Federal Funds for administration by the Department of Economic
 8 Development of the programs listed in this section, which shall only be
 9 used for such purpose.
 10 Sec. 74. The State Treasurer shall transfer \$167,000,000 from the
 11 Governors Emergency Federal COVID-19 Relief Fund to the State
 12 Unemployment Insurance Trust Fund on or before December 31, 2020.
 13 2. On page 58, line 20, strike "and 244" and insert "244, and 257".
 14 3. Renumber the remaining sections accordingly.

SENATOR LINDSTROM PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1525

Monday, August 3, 2020 8:30 a.m.
Shelby Bakenhus - State Racing Commission

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB1009:
[AM3120](#)

(Amendments to Standing Committee amendments, AM2738)

1 1. Insert the following new section:
 2 Sec. 6. Section 81-829.33, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 81-829.33 The Governor's Emergency Cash Fund is created. The fund
 5 shall consist of federal reimbursements received by the state for

- 6 eligible state administrative costs incurred by the Nebraska Emergency
 7 Management Agency for administering federal emergency disaster
 8 declarations and revenue from all other nonfederal government sources.
 9 Except as provided in section 90-270, the fund shall be used to pay
 10 eligible costs related to state emergency disaster declarations. The fund
 11 shall be administered by the State Administrator of the Nebraska
 12 Emergency Management Agency. Any money in the fund available for
 13 investment shall be invested by the state investment officer pursuant to
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
 15 Investment Act.
 16 Transfers may be made from the Governor's Emergency Cash Fund to the
 17 Cash Reserve Fund at the direction of the Legislature through June 30,
 18 2021. The State Treasurer shall transfer sixty million dollars from the
 19 Governor's Emergency Cash Fund to the Cash Reserve Fund between the
 20 effective date of this act and June 30, 2021, on such dates and in such
 21 amounts as directed by the budget administrator of the budget division of
 22 the Department of Administrative Services.
 23 2. On page 1, line 5, strike "June 30, 2020" and insert "September
 24 15, 2020".
 25 3. On page 5, line 3, strike "2020" and insert "2021".
 26 4. On page 6, line 12, strike "and 61-224" and insert ", 61-224, and
 1 81-829.33".
 2 5. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB1008:
AM3185

(Amendments to AM3008)

- 1 1. Strike sections 19, 24, 25, 34, 37, 46, 59, and 67.
 2 2. On page 7, in lines 10 and 11 strike "12,362,347" and insert
 3 "8,632,198"; and strike lines 12 through 16.
 4 3. On page 19, line 17, strike "145,782,020" and insert
 5 "145,693,093"; in line 21 strike "488,989,103" and insert "488,900,176";
 6 and in line 22 strike "166,258,216" and insert "166,204,143".
 7 4. On page 20, strike lines 10 through 14.
 8 5. On page 25, line 5, strike "23,778,754" and insert "19,638,505";
 9 and in line 10 strike "124,763,228" and insert "120,622,979"; and in line
 10 18 strike "\$23,778,754" and insert "\$19,638,505".
 11 6. On page 32, line 22, strike "172,174,830" and insert
 12 "171,924,830"; and in line 26 strike "207,120,423" and insert
 13 "206,870,423".
 14 7. On page 33, line 5, strike "\$172,174,830" and insert
 15 "\$171,924,830".
 16 8. On page 40, in lines 28 and 29 strike "616,435,633" and insert
 17 "615,935,633".
 18 9. On page 42, strike lines 3 through 7.
 19 10. On page 48, line 18, strike "969,005" and insert "739,005"; in
 20 line 19 strike "27,454,611" and insert "17,454,611"; and in line 23
 21 strike "52,219,944" and insert "41,989,944".
 22 11. On page 49, line 1, strike "\$700,000" and insert "\$470,000" and
 23 strike "\$26,563,965" and insert "\$16,563,965"; and in line 7 strike
 24 "\$700,000" and insert "\$470,000".
 25 12. On page 52, in lines 25 and 26 strike "103,558,339" and insert
 26 "102,558,339".
 1 13. On page 53, strike the new matter in lines 1 through 22.
 2 14. Renumber the remaining sections accordingly.

Senator Morfeld filed the following amendment to LB1008:

AM3196

(Amendments to AM3008)

- 1 1. On page 26, strike lines 29 and 30, show the old matter as
 2 stricken, and insert:
 3 "FEDERAL FUND est. 112,235,004 137,235,004
 4 PROGRAM TOTAL 207,404,332 229,515,459".
 5 2. On page 27, line 9, strike "\$112,235,004", show as stricken, and
 6 insert "\$137,235,004"; and after line 25 insert the following:
 7 "There is included in the appropriation to this program \$25,000,000
 8 from the federal Coronavirus Relief Funds as provided in the Coronavirus
 9 Aid, Relief, and Economic Security Act (Public Law 116-136) to the
 10 Department of Health and Human Services. It is the intent of the
 11 Legislature for such funds to be used for rental assistance for
 12 individuals and families in need due to the public health emergency.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 429. Introduced by DeBoer, 10.

PURPOSE: The purpose of this study is to examine matters related to mapping broadband coverage throughout Nebraska. This interim study shall include, but not be limited to, an examination of the following:

- (1) Current best practices for mapping broadband coverage utilized in Nebraska and in other states;
- (2) The accuracy of current broadband data maps in determining broadband conditions and coverage in Nebraska;
- (3) The information collected by the Federal Communications Commission (FCC) on Form 477 and the accuracy of that information in demonstrating service availability;
- (4) Possible changes to current broadband coverage mapping techniques to develop more accurate broadband coverage maps, specifically in rural Nebraska;
- (5) The inclusion in mapping of household level data and Internet speeds that do not consistently meet federal standards; and
- (6) An analysis of whether proposed changes by the FCC to provide more accurate data will be sufficient to determine whether coverage in Nebraska census tracts and households will be accurately accounted for in the determination of broadband speeds available for those users.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study issues related to property and casualty insurance. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1089. Placed on General File with amendment.AM3176

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-729, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-729 (1) The Legislature recognizes the importance of assuring
6 that all persons who graduate from Nebraska high schools possess certain
7 minimum levels of knowledge, skills, and understanding.
8 (2) Beginning in school year 1987-88, each high school student shall
9 complete a minimum of two hundred high school credit hours prior to
10 graduation. At least eighty percent of such credit hours shall be core
11 curriculum courses prescribed by the State Board of Education.
12 (3)(a) Beginning with the 2021-22 school year, each public high
13 school student shall complete and submit to the United States Department
14 of Education a Free Application for Federal Student Aid prior to
15 graduating from such high school except as otherwise provided in this
16 subsection.
17 (b) A public high school student shall not be required to comply
18 with subdivision (3)(a) of this section if:
19 (i) A parent or legal guardian of or a person standing in loco
20 parentis to such student submits a signed form indicating that such
21 parent, legal guardian, or person standing in loco parentis authorizes
22 such student to decline to complete and submit a Free Application for
23 Federal Student Aid; or
24 (ii) The school principal or the school principal's designee
25 authorizes the student to decline to complete and submit a Free
26 Application for Federal Student Aid for good cause as determined by the
27 school principal or the school principal's designee.
1 (c) The Commissioner of Education shall create and adopt a form to
2 be used by each public high school for purposes of subdivision (3)(b) of
3 this section. Such form shall be made available:
4 (i) By each public high school to students, parents and legal

5 guardians of students, and persons standing in loco parentis to students;
6 and

7 (ii) In English, Spanish, and any other language spoken by a
8 majority of the students enrolled in any English learner program at such
9 public high school.

10 (d) A student may sign and submit a Free Application for Federal
11 Student Aid on the student's own behalf if such student is nineteen years
12 of age or older or such student is an emancipated minor.

13 (e) The school principal or the school principal's designee of each
14 public high school shall provide such compliance information to the
15 school district or governing authority for such public high school and to
16 the State Department of Education without disclosing, for any student who
17 has complied with the requirements of this subsection, personally
18 identifiable information distinguishing whether such compliance was
19 pursuant to subdivision (3)(a) of this section or subdivision (3)(b) of
20 this section. Such school principal or school principal's designee shall
21 provide separately the aggregate number of students who have not complied
22 with this subsection, who complied pursuant to subdivision (3)(a) of this
23 section, and who complied pursuant to subdivision (3)(b) of this section,
24 unless otherwise prohibited by federal or state law regarding the
25 confidentiality of student educational information.

26 (f) On or before December 31, 2022, and on or before December 31 of
27 each year thereafter, the Commission of Education shall electronically
28 submit a report with the information received by the State Department of
29 Education pursuant to subdivision (3)(e) of this section to the Clerk of
30 the Legislature.

31 (4) The State Board of Education may establish recommended statewide
1 graduation guidelines. This section does not prohibit the governing board
2 of any high school from prescribing specific graduation guidelines as
3 long as such guidelines do not conflict with this section.

4 (5) This section does not apply to high school students whose
5 individualized education plans prescribe a different course of
6 instruction. ~~This section does not prohibit the governing board of any~~
7 ~~high school from prescribing specific graduation guidelines as long as~~
8 ~~such guidelines do not conflict with this section.~~

9 (6) For purposes of this section, high school means grades nine
10 through twelve and credit hour shall be defined by appropriate rules and
11 regulations of the State Board of Education but shall not be less than
12 the amount of credit given for successful completion of a course which
13 meets at least one period per week for at least one semester.

14 (7) The State Department of Education shall adopt and promulgate
15 rules and regulations as necessary to implement this section. Such rules
16 and regulations shall include, but not be limited to:

17 (a) A timeline for the distribution of the Free Application for
18 Federal Student Aid and the form adopted under subdivision (3)(c) of this
19 section by public high schools and for the submission of the Free
20 Application for Federal Student Aid and the form adopted under
21 subdivision (3)(c) of this section by students;

22 (b) Standards regarding the information that a public high school
23 must provide to students regarding:

24 (i) Instructions for filling out the Free Application for Federal
25 Student Aid;

26 (ii) The options available to a student under subdivision (3)(b) of
27 this section if a student wishes to decline to complete and submit a Free
28 Application for Federal Student Aid; and

29 (iii) The method by which a student shall provide proof to the
30 public high school that such student has completed and submitted the Free
31 Application for Federal Student Aid or the form adopted under subdivision
1 (3)(c) of this section; and

2 (c) A requirement for each public high school to report the number

3 of students who completed and submitted a Free Application for Federal
4 Student Aid and the number of students who instead submitted the form
5 adopted under subdivision (3)(c) of this section.
6 Sec. 2. Original section 79-729, Reissue Revised Statutes of
7 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB632:
[AM3153](#)

(Amendments to E & R amendments, ER220)

- 1 1. Strike sections 2, 3, 4, 5, and 6.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB881.
Senator M. Hansen name added to LB966.
Senator Brewer name added to LB992.
Senator DeBoer name added to LB1148.

ADJOURNMENT

At 4:57 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, July 28, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - JULY 28, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, July 28, 2020

PRAYER

The prayer was offered by Senator Blood.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Chambers, Pansing Brooks, and Quick who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 927. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

SELECT FILE

LEGISLATIVE BILL 1008. Senator Cavanaugh renewed her amendment, [AM3205](#), found on page 1189.

Senator Kolterman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator Cavanaugh moved for a call of the house. The motion prevailed with 32 ayes, 8 nays, and 9 not voting.

Senator Cavanaugh requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 16:

Blood	DeBoer	Kolowski	Pansing Brooks
Cavanaugh	Hansen, M.	Lathrop	Quick
Chambers	Howard	McCollister	Walz
Crawford	Hunt	Morfeld	Wayne

Voting in the negative, 28:

Albrecht	Dorn	Hansen, B.	Lindstrom	Scheer
Arch	Erdman	Hilgers	Linehan	Slama
Bostelman	Friesen	Hilkemann	Lowe	Stinner
Brandt	Geist	Hughes	McDonnell	Williams
Brewer	Gragert	Kolterman	Moser	
Clements	Groene	La Grone	Murman	

Present and not voting, 4:

Bolz	Halloran	Vargas	Wishart
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Excused and not voting, 1:

Briese

The Cavanaugh amendment lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 431. Introduced by Bostelman, 23; Clements, 2; McDonnell, 5.

WHEREAS, Mike Meyer joined the Ashland Rescue Squad in 1984 and has served Ashland in that capacity for thirty-six years; and

WHEREAS, Mike joined the Ashland Volunteer Fire Department in 1985 and has served Ashland in that capacity for thirty-five years; and

WHEREAS, Mike joined Lincoln Fire and Rescue in 1990 and served the city of Lincoln for thirty years; and

WHEREAS, Mike was a founding member of the Nebraska Task Force 1, Urban Search and Rescue Team, and has served as a Hazmat Specialist since 1993 and provided search and rescue services during large-scale

national disasters, including terrorist attacks, tornadoes, hurricanes, and other events; and

WHEREAS, Mike has volunteered to teach fire prevention to youth and conducted educational fire and rescue events to educate the public on fire safety and preventions; and

WHEREAS, throughout his career, Mike has served as a teacher and mentor to hundreds of young first responders, which in turn will save the lives of thousands of Nebraskans for years to come; and

WHEREAS, Mike Meyer recently retired from a career with Lincoln Fire and Rescue as a firefighter and Captain of Engine 10.

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

1. That the Legislature recognizes that a hero is someone who has given his or her life to something bigger than themselves.
2. That the Legislature thanks Mike Meyer for his past and continued service to Ashland, Lincoln, and Nebraska.
3. That the Legislature congratulates Mike Meyer on his retirement from Lincoln Fire and Rescue after thirty years of service to his community.
4. That a copy of this resolution be sent to Mike Meyer.

Laid over.

LEGISLATIVE RESOLUTION 432. Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the General Affairs Committee of the Legislature that may arise during the interim.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine the State Racing Commission and review occupational licenses and regulations for jockeys and horse trainers. The study shall be conducted to fulfill the requirements of section 84-948 and the Occupational Board Reform Act.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this study is to analyze housing throughout Nebraska. The Blueprint Nebraska report, Growing the Good Life (July 2019) prepared by a panel of housing experts, chronicles the status of Nebraska's housing conditions in 2019. The report indicates the state has a 30,000 to 50,000 unit deficit of affordable housing units. The report suggests that stimulating production, addressing the affordability gap, and increasing the tenure of affordability are all important steps to reduce the state's housing deficit. The study shall include, but not be limited to, the following:

(1) An analysis of how additional housing production is required to produce residences for new job seekers;

(2) A determination of ways to replace deteriorating housing stock and to replace housing damaged in flooding and natural disasters;

(3) The development of ways to speed up production in detached housing and the best use of tax credit financed residential rental housing in the lowest income quartile;

(4) A review of the state Affordable Housing Tax Credit and how it extends the utility of the federal Low-Income Housing Tax Credit in meeting housing challenges; and

(5) Recommendations to address specific housing deficits and needs in the housing infrastructure.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by Halloran, 33.

PURPOSE: The purpose of this resolution is to examine and document the economic impacts of the COVID-19 pandemic emergency on the agricultural sector of Nebraska. The study shall examine means to support

increased resiliency in the processing, distribution, and retail sectors of the food system and to avoid disruptions due to pandemic or other public health emergencies.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Walz, 15.

PURPOSE: The purpose of this study is to determine whether elementary and secondary students in Nebraska have adequate access to clean drinking water throughout the school day.

The study shall include, but not be limited to:

- (1) An identification of consensus recommendations for access to and consumption of drinking water by elementary and secondary students during the school day;
- (2) An assessment of recommendations against current practices in select school buildings across the state;
- (3) An examination of applicable building codes and other laws or regulations governing access to drinking water in school buildings;
- (4) A determination of whether building codes or other governing laws or regulations should be modified to comply with the consensus recommendations; and
- (5) The development of proposed revisions to the state building code or other governing laws or regulations to bring Nebraska's K-12 school buildings into compliance with consensus recommendations.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to review the current model of collecting revenue to build and repair roads. In Nebraska, state and local

governments rely primarily on fuel taxes to fund highway construction and repair.

As electric-powered and hybrid passenger and commercial vehicles continue to increase in market share and gasoline and diesel-powered vehicles continue to drive more miles per gallon, fewer dollars may be available for road repair and construction in the future.

Certain states have explored funding highway construction and maintenance from road charges based on the number of miles driven. Issues that need to be resolved in order for road charges to provide a dependable and reliable source of revenue include enforcement and compliance, including administrative costs, privacy, data security, equity, motor vehicle operator satisfaction, vehicle manufacturer cooperation and coordination, technology needs, and other issues.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to continue to monitor the activities of the Rural Broadband Task Force that was created by Laws 2018, LB994. The task force is charged with studying issues relating to broadband availability, quality, and affordability in rural areas and comparability to broadband services in urban areas. The task force presented initial findings and recommendations in a report to the Executive Board of the Legislative Council in 2019, and the task force continues to examine issues relating to availability, adoption, and affordability of broadband services in rural Nebraska.

In addition, the study committee shall review:

(1) Actions of the Governor and the Department of Economic Development in providing money from the federal Coronavirus Aid, Relief and Economic Security (CARES) Act for broadband development in Nebraska; and

(2) The progress of the Rural Digital Opportunity Fund (RDOF) Phase I Auction Procedures in Nebraska. The study committee shall determine whether the RDOF method that weights bids for services with faster speeds and lower latency more heavily in an auction would be appropriate for Nebraska law relating to reverse auctions.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature that may arise during the interim.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 440. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to explore existing laws, rules, and regulations related to excavation, in particular excavation regarding underground facilities, and consider policy changes which may decrease instances of excavation-related damage to underground facilities.

The study shall include, but not be limited to, an examination of the following:

(1) Existing laws, rules, regulations, and best practices related to notice of excavation, locating and marking underground facilities, excavation, notice of damage to underground facilities, and repair of underground facilities, including the provisions of the One-Call Notification Systems Act;

(2) Codification of best practices, including excavation methodologies and limitations on the scope of a single location ticket;

(3) Opportunities to increase clarity regarding the scope of an upcoming excavation in order to improve the locating and marking of underground facilities, including physically marking the scope of an excavation project;

(4) Whether the time afforded to operators to locate and mark underground facilities upon receiving notice of excavation is sufficient or whether such time should be extended; and

(5) Requirements for requesting subsequent locating and marking of underground facilities following initial notice of excavation.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1008. Senator Friesen offered his amendment, [AM3185](#), found on page 1193.

Senator Friesen asked unanimous consent to withdraw his amendment, [AM3185](#), found on page 1193, and replace it with his substitute amendment, [AM3212](#).

(Amendments to AM3008)

- 1 1. Strike sections 19, 24, 25, 34, 37, 46, 59, and 67.
- 2 2. On page 7, in lines 10 and 11 strike "[12,362,347](#)" and insert
- 3 "[8,632,198](#)"; and strike lines 12 through 16.
- 4 3. On page 19, line 17, strike "[145,782,020](#)" and insert
- 5 "[145,693,093](#)"; in line 21 strike "[488,989,103](#)" and insert "[488,900,176](#)";
- 6 and in line 22 strike "[166,258,216](#)" and insert "[166,204,143](#)".
- 7 4. On page 20, strike lines 10 through 14.
- 8 5. On page 25, line 5, strike "[23,778,754](#)" and insert "[23,527,244](#)";
- 9 in line 8, strike "[93,898,774](#)" and insert "[93,333,162](#)"; in line 10 strike
- 10 "[124,763,228](#)" and insert "[123,946,106](#)"; in line 18 strike "[23,778,754](#)"
- 11 and insert "[23,527,244](#)"; and in line 19 strike "[93,898,774](#)" and insert
- 12 "[93,333,162](#)"; and strike lines 26 through 30.
- 13 6. On page 26, strike lines 1 through 8.
- 14 7. On page 27, strike line 30.
- 15 8. On page 28, reinstate line 1; in line 3 strike "[1,708,752,389](#)"
- 16 and insert "[1,703,520,431](#)"; in line 4 strike "[2,676,854,192](#)" and insert
- 17 "[2,667,516,148](#)"; in line 16 strike the new matter and reinstate the
- 18 stricken matter; and in line 17 strike "[1,708,752,389](#)" and insert
- 19 "[1,703,520,431](#)".
- 20 9. On page 30, strike lines 6 through 22.
- 21 10. On page 32, line 22, strike "[172,174,830](#)" and insert
- 22 "[171,924,830](#)"; and in line 26 strike "[207,120,423](#)" and insert
- 23 "[206,870,423](#)".
- 24 11. On page 33, line 5, strike "[172,174,830](#)" and insert
- 25 "[171,924,830](#)".
- 26 12. On page 40, in lines 28 and 29 strike "[616,435,633](#)" and insert
- 1 "[615,935,633](#)".
- 2 13. On page 42, strike lines 3 through 7.
- 3 14. On page 48, line 18, strike "[969,005](#)" and insert "[739,005](#)"; in
- 4 line 19 strike "[27,454,611](#)" and insert "[17,454,611](#)"; and in line 23
- 5 strike "[52,219,944](#)" and insert "[41,989,944](#)".
- 6 15. On page 49, line 1, strike "[700,000](#)" and insert "[470,000](#)" and
- 7 strike "[26,563,965](#)" and insert "[16,563,965](#)"; and in line 7 strike
- 8 "[700,000](#)" and insert "[470,000](#)".
- 9 16. On page 52, in lines 25 and 26 strike "[103,558,339](#)" and insert

10 "102,558,339".

11 17. On page 53, strike the new matter in lines 1 through 22.

12 18. Renumber the remaining sections accordingly.

Senator Bolz objected.

Senator Friesen offered the following motion:

[MO192](#)

Withdraw [AM3185](#) and substitute [AM3212](#).

SENATOR LINDSTROM PRESIDING

Senator Friesen withdrew his motion, [MO192](#), to withdraw [AM3185](#) and substitute [AM3212](#).

Senator Friesen withdrew his amendment, [AM3185](#).

Senator Scheer offered the following motion:

[MO193](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Scheer motion to invoke cloture prevailed with 40 ayes, 7 nays, and 2 present and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

COMMITTEE REPORT(S) Health and Human Services

The Health and Human Services 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.

Daniel J. Rosenthal - State Board of Health

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Stephanie Beasley - Director - Division of Children and Family Services

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

April J. Dexter - Nebraska Rural Health Advisory Commission
Martin L. Fattig - Nebraska Rural Health Advisory Commission
Jessye A. Goertz - Nebraska Rural Health Advisory Commission
Benjamin R. Iske - Nebraska Rural Health Advisory Commission
Lynette Kramer - Nebraska Rural Health Advisory Commission
Sandra Torres - Nebraska Rural Health Advisory Commission

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Rui Yi - Stem Cell Research Advisory Committee

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Carolyn Petersen - Board of Emergency Medical Services

Aye: 7. Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 441. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine issues related to paid family and medical leave, access to such leave in Nebraska, the need for such leave, and the impact of such leave on workforce development.

The study shall include, but not be limited to, an examination of the following:

(1) Access to and the need for parental leave for new parents to care for and bond with a new child that has joined the family through birth, adoption, or foster care placement;

- (2) Access to and the need for caregiver leave for employees to care for a family member with a serious health condition;
- (3) Access to and the need for medical leave for employees to respond to their own serious health condition;
- (4) Access to and the need for bereavement leave for employees after the death of a family member;
- (5) Access to and the need for military family leave;
- (6) The impact a lack of access to leave has for workforce development and competition for talent in Nebraska;
- (7) The impact Nebraska's aging population has on caregiving responsibilities for the state's younger workforce, the need for leave, and the retention of millennial workers;
- (8) Gender disparities in caregiving roles and time dedicated to shared caregiving;
- (9) Racial disparities in access to leave and the impacts a lack of leave has on racial equity;
- (10) Economic disparities in access to and the need for leave policies;
- (11) Public health concerns resulting from a lack of leave policies;
- (12) The economic impacts of denying workers leave, including, but not limited to, the cost of employee turnover, lost productivity, higher costs associated with delayed medical care, and the costs of lost wages;
- (13) Public opinion and support for paid family and medical leave; and
- (14) Potential statutory changes needed to expand access to paid family and medical leave for Nebraska workers and possible avenues for such statutory change.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 442. Introduced by Vargas, 7; Wayne, 13.

WHEREAS, Nebraska's teachers, administrators, and support staff have worked tirelessly to continue to provide quality educational services to students during the spread of COVID-19; and

WHEREAS, Nebraska's teachers, administrators, and support staff have spent countless hours preparing new materials and resources; and

WHEREAS, Nebraska's teachers, administrators, and support staff have successfully worked to adjust to student needs during the spread of COVID-19; and

WHEREAS, Nebraska's teachers, administrators, and support staff have worked diligently to adjust practices for the 2020-2021 school year due to the spread of COVID-19.

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

1. That the Legislature recognizes the significant and important work being done by Nebraska's teachers, administrators, and support staff during the spread of COVID-19.

2. That the Legislature extends its appreciation to teachers, administrators, and support staff for their many hours of service and dedication to serving students in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 443. Introduced by Vargas, 7.

WHEREAS, Nebraska's doctors, nurses, and first responders have worked tirelessly to fight the spread of COVID-19; and

WHEREAS, Nebraska's doctors, nurses, and first responders have spent countless hours away from their families and homes; and

WHEREAS, Nebraska's doctors, nurses, and first responders have risked their lives to serve and protect the people of this state; and

WHEREAS, Nebraska's doctors, nurses, and first responders have provided excellent care to those who have suffered and continue to suffer with complications related to COVID-19; and

WHEREAS, Nebraska's doctors, nurses, and first responders continue to provide essential services as the virus continues to spread.

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

1. That the Legislature recognizes the hundreds of doctors and nurses in Nebraska who risk their lives to care for others during the spread of COVID-19.

2. That the Legislature recognizes the significant and important work being done by Nebraska's first responders who also risk their lives to care for others during the spread of COVID-19.

3. That the Legislature extends its appreciation to these doctors, nurses, and first responders for their many hours of service and dedication to serving the people of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 444. Introduced by Vargas, 7.

WHEREAS, the Sons of Italy hall was opened in 1926 and was forced to close due to damages resulting from a fire in 2017; and

WHEREAS, the Sons of Italy dining hall reopened in February of 2020; and

WHEREAS, the annual Santa Lucia Festival was founded in 1925 to give Italian immigrants a strong connection with their former country; and

WHEREAS, the 2020 Santa Lucia Festival has been modified to accommodate the changes necessary to protect the health and well-being of attendees during COVID-19; and

WHEREAS, the 96th Annual Santa Lucia Festival will take place on August 22 and 23, 2020.

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

1. The Legislature recognizes the cultural impact of the Santa Lucia Festival and Sons of Italy.
2. The Legislature extends congratulations on the reopening of the Sons of Italy hall and celebrates the 96th Annual Santa Lucia Festival.

Laid over.

LEGISLATIVE RESOLUTION 445. Introduced by Stinner, 48.

PURPOSE: The purpose of this interim study is to update data and review the potential impact on the state behavioral health system by expanding access to prescribing psychologists.

Nebraska has a documented shortage of adequately trained prescribers of psychotropic medication across the state. This leaves consumers of all ages underserved, with particularly adverse effects on consumers in rural areas and on children and adolescents. Clinical psychologists have the same number of years of education and doctoral level clinical experience as physicians who attend medical school, but clinical psychologists are focused on mental health diagnosis and treatment. Specially trained prescribing psychologists would also have additional post-doctoral training in prescriptive authority for psychotropic medication, including three years of physician-supervised practice and continuing competency requirements.

Prescribing psychologists that currently practice in the United States Public Health Services, Indian Health Service, and United States military have had an excellent safety record for more than 20 years. Other states have passed legislation allowing specially trained psychologists to prescribe and there is significant data on the positive effects and outcomes of adding another category of highly trained prescribers to serve constituents.

The study shall include, but not be limited to, an examination of the following:

- (1) The status of behavioral health access in the state, including the availability of prescribers, continuity of care, and integration of behavioral and physical healthcare services;
- (2) The training and education of prescribing psychologists who provide assessments, psychotherapies, and management of psychotropic medications; and
- (3) How prescribing psychologists work with other health care professionals to serve patients safely and effectively.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446. Introduced by Hughes, 44; Erdman, 47.

PURPOSE: The purpose of this interim study is to review the rulemaking process, implementation, and impact of the most recent rule and policy changes considered or implemented by the Game and Parks Commission in relation to the Lake McConaughy and Lake Ogallala state recreation areas. The study shall be completed in collaboration with the Game and Parks Commission, affected political subdivisions, local taxing authorities, local businesses, and other interested entities.

The study shall include, but not be limited to, an examination of the following:

(1) The history of public access to, and permitted recreational activities at, Lake McConaughy and Lake Ogallala;

(2) The purpose of public access to, and need for recreational use of, Lake McConaughy and Lake Ogallala, including the economic impact of recreational activities at such lakes on the City of Ogallala, Keith County, and the State of Nebraska;

(3) Compliance and enforcement of laws, rules, and regulations applicable to visitors to the Lake McConaughy and Lake Ogallala state recreation areas;

(4) The role of public input and the rulemaking process used by the Game and Parks Commission in relation to the Lake McConaughy and Lake Ogallala state recreation areas;

(5) The processes used by the Game and Parks Commission to evaluate management of the Lake McConaughy and Lake Ogallala state recreation areas and compliance with the Lake McConaughy/Lake Ogallala 2017-2037 Master Plan, the weaknesses and solutions identified following such evaluation, and the efficacy of implemented solutions, including the rules and regulations implemented for the 2020 season; and

(6) The record of collaboration and information sharing between the Game and Parks Commission, affected political subdivisions, local taxing authorities, local businesses, and other interested entities with regard to evaluating and addressing management, future planning, needed resources, and other issues affecting the Lake McConaughy and Lake Ogallala state recreation areas.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Vargas, 7.

WHEREAS, Hispanic Heritage Month was started in 1988 by President Ronald Reagan after he expanded National Hispanic Heritage Week, first signed into law by President Lyndon Johnson in 1968, into a full 30 days; and

WHEREAS, Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Costa Rica, Nicaragua, Chile, Mexico, Honduras, Guatemala, and El Salvador; and

WHEREAS, Hispanic Heritage Month is a celebration and commemoration of Latin-American history and culture honoring how Hispanic culture has enriched American society; and

WHEREAS, the Hispanic population has grown over the past several decades along with Hispanic contributions to American culture; and

WHEREAS, Hispanic individuals play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

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

1. That the Legislature designates September 15 through October 15, 2020, as Hispanic Heritage Month in the State of Nebraska.

2. That during that time, Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive for appreciation and equality year-round in order to celebrate our past and brighten our future in the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 448. Introduced by Vargas, 7; Wishart, 27.

WHEREAS, the federal Americans with Disabilities Act of 1990 was signed into law on July 26, 1990; and

WHEREAS, the Americans with Disabilities Act is a civil rights law that prohibits discrimination based on disabilities; and

WHEREAS, the Americans with Disabilities Act serves as one of our nation's most comprehensive pieces of civil rights legislation; and

WHEREAS, the Americans with Disabilities Act recognizes and guarantees that the people with disabilities will be entitled to the same opportunities as those without disabilities; and

WHEREAS, July 26, 2020, marks the 30th anniversary of the Americans with Disabilities Act.

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

1. That the Legislature recognizes the significance of the Americans with Disabilities Act.

2. That the Legislature recognizes the impact that the Americans with Disabilities Act has had on the lives of those living with disabilities in Nebraska and beyond.

3. That the Legislature recognizes the anniversary of this important piece of civil rights legislation.

Laid over.

LEGISLATIVE RESOLUTION 449. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to conduct a comprehensive interim study on systemic and institutional racism in Nebraska and make recommendations that will improve and modernize Nebraska systems and institutions and make them more equitable for Nebraskans who are biracial, interracial, and people of color.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall obtain input from the public and impacted individuals regarding the subject matter of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450. Introduced by Vargas, 7; Wishart, 27.

PURPOSE: In March 2020, as part of the response to the COVID-19 pandemic, the Governor issued Executive Order No. 20-19, dated March 26, 2020, which temporarily waived certain restrictions in the Nebraska Liquor Control Act on alcohol sales by bars and restaurants holding Class C licenses. Specifically, the executive order waives the requirement, under Neb. Rev. Stat. 53-124(6)(a)(iii), that sales of alcohol for off-premises consumption be in the original packaging only. The executive order permits alcoholic beverages to be sold by bars and restaurants so long as the beverages are in containers sealed with a lid or other method of securing the product and are not partially consumed. The purpose of this study is to examine whether the law should be amended to make permanent this temporary waiver.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 451. Introduced by Vargas, 7; Moser, 22.

WHEREAS, twenty-three thousand Nebraskans, and counting, have suffered from complications related to COVID-19; and

WHEREAS, three hundred thirteen Nebraskans, and counting, have tragically succumbed to complications related to COVID-19; and

WHEREAS, doctors, nurses, and first responders in Nebraska have risked their lives and continue to serve and protect the people of Nebraska during the spread of COVID-19; and

WHEREAS, businesses, nonprofit organizations, and service providers all across the state have been impacted by the spread of COVID-19; and

WHEREAS, Antonio Vargas, the father of Senator Tony Vargas, was diagnosed with COVID-19, spent 31 days on a ventilator in an intensive care unit, and succumbed to the virus on April 29, 2020; and

WHEREAS, Senator Mike Moser was diagnosed with COVID-19, spent five weeks admitted as a patient at the University of Nebraska Medical Center, and continues to recover from the virus.

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

1. That the Legislature recognizes and extends heartfelt sympathy to all who have been affected by COVID-19.

Laid over.

LEGISLATIVE RESOLUTION 452. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to conduct an interim study to examine career and technical education programs and opportunities. The study shall align with the state plan under the federal Strengthening Career and Technical Education for the 21st Century Act, otherwise known as Perkins V. The study shall include, but not be limited to, an examination of:

- (1) Existing efforts that align with Nebraska's workforce, economic, and educational goals;
- (2) Existing state and local partners and identification of potential new partners;
- (3) Funding models in other states that leverage federal Perkins plans; and
- (4) Approaches to leveraged funding opportunities that will strengthen career and technical education opportunities in Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 453. Introduced by Geist, 25.

PURPOSE: This study shall examine barriers to obtaining state identification that may exist for inmates in county correctional facilities who are in the process of being released or who have recently been released. The study shall also explore possible avenues for easing any such barriers to obtaining state identification, which is essential for the inmates to rejoin their communities.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1009. [ER204](#), found on page 953, was adopted.

Senator Stinner offered his amendment, [AM3120](#), found on page 1192.

Pending.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB781](#):
[AM3177](#)

(Amendments to E & R amendments, ER222)

1 1. On page 9, line 19, strike "2011", show as stricken, and insert
2 "2018".

Senator Linehan filed the following amendment to [LB518](#):
[AM3023](#)

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. (1) For purposes of this section:
4 (a) Certifying agency means a state or local law enforcement agency,
5 prosecutor, or other authority that has responsibility for the
6 investigation or prosecution of qualifying criminal activity, as
7 described in 8 C.F.R. 214.14(a)(2).
8 (b) Certifying official means the head of the certifying agency or
9 any person in a supervisory role who has been specifically designated by
10 the head of the certifying agency to issue U nonimmigrant status
11 certifications on behalf of that agency, as described in 8 C.F.R.
12 214.14(a)(3).
13 (c) Form I-914B means Form I-914, Supplement B, Declaration of Law
14 Enforcement Officer for Victim of Trafficking in Persons, of the
15 Department of Homeland Security, United States Citizenship and
16 Immigration Services;
17 (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant
18 Status Certification, of the Department of Homeland Security, United
19 States Citizenship and Immigration Services;
20 (e) Investigation or prosecution has the same meaning as in 8 C.F.R.
21 214.14;
22 (f) Law enforcement agency means a state or local law enforcement
23 agency, prosecutor, or other authority that has responsibility for the
24 investigation or prosecution of severe forms of trafficking in persons,
25 as described in 8 C.F.R. 214.11(a);
26 (g) Qualifying criminal activity has the same meaning as in 8 C.F.R.
1 214.14;
2 (h) Victim of qualifying criminal activity has the same meaning as
3 in 8 C.F.R. 214.14;
4 (i) Victim of a severe form of trafficking in persons has the same
5 meaning as in 8 C.F.R. 214.11; and
6 (j) All references to federal statutes and regulations refer to such
7 statutes and regulations as they existed on January 1, 2020.
8 (2)(a) On request from an individual whom a law enforcement agency
9 reasonably believes to be a victim of a severe form of trafficking in
10 persons, for purposes of a nonimmigrant T visa, pursuant to the criteria
11 in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (II), a law enforcement agency, no
12 later than ninety business days after receiving the request:
13 (i) Shall complete, sign, and return to the individual the Form
14 I-914B; and
15 (ii) May submit a written request to an appropriate federal law
16 enforcement officer asking such officer to file an application for
17 continued presence pursuant to 22 U.S.C. 7105(c)(3).

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

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

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

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

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

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

23 (6) A law enforcement agency, certifying agency, or certifying
 24 official has the discretion to revoke, disavow, or withdraw a previous
 25 completion of a Form I-914B or Form I-918B at any time after initial
 26 completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R.
 27 214.14(h)(2)(i)(A).

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

2 2. On page 1, strike beginning with "amend" in line 1 through
 3 "section" in line 6 and insert "to provide duties regarding federal
 4 immigration forms relating to victims of certain crimes; and to define
 5 terms".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 454. Introduced by Hansen, B., 16.

PURPOSE: The purpose of this interim study is to study and evaluate Nebraska law permitting a faculty or academic license for dentistry. This study shall examine the academic licensure of surrounding states and states

competing against Nebraska for dental faculty. The study shall include the potential impact faculty licensing could have on the practice of dentistry in Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 455. Introduced by Wishart, 27.

PURPOSE: Since 1983, it has been an incumbent duty of counties to provide, or to pay rent for, office space and service space used by the Department of Health and Human Services for the administration of public assistance programs. In recent years, efforts to remove state aid to counties and growing burdens placed on counties have created questions concerning the equity of the current payment processes. This study will examine the burden on counties with regard to these costs as well as the potential property tax relief that could be provided to the taxpayers in those few counties who are saddled with this responsibility.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 456. Introduced by Walz, 15; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the proposal by the Department of Health and Human Services for changes to Medicaid Section 1915(c) Waiver Appendix K in response to the COVID-19 pandemic and how both service providers and individuals with developmental disabilities have been impacted by the proposal. The study shall also examine the possibility of extending the flexibilities and accommodations afforded to service providers and individuals with

developmental disabilities by the Appendix K changes beyond the September 6, 2020, expiration date.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 457. Introduced by McCollister, 20.

PURPOSE: The purpose of this resolution is to study the Nebraska parole and pardons processes.

(1) With regard to the parole process, the study shall include, but not be limited to, an examination of:

(a) The current population of the Nebraska correctional system and their eligibility for parole;

(b) Programming available through the Department of Correctional Services to prepare individuals for parole;

(c) Existing constitutional, statutory, and regulatory provisions that relate to parole eligibility, release, and supervision; and

(d) Potential changes to constitutional, statutory, and regulatory provisions that would improve public safety, the conditions in Nebraska prisons, and the success of the parole system.

(2) With regard to the pardons process, the study shall include, but not be limited to, an examination of:

(a) The number and frequency of meetings held by the Board of Pardons and the notice provided for such meetings;

(b) The clarity of requirements for pardon requests and the consideration given to each individual application;

(c) National best practices for the entities in each state responsible for pardons and how the practices of the Board of Pardons align with such best practices;

(d) The national average for the length of time that must elapse for a pardon to be considered;

(e) Standards for the web site for the Board of Pardons to clearly state the dual obligation of the state to prosecute wrong doing and provide restorative justice to those who demonstrate meaningful progress toward rehabilitation; and

(f) The necessity for an annual report to the legislative and judicial branches of state government and to the public.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 458. Introduced by Vargas, 7.

WHEREAS, the 2020 Heartland Pride Parade and Festival was canceled due to the spread of COVID-19; and

WHEREAS, the 100th Anniversary of Omaha Cinco de Mayo was postponed due to the spread of COVID-19; and

WHEREAS, the 2020 Annual Ancient Order of Hibernians (AOH) St. Patrick's Day Parade was canceled due to the spread of COVID-19; and

WHEREAS, the 2020 College World Series was canceled due to the spread of COVID-19; and

WHEREAS, the 2020 Omaha Summer Arts Festival was canceled due to the spread of COVID-19; and

WHEREAS, many other community events, festivals, and parades across the state were canceled, postponed, or otherwise affected by the spread of COVID-19.

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

1. That the Legislature recognizes the cultural significance of these events to the State of Nebraska.
2. That the Legislature extends its gratitude to the organizers and supporters of these community events and looks forward to rescheduled dates.
3. That a copy of this resolution shall be sent to the Heartland Pride Parade and Festival, Omaha Cinco de Mayo, NCAA Baseball, and Omaha Summer Arts Festival.

Laid over.

LEGISLATIVE RESOLUTION 459. Introduced by Vargas, 7.

PURPOSE: The purpose of this interim study is to review the effects of COVID-19 on the safety of workers in Nebraska. The purpose of this study is to review how COVID-19 changes the workplace safety conditions for employees especially those working in environments that are high density or otherwise highly risky for exposure to COVID-19.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Availability of personal protective equipment and maintenance of social distancing for workers;
- (2) Issues specific to the meatpacking industry where COVID-19 outbreaks occurred and an examination of section 48-2213, which established the meatpacking industry worker rights coordinator;

(3) Appropriate data practices for employers when employees are sick, including, but not limited to, transparency with infection rates and data distributed to workers and public health professionals;

(4) A review of best practices for worker retention and sick leave policies during a global health emergency; and

(5) Any changes to employment law necessary to mitigate disease transmission and protect workers and the public.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Crawford name added to LR373.

RECESS

At 11:53 a.m., on a motion by Senator M. Hansen., the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Chambers, B. Hansen, Hilgers, Hilkemann, and Morfeld who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1009. The Stinner amendment, [AM3120](#), found on page 1192 and considered in this day's Journal, was renewed.

The Stinner amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following motion:

[MO194](#)

Recommit to the Appropriations Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

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

Present and not voting, 2:

Cavanaugh Wayne

Excused and not voting, 1:

Lowe

The Wayne motion to recommit to committee failed with 1 aye, 45 nays, 2 present and not voting, and 1 excused and not voting.

Senator Scheer offered the following motion:

[MO197](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

The Scheer motion to invoke cloture prevailed with 43 ayes, 4 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 910. [ER229](#), found on page 1137, was adopted.

Senator Chambers offered the following amendment:

[FA121](#)

Amend E & R amendments

Page 1, line 3 strike "telephone" and insert "carrier pigeon".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

[FA122](#)

Page 3, strike and show as stricken lines 1-31, and page 4, line 1 strike "Investment Act".

SENATOR HILGERS PRESIDING

The Chambers amendment lost with 1 aye, 24 nays, and 24 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1052. [ER224](#), found on page 1137, was adopted.

Senator Chambers offered the following motion:

[MO198](#)

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1124. [ER219](#), found on page 1137, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 923. Senator Wayne offered the following amendment:

[AM3210](#)

1 1. On page 3, line 21, after "facilities" insert "that are used
2 exclusively for the transmission of power and that are".

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 6 nays, and 20 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Brewer Wayne

Voting in the negative, 38:

Albrecht	Dorn	Hilkemann	Linehan	Slama
Arch	Erdman	Howard	Lowe	Stinner
Blood	Friesen	Hughes	McCollister	Vargas
Bostelman	Geist	Hunt	McDonnell	Walz
Brandt	Gragert	Kolterman	Moser	Williams
Briese	Groene	La Grone	Murman	Wishart
Clements	Halloran	Lathrop	Quick	
Crawford	Hansen, B.	Lindstrom	Scheer	

Present and not voting, 8:

Cavanaugh	DeBoer	Hilgers	Morfeld
Chambers	Hansen, M.	Kolowski	Pansing Brooks

Excused and not voting, 1:

Bolz

The Wayne amendment lost with 2 ayes, 38 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 1008. Placed on Final Reading.

[ST65](#)

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

1. In the E & R amendments, ER210, on page 2, line 2, "Laws 2019, LB296, section 7," has been inserted after "244,".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 1053. Placed on Select File with amendment.

[ER236](#)

1 1. In the Standing Committee amendments, AM2806, on page 12, line 1,

2 strike "judgement" and insert "judgment".

3 2. On page 1, strike beginning with "Medical" in line 1 through line

4 4 and insert "public health and welfare; to amend sections 71-401,

5 71-403, 71-404, 71-413, 71-415, 71-416, 71-417, 71-436, 71-2085, 71-2086,

6 71-2087, 71-2092, 71-2093, 71-2094, and 71-6720, Reissue Revised Statutes

7 of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to

8 require adoption of rules and regulations for certain reimbursement rates
 9 under the Medical Assistance Act; to define and redefine terms and change
 10 licensure provisions under the Health Care Facility Licensure Act; to
 11 change receiver and receivership provisions relating to health care
 12 facilities; to change applicability of the Medication Aide Act; to
 13 harmonize provisions; to provide operative dates; and to repeal the
 14 original sections."

LEGISLATIVE BILL 1002. Placed on Select File with amendment.

[ER235](#)

1 1. In the Standing Committee amendment, AM2774, on page 18, line 9,
 2 strike "an", show as stricken, and insert "a".
 3 2. On page 1, strike lines 2 through 5 and insert "sections 13-1801,
 4 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 38-1202,
 5 38-1203, 38-1209, 38-1210, 38-1211, 38-1213, 38-1226, 38-1228, 38-1233,
 6 38-1234, 38-1813, 48-115, 71-507, 71-509, 71-7436, 71-7444, 71-8226,
 7 71-8227, 71-8236, 71-8237, 71-8240, 71-8248, 71-8249, 71-8251, and
 8 71-8253, Reissue Revised Statutes of Nebraska, sections 13-303, 28-934,
 9 38-1201, 38-1204, 38-1204.01, 38-1206.01, 38-1207.01, 38-1207.02,
 10 38-1208, 38-1208.01, 38-1208.02, 38-1215, 38-1216, 38-1217, 38-1218,
 11 38-1224, 38-1225, 38-1232, and 38-1237, Revised Statutes Cumulative
 12 Supplement, 2018, and sections 38-1220 and 68-901, Revised Statutes
 13 Supplement, 2019; to define and redefine terms; to provide for community
 14 paramedic and critical care paramedic practice and discipline of training
 15 agencies; to change the scope of practice of emergency care providers; to
 16 change provisions relating to the State Trauma Advisory Board; to
 17 eliminate powers and duties; to eliminate obsolete provisions; to
 18 harmonize provisions; to provide for the independent provision of a
 19 therapeutic diet order pursuant to the Medical Nutrition Therapy Practice
 20 Act; to require standards for inpatient psychiatric units and psychiatric
 21 residential treatment facilities under the Medical Assistance Act as
 22 prescribed; to change provisions relating to wholesale drug distribution
 23 for emergency medical services; to provide operative dates; to repeal the
 24 original sections; and to declare an emergency."

LEGISLATIVE BILL 992. Placed on Select File with amendment.

[ER234](#)

1 1. On page 1, line 5, strike "legislative"; in line 7 strike "and
 2 Nebraska Library Commission"; in line 9 after the first semicolon insert
 3 "to change the distribution of certain performance payments;"; in line 10
 4 after the semicolon insert "to eliminate a financial assistance
 5 program;"; and in line 11 after the last semicolon insert "to provide
 6 operative dates;".

(Signed) Julie Slama, Chairperson

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1009:

[MO195](#)

Bracket until August 13, 2020.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB965:
AM2992

(Amendments to Standing Committee amendments, AM2234)

- 1 1. On page 2, line 20, strike "2021" and insert "2022".
- 2 2. On page 4, line 12, strike "August 1" and insert "December 30";
- 3 and in line 21 strike "2021" and insert "2022".
- 4 3. On page 6, line 21, strike "2021" and insert "2022".

Senator McDonnell filed the following amendment to LB965A:
AM3220

- 1 1. On page 2, strike beginning with "(1)" in line 1 through "(2)" in
- 2 line 2; in line 7 strike "\$30,730"; and in line 8 strike "for FY2020-21
- 3 or".

Senator Lathrop filed the following amendment to LB966:
AM3221

(Amendments to Standing Committee amendments, AM2947)

- 1 1. Strike section 18 and insert the following new section:
- 2 Sec. 18. (1) For purposes of this section:
- 3 (a) Biological mother means a person who is related to a child as
- 4 the source of the egg that resulted in the conception of the child; and
- 5 (b) Birth mother means the person who gave birth to the child.
- 6 (2) During the period immediately before or after the in-hospital
- 7 birth of a child whose biological mother is not the same as the birth
- 8 mother, the person in charge of such hospital or such person's designated
- 9 representative shall provide to the child's biological mother and birth
- 10 mother the documents and written instructions for such biological mother
- 11 and birth mother to complete a notarized acknowledgment of maternity.
- 12 Such acknowledgment, if signed by both parties and notarized, shall be
- 13 filed with the department at the same time at which the certificate of
- 14 live birth is filed.
- 15 (3) Nothing in this section shall be deemed to require the person in
- 16 charge of such hospital or such person's designee to seek out or
- 17 otherwise locate an alleged mother who is not readily identifiable or
- 18 available.
- 19 (4) The acknowledgment shall be executed on a form prepared by the
- 20 department. Such form shall be in essentially the same form provided by
- 21 the department. The acknowledgment shall include, but not be limited to,
- 22 (a) a statement by the birth mother consenting to the acknowledgment of
- 23 maternity and a statement that the biological mother is the legal mother
- 24 of the child, (b) a statement by the biological mother that she is the
- 25 biological mother of the child, (c) written information regarding
- 26 parental rights and responsibilities, and (d) the social security numbers
- 1 of the mothers.
- 2 (5) The form provided for in subsection (4) of this section shall
- 3 also contain instructions for completion and filing with the department
- 4 if it is not completed and filed with a birth certificate as provided in
- 5 subsection (2) of this section.
- 6 (6) The department shall accept completed acknowledgment forms. The
- 7 department may prepare photographic, electronic, or other reproductions
- 8 of acknowledgments. Such reproductions, when certified and approved by
- 9 the department, shall be accepted as the original records, and the
- 10 documents from which permanent reproductions have been made may be
- 11 disposed of as provided by rules and regulations of the department.
- 12 (7) The department shall enter on the birth certificate of any child
- 13 described in subsection (2) of this section the name of the biological

14 mother of the child upon receipt of an acknowledgment of maternity as
15 provided in this section signed by the biological mother of the child and
16 the birth mother of the child. The name of the birth mother shall not be
17 entered on the birth certificate. If the birth mother is married, the
18 name of the birth mother's spouse shall not be entered on the birth
19 certificate unless paternity for such spouse is otherwise established by
20 law.

21 (8)(a) The signing of a notarized acknowledgment of maternity,
22 whether under this section or otherwise, by the biological mother shall
23 create a rebuttable presumption of maternity as against the biological
24 mother. The signed, notarized acknowledgment is subject to the right of
25 any signatory to rescind the acknowledgment at any time prior to the
26 earlier of:

27 (i) Sixty days after the acknowledgment; or

28 (ii) The date of an administrative or judicial proceeding relating
29 to the child, including a proceeding to establish a support order in
30 which the signatory is a party.

31 (b) After the rescission period provided for in subdivision (8)(a)
1 of this section, a signed, notarized acknowledgment is considered a legal
2 finding which may be challenged only on the basis of fraud, duress, or
3 material mistake of fact with the burden of proof upon the challenger,
4 and the legal responsibilities, including the child support obligation,
5 of any signatory arising from the acknowledgment shall not be suspended
6 during the challenge, except for good cause shown. Such a signed and
7 notarized acknowledgment or a certified copy or certified reproduction
8 thereof shall be admissible in evidence in any proceeding to establish
9 support.

10 (9)(a) If the biological mother was married at the time of either
11 conception or birth or at any time between conception and birth of a
12 child described in subsection (2) of this section, the name of the
13 biological mother's spouse shall be entered on the certificate as the
14 other parent of the child unless:

15 (i) Paternity has been determined otherwise by a court of competent
16 jurisdiction;

17 (ii) The biological mother and the biological mother's spouse
18 execute affidavits attesting that the biological mother's spouse is not
19 the biological parent of the child, in which case information about the
20 other parent shall be omitted from the certificate; or

21 (iii) The biological mother executes an affidavit attesting that her
22 spouse is not the biological father and naming the biological father; the
23 biological father executes an affidavit attesting that he is the
24 biological father; and the biological mother's spouse executes an
25 affidavit attesting that such spouse is not the biological parent of the
26 child. In such case the biological father shall be shown as the other
27 parent on the certificate.

28 (b) For affidavits executed under subdivision (8)(a)(ii) or (iii) of
29 this section, each signature shall be individually notarized.

30 (10) If the biological mother was not married at the time of either
31 conception or birth or at any time between conception and birth, the name
1 of the biological father shall not be entered on the certificate as the
2 other parent without the written consent of the biological mother and the
3 person named as the biological father.

4 (11) In any case in which paternity of a child is determined by a
5 court of competent jurisdiction, the name of the adjudicated father shall
6 be entered on the certificate as the other parent in accordance with the
7 finding of the court.

8 (12) If the other parent is not named on the certificate, no other
9 information about the other parent shall be entered thereon.

10 (13) The identification of the father as provided in this section
11 shall not be deemed to affect the legitimacy of the child or the duty to

12 support as set forth in sections 42-377 and 43-1401 to 43-1418.
 13 (14) The department may adopt and promulgate rules and regulations
 14 as necessary and proper to assist it in the implementation and
 15 administration of this section and to establish a nominal payment and
 16 procedure for payment for each acknowledgment filed with the department.

Senator Hughes filed the following amendment to LB632:
AM3218

(Amendments to E & R amendments, ER220)

1 1. On page 5, line 31, after the comma insert "or restrict such
 2 programs from the environmental and lawful operation of program
 3 facilities and imposition of user fees at such facilities,".

Senator Brewer filed the following amendment to LB848:
AM3215

(Amendments to E&R amendments, ER191)

1 1. Strike section 10 and insert the following new sections:
 2 Sec. 10. Sections 3, 4, 5, 6, 7, 8, and 12 of this act become
 3 operative on July 1, 2021. The other sections of this act become
 4 operative on their effective date.
 5 Sec. 11. Original sections 25-2221 and 62-301, Reissue Revised
 6 Statutes of Nebraska, are repealed.
 7 Sec. 12. Original sections 43-4502, 43-4503, 43-4510, 43-4511, and
 8 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504,
 9 Revised Statutes Supplement, 2019, are repealed.

Senator Quick filed the following amendment to LB424:
AM3227

(Amendments to E & R amendments, ER223)

1 1. On page 7, line 26, after "board" insert "of a land bank created
 2 by a city of the metropolitan class"; and in line 27 strike "the", show
 3 as stricken, and insert "such".
 4 2. On page 8, lines 3 through 31, strike the new matter and
 5 reinstate the stricken matter.
 6 3. On page 9, lines 1 through 3, reinstate the stricken matter; and
 7 in line 3, after the reinstated "(5)" insert "of section 10 of this act,
 8 if any such hierarchical ranking is established."
 9 4. On page 11, line 17, strike "that is owned" and insert "in which
 10 a direct or indirect interest is held"; and in line 20 strike "an
 11 ownership" and insert "a financial".
 12 5. On page 13, line 20, strike "Seven" and insert "Three"; in line
 13 23 strike "Ten" and insert "Five"; and in line 26 strike "Twenty-five"
 14 and insert "Ten".
 15 6. On page 18, line 18, after the first comma insert "the Speaker of
 16 the Legislature, the chairperson of the Executive Board of the
 17 Legislative Council,"; in line 21 strike "legislative committees", show
 18 as stricken, and insert "Legislature"; and after line 22 insert the
 19 following new subsection:
 20 "(4) The annual report required under subsection (3) of this section
 21 shall include, but not be limited to:
 22 (a) A listing of each property owned by the land bank at the end of
 23 the prior calendar year, including how long each such property has been
 24 owned by the land bank and whether such property was acquired utilizing
 25 the automatically accepted bid under section 17 or 18 of this act;
 26 (b) A list of entities and individuals who received more than two
 1 thousand five hundred dollars from the land bank in the prior calendar
 2 year;
 3 (c) A list of financial institutions in which the land bank has

4 deposited funds;

5 (d) The percentage of total parcels located in each municipality

6 which are held by the land bank; and

7 (e) A statement certifying that all board members and employees of

8 the land bank comply with the conflict of interest requirements in

9 sections 7 and 15 of this act."

10 7. On page 19, line 25, strike "an ownership" and insert "a

11 financial".

12 8. On page 20, line 25; and page 22, line 15, after "If" insert "a

13 land bank is created by a city of the metropolitan class and if".

14 9. On page 23, line 16, after the period insert "If the acquisition

15 of real property under this subsection would result in a land bank

16 exceeding the total number of parcels that a land bank may hold legal

17 title to pursuant to subsection (6) of section 8 of this act, the

18 acquisition of such property shall not be counted towards such limit."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 460. Introduced by McDonnell, 5.

WHEREAS, Vera Chavez was born on April 22, 1920, in Omaha, Nebraska; and

WHEREAS, Vera was one of seven children born to Gregorio and Jovita (Guerrero) Ramirez; and

WHEREAS, Vera has been a lifelong Nebraska resident for 100 years; and

WHEREAS, Vera married Mike Chavez in 1938; and

WHEREAS, Vera retired from the Omaha Public Schools before working at two restaurants and a nursing home; and

WHEREAS, Vera beat non-Hodgkin lymphoma two years ago; and

WHEREAS, Vera has two children, Marie and Gabe; and

WHEREAS, Vera celebrated her 100th birthday on April 22, 2020.

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

1. That the Legislature congratulates Vera Chavez on her 100th birthday.
2. That a copy of this resolution be sent to Vera Chavez.

Laid over.

ADJOURNMENT

At 5:00 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, July 29, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - JULY 29, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, July 29, 2020

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senators B. Hansen, La Grone, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1009. Placed on Final Reading.
[ST66](#)

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

1. On page 1, line 2, "and 61-224" has been struck and ", 61-224, and 81-829.33" inserted.

(Signed) Julie Slama, Chairperson

MOTION(S) - Return LB323 to Select File

Senator Crawford moved to return LB323 to Select File for her specific amendment, [AM3118](#), found on page 1134.

Senator Wayne moved for a call of the house. The motion prevailed with 20 ayes, 7 nays, and 22 not voting.

The Crawford motion to return prevailed with 41 ayes, 0 nays, 3 present and

not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 323. The Crawford specific amendment, [AM3118](#), found on page 1134, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB323A to Select File

Senator Crawford moved to return LB323A to Select File for her specific amendment, [AM3123](#), found on page 1135.

The Crawford motion to return prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 323A. The Crawford specific amendment, [AM3123](#), found on page 1135, was adopted with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 866. Senator Hunt offered the following motion:

[MO201](#)

Bracket until July 29, 2020, at 1:30 p.m.

SPEAKER SCHEER PRESIDING

Pending.

MOTION(S) - Suspend Rules

Senator Vargas offered his motion, found on page 1122, to suspend the rules, Rule 5, Section 4(c) to permit introduction of a new bill, Req. 6234, after the tenth legislative day by a member.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to

suspend the rules.

The Vargas motion to suspend the rules failed with 28 ayes, 10 nays, and 11 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 461. Introduced by Gragert, 40.

WHEREAS, Senator Elroy M. Hefner of Coleridge was a dedicated public servant, serviceman, and business leader; and

WHEREAS, Elroy Hefner served in the United States Navy from 1944 to 1946 during World War II. He was in the Amphibious Forces, serving nineteen months in the South Pacific; and

WHEREAS, upon returning to Nebraska from the Navy in 1947, Elroy Hefner started Hefner Oil and Feed Store with his brother, Gerhart, in Coleridge; and

WHEREAS, Elroy Hefner married the love of his life, Carol Rae Willms, on June 12, 1949; and

WHEREAS, Elroy Hefner became the president of Crystal Oil, the president of Diamond Horseshoe, and the president of Truck Haven. Later, he became the president of the Omaha Truck Plaza and the president of the Nebraska Petroleum Marketers Association; and

WHEREAS, Elroy Hefner was especially active in his hometown of Coleridge, being elected as a member of the town board, school board, and serving as the mayor for several years; and

WHEREAS, Elroy Hefner was elected to the Nebraska Legislature and represented Legislative District 19 for over four terms, from 1976 to 1993; and

WHEREAS, in the Legislature, Senator Hefner became the chairperson of the Miscellaneous Subjects Committee and the vice-chairperson of the Revenue Committee. Additionally, Senator Hefner served on the Executive Board, Business and Labor Committee, and Agriculture Committee; and

WHEREAS, Senator Hefner was known for his integrity and honesty; and

WHEREAS, Senator Hefner's record as a public servant is filled with many accomplishments and achievements which has resulted in a better life for Nebraskans; and

WHEREAS, Senator Hefner's commitment to the people of Nebraska was evident by his actions and service to his community and state; and

WHEREAS, Elroy Hefner was the father of three children, Bill, Cindy, and Doug; and

WHEREAS, Elroy Hefner was the grandfather of six grandchildren, and the great-grandfather of eight great-grandchildren; and

WHEREAS, Elroy Hefner passed away on Sunday, July 26, 2020, at the age of 96.

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

1. That the Legislature recognizes the passion of Senator Elroy M. Hefner and his dedication to his community and the State of Nebraska.
2. That the Legislature offers its condolences to the family of Elroy M. Hefner.
3. That a copy of this resolution be sent to the family of Elroy M. Hefner.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LB1052.

RECESS

At 12:11 p.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Chambers, Friesen, M. Hansen, Lathrop, and Linehan who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 814. Senator Hunt offered the following motion:

[MO200](#)

Indefinitely postpone prior to the bill being read, pursuant to Rule 6, Section 3(f).

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 910. Placed on Final Reading.

LEGISLATIVE BILL 923. Placed on Final Reading.

LEGISLATIVE BILL 1052. Placed on Final Reading.[ST67](#)

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

1. On page 1, line 1, "the" has been struck.

LEGISLATIVE BILL 1124. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in JournalSenator Lathrop filed the following amendment to [LB1004](#):[AM3224](#)

(Amendments to Standing Committee amendments, AM3094)

- 1 1. On page 4, insert the following new subsection after line 23:
- 2 "~~(3) The changes made to this section by this legislative bill shall~~
- 3 ~~not apply to any sentence imposed prior to the effective date of this~~
- 4 ~~act.~~".

Senator Brewer filed the following amendment to [LB848](#):[AM3231](#)

(Amendments to E & R amendments, ER191)

- 1 1. Strike section 10 and insert the following new sections:
- 2 Sec. 10. Section 72-2201, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 72-2201 Sections 72-2201 to 72-2214 and section 11 of this act shall
- 5 be known and may be cited as the Nebraska State Capitol Preservation and
- 6 Restoration Act.
- 7 Sec. 11. (1)(a) The Clerk of the Legislature shall cause to be
- 8 displayed within the Warner Legislative Chamber flags representing the
- 9 four federally recognized tribes with headquarters in Nebraska: the Omaha
- 10 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
- 11 and the Winnebago Tribe of Nebraska.
- 12 (b) The Commission on Indian Affairs shall obtain such flags, as
- 13 well as poles and bases, through donations from the tribes. The
- 14 Commission on Indian Affairs shall be responsible for replacing such
- 15 flags, poles, and bases.
- 16 (c) The Clerk of the Legislature shall approve placement locations
- 17 within the Warner Legislative Chamber. The size, proportion, and
- 18 placement of such flags shall be similar to that of the flag of the
- 19 United States and the flag of the State of Nebraska.
- 20 (2)(a) The State Capitol Administrator shall cause to be displayed
- 21 in the Memorial Chamber on the fourteenth floor of the State Capitol the
- 22 flags of any Indian tribes with historic and regional connections to
- 23 Nebraska.
- 24 (b) The Commission on Indian Affairs shall designate the tribes with
- 25 historic and regional connections to Nebraska and the flags to be
- 26 displayed under subdivision (2)(a) of this section. The Commission on
- 1 Indian Affairs shall obtain such flags, as well as poles and bases,
- 2 through donations from the tribes. The Commission on Indian Affairs shall
- 3 be responsible for replacing such flags, poles, and bases.
- 4 (c) The Nebraska Capitol Commission shall approve placement
- 5 locations in the Memorial Chamber.
- 6 Sec. 12. Sections 3, 4, 5, 6, 7, 8, and 14 of this act become
- 7 operative on July 1, 2021. The other sections of this act become
- 8 operative on their effective date.
- 9 Sec. 13. Original sections 25-2221, 62-301, and 72-2201, Reissue
- 10 Revised Statutes of Nebraska, are repealed.
- 11 Sec. 14. Original sections 43-4502, 43-4503, 43-4510, 43-4511, and

12 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504, 13 Revised Statutes Supplement, 2019, are repealed.

Senator Geist filed the following amendment to [LB814](#):
[AM3239](#)

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 Geist filed the following amendment to [LB814](#):
[AM3240](#)

(Amendments to Final Reading copy)

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 Vargas filed the following amendment to LB667:

AM3238

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. For purposes of sections 1 to 4 of this act:
 4 (1) Coronavirus means an airborne respiratory virus capable of
 5 person-to-person transmission via respiratory droplets, contact with
 6 contaminated objects, or other similar methods. Coronavirus includes the
 7 virus that causes COVID-19, severe acute respiratory syndrome coronavirus
 8 2, also known as SARS-CoV-2;
 9 (2) Coronavirus test means a test capable of determining whether an
 10 individual has the coronavirus;
 11 (3) Face mask means an item of double-layered cloth or various other
 12 materials with elastic bands or cloth ties to secure such mask over the
 13 wearer's nose and mouth in an effort to contain or reduce the spread of
 14 potentially infectious respiratory secretions at the source, that is, the
 15 wearer's nose and mouth. A face mask is intended to reduce the spread of
 16 the virus from the wearer to others, whether or not the face mask
 17 protects the wearer;
 18 (4) Hand sanitizer means alcohol-based hand sanitizer that is at
 19 least sixty percent alcohol;
 20 (5) Meatpacking operation or employer means a business, with more
 21 than one hundred workers, which engages in slaughtering, butchering, meat
 22 canning, meatpacking, meat manufacturing, poultry canning, poultry
 23 packing, poultry manufacturing, pet food manufacturing, egg production,
 24 processing of meatpacking products, or rendering. Meatpacking operation
 25 does not include grocery stores, delis, restaurants, butchers, or other
 26 commercial entities preparing meat products for immediate consumption;
 27 (6) Meatpacking products includes livestock products and poultry
 28 products as such terms are defined in section 54-1902;
 29 (7) Meat processing worker or worker means any individual whom an
 30 employer suffers or permits to work in a meatpacking operation, and also
 31 includes independent contractors and individuals performing work for an
 32 employer through a temporary service or staffing agency. An individual
 33 need not be directly in contact with meatpacking products to be
 34 considered a worker;
 35 (8) Negative test result means a coronavirus test result which
 36 indicates that a worker was not infected with coronavirus at the time of
 37 testing;
 38 (9) Positive case count means the total number of positive
 39 coronavirus test results; and
 40 (10) Positive test result means a coronavirus test result which
 41 indicates that a worker was infected with coronavirus at the time of
 42 testing.
 43 Sec. 2. Meatpacking operations shall comply with the protections
 44 and requirements of section 3 of this act beginning on the effective date
 45 of this section and shall maintain such compliance until December 31,
 46 2021.
 47 Sec. 3. (1) An employer shall maintain a six-foot radius of space
 48 around and between each worker in all areas of the employer's facility.
 49 An employer may accomplish such distancing by increasing physical space
 50 between workstations, slowing production speeds, staggering shifts and
 51 breaks, adjusting shift size, or any combination thereof. Where feasible,
 52 an employer shall reinforce social distancing with the use of plastic
 53 barriers in work spaces and common areas. An employer shall also
 54 reconfigure common or congregate spaces to allow for such six-foot social
 55 distancing radius, including, but not limited to, lunch rooms, break
 56 rooms, and locker rooms.
 57 (2) An employer shall provide all workers with face masks and shall
 58 make face shields available free of charge. An employer shall replace

1 face masks at least daily and more often as necessary, such as when face
2 masks are damaged or soiled. Any individual present at a meatpacking
3 operation facility shall wear a face mask while in the facility.

4 (3) An employer shall provide all workers with the ability to
5 frequently and routinely sanitize their hands with either hand washing or
6 hand sanitizing stations. An employer shall provide gloves to any worker
7 upon request.

8 (4) An employer shall clean and regularly disinfect all frequently
9 touched surfaces in the workplace, such as workstations, training rooms,
10 machinery controls, tools, protective garments, eating surfaces,
11 bathrooms, showers, and other similar areas. An employer shall install
12 and maintain ventilation systems that ensure unidirectional air flow,
13 ventilation with outdoor air, and filtration in both production areas and
14 common areas such as cafeterias and locker rooms.

15 (5) Each time before an individual enters a meatpacking operation
16 facility, the employer shall screen such individual for coronavirus. Such
17 screening procedure shall include a temperature check with the result
18 disclosed to the individual and shall require completion of an oral or
19 written questionnaire including possible coronavirus symptoms and
20 disclosure of known exposure to coronavirus.

21 (6)(a) An employer shall permit any worker who suspects that such
22 worker may have been exposed to the coronavirus to leave the meatpacking
23 operation premises in order to receive a coronavirus test on paid work
24 time.

25 (b) A worker displaying or experiencing symptoms of coronavirus who
26 has received a coronavirus test shall be allowed to await test results
27 while quarantined away from the meatpacking operation. An asymptomatic
28 worker may return to work unless such worker develops symptoms.

29 (c) An employer shall allow a worker who receives a positive test
30 result to quarantine away from the meatpacking operation with paid sick
31 leave and without penalty. An employer shall not require a worker to
1 return to work while the worker is still showing symptoms of coronavirus
2 or within two weeks after a positive test result.

3 (d) An employer shall allow a worker who receives a negative test
4 result to return to work upon receipt of such result.

5 (7) An employer shall track, for each meatpacking operation facility
6 it operates, the total number of coronavirus-related deaths and the
7 positive case count known to the employer. This shall be done on a daily
8 basis and shall be disaggregated by race and ethnicity. The employer
9 shall provide such data in a weekly report to the Department of Health
10 and Human Services, the Department of Labor, the Business and Labor
11 Committee of the Legislature, and the Health and Human Services Committee
12 of the Legislature. Such data and report shall be submitted in the form
13 and manner prescribed by the Commissioner of Labor.

14 (8) If a worker is confirmed to have contracted coronavirus, the
15 employer shall identify all workers who worked in the same work area and
16 on the same shift and notify in writing all such workers of their
17 possible exposure. Such notification shall maintain the confidentiality
18 of the infected worker's identity as required by the federal Americans
19 with Disabilities Act of 1990, as amended, as such act existed on January
20 1, 2020.

21 (9) An employer shall disseminate all communications, notices, and
22 any published materials required by or regarding this section in English,
23 Spanish, and such other languages as required by subdivision (2)(e) of
24 section 48-2213.

25 Sec. 4. (1) The Department of Labor shall have the authority to
26 administer and enforce section 3 of this act under the auspices of the
27 meatpacking industry worker rights coordinator.

28 (2)(a) The department, including the coordinator, may conduct
29 unannounced workplace inspections of employers. The coordinator or the

30 coordinator's delegate has the authority to inspect employer records and
31 make remedial recommendations during such inspection.
1 (b) No later than thirty days following a workplace inspection, the
2 coordinator or delegate shall file a final report of findings, including
3 any findings of violations of section 3 of this act, with the department
4 and provide a copy to the employer and its workers' collective-bargaining
5 representative, if any. The report shall be considered a public record.
6 (3) The department may adopt and promulgate rules and regulations as
7 necessary to carry out sections 1 to 4 of this act.
8 Sec. 5. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB814:

[MO199](#)

Bracket until July 30, 2020.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB814:

[AM3211](#)

1 1. Insert the following new section:
2 Sec. 11. The LB814 Legal Defense Fund is hereby created. It is the
3 intent of the Legislature to transfer one million five hundred thousand
4 dollars to the fund. The fund shall be used to pay for any legal costs
5 associated with any legal challenges related to defending the provisions
6 of LB814. The State Treasurer shall transfer money remaining in the fund
7 on July 1, 2025, to the General Fund. Any money in the LB814 Legal
8 Defense Fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act.
11 2. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to LB848:

[AM3241](#)

(Amendments to E & R amendments, ER191)

1 1. On page 1, strike beginning with "Arbor" in line 22 through the
2 first semicolon in line 23 and show as stricken; and in line 23 after the
3 second semicolon insert "Juneteenth, June 19;".
4 2. On page 7, strike beginning with "Arbor" in line 24 through the
5 first semicolon in line 25 and show as stricken; and in line 25 after the
6 second semicolon insert "Juneteenth, June 19;".

Senator Wayne filed the following amendment to LB1056:

[AM3154](#) is available in the Bill Room.

Senator Stinner filed the following amendment to LB930:

[FA123](#)

Strike Sec. 2.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1525

Thursday, August 6, 2020 1:30 p.m.
AM3238 to LB667

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Roger Figard - Board of Public Roads Classifications and Standards
John F. Krager III - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

Aye: 6. Albrecht, Bostelman, DeBoer, Friesen, Geist, Hughes. Nay: 0.
Absent: 2. Cavanaugh, Hilgers. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 866. Senator Hunt withdrew her motion, [MO201](#), found in this day's Journal, to bracket until July 29, 2020, at 1:30 p.m.

Committee [AM2913](#), found on page 942 and considered on page 1154, was renewed.

Pending.

MOTION(S) - Print in Journal

Senator Briese filed the following motion to [LB1008](#):

[MO202](#)

Bracket until August 13, 2020.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Thursday, July 30, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - JULY 30, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

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

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Blood who was excused; and Senators Briese, Friesen, B. Hansen, Howard, Hunt, and Linehan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 323. Placed on Final Reading Second.

LEGISLATIVE BILL 323A. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

REFERENCE COMMITTEE REPORT

2020 Resolutions calling for an Interim Study

LR314	Interim study to review the most recent experience study required for all retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR315	Interim study to review a separate compliance audit obtained by the Public	Nebraska Retirement Systems

	Employees Retirement Board, as required under section 84-1503, of the state-administered retirement systems	
LR316	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR317	Interim study to carry out section 13-2402 which requires the Nebraska Retirement Systems Committee to monitor defined benefit plans administered by political subdivisions	Nebraska Retirement Systems
LR318	Interim study to review progress in complying with sections of statute which require transferring management of the Omaha Schools Employee Retirement System to the Public Employees Retirement Board	Nebraska Retirement Systems
LR333	Interim study to examine the possibility of placing one or more reservoirs on the Platte River and its tributaries for the purpose of flood control, hydroelectric energy, recreation, economic development, and environmental stewardship	Natural Resources
LR337	Interim study to reexamine which Nebraska-grown food products can feasibly be used for school meals and snacks	Agriculture
LR340	Interim study to examine the extent of surface water irrigation in Nebraska and the condition of the surface water irrigation projects	Natural Resources
LR345	Interim study to examine efforts to protect Nebraska's archaeological and paleontological resources	Government, Military and Veterans Affairs
LR347	Interim study to examine the use of heat-applied tax stamps on individual cigarette packages	General Affairs
LR348	Interim study to examine service animal fraud and emotional support animal fraud	Health and Human Services
LR350	Interim study to examine the role of telehealth services during the COVID-19 pandemic of 2020	Health and Human Services
LR352	Interim study to explore the enforcement of the ordinances and codes of cities of the second class and villages to promote public welfare and economic development	Urban Affairs
LR354	Interim study to examine whether the Real Property Appraiser Act should be updated	Banking, Commerce and Insurance

LR355	Interim study to review the credentialing requirements in the Real Property Appraiser Act in furtherance of the purposes of the Occupational Board Reform Act	Banking, Commerce and Insurance
LR356	Interim study to examine issues within the jurisdiction of the Business and Labor Committee	Business and Labor
LR357	Interim study to review occupational regulations for locksmiths	Business and Labor
LR358	Interim study to review the Nebraska Workers' Compensation Act	Business and Labor
LR359	Interim study to review the Employment Security Law and the effects of the COVID-19 pandemic on the efficacy of the law	Business and Labor
LR361	Interim study to examine matters related to the upcoming redistricting process in Nebraska	Executive Board
LR362	Interim study to conduct an in-depth review of the financing of special education in public primary and secondary schools	Education
LR363	Interim study to conduct an in-depth review of the financing of the public elementary and secondary schools	Education
LR364	Interim study to conduct an in-depth review of the use of plastic shopping bags and single-use checkout bags	Revenue
LR365	Interim study to conduct an in-depth review of the use of highway cable barriers on Nebraska's highways	Transportation and Telecommunications
LR367	Interim study to examine set fee and fine amounts and the costs experienced by county governments when administering the associated services	Government, Military and Veterans Affairs
LR368	Interim study to analyze underinvestment in primary care in the State of Nebraska	Health and Human Services
LR369	Interim study to review the occupational regulations for fire alarm inspectors	Urban Affairs
LR370	Interim study to examine the statutes governing all classes of municipalities in Chapter 18 of the Nebraska Revised Statutes	Urban Affairs
LR371	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR372	Interim study to examine the impact of sanitary and improvement districts on residential neighborhood development in Nebraska	Urban Affairs

LR373	Interim study to conduct a comprehensive review of statutory and regulatory policies of the State of Nebraska as they pertain to Nebraska's biofuels industry	Natural Resources
LR374	Interim study to examine issues related to the historical practice known as redlining within Nebraska municipalities	Urban Affairs
LR377	Interim study to complete a comprehensive review of the reform of policing in Nebraska	Judiciary
LR378	Interim study to examine the Livestock Brand Act and the role and mission of the Nebraska Brand Committee	Agriculture
LR379	Interim study to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement	Judiciary
LR380	Interim study to examine the feasibility of creating a state meat inspection program	Agriculture
LR381	Interim study to review the collective-bargaining agreements of law enforcement agencies and the statutory requirements for such agreements	Business and Labor
LR382	Interim study to examine the oversight of non-court-involved child welfare cases	Health and Human Services
LR383	Interim study to examine issues within the jurisdiction of the Judiciary Committee	Judiciary
LR384	Interim study to examine issues related to Nebraska's correctional system	Judiciary
LR385	Interim study to investigate the advertisement and use of unproven stem cell injections as a therapy for health disorders	Judiciary
LR386	Interim study to examine Nebraska law, policy, and application in the filing and transferring of cases involving youth between juvenile and criminal court and to examine how the jurisdictional structure supports the intent of the juvenile code	Judiciary
LR387	Interim study to examine the processes by which a child who is the victim of a substantiated case of abuse or neglect is able to access services through Nebraska's Early Development Network under the federal Individuals with Disabilities Education Act, Part C	Health and Human Services
LR388	Interim study to examine the coordination of efforts to find alternatives to incarceration for	Judiciary

	offenses that involve operating a motor vehicle under the influence of alcohol or other drugs	
LR389	Interim study to analyze existing public postsecondary institutions programs, initiatives, and strategies to address workforce and talent shortages and the economic impact of the COVID-19 pandemic on these shortages	Appropriations
LR390	Interim study to assess the fiscal and economic impact of the COVID-19 pandemic on Nebraska's early childhood workforce and the early childhood care and education system	Appropriations
LR391	Interim study to conduct a review of current academic literature and research examining the impact of paid sick leave policies on pandemic spread in various states and industries	Business and Labor
LR392	Interim study to examine the feasibility of increasing the capacity of pre-health academic and research undergraduate programs at the University of Nebraska at Kearney to help expand the permanent presence of the University of Nebraska Medical Center in central and western Nebraska	Appropriations
LR393	Interim study to review juvenile justice involvement for youth who commit certain status offenses	Judiciary
LR394	Interim study to examine the TestNebraska program	Appropriations
LR395	Interim study to determine the benefits of requiring each committee of the Legislature to complete a study and hold a public hearing for each interim study resolution referred to that committee	Executive Board
LR396	Interim study to examine whether Nebraska should enact peer-to-peer vehicle sharing program legislation	Transportation and Telecommunications
LR397	Interim study to examine the implementation and impact of eliminating felony disenfranchisement in Nebraska	Government, Military and Veterans Affairs
LR398	Interim study to examine retirement benefits for law enforcement employees in all counties except counties containing a city of the metropolitan class	Nebraska Retirement Systems
LR399	Interim study to conduct an in-depth review	Education

	of how at-risk and economically disadvantaged students are identified as a qualification factor for state-funded, education-related programs at the primary, secondary, and postsecondary levels	
LR400	Interim study to examine issues within the jurisdiction of the Education Committee	Education
LR401	Interim study to examine the enrollment option program	Education
LR402	Interim study to examine the impact of COVID-19 on the education of Nebraska's children	Education
LR404	Interim study to provide continued oversight of and updates regarding the execution and administration of medicaid expansion by the Dept. of Health and Human Services	Health and Human Services
LR405	Interim study to examine the feasibility of developing the Nebraska Juvenile Justice Information System	Judiciary
LR406	Interim study to examine issues within the jurisdiction of the Health and Human Services Committee	Health and Human Services
LR407	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	Appropriations
LR408	Interim study to examine issues associated with the economic stimulus funds that were provided by the CARES Act as a result of the COVID-19 pandemic	Health and Human Services
LR409	Interim study to examine the drug testing protocol in the Division of Children and Family Services of the Dept. of Health and Human Services for families involved in the child welfare system	Health and Human Services
LR410	Interim study to provide continued oversight of and updates regarding the contract between the Dept. of Health and Human Services and St. Francis Ministries for child welfare case management services	Health and Human Services
LR411	Interim study to provide continued oversight of and updates regarding the response of the Dept. of Health and Human Services to the COVID-19 pandemic	Health and Human Services
LR412	Interim study to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources	Health and Human Services

LR413	Interim study to continue oversight of the residential facilities for juveniles, including the youth rehabilitation and treatment centers, under the supervision of the Dept. of Health and Human Services	Health and Human Services
LR414	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee related to long-term facilities, assisted-living facilities, and nursing facilities	Health and Human Services
LR415	Interim study to examine the state inheritance tax, its current structure, and recommendations on whether it should be amended, replaced, or repealed	Revenue
LR416	Interim study to examine the terms used to refer to law enforcement officers in Nebraska statutes	Judiciary
LR417	Interim study to examine law enforcement jurisdictions in the state and the existing policies on the use of force by law enforcement officers	Judiciary
LR418	Interim study to examine the categorization of criminal offenses	Judiciary
LR419	Interim study to examine the various age requirements in the Nebraska statutes related to minors and the age of majority	Judiciary
LR420	Interim study to examine the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including specifically for youth committed to the youth rehabilitation and treatment centers	Health and Human Services
LR421	Interim study to examine the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including specifically for youth committed to the youth rehabilitation and treatment centers	Judiciary
LR422	Interim study to examine the modifications made to child welfare policies and practices during the COVID-19 pandemic of 2020	Health and Human Services
LR423	Interim study to conduct a comprehensive review of the pay plan and salary grade ranges for legislative employees	Executive Board
LR424	Interim study to conduct a comprehensive review of maternal and child mortality	Health and Human Services
LR425	Interim study to examine the administrative costs of local systems and school districts	Education
LR427	Interim study to examine the issue of reentry	Judiciary

	housing utilized by people exiting the Dept. of Correctional Services and requiring post-release supervision	
LR428	Interim study to examine issues surrounding staffing ratios and standards of care at assisted-living facilities, nursing facilities, and day service providers	Health and Human Services
LR429	Interim study to examine issues related to mapping broadband coverage throughout Nebraska	Transportation and Telecommunications
LR430	Interim study to examine issues related to property and casualty insurance	Banking, Commerce and Insurance
LR432	Interim study to examine issues within the jurisdiction of the General Affairs Committee	General Affairs
LR433	Interim study to examine the State Racing Commission and review occupational licenses and regulations for jockeys and horse trainers	General Affairs
LR434	Interim study to analyze housing throughout Nebraska	Urban Affairs
LR435	Interim study to examine and document the economic impacts of the COVID-19 pandemic emergency on the agricultural sector of Nebraska	Agriculture
LR436	Interim study to determine whether elementary and secondary students in Nebraska have adequate access to clean drinking water throughout the school day	Urban Affairs
LR437	Interim study to review the current model of collecting revenue to build and repair roads	Transportation and Telecommunications
LR438	Interim study to continue to monitor the activities of the Rural Broadband Task Force that was created by Laws 2018, LB994	Transportation and Telecommunications
LR439	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR440	Interim study to examine existing laws, rules, and regulations related to excavation, in particular regarding underground facilities	Transportation and Telecommunications
LR441	Interim study to examine issues related to paid family and medical leave	Business and Labor
LR445	Interim study to update data and review the potential impact on the state behavioral health system by expanding access to prescribing psychologists	Health and Human Services
LR446	Interim study to review the rulemaking	Natural Resources

	process, implementation, and impact of the most recent rule and policy changes considered or implemented by the Game and Parks Commission regarding Lake McConaughy and Lake Ogallala state recreation areas	
LR449	Interim study to conduct a comprehensive review of systemic and institutional racism in Nebraska	Judiciary
LR450	Interim study to examine the Executive Order issued by the Governor regarding the law permitting the sales of alcohol for off-premises consumption and whether the law should be amended to make the temporary waiver permanent	General Affairs
LR452	Interim study to examine career and technical education programs and opportunities	Education
LR453	Interim study to examine barriers to obtaining state identification that may exist for inmates in county correctional facilities who are in the process of being released or who have recently been released	Judiciary
LR454	Interim study to evaluate Nebraska law permitting a faculty or academic license for dentistry	Health and Human Services
LR455	Interim study to examine the burden on counties with regard to the costs paid for office space used by the Dept. of Health and Human Services for the administration of public health programs	Government, Military and Veterans Affairs
LR456	Interim study to examine the proposal by the Dept. of Health and Human Services for changes to Medicaid Section 1915(c) Waiver Appendix K in response to the COVID-19 pandemic and how service providers and individuals with developmental disabilities have been impacted	Health and Human Services
LR457	Interim study to examine the Nebraska parole and pardons processes	Judiciary
LR459	Interim study to review the effects of COVID-19 on the safety of workers in Nebraska	Business and Labor

(Signed) Mike Hilgers, Chairperson
Executive Board

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 344 and 346 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 344 and 346.

GENERAL FILE

LEGISLATIVE BILL 147. Senator Chambers renewed his motion, [MO181](#), found on page 1065, to recommit to the Education Committee.

SENATOR HUGHES PRESIDING

Senator Groene offered the following motion:

[MO203](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Groene moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Groene requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 32:

Albrecht	Dorn	Hansen, B.	Lindstrom	Scheer
Arch	Erdman	Hilgers	Linehan	Slama
Bostelman	Friesen	Hilkemann	Lowe	Stinner
Brandt	Geist	Hughes	McCollister	Williams
Brewer	Gragert	Kolterman	McDonnell	
Briese	Groene	La Grone	Moser	
Clements	Halloran	Lathrop	Murman	

Voting in the negative, 15:

Bolz	DeBoer	Hunt	Pansing Brooks	Walz
Cavanaugh	Hansen, M.	Kolowski	Quick	Wayne
Chambers	Howard	Morfeld	Vargas	Wishart

Present and not voting, 1:

Crawford

Excused and not voting, 1:

Blood

The Groene motion to invoke cloture failed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 808A. Introduced by La Grone, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, One Hundred Sixth Legislature, Second Session, 2020; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 462. Introduced by Stinner, 48.

WHEREAS, Jessica Barrett of Morrill, Nebraska, was awarded the 2020 April Dunn, Start Your Journey Award by the National Association of Councils on Developmental Disabilities; and

WHEREAS, Jessica was appointed to the Nebraska Council on Developmental Disabilities by Governor Pete Ricketts in 2015, serving as secretary of the council from 2016 through 2019; and

WHEREAS, Jessica has contributed to the Nebraska disability community through her service with the Nebraska Youth Leadership Council and the Lifelink-Nebraska program and as a disability policy specialist with People First of Nebraska, Inc., as a graduate of Leadership Scotts Bluff, and as a trained weather spotter and member of the Fire Core and Disaster Force for Region 22 Emergency Management; and

WHEREAS, the April Dunn, Start Your Journey Award is dedicated to self-advocates who have contributed to the values of self-determination, independence, productivity, and inclusion for individuals with developmental disabilities.

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

1. That the Legislature congratulates Jessica Barrett on receiving the 2020 April Dunn, Start Your Journey Award, thanks her for her service, and recognizes her accomplishments in advocacy for individuals with developmental disabilities in Nebraska.

2. That a copy of this resolution be sent to Jessica Barrett.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB147:

[FA124](#)

Amend AM3067

P. 9 strike lines 21-23.

Senator Briese filed the following amendment to LB930:

[FA125](#)

P. 2, line 10 after "and" insert "for".

Senator Briese filed the following amendment to LB930:

[FA126](#)

P. 2, line 17 after "for" insert "the".

Senator Murman filed the following amendment to LB147:

[AM3243](#) is available in the Bill Room.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 930. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

RECESS

At 11:51 a.m., on a motion by Senator Albrecht, 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 Senator Blood who was excused; and Senators Bolz, Briese, Dorn, Groene, Hilkemann, Howard, Hunt, Linehan, McDonnell, Morfeld, and Stinner who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB866:

[AM3292](#)

(Amendments to Standing Committee amendments, AM2913)

1 1. Insert the following new sections:

2 Sec. 11. Sections 11 to 19 of this act shall be known and may be

3 cited as the Middle Income Workforce Housing Investment Act.

4 Sec. 12. (1) Current economic conditions and limited availability

5 of modern housing units impact the ability of Nebraska's older urban

6 neighborhoods and majority minority communities to maintain residential
 7 stability. Low rates of homeownership and a lack of high-quality, non-
 8 income restricted rental housing negatively affects the ability of
 9 residents of such neighborhoods and communities to achieve housing
 10 stability and invest in their neighborhoods and communities. A lack of
 11 workforce housing affects the ability of neighborhoods and communities to
 12 maintain and develop viable, stable, and thriving economies. A shortage
 13 of quality housing in such areas also impacts the ability of local
 14 private, nonprofit, and public employers to grow and prosper.

15 (2) Impediments exist to the construction, rehabilitation, and
 16 financing of urban workforce housing. Comparable home sale and appraisal
 17 prices do not justify the cost of new construction homes. There is a lack
 18 of space that would be large enough for development to achieve cost
 19 efficiencies. Due to generations of disinvestment, these neighborhoods
 20 and communities frequently receive a stigma that negatively impacts the
 21 residential real estate market.

22 (3) In order to develop attractive housing options that lead to the
 23 recruitment and retention of a world-class workforce in Nebraska's older
 24 urban communities, it is the intent of the Legislature to use new and
 25 existing resources to support creation of workforce housing investment
 26 funds. Such funds will be used to encourage development of workforce
 1 housing in Nebraska's urban and underserved neighborhoods and
 2 communities.

3 Sec. 13. For purposes of the Middle Income Workforce Housing

4 Investment Act:

5 (1) Department means the Department of Economic Development;

6 (2) Director means the Director of Economic Development;

7 (3) Eligible activities of a workforce housing investment fund

8 means:

9 (a) New construction of owner-occupied housing in a neighborhood and
 10 community with a demonstrated need for housing that is affordable and
 11 attractive to first time homebuyers, middle-income families, and the
 12 emerging workforce;

13 (b) Substantial repair or rehabilitation of dilapidated housing
 14 stock; or

15 (c) Upper-story housing development for occupation by a homeowner;

16 (4) HOME funds means funds awarded as formula grants under the HOME

17 Investment Partnerships Program administered by the United States

18 Department of Housing and Urban Development;

19 (5) Matching funds means dollars contributed by individuals,
 20 businesses, foundations, local and regional political subdivisions, or
 21 other nonprofit organizations to a workforce housing investment fund
 22 administered by a nonprofit development organization;

23 (6) Nonprofit development organization means a regional or statewide
 24 nonprofit development organization approved by the director;

25 (7) Qualified activities include purchase guarantees, loan
 26 guarantees, loan participations, and other credit enhancements related to
 27 eligible activities of the workforce housing investment fund;

28 (8) Qualified investment means a cash investment in a workforce
 29 housing investment fund administered by a nonprofit development
 30 organization;

31 (9) Urban community means any area that is:

1 (a) In a county with a population greater than one hundred thousand
 2 inhabitants as determined by the most recent federal decennial census;
 3 and

4 (b) Within a qualified census tract as described in 26 U.S.C. 42(d)

5 (5)(B), as such section existed on January 1, 2020.

6 (10) Workforce housing means:

7 (a) Housing that meets the needs of today's working families;

8 (b) Housing that is attractive to residents considering purchasing a

9 home in an urban community;

10 (c) Owner-occupied housing units that have an after-construction
11 appraised value of at least one hundred fifty thousand dollars but not
12 more than two hundred fifty thousand dollars. For purposes of this
13 subdivision (c) and subdivision (d) of this subsection, housing unit
14 after-construction appraised value shall be updated annually by the
15 department based upon the most recent increase or decrease in the
16 Producer Price Index for all commodities, published by the United States
17 Department of Labor, Bureau of Labor Statistics;

18 (d) Owner-occupied housing units for which the cost to substantially
19 rehabilitate such units exceeds fifty percent of a unit's before-
20 construction assessed value, and the after-construction appraised value
21 is at least one hundred fifty thousand dollars but not more than two
22 hundred fifty thousand dollars;

23 (e) Upper-story housing for occupation by a homeowner; and

24 (f) Housing that does not receive federal or state low-income
25 housing tax credits, community development block grants, HOME funds, or
26 funds from the Affordable Housing Trust Fund; and

27 (11) Workforce housing investment fund means a fund that has been
28 created by a nonprofit development organization and certified by the
29 director to encourage development of workforce housing in urban
30 communities.

31 Sec. 14. (1) The director shall establish a workforce housing
1 investment grant program to foster and support the development of
2 workforce housing in urban communities.

3 (2) A nonprofit development organization may apply to the director
4 for approval of a workforce housing grant for a workforce housing
5 investment fund. The application shall be in a form and manner prescribed
6 by the director. Through fiscal year 2022-2023, grants shall be awarded
7 by the director on a competitive basis until grant funds are no longer
8 available. Grant maximums shall not exceed two and one-half million
9 dollars to any one nonprofit development organization over a two-year
10 period, with no more than five million dollars cumulative for any single
11 grantee through fiscal year 2022-2023. Grants shall require a minimum
12 one-to-one in matching funds to be considered a qualified grant
13 application. Unallocated funds shall be rolled to the next program year.
14 Unallocated funds on June 30, 2025, shall be returned to the Middle
15 Income Workforce Housing Investment Fund.

16 (3) Grants shall be awarded based upon:

17 (a) A demonstrated need for additional owner-occupied housing. Need
18 can be demonstrated with a recent housing study or a letter from the
19 planning department of the city in which the fund is intending to operate
20 stating that the proposal is in line with the city's most recent
21 consolidated plan submitted under 24 C.F.R. part 91, subpart D, as such
22 subpart existed on January 1, 2020;

23 (b) A neighborhood or community that has a higher-than-state average
24 unemployment rate;

25 (c) A neighborhood or community that exhibits a demonstrated
26 commitment to growing its housing stock;

27 (d) Projects that can reasonably be ready for occupancy in a period
28 of twenty-four months; and

29 (e) A demonstrated ability to grow and manage a workforce housing
30 investment fund.

31 (4) A workforce housing investment fund shall:

1 (a) Be required to receive annual certification from the department;

2 (b) Invest or intend to invest in eligible activities for a
3 workforce housing investment fund;

4 (c) Use any fees, interest, loan repayments, or other funds received
5 by the nonprofit development organization as a result of the
6 administration of the grant to support qualified activities; and

7 (d) Have an active board of directors with expertise in development,
8 construction, and finance that meets at least quarterly to approve all
9 qualified investments made by the nonprofit development organization. A
10 nonprofit development organization shall have a formal plan and proven
11 expertise to invest unused workforce housing investment fund balances and
12 shall conduct an annual audit of all financial records by an independent
13 certified public accountant.
14 Sec. 15. (1) The Middle Income Workforce Housing Investment Fund is
15 created. Funding for the grant program described in section 14 of this
16 act shall come from the Middle Income Workforce Housing Investment Fund.
17 The Middle Income Workforce Housing Investment Fund may include revenue
18 from appropriations from the Legislature, grants, private contributions,
19 and other sources. In addition, the Middle Income Workforce Housing
20 Investment Fund shall receive a one-time transfer of five million dollars
21 on the effective date of this act from the General Fund. Any money in the
22 Middle Income Workforce Housing Investment Fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
25 Act.
26 (2) The department shall administer the Middle Income Workforce
27 Housing Investment Fund and may seek additional private or nonstate funds
28 to use in the grant program, including, but not limited to, contributions
29 from the Nebraska Investment Finance Authority and other interested
30 parties.
31 (3) Interest earned by the department on grant funds shall be
1 applied to the grant program.
2 (4) If a nonprofit development organization fails to engage in a
3 qualified activity within twenty-four months after receiving initial
4 grant funding, the nonprofit development organization shall return the
5 grant proceeds to the department for credit to the Affordable Housing
6 Trust Fund.
7 (5) Beginning July 1, 2025, any funds held by the department in the
8 Middle Income Workforce Housing Investment Fund shall be transferred to
9 the Affordable Housing Trust Fund.
10 Sec. 16. (1) Each nonprofit development organization shall submit
11 an annual report to the director to be included as a part of the
12 department's annual status report required under section 81-1201.11. The
13 report shall certify that the workforce housing investment fund meets the
14 requirements of the Middle Income Workforce Housing Investment Act and
15 shall include a breakdown of program activities.
16 (2) The annual report shall include, but not be limited to:
17 (a) The name and geographical location of the nonprofit development
18 organization;
19 (b) The number, amount, and type of workforce housing investment
20 funds invested in qualified activities;
21 (c) The number, geographical location, type, and amount of
22 investments made;
23 (d) A summary of matching funds and where such matching funds were
24 generated; and
25 (e) The results of the annual audit required under subdivision (4)
26 (d) of section 14 of this act.
27 (3) If a nonprofit development organization ceases administration of
28 a workforce housing investment fund, it shall file a final report with
29 the director in a form and manner required by the director. Before July
30 1, 2025, any unallocated workforce housing investment fund grant funds
31 shall be returned for credit to the Middle Income Workforce Housing
1 Investment Fund.
2 (4) If a workforce housing investment fund fails to file a complete
3 annual report by February 15, the director may, in his or her discretion,
4 impose a civil penalty of not more than five thousand dollars for such

5 violation. All money collected by the department pursuant to this
6 subsection shall be remitted to the State Treasurer for distribution in
7 accordance with Article VII, section 5, of the Constitution of Nebraska.
8 Sec. 17. (1) The department shall use its best efforts to assure
9 that any grant funds awarded to a nonprofit development organization are
10 targeted to the geographic communities or regions with the most pressing
11 housing, economic, and employment needs.
12 (2) The department shall use its best efforts to assure that the
13 allocation of grant funds provides equitable access to the benefits
14 provided by the Middle Income Workforce Housing Investment Act to all
15 eligible neighborhoods and communities.
16 (3) The director may contract with a statewide public or private
17 nonprofit organization which shall serve as agent for the department to
18 help carry out the purposes and requirements of the Middle Income
19 Workforce Housing Investment Act. The department or its agent may only
20 use for expenses that portion of the funds available for the workforce
21 housing investment grant program through the Middle Income Workforce
22 Housing Investment Fund necessary to cover the actual costs of
23 administering the program.
24 Sec. 18. (1) As part of the department's annual status report
25 required under section 81-1201.11, the department shall submit a report
26 to the Legislature and the Governor that includes, but is not necessarily
27 limited to:
28 (a) The number and geographical location of workforce housing
29 investment funds;
30 (b) The number, amount, and type of workforce housing investment
31 funds invested in qualified activities; and
32 (c) The number, geographical location, type, and amount of
33 investments made by each nonprofit development organization.
34 (2) The report to the Legislature shall be submitted electronically.
35 (3) Information received, developed, created, or otherwise
36 maintained by the department in administering and enforcing the Middle
37 Income Workforce Housing Investment Act, other than information required
38 to be included in the report to be submitted by the department to the
39 Governor and Legislature pursuant to this section, may be deemed
40 confidential by the department and not considered a public record subject
41 to disclosure pursuant to sections 84-712 to 84-712.09.
42 Sec. 19. The department may adopt and promulgate rules and
43 regulations to administer and enforce the Middle Income Workforce Housing
44 Investment Act.
45 2. Renumber the remaining sections accordingly.

Senator Albrecht filed the following amendment to [LB881](#):
[AM3171](#)

(Amendments to Final Reading copy)

- 1 1. Strike section 22.
- 2 2. On page 1, strike beginning with the second "to" in line 21
- 3 through the semicolon in line 22.
- 4 3. Renumber the remaining sections and correct internal references
- 5 accordingly.

SELECT FILE

LEGISLATIVE BILL 1160. [ER225](#), found on page 1143, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 956. [ER226](#), found on page 1143, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 783. [ER227](#), found on page 1143, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1158. [ER228](#), found on page 1144, was adopted.

Senator Arch offered his amendment, [AM3174](#), found on page 1149.

The Arch amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Senator Wayne offered the following motion:

[MO204](#)

Recommit to the Health and Human Services Committee.

SENATOR WILLIAMS PRESIDING

Senator Wayne withdrew his motion to recommit to committee.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 681. [ER232](#), found on page 1145, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 966. [ER233](#), found on page 1148, was adopted.

Senator Lathrop offered his amendment, [AM3221](#), found on page 1227.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 463. Introduced by Bolz, 29.

WHEREAS, Brent Toalson dedicated twenty-nine years to education with the Lincoln Public School District; and

WHEREAS, Brent Toalson graduated from Lincoln Southeast in 1982; and

WHEREAS, Brent Toalson started teaching at Lincoln Southeast in 1991; and

WHEREAS, Brent Toalson taught social studies at Lincoln Southeast for sixteen years; and

WHEREAS, Brent Toalson became an associate principal at Lincoln High School in 2007; and

WHEREAS, Brent Toalson became the principal of Lincoln Southeast in 2013; and

WHEREAS, Brent Toalson strove to build relationships with students, teachers, and parents to help students achieve academic success; and

WHEREAS, Brent Toalson led a number of student equality efforts, including the after school programs Knight House and Knight Success, which helped students who were struggling academically; and

WHEREAS, Brent Toalson will be retiring before the start of the 2020 school year.

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

1. That the Legislature thanks Brent Toalson for 29 years of service to Lincoln students, teachers, and parents.

2. That the Legislature wishes Brent, his wife Colleen, and their sons Alex and Ben well in Brent's retirement.

3. That a copy of this resolution be sent to Brent Toalson.

Laid over.

LEGISLATIVE RESOLUTION 464. Introduced by Hansen, B., 16.

WHEREAS, the West Point-Beemer girls wrestling team won the first ever Nebraska Scholastic Wrestling Coaches Association Girls State Wrestling Championship; and

WHEREAS, this year, 2020, marks the first All-Girls statewide wrestling competition in Nebraska; and

WHEREAS, the West Point-Beemer Cadets sent fifteen girls to the competition with eleven of the girls designated as scoring wrestlers, six of whom wrestled in the finals, and won the meet with 190 points, 89 points ahead of the runner-up, the Schuyler Warriors; and

WHEREAS, three West Point-Beemer Cadets were named state champions at the meet. Senior Naydeli Medina won the 138-pound division title, sophomore Saige Miserez won the 145-pound division title, and senior Estefania Barragan won the 182-pound division title; and

WHEREAS, Katy Figueroa, Brithany Cervantes, and Claire Paasch also competed in the finals and finished as state runners-up; and

WHEREAS, head coach Ray Maxwell began an all-girls wrestling program at West Point-Beemer High School four years ago with six wrestlers. The following year twelve wrestlers competed, last year twenty-two wrestlers competed, and this year twenty-one wrestlers competed. Estefania Barragan and Brithany Cervantes have been with the program all four years and were able to see the results of their determination; and

WHEREAS, the goal of the all-girls wrestling program at West Point-Beemer High School was to win a state championship, and through their hard work they met this goal; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the West Point-Beemer High School girls wrestling team on its state wrestling championship, Naydeli Medina, Saige Miserez, and Estefania Barragan on their individual state wrestling titles, and head coach Ray Maxwell on a successful all-girls wrestling program.

2. That a copy of this resolution be sent to West Point-Beemer High School and Coach Ray Maxwell.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to [LB881](#):
[AM3170](#)

(Amendments to Final Reading copy)

1. Strike section 14.
2. On page 1, line 3, strike "29-901, "; and strike beginning with 3 the second "to" in line 16 through the first semicolon in line 17.
4. Renumber the remaining sections and correct internal references 5 and the repealer accordingly.

Senator Briese filed the following amendment to [LB930](#):
[FA128](#)

P. 2, line 10 after "and" insert "for".

Senator Briese filed the following amendment to [LB930](#):
[FA129](#)

P. 2, line 17 after "for" insert "the".

Senator Briese filed the following amendment to [LB930](#):
[FA130](#)

P. 2, line 10 after "and" insert "for".

Senator Briese filed the following amendment to [LB930](#):
[FA131](#)

P. 2, line 17 after "for" insert "the".

SELECT FILE

LEGISLATIVE BILL 848. [ER191](#), found on page 867, was adopted.

Senator Brewer withdrew his amendment, [AM2751](#), found on page 849.

Senator Brewer withdrew his amendment, [AM3215](#), found on page 1229.

Senator Brewer offered his amendment, [AM3231](#), found on page 1235.

The Brewer amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Wayne offered his amendment, [AM3241](#), found on page 1239.

Senator Wayne withdrew his amendment.

Senator Groene offered the following amendment:

[FA127](#)

Amend ER191.

On p. 1, line 4 strike "Indigenous People's Day and". On p. 1, lines 24-25 strike "Indigenous People's Day and". On p. 7 lines 26-27 strike "Indigenous People's Day and".

The Groene amendment lost with 6 ayes, 25 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 848A. Senator Pansing Brooks offered the following amendment:

[AM3234](#)

1 1. On page 2, strike beginning with "(1)" in line 1 through "(2)" in line 2.

The Pansing Brooks amendment was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 965. [ER199](#), found on page 893, was adopted.

Senator McDonnell offered his amendment, [AM2992](#), found on page 1227.

The McDonnell amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 965A. Senator McDonnell offered his amendment, [AM3220](#), found on page 1227.

The McDonnell amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 918. Senator Wayne offered his amendment, [AM3151](#), found on page 1118.

The Wayne amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 918A. Senator Wayne offered the following amendment:

[AM3237](#)

- 1 1. Strike sections 1 and 2.
- 2 2. On page 2, in line 15 strike "\$255,000" and insert "\$127,500";
- 3 and in line 21 strike "\$163,330" and insert "\$81,665".
- 4 3. Renumber the remaining section accordingly.

The Wayne amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 424. [ER223](#), found on page 1137, was adopted.

Senator Quick withdrew his amendments, [AM3032](#) and [AM3227](#), found on pages 1040 and 1229.

Senator Quick offered the following amendment:

[AM3290](#)

(Amendments to E & R amendments, ER223)

- 1 1. On page 7, line 26, after "board" insert "of a land bank created
- 2 by a city of the metropolitan class that borders a county in which at
- 3 least three cities of the first class are located"; and in line 27 strike
- 4 "the", show as stricken, and insert "such".
- 5 2. On page 8, lines 3 through 31, strike the new matter and
- 6 reinstate the stricken matter.
- 7 3. On page 9, lines 1 through 3, reinstate the stricken matter; and
- 8 in line 3, after the reinstated "(5)" insert "of section 10 of this act,
- 9 if any such hierarchical ranking is established."
- 10 4. On page 11, line 17, strike "that is owned" and insert "in which
- 11 a direct or indirect interest is held"; and in line 20 strike "an
- 12 ownership" and insert "a financial".
- 13 5. On page 13, line 20, strike "Seven" and insert "Three"; in line
- 14 23 strike "Ten" and insert "Five"; and in line 26 strike "Twenty-five"
- 15 and insert "Ten".
- 16 6. On page 18, line 18, after the first comma insert "the Speaker of
- 17 the Legislature, the chairperson of the Executive Board of the
- 18 Legislative Council,"; in line 21 strike "legislative committees", show
- 19 as stricken, and insert "Legislature"; and after line 22 insert the
- 20 following new subsection:
- 21 "(4) The annual report required under subsection (3) of this section
- 22 shall include, but not be limited to:
- 23 (a) A listing of each property owned by the land bank at the end of
- 24 the prior calendar year, including how long each such property has been

25 owned by the land bank and whether such property was acquired utilizing
 26 the automatically accepted bid under section 17 or 18 of this act;
 1 (b) A list of entities and individuals who received more than two
 2 thousand five hundred dollars from the land bank in the prior calendar
 3 year;
 4 (c) A list of financial institutions in which the land bank has
 5 deposited funds;
 6 (d) The percentage of total parcels located in each municipality
 7 which are held by the land bank; and
 8 (e) A statement certifying that all board members and employees of
 9 the land bank comply with the conflict of interest requirements in
 10 sections 7 and 15 of this act."
 11 7. On page 19, line 25, strike "an ownership" and insert "a
 12 financial".
 13 8. On page 20, line 25; and page 22, line 15, after "If" insert "a
 14 land bank is created by a city of the metropolitan class that borders a
 15 county in which at least three cities of the first class are located and
 16 if".
 17 9. On page 23, line 16, after the period insert "If the acquisition
 18 of real property under this subsection would result in a land bank
 19 exceeding the total number of parcels that a land bank may hold legal
 20 title to pursuant to subsection (6) of section 8 of this act, the
 21 acquisition of such property shall not be counted towards such limit.".

The Quick amendment was adopted with 33 ayes, 4 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1064:
[AM3228](#)

1 1. On page 4, line 18, after "guardian" insert ", except that until
 2 January 1, 2022, a tobacco specialty store may allow an employee who is
 3 nineteen or twenty years of age to work in the store.".

Senator Brewer filed the following amendment to LB963:
[AM3294](#)

(Amendments to Final Reading copy)

1 1. Insert the following new section:
 2 Sec. 4. This act becomes operative on July 1, 2021.
 3 2. On page 1, line 11, after the second semicolon insert "to provide
 4 an operative date;".
 5 3. On page 3, line 14, strike "2027" and insert "2028".
 6 4. Renumber the remaining section accordingly.

Senator Brewer filed the following amendment to LB963A:
[AM3299](#)

(Amendments to Final Reading copy)

1 1. On page 2, line 1, strike "\$442,500" and insert "\$-0-"; and
 2 strike beginning with "There" in line 9 through the period in line 11.

Senator Linehan filed the following amendment to LB1074:

AM3235

1 Insert the following new section:

2 Sec. 2. Section 77-2716.01, Revised Statutes Supplement, 2019, is

3 amended to read:

4 77-2716.01 (1)(a) Through tax year 2017, every individual shall be
5 allowed to subtract from his or her income tax liability an amount for
6 personal exemptions. The amount allowed to be subtracted shall be the
7 credit amount for the year as provided in this subdivision multiplied by
8 the number of exemptions allowed on the federal return. For tax year
9 1993, the credit amount shall be sixty-five dollars; for tax year 1994,
10 the credit amount shall be sixty-nine dollars; for tax year 1995, the
11 credit amount shall be sixty-nine dollars; for tax year 1996, the credit
12 amount shall be seventy-two dollars; for tax year 1997, the credit amount
13 shall be eighty-six dollars; for tax year 1998, the credit amount shall
14 be eighty-eight dollars; for tax year 1999, and each year thereafter
15 through tax year 2017, the credit amount shall be adjusted for inflation
16 by the method provided in section 151 of the Internal Revenue Code of
17 1986, as it existed prior to December 22, 2017. The eighty-eight-dollar
18 credit amount shall be adjusted for cumulative inflation since 1998. If
19 any credit amount is not an even dollar amount, the amount shall be
20 rounded to the nearest dollar. For nonresident individuals and partial-
21 year resident individuals, the personal exemption credit shall be
22 subtracted as specified in subsection (3) of section 77-2715.

23 (b) Beginning with tax year 2018, every individual, except an
24 individual that can be claimed for a child credit or dependent credit on
25 the federal return of another taxpayer, shall be allowed to subtract from
26 his or her income tax liability an amount for personal exemptions. The
27 amount allowed to be subtracted shall be the credit amount for the year
1 as provided in this subdivision multiplied by the sum of the number of
2 child credits and dependent credits taken on the federal return, plus two
3 for a married filing jointly return or plus one for any other return. For
4 tax year 2018, the credit amount shall be one hundred thirty-four
5 dollars. For tax year 2019 and each tax year thereafter, the credit
6 amount shall be adjusted for inflation based on the percentage change in
7 the Consumer Price Index for All Urban Consumers published by the federal
8 Bureau of Labor Statistics from the twelve months ending on August 31,
9 2017, to the twelve months ending on August 31 of the year preceding the
10 taxable year. If any credit amount is not an even dollar amount, the
11 amount shall be rounded to the nearest dollar. For nonresident
12 individuals and partial-year resident individuals, the personal exemption
13 credit shall be subtracted as specified in subsection (3) of section
14 77-2715.

15 (2)(a) For tax years beginning or deemed to begin on or after
16 January 1, 2003, and before January 1, 2004, under the Internal Revenue
17 Code of 1986, as amended, every individual who did not itemize deductions
18 on his or her federal return shall be allowed to subtract from federal
19 adjusted gross income a standard deduction based on the filing status
20 used on the federal return except as the amount is adjusted under section
21 77-2716.03. The standard deduction shall be the smaller of the federal
22 standard deduction actually allowed or (i) for single taxpayers four
23 thousand seven hundred fifty dollars, (ii) for head of household
24 taxpayers seven thousand dollars, (iii) for married filing jointly
25 taxpayers seven thousand nine hundred fifty dollars, and (iv) for married
26 filing separately taxpayers three thousand nine hundred seventy-five
27 dollars. Taxpayers who are allowed additional federal standard deduction
28 amounts because of age or blindness shall be allowed an increase in the
29 Nebraska standard deduction for each additional amount allowed on the
30 federal return. The additional amounts shall be for married taxpayers,
31 nine hundred fifty dollars, and for single or head of household

1 taxpayers, one thousand one hundred fifty dollars.

2 (b) For tax years beginning or deemed to begin on or after January
3 1, 2007, and before January 1, 2018, under the Internal Revenue Code of
4 1986, as amended, every individual who did not itemize deductions on his
5 or her federal return shall be allowed to subtract from federal adjusted
6 gross income a standard deduction based on the filing status used on the
7 federal return. The standard deduction shall be the smaller of the
8 federal standard deduction actually allowed or (i) for single taxpayers
9 three thousand dollars and (ii) for head of household taxpayers four
10 thousand four hundred dollars. The standard deduction for married filing
11 jointly taxpayers shall be double the standard deduction for single
12 taxpayers, and for married filing separately taxpayers, the standard
13 deduction shall be the same as single taxpayers. Taxpayers who are
14 allowed additional federal standard deduction amounts because of age or
15 blindness shall be allowed an increase in the Nebraska standard deduction
16 for each additional amount allowed on the federal return. The additional
17 amounts shall be for married taxpayers six hundred dollars and for single
18 or head of household taxpayers seven hundred fifty dollars. The amounts
19 in this subdivision will be indexed using 1987 as the base year.

20 (c) For tax years beginning or deemed to begin on or after January
21 1, 2007, and before January 1, 2018, the standard deduction amounts,
22 including the additional standard deduction amounts, in this subsection
23 shall be adjusted for inflation by the method provided in section 151 of
24 the Internal Revenue Code of 1986, as it existed prior to December 22,
25 2017. If any amount is not a multiple of fifty dollars, the amount shall
26 be rounded to the next lowest multiple of fifty dollars.

27 (3)(a) For tax years beginning or deemed to begin on or after
28 January 1, 2018, every individual who did not itemize deductions on his
29 or her federal return shall be allowed to subtract from federal adjusted
30 gross income a standard deduction based on the filing status used on the
31 federal return. The standard deduction shall be the smaller of the
1 federal standard deduction actually allowed or (i) six thousand seven
2 hundred fifty dollars for single taxpayers and (ii) nine thousand nine
3 hundred dollars for head of household taxpayers. The standard deduction
4 for married filing jointly taxpayers or qualifying widows or widowers
5 shall be double the standard deduction for single taxpayers, and the
6 standard deduction for married filing separately taxpayers shall be the
7 same as the standard deduction for single taxpayers. Taxpayers who are
8 allowed additional federal standard deduction amounts because of age or
9 blindness shall be allowed an increase in the Nebraska standard deduction
10 for each additional amount allowed on the federal return. The additional
11 amounts shall be one thousand three hundred dollars for married taxpayers
12 and one thousand six hundred dollars for single or head of household
13 taxpayers.

14 (b) For tax years beginning or deemed to begin on or after January
15 1, 2019, the standard deduction amounts, including the additional
16 standard deduction amounts, in this subsection shall be adjusted for
17 inflation based on the percentage change in the Consumer Price Index for
18 All Urban Consumers published by the federal Bureau of Labor Statistics
19 from the twelve months ending on August 31, 2017, to the twelve months
20 ending on August 31 of the year preceding the taxable year. If any amount
21 is not a multiple of fifty dollars, the amount shall be rounded to the
22 next lowest multiple of fifty dollars.

23 (4)(a) For tax years beginning or deemed to begin before January 1,
24 2020, every (4) Every individual who itemized deductions on his or her
25 federal return shall be allowed to subtract from federal adjusted gross
26 income the greater of either:

27 (i) The the standard deduction allowed in this section; or
28 (ii) His his or her federal itemized deductions as defined in
29 section 63(d) of the Internal Revenue Code of 1986, as amended, except

30 for the amount for state or local income taxes included in federal
31 itemized deductions before any federal disallowance.
1 (b) For tax years beginning or deemed to begin on or after January
2 1, 2020, every individual who itemized deductions on his or her federal
3 return shall be allowed to subtract from federal adjusted gross income
4 the greater of either:
5 (i) The standard deduction allowed in this section; or
6 (ii) The sum of:
7 (A) His or her federal itemized deductions as defined in section
8 63(d) of the Internal Revenue Code of 1986, as amended, except for the
9 amount for state or local income taxes included in federal itemized
10 deductions before any federal disallowance; and
11 (B) The total amount of state and local property taxes reported on
12 his or her federal return before any federal disallowance or cap, less
13 the amount of state and local property taxes actually included in federal
14 itemized deductions.
15 2. Renumber the remaining sections and correct the repealer
16 accordingly.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1008:
MO205
Bracket until August 11, 2020.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Lowe, the Legislature adjourned until
9:00 a.m., Friday, July 31, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - JULY 31, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, July 31, 2020

PRAYER

The prayer was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Briese, Chambers, Groene, B. Hansen, Linehan, McCollister, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 783. Placed on Final Reading.

LEGISLATIVE BILL 956. Placed on Final Reading.

LEGISLATIVE BILL 1160. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of July 30, 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

Abboud, Chris - Public Affairs Group
DraftKings Inc. (Withdrawn 07/29/2020)
FanDuel, Inc. (Withdrawn 07/29/2020)
Albrecht, Tim
Apple Inc.
Dozier, James
The National Council for Behavioral Health (Withdrawn 07/27/2020)
Facemire, Liz
Rock Central (Withdrawn 07/28/2020)

GENERAL FILE

LEGISLATIVE BILL 755A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 808A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendments to LB1008

Senator La Grone withdrew his amendment, [AM2929](#), found on page 939, to LB1008.

Senator Wayne withdrew his amendments, [AM2900](#), [AM2901](#), [AM2902](#), [AM2903](#), [AM2904](#), and [AM2905](#), found on page 943, to LB1008.

Senator Slama withdrew her amendment, [AM2884](#), found on page 918, to LB1008.

WITHDRAW - Motion to LB1008

Senator Briese withdrew his motion, [MO202](#), found on page 1240, to bracket LB1008 until August 13, 2020.

MOTION(S) - Bracket LB1008

Senator Wayne offered his motion, [MO205](#), found on page 1265, to bracket LB1008 until August 11, 2020.

The Wayne motion to bracket failed with 9 ayes, 36 nays, and 4 present and not voting.

WITHDRAW - Amendments to LB1008

Senator Linehan withdrew her amendment, [AM2951](#), found on page 967, to LB1008.

Senator Morfeld withdrew his amendment, [AM3196](#), found on page 1194, to LB1008.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1008 with 38 ayes, 5 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1008. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, sections 24, 49, 50, 92, 98, 99, 100, 102, 105, 110, 130, 147, 165, 169, 170, 200, 207, 215, 216, 217, 237, and 244, Laws 2019, LB296, section 7, and Laws 2019, LB297, sections 31, 43, and 45; to define terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary education, and capital construction; to provide for scholarships as prescribed; to provide for transfers of funds; to require reports; 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, 43:

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

Voting in the negative, 3:

Chambers Erdman Wayne

Present and not voting, 3:

Cavanaugh Groene Lowe

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

WITHDRAW - Motion to LB1009

Senator Wayne withdrew his motion, [MO195](#), found on page 1226, to bracket LB1009 until August 13, 2020.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1009. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-222, 61-224, and 81-829.33, Reissue Revised Statutes of Nebraska, and sections 9-1,101 and 13-2704, Revised Statutes Supplement, 2019; to provide for, change, and eliminate fund transfers; to change authorized uses of funds; to repeal a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 46-752, 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, 46:

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

Voting in the negative, 2:

Chambers Wayne

Present and not voting, 1:

Cavanaugh

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

MOTION(S) - Return LB927 to Select File

Senator Chambers moved to return LB927 to Select File for the following specific amendment:

[FA132](#)

Strike 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 927. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Kolterman

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1008, 1009, and 927.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1140 with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1140. With Emergency Clause.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-401 and 43-403, Reissue Revised Statutes of Nebraska, and section 43-251.01, Revised Statutes Cumulative Supplement, 2018; to provide requirements for operating a youth rehabilitation and treatment center; to require youth rehabilitation and treatment center operations plans and emergency placement plans from the Department of Health and Human Services under the Health and Human Services, Office of Juvenile Services Act; to authorize a needs assessment and cost analysis for an inpatient adolescent psychiatric unit; to change provisions relating to transportation to youth rehabilitation and treatment centers; to provide a duty for the Revisor of Statutes; to harmonize provisions; to provide operative dates; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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 LB1144 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1144.

A BILL FOR AN ACT relating to state institutions; to amend sections 81-8,242, 81-8,243, 81-8,246, 81-8,247, 81-8,249, 81-8,250, 81-8,251, 81-8,252, 81-8,253, and 81-8,254, 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 create the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature; to eliminate obsolete language relating to the Public Counsel; to require an annual review and physical inspection of and a staffing report on certain state institutions by the Public Counsel; 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, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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 LB1188 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1188.

A BILL FOR AN ACT relating to juveniles; 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 sections 79-703, 83-107.01, and 83-108, Revised Statutes Cumulative Supplement, 2018; to provide, change, and eliminate definitions; to eliminate obsolete provisions; to provide and change duties for the Office of Juvenile Services and the Department of Health and Human Services; to change provisions relating to treatment of juveniles; to prohibit denial of in-person visitation and communication as a sanction; to create the position of and provide duties for the superintendent of institutional schools; to change provisions relating to accreditation standards; to provide requirements for gender separation at youth rehabilitation and treatment centers; to change provisions relating to Department of Health and Human Services facilities; 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.

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, 42:

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

Voting in the negative, 4:

Bostelman	Erdman	Groene	Lowe
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Present and not voting, 2:

Clements	Linehan
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Excused and not voting, 1:

Wayne

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 LB1148 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1148.

A BILL FOR AN ACT relating to protected persons; to amend sections 28-377, 28-378, 28-716, 28-719, 28-726, 28-728, 28-730, 29-1926, 43-247.02, 43-407, 43-408, 83-108.04, and 83-901, Reissue Revised Statutes of Nebraska, and sections 43-286 and 43-2,108.01, Revised Statutes Supplement, 2019; to change provisions relating to access to and use of

certain records and reports of abuse and neglect; to provide for immunity as prescribed; to change provisions relating to forensic interviews and video recordings; to provide and change requirements for placement and treatment of juveniles; to eliminate obsolete provisions; 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, 35:

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

Voting in the negative, 6:

Bostelman	Erdman	Halloran
Clements	Groene	Lowe

Present and not voting, 7:

Albrecht	Hansen, B.	Hughes	Slama
Friesen	Hilgers	La Grone	

Excused and not voting, 1:

Wayne

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 LB43 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to victims' rights; to amend section 29-1926, Reissue Revised Statutes of Nebraska, and sections 29-119 and 29-1917, Revised Statutes Supplement, 2019; to adopt the Sexual Assault Victims'

Bill of Rights Act; to redefine a term and change rules of criminal procedure relating to plea agreements and depositions; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 5:

Briese	Clements	Erdman	Groene	Lowe
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Excused and not voting, 1:

Wayne

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 LB247 with 35 ayes, 2 nays, 11 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 247.

A BILL FOR AN ACT relating to health care; to amend sections 30-3402, 30-3405, 30-3406, 30-3408, and 30-3423, Reissue Revised Statutes of Nebraska; to adopt the Advance Mental Health Care Directives Act; to change and harmonize power of attorney for health care 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:

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

Voting in the negative, 0.

Present and not voting, 4:

Erdman	Groene	Halloran	Lowe
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Excused and not voting, 1:

Wayne

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 LB461 with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 461.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-109.01, 75-118, 75-124, 75-156, 75-301, 75-302, 75-307, 75-308, and 75-311, Reissue Revised Statutes of Nebraska, and section 75-303, Revised Statutes Supplement, 2019; to change provisions relating to the Public Service Commission and motor carriers; to define and redefine terms; to eliminate certificates of public convenience and necessity and permits for movers of household goods and carriers of railroad employees; to provide a licensing process for such regulated motor carriers; to exempt certain motor carriers engaged in transportation related to agritourism from certain requirements; to harmonize provisions; to provide operative dates; to repeal

the original sections; and to outright repeal section 75-304.02, 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, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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 705.

A BILL FOR AN ACT relating to the achieving a better life experience program; to amend section 77-1403, Reissue Revised Statutes of Nebraska; to provide for distribution of accounts upon death; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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

LEGISLATIVE BILL 751.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2019; to change provisions relating to compulsory attendance; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,107, Revised Statutes Cumulative Supplement, 2018; to define terms; to require certain insurers to provide coverage for certain services delivered through telehealth; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Hilgers La Grone Lowe

Excused and not voting, 1:

Wayne

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 LB774 with 37 ayes, 3 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 774.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3520 and 44-3523, Reissue Revised Statutes of Nebraska, and sections 44-416.06, 44-416.09, and 44-3521, Revised Statutes Cumulative Supplement, 2018; to change requirements regarding credit for reinsurance as prescribed; to change provisions relating to fees for dental services; to change provisions relating to motor vehicle service contract reimbursement insurance policies and motor vehicle service contract providers; to prohibit certain activities by facilities as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; 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, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

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 780. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-312, 82-313, and 82-332, Reissue Revised Statutes of Nebraska; to provide powers and duties relating to establishment and certification of creative districts and funding competitive grants; to change provisions relating to expenditures for administrative costs for cultural preservation activities; to harmonize provisions; to provide operative dates; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 1:

Wayne

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 780A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, section 213; to appropriate funds to aid in carrying out the provisions of Legislative Bill 780, One Hundred Sixth Legislature, Second Session, 2020; to change appropriations as prescribed; to repeal the original section; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Erdman Lowe Walz

Excused and not voting, 1:

Wayne

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 797.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3052, Revised Statutes Supplement, 2019; to change restrictions on annexation as prescribed; 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, 33:

Arch	Chambers	Hilgers	Lindstrom	Scheer
Blood	Crawford	Hilkemann	McCollister	Vargas
Bolz	DeBoer	Howard	McDonnell	Walz
Bostelman	Dorn	Hunt	Morfeld	Williams
Brandt	Geist	Kolowski	Moser	Wishart
Brewer	Hansen, B.	Kolterman	Pansing Brooks	
Cavanaugh	Hansen, M.	Lathrop	Quick	

Voting in the negative, 1:

Erdman

Present and not voting, 14:

Albrecht	Friesen	Halloran	Linehan	Slama
Briese	Gragert	Hughes	Lowe	Stinner
Clements	Groene	La Grone	Murman	

Excused and not voting, 1:

Wayne

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 LB803 with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 803.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3740 and 49-1499.02, Reissue Revised Statutes of Nebraska, and sections 52-1308 and 60-6,298, Revised Statutes Cumulative Supplement, 2018; to adopt the Dry Pea and Lentil Resources Act; to create a commission and a fund; to redefine terms under the Dry Bean Resources Act and the Nebraska Political Accountability and Disclosure Act and for purposes of a filing system for farm product security interests; to change provisions relating to a distance limitation exception for certain vehicle weight and length permits; 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:

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

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh Groene La Grone Stinner

Excused and not voting, 1:

Wayne

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 803A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 803, 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, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Briese	DeBoer	Slama
Cavanaugh	La Grone	Walz

Excused and not voting, 1:

Wayne

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 832.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,186, Reissue Revised Statutes of Nebraska; to provide for immunity from civil liability for entering a motor vehicle to remove a child in an emergency as prescribed; 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	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Williams
Brandt	Gragert	Kolowski	Moser	Wishart
Brewer	Groene	Kolterman	Murman	
Briese	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Geist

Excused and not voting, 1:

Wayne

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 LB835 with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,288.01, 89-186, and 89-187.01, Reissue Revised Statutes of Nebraska, and sections 81-2,244.01, 81-2,257, 81-2,270, 89-187, and

89-187.02, Revised Statutes Cumulative Supplement, 2018; to change the Nebraska Pure Food Act by changing and eliminating definitions, providing a priority item designation, eliminating obsolete references, and changing regulatory authority inspection reporting requirements; to change the Weights and Measures Act by updating certain standards and regulations, changing provisions relating to department device inspection fees, removing obsolete provisions, and eliminating a signature requirement on a permit application; to repeal the original sections; and to outright repeal section 81-2,243.01, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh Wishart

Excused and not voting, 1:

Wayne

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 840.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5716, 71-5717, 71-5718, 71-5727, 71-5730, and 71-5735, Reissue Revised Statutes of Nebraska; to exempt electronic smoking device retail outlets; to define and redefine terms; to prohibit the use of electronic smoking devices 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, 33:

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

Voting in the negative, 2:

Erdman	Groene
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Present and not voting, 13:

Albrecht	Clements	Halloran	La Grone	Slama
Brewer	Friesen	Hansen, B.	Linehan	
Briese	Geist	Hilgers	Lowe	

Excused and not voting, 1:

Wayne

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

LEGISLATIVE BILL 850. With Emergency Clause.

A BILL FOR AN ACT relating to government; to authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at the Fort Donelson National Battlefield; to provide duties for the Secretary of State; to create a committee; to provide for termination; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 5:

Albrecht	Erdman	Groene	Halloran	Lowe
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Excused and not voting, 1:

Wayne

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 LB858 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 858. With Emergency Clause.

A BILL FOR AN ACT relating to natural resources; to amend sections 18-2409, 18-2410, 18-2413, 18-2414, 18-2420, 18-2427, 18-2435, 18-2436, 18-2439, 18-2445, 18-2446, 18-2451, 18-2461, 66-1519, 66-1523, 66-1525, 72-2007, and 81-1566, Reissue Revised Statutes of Nebraska, section 81-1558, Revised Statutes Cumulative Supplement, 2018, and section 66-1529.02, Revised Statutes Supplement, 2019; to redefine terms and change provisions of the Municipal Cooperative Financing Act relating to directors, municipalities, bonds, audits, and agency restrictions; to extend use of the Petroleum Release Remedial Action Cash Fund; to eliminate legislative confirmation for certain Niobrara Council members; to eliminate provisions relating to fund transfers and extend a termination date under the Nebraska Litter Reduction and Recycling Act; to harmonize provisions; to provide operative dates; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

Excused and not voting, 1:

Wayne

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to administrative law; to amend section 84-917, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals under the Administrative Procedure Act; to eliminate obsolete 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh Groene Hunt

Excused and not voting, 1:

Wayne

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

LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to provide certain powers relating to certain fuels and fuel byproducts; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Blood Cavanaugh Walz

Excused and not voting, 1:

Wayne

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 LB910 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 21-186, 21-2216, 21-2924, 25-3308, 33-102, 45-603, 45-606, 45-620, 45-806, 48-2609, 52-1313, 52-1316, 64-306, 64-313, 67-293, 67-462, 69-1204, 69-1206, 71-3204, 77-3903, 81-1921, 81-1922, 84-511, 84-1205, 87-130, 87-133, 87-134, 87-210, 87-211, and 87-212, Reissue Revised Statutes of Nebraska, sections 13-2525, 21-205, 21-414, 21-1905, 33-101, 52-1004, 52-1312, 52-1602, and 84-906.03, Revised Statutes Cumulative Supplement, 2018, sections 21-192, 64-405, 64-415, and 84-1227, Revised Statutes Supplement, 2019, section 9-528, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and section 9-525, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2018; to provide for, change, and eliminate fees and the collection and distribution of fees; to create, eliminate, and transfer funds; to eliminate provisions regarding failure to report interests in certain real estate and powers and duties regarding centralized computer system equipment; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 76-1522 and 84-510, Reissue Revised Statutes of Nebraska, section 84-907.03, Revised Statutes Cumulative Supplement, 2018, section 45-621, Revised Statutes Supplement, 2019, and section 9-531, Uniform Commercial Code, 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, 42:

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

Voting in the negative, 5:

Albrecht Bostelman Groene La Grone Slama

Present and not voting, 1:

Cavanaugh

Excused and not voting, 1:

Wayne

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 911. With Emergency Clause.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 16-201, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 16-202, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to the state veteran cemetery system; to state intent; to eliminate obsolete provisions; to provide for conveyance of real estate as prescribed; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 911A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB912 with 33 ayes, 2 nays, and 14 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 912.

A BILL FOR AN ACT relating to civil procedure; to amend sections 24-734 and 43-2939, Reissue Revised Statutes of Nebraska, and sections 25-1223, 25-1224, 25-1226, 25-1228, and 33-106, Revised Statutes Cumulative Supplement, 2018; to adopt the County Court Expedited Civil Actions Act; to change provisions relating to examination of witnesses by telephonic, videoconferencing, and similar methods; to change provisions relating to discovery, subpoenas, witness fees, docket fees, and Parenting Act mediators; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman Lowe

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 924. With Emergency Clause.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01 and 81-1414.07, Reissue Revised Statutes of Nebraska, and section 20-504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to racial profiling prevention policies; to prohibit law enforcement agencies failing to comply with racial profiling monitoring and reporting requirements from receiving funding from the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to require anti-bias and implicit bias training for law enforcement officers; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

MOTION(S) - Return LB931 to Select File

Senator Cavanaugh moved to return LB931 to Select File for the following specific amendment:

[FA133](#)

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 931.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,301, Revised Statutes Cumulative Supplement, 2018; to change a harvested products maximum weight overload exception; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 3:

Briese Cavanaugh Hilkemann

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 LB944 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 944. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 18-1214, 37-327.03, 38-129, 60-142.01, 60-3,137, 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03, 75-386, 75-398, and 75-399, Reissue Revised Statutes of Nebraska, sections 4-111, 60-192, 60-331.02, 60-3,104.02, 60-3,205, 60-484.04, 60-484.05, 60-4,113, 60-4,114, 60-4,138, 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-144, 60-301, 60-302.01, 60-336.01, 60-386, 60-393, 60-395, 60-396, 60-3,104, 60-3,113.04, 60-3,122.03, 60-3,127, 60-3,130.04, 60-3,193.01, 60-3,198, 60-3,226, 60-3,230, 60-3,232, 60-3,234, 60-3,237, 60-3,238, 60-3,239, 60-3,240, 60-3,241, 60-3,242, 60-3,243, 60-462.01, 60-479.01, 60-495, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,182, 60-501, 60-628.01, 60-6,265, 60-6,290, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to change provisions relating to the federal REAL ID Act of 2005 and certain motor vehicle fees imposed by cities and villages; to update certain federal references; to redefine handicapped or disabled person for purposes of motor vehicle registration; to change provisions relating to a certificate of title for a junked

vehicle and odometer statements; to provide for a refund or credit of fees for a loss of possession due to natural disaster; to update a reference to the International Registration Plan; to eliminate provisions relating to certain replacement permanent plates; to authorize temporary license stickers as prescribed; to change and provide provisions relating to license plates, fees, and distribution of the fees; to provide for electronic delivery of an operator's license or state identification card and for a remote knowledge inquiry; to change provisions relating to restrictions to a commercial driver's license and a commercial learner's permit, lifetime disqualifications from operating a commercial motor vehicle, the point system for traffic violations, and vehicle length and weight limits; to provide for the crossing of a controlled-access highway by an all-terrain vehicle or utility-type vehicle as prescribed; to change provisions relating to the International Fuel Tax Agreement Act; to define and redefine terms; to change certain civil penalties; to change provisions relating to the unified carrier registration plan and agreement; to create funds; to harmonize provisions; to provide operative dates; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 944A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 944, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 3:

Brewer Cavanaugh Groene

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 LB1003 with 36 ayes, 4 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1003. With Emergency Clause.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-2102, 14-1813, 15-103, 15-104, 15-105, 15-106, 15-106.01, 15-106.02, 15-108, 15-110, 15-111, 15-112, 15-113, 15-115, 15-116, 15-117, 15-118, 15-201, 15-201.01, 15-204, 15-205, 15-207, 15-208, 15-209, 15-210, 15-212, 15-215, 15-216, 15-217, 15-218, 15-219, 15-220, 15-221, 15-222, 15-223, 15-224, 15-225, 15-228, 15-229, 15-229.01, 15-229.02, 15-230, 15-231, 15-234, 15-235, 15-235.01, 15-235.03, 15-236, 15-237, 15-238, 15-239, 15-240, 15-242, 15-243, 15-244, 15-247, 15-250, 15-252, 15-254, 15-255, 15-256, 15-257, 15-258, 15-259, 15-261, 15-262, 15-263, 15-264, 15-265, 15-266, 15-268.01, 15-269, 15-270, 15-271, 15-272, 15-273,

15-274, 15-307, 15-308, 15-309, 15-309.01, 15-310, 15-311, 15-314, 15-315, 15-316, 15-317, 15-322, 15-326, 15-332, 15-401, 15-402, 15-403, 15-406, 15-501, 15-502, 15-701, 15-701.01, 15-701.02, 15-702.01, 15-702.02, 15-702.03, 15-702.04, 15-708, 15-717, 15-720, 15-724, 15-725, 15-726, 15-727, 15-728, 15-729, 15-734, 15-735, 15-751, 15-752, 15-753, 15-754, 15-807, 15-808, 15-809, 15-810, 15-811, 15-812, 15-813, 15-814, 15-816, 15-817, 15-818, 15-819, 15-821, 15-822, 15-823, 15-824, 15-834, 15-835, 15-840, 15-841, 15-842.01, 15-845, 15-848, 15-901, 15-902, 15-1101, 15-1102, 15-1103, 15-1104, 15-1105, 15-1106, 15-1201, 15-1204, 15-1205, 15-1305, and 71-1599, Reissue Revised Statutes of Nebraska, sections 3-502, 15-102, 15-202, 15-211, 15-241, 15-268, 15-404, 15-709, 15-713, 15-718, 15-905, 15-1017, 15-1202, 15-1203, 17-105, 17-405.01, 18-2109, 18-2115, 18-2117.02, 18-2117.03, 18-2142.05, 19-5205, and 19-5305, Revised Statutes Cumulative Supplement, 2018, and sections 13-2705, 16-401, 18-2101.02, 18-2103, 18-2115.01, 19-612, 19-927, 32-538, and 84-304, Revised Statutes Supplement, 2019; to provide deadlines for filling vacancies on certain boards, authorities, and agencies as prescribed; to change provisions relating to enterprise zones under the Enterprise Zone Act; to change requirements for grant of assistance applications; to change and eliminate provisions relating to cities and villages; to change provisions relating to quorum requirements for the city council; to define and redefine terms; to provide annexation powers for purposes of relocation due to catastrophic flooding; to change and eliminate provisions of the Community Development Law; to change provisions relating to elections and numbers of city council members and planning commission meetings; to eliminate provisions relating to street railways; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 15-730, 15-731, 15-732, and 15-733, 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, 42:

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

Voting in the negative, 1:

Erdman

Present and not voting, 6:

Albrecht	Groene	Kolowski
Clements	Halloran	Lowe

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1140, 1144, 1188, 1148, 43, 247, 461, 705, 751, 760, 774, 780, 780A, 797, 803, 803A, 832, 835, 840, 850, 858, 889, 899, 910, 911, 911A, 912, 924, 931, 944, 944A, and 1003.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 681. Placed on Final Reading.
LEGISLATIVE BILL 1158. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on July 31, 2020, at 10:17 a.m. were the following: LBs 1008e, 1009e, and 927e.

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

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to LB424:

[MO206](#)

Bracket until August 13, 2020.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Monday, August 3, 2020, immediately following the hearing in Room 1525.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB43.
Senator Vargas name added to LB866.
Senator Vargas name added to LB1080.
Senator Vargas name added to LB1160.
Senator Vargas name added to LB1183.
Senator Vargas name added to LB1218.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Monday, August 3, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - AUGUST 3, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, August 3, 2020

PRAYER

The prayer was offered by Senator Dorn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht, DeBoer, B. Hansen, M. Hansen, Lathrop, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on July 31, 2020, at 12:17 p.m. were the following: LBs 1140e, 1144, 1188, 1148, 43, 247, 461, 705, 751, 760, 774, 780e, 780Ae, 797, 803, 803Ae, 832, 835, 840, 850e, 858e, 889, 899, 910, 911e, 911Ae, 912, 924e, 931, 944e, 944Ae, and 1003e.

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 353, 360, 366, 375, 376, 403, and 426 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 353, 360, 366, 375, 376, 403, and 426.

GENERAL FILE

LEGISLATIVE BILL 866. Committee [AM2913](#), found on page 942 and considered on pages 1154 and 1240, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1021. Title read. Considered.

Committee [AM2988](#), found on page 1115, was offered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 424. Placed on Final Reading.

LEGISLATIVE BILL 848. Placed on Final Reading.

[ST70](#)

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

1. In the E & R amendments, ER191, on page 9, line 4, "and 62-301" has been struck and "62-301, and 72-2201" inserted; in line 8 "to change the Nebraska State Capitol Preservation and Restoration Act with respect to placement of tribal flags;" has been inserted after the semicolon; and in line 9 "to provide operative dates;" has been inserted after the semicolon.

LEGISLATIVE BILL 848A. Placed on Final Reading.

LEGISLATIVE BILL 918. Placed on Final Reading.

[ST69](#)

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

1. In lieu of the Wayne amendment, AM3151, section 8 and all amendments thereto have been struck.
2. On page 1, line 2, "; and to require a study" has been struck.

LEGISLATIVE BILL 918A. Placed on Final Reading.

LEGISLATIVE BILL 965. Placed on Final Reading.

LEGISLATIVE BILL 965A. Placed on Final Reading.

LEGISLATIVE BILL 966. Placed on Final Reading.

[ST68](#)

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

1. In the E & R amendments, ER233, on page 1, line 10, "and paternity" has been inserted after "maternity".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

General Affairs

The General Affairs 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.

Shane Greckel - State Racing Commission

Aye: 5. Arch, Brandt, Briese, Lowe, Moser. Nay: 3. Blood, Hunt, Wayne.
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Shelby Bakenhus - State Racing Commission

Aye: 5. Arch, Brandt, Briese, Lowe, Moser. Nay: 1. Blood. Absent: 0.
Present and not voting: 2. Hunt, Wayne.

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755A. Placed on Select File.

LEGISLATIVE BILL 808A. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1021. Senator Chambers offered the following motion:

[MO207](#)

Bracket until August 6, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:

[MO208](#)

Recommit to Urban Affairs Committee.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB924.

RECESS

At 11:56 a.m., on a motion by Senator Hunt, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Hunt, and Vargas who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 755A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 808A. Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1028.

A BILL FOR AN ACT relating to courts; to amend sections 24-1004, 24-1005, 25-2804, and 29-2702, Reissue Revised Statutes of Nebraska, and sections 25-1301 and 25-1301.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to records, judgments, and orders; to change provisions relating to actions in Small Claims Court; to change provisions relating to disposition of money received; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bolz	Hunt	Vargas
------	------	--------

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 LB1042 with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1042. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-3,110, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska, and sections 77-2716, 85-1807, 85-2802, and 85-2803, Revised Statutes Supplement, 2019; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to redefine qualified private contribution for purposes of the Meadowlark Act; to change provisions relating to the Meadowlark Endowment Fund; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hunt

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1042A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1042, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hunt

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 LB1052 with 37 ayes, 5 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1052.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2826, 38-28,107, 68-955, 71-401, 71-403, 71-2411, 71-2412, 71-2413, 71-2457, 71-2458, 71-2468, 71-2478, and 71-2479, Reissue Revised Statutes of Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement, 2018; to authorize pharmacists to adapt prescriptions as prescribed; to define and redefine terms; to change provisions relating to dispensed drugs or devices, certain prescription drugs, and emergency box drugs; to provide requirements for assisted-living facilities, nursing facilities, and skilled nursing facilities; 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	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	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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 LB1055 with 37 ayes, 8 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1055.

A BILL FOR AN ACT relating to government; to amend sections 10-702, 32-103, 32-405, 32-545, 32-960, 32-1027, 32-1305, 32-1525, 49-14, 103.01, and 79-552, Reissue Revised Statutes of Nebraska, sections 32-312 and 32-606, Revised Statutes Cumulative Supplement, 2018, and sections 32-101, 32-552, 32-910, and 32-1306, Revised Statutes Supplement, 2019; to change requirements for the issuance of certain bonds; to define a term under the Election Act and change provisions relating to voter registration applications, special elections, certain incumbent filing deadlines, voting by mail, early voting, petition signatures, and recall elections; to eliminate obsolete provisions; to provide for poll watchers and for powers and duties; to provide a penalty; to change provisions of the Nebraska Political Accountability and Disclosure Act relating to an interest in a contract by certain officers; 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 sections; and to outright repeal section 70-642.02, 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	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	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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

MOTION(S) - Return LB1060 to Select File

Senator Cavanaugh moved to return LB1060 to Select File for the following specific amendment:

[AM3288](#)

(Amendments to Final Reading copy)

- 1 1. On page 6, strike lines 14 through 18 and insert the following
- 2 new subdivision:
- 3 "(19) Race includes, but is not limited to, hair texture and
- 4 protective hairstyles; and".

The Cavanaugh motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1060. The Cavanaugh specific amendment, [AM3288](#), found in this day's Journal, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to schools; to define terms; to prohibit sexual conduct with students and former students as prescribed; and to provide duties.

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1124.

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

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

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1130.

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; 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	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	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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 LB1152 with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1152. With Emergency Clause.

A BILL FOR AN ACT relating to hemp; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2018, and sections 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 change the Nebraska Hemp Farming Act as prescribed; to change provisions relating to the cultivation of industrial hemp; to provide a termination date; to provide requirements for the transportation of hemp; to provide a penalty; to harmonize provisions; to provide operative dates; 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:

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

Voting in the negative, 3:

Albrecht Erdman Lowe

Excused and not voting, 2:

Bolz Hansen, M.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1166. With Emergency Clause.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2018; to change school district membership requirement provisions as prescribed; to repeal the original section; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Bolz

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 LB1183 with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1183. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2455, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Supplement, 2019; to adopt the Population Health Information Act; to create the Health Information Technology Board; to provide powers and duties; to change provisions relating to the prescription drug monitoring system and the statewide health information exchange; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

DeBoer

Excused and not voting, 1:

Bolz

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 LB1185 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1185.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 71-1908, Reissue Revised Statutes of Nebraska, and sections 68-1206, 71-1912, and 71-1928.01, Revised Statutes Supplement, 2019; to change provisions relating to participation in the federal Child Care Subsidy program and criminal history record information checks for child care staff members and child care providers; to provide for reimbursement for criminal history record information checks as prescribed; to define a term; to provide for criminal history record information checks for unlicensed providers of child care participating in the federal Child Care Subsidy program; 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	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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 1185A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1185, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1186.

A BILL FOR AN ACT relating to school districts; to amend section 79-8,106, Reissue Revised Statutes of Nebraska; to require that usual salary be paid to injured school district employees as prescribed; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

MOTION(S) - Return LB881 to Select File

Senator Albrecht moved to return LB881 to Select File for her specific amendment, [AM3171](#), found on page 1256.

The Albrecht motion to return failed with 11 ayes, 27 nays, 10 present and not voting, and 1 excused and not voting.

MOTION(S) - Return LB881 to Select File

Senator Albrecht moved to return LB881 to Select File for her specific amendment, [AM3170](#), found on page 1259.

The Albrecht motion to return failed with 13 ayes, 25 nays, 10 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB881 with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 881.

A BILL FOR AN ACT relating to criminal and civil procedure; to amend sections 27-1103, 28-713.01, and 29-1406, Reissue Revised Statutes of Nebraska, sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264, and 29-3005, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-413, 28-101, 28-311.11, 28-318, 28-710, 28-713, 29-110, 29-1823, and 29-4003, Revised Statutes Supplement, 2019; to require cities of the primary class and metropolitan class to make an annual report on the number of untested sexual assault evidence collection kits; to change provisions relating to evidence; to define and redefine terms; to provide for the admission of expert testimony on eyewitness identification and memory as prescribed; to change provisions relating to sex offenses and the Child Protection and Family Safety Act; to create the offense of sexual abuse by a school employee and provide a penalty; to change the statute of limitations for failure to report child abuse or neglect; to change provisions relating to bail; to require appointment of counsel as prescribed; to change provisions relating to grand jury transcripts and competency for criminal proceedings; to provide powers for the Department of Health and Human Services; to change provisions relating to alternate jurors; to state intent regarding construction; to prohibit holding a defendant in custody awaiting trial beyond a prescribed period; to change provisions relating to collection of fines and costs and setting aside convictions; to provide for applicability; to change provisions under the Sex Offender Registration Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 30:

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

Voting in the negative, 8:

Albrecht	Clements	Groene	Lowe
Bostelman	Erdman	Halloran	Murman

Present and not voting, 10:

Brewer	Geist	Hilgers	La Grone	Moser
Friesen	Hansen, B.	Hughes	Linehan	Slama

Excused and not voting, 1:

Bolz

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

MOTION(S) - Return LB963 to Select File

Senator Brewer moved to return LB963 to Select File for his specific amendment, [AM3294](#), found on page 1262.

The Brewer motion to return prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 963. The Brewer specific amendment, [AM3294](#), found on page 1262, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB963A to Select File

Senator Brewer moved to return LB963A to Select File for his specific amendment, [AM3299](#), found on page 1262.

The Brewer motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 963A. The Brewer specific amendment, [AM3299](#), found on page 1262, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1028, 1042, 1042A, 1052, 1055, 1080, 1124, 1130, 1152, 1166, 1183, 1185, 1185A, 1186, and 881.

SELECT FILE

LEGISLATIVE BILL 1064. Senator Linehan offered her amendment, [AM3175](#), found on page 1153.

Senator Linehan withdrew her amendment.

Senator Crawford offered her amendment, [AM3161](#), found on page 1188.

SENATOR HILGERS PRESIDING

The Crawford amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Briese offered his amendment, [AM3228](#), found on page 1262.

The Briese amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 781. [ER222](#), found on page 1138, was adopted.

Senator Brewer offered his amendment, [AM3177](#), found on page 1217.

The Brewer amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 866. Placed on Select File with amendment.

[ER237](#)

1 1. On page 1, strike beginning with "adopt" in line 1 through line 3
2 and insert "amend sections 14-403 and 15-902, Reissue Revised Statutes of
3 Nebraska, and sections 19-901 and 19-902, Revised Statutes Supplement,
4 2019; to adopt the Municipal Density and Missing Middle Housing Act; to
5 provide zoning regulation requirements for certain cities; to harmonize
6 provisions; to provide a duty for the Revisor of Statutes; and to repeal
7 the original sections."

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755A. Placed on Final Reading.

LEGISLATIVE BILL 808A. Placed on Final Reading.

LEGISLATIVE BILL 1060. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 857. Placed on General File with amendment.

AM3325

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
4 amended to read:
5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
6 known and may be cited as the Online Notary Public Act.
7 Sec. 2. No otherwise valid online notarial act performed on or
8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
10 because it was performed prior to the operative date of Laws 2019, LB186.
11 Sec. 3. Original section 64-401, Revised Statutes Supplement, 2019,
12 is repealed.
13 Sec. 4. Since an emergency exists, this act takes effect when
14 passed and approved according to law.

(Signed) Tom Brewer, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 3, 2020, at 4:37 p.m. were the following: LBs 1028, 1042e, 1042Ae, 1052, 1055, 1080, 1124, 1130, 1152e, 1166e, 1183e, 1185, 1185A, 1186, and 881.

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

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB1004:

AM3232

(Amendments to Standing Committee amendments, AM3094)

1 1. Insert the following new sections:
2 Section 1. Section 29-2101, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-2101 A new trial, after a verdict of conviction, may be granted,
5 on the application of the defendant, for any of the following grounds
6 affecting materially his or her substantial rights:
7 (1) Irregularity in the proceedings of the court, of the prosecuting
8 attorney, or of the witnesses for the state or in any order of the court
9 or abuse of discretion by which the defendant was prevented from having a
10 fair trial;
11 (2) Misconduct ~~misconduct~~ of the jury, of the prosecuting attorney,
12 or of the witnesses for the state;
13 (3) Accident ~~accident~~ or surprise which ordinary prudence could not
14 have guarded against;

15 (4) ~~The the~~ verdict is not sustained by sufficient evidence or is
 16 contrary to law;

17 (5) ~~Newly newly~~ discovered evidence material for the defendant which
 18 he or she could not with reasonable diligence have discovered and
 19 produced at the trial. For purposes of this subdivision, newly discovered
 20 evidence includes testimony or evidence from a witness who previously
 21 asserted a testimonial or constitutional privilege and refused to testify
 22 or produce evidence in a prior proceeding;

23 (6) ~~Newly newly~~ discovered exculpatory DNA or similar forensic
 24 testing evidence obtained under the DNA Testing Act; or

25 (7) ~~Error error~~ of law occurring at the trial.

26 The changes made to this section by this legislative bill shall
 1 apply to all persons, otherwise eligible in accordance with the
 2 provisions of this section, whether convicted prior to, on, or subsequent
 3 to the effective date of this act.

4 Sec. 2. Section 29-2103, Reissue Revised Statutes of Nebraska, is
 5 amended to read:

6 29-2103 (1) A motion for new trial shall be made by written
 7 application and may be filed either during or after the term of the court
 8 at which the verdict was rendered.

9 (2) A motion for a new trial shall state the grounds under section
 10 29-2101 which are the basis for the motion and shall be supported by
 11 evidence as provided in section 29-2102.

12 (3) A motion for new trial based on the grounds set forth in
 13 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
 14 within ten days after the verdict was rendered unless such filing is
 15 unavoidably prevented, and the grounds for such motion may be stated by
 16 directly incorporating the appropriate language of section 29-2101
 17 without further particularity.

18 (4) A motion for new trial based on the grounds set forth in
 19 subdivision (5) of section 29-2101 shall be filed within a reasonable
 20 time after the discovery of the new evidence ~~and cannot be filed more~~
 21 ~~than five years after the date of the verdict, unless the motion and~~
 22 ~~supporting documents show the new evidence could not with reasonable~~
 23 ~~diligence have been discovered and produced at trial and such evidence is~~
 24 ~~so substantial that a different result may have occurred.~~

25 (5) A motion for new trial based on the grounds set forth in
 26 subdivision (6) of section 29-2101 shall be filed within ninety days
 27 after a final order is issued under section 29-4123 or within ninety days
 28 after the hearing if no final order is entered, whichever occurs first.

29 (6) The changes made to this section by this legislative bill shall
 30 apply to all persons, otherwise eligible in accordance with the
 31 provisions of this section, whether convicted prior to, on, or subsequent
 1 to the effective date of this act.

2 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

Senator Hunt filed the following amendment to [LB1053](#):
[AM3319](#)

(Amendments to Standing Committee amendments, AM2806)

1 1. Insert the following new section:
 2 Sec. 14. Section 71-1631, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 71-1631 Except as provided in subsection (4) of section 71-1630, the
 5 board of health of each county, district, or city-county health
 6 department organized under sections 71-1626 to 71-1636 shall, immediately
 7 after appointment, meet and organize by the election of one of its own
 8 members as president, one as vice president, and another as secretary
 9 and, either from its own members or otherwise, a treasurer and shall have
 10 the power set forth in this section. The board may elect such other

11 officers as it may deem necessary and may adopt and promulgate such rules
12 and regulations for its own guidance and for the government of such
13 health department as may be necessary, not inconsistent with sections
14 71-1626 to 71-1636. The board of health shall, with the approval of the
15 county board and the municipality, whenever a city is a party in such a
16 city-county health department:

17 (1) Select the health director of such department who shall be (a)
18 well-trained in public health work though he or she need not be a
19 graduate of an accredited medical school, but if he or she is not such a
20 graduate, he or she shall be assisted at least part time by at least one
21 medical consultant who shall be a licensed physician, (b) qualified in
22 accordance with the state personnel system, and (c) approved by the
23 Department of Health and Human Services;

24 (2) Hold an annual meeting each year, at which meeting officers
25 shall be elected for the ensuing year;

26 (3) Hold meetings quarterly each year;

1 (4) Hold special meetings upon a written request signed by two of
2 its members and filed with the secretary;

3 (5) Provide suitable offices, facilities, and equipment for the
4 health director and assistants and their pay and traveling expenses in
5 the performance of their duties, with mileage to be computed at the rate
6 provided in section 81-1176;

7 (6) Publish, on or soon after the second Tuesday in July of each
8 year, in pamphlet form for free distribution, an annual report showing
9 (a) the condition of its trust for each year, (b) the sums of money
10 received from all sources, giving the name of any donor, (c) how all
11 money has been expended and for what purpose, and (d) such other
12 statistics and information with regard to the work of such health
13 department as may be of general interest;

14 (7) Enact rules and regulations, subsequent to public hearing held
15 after due public notice of such hearing by publication at least once in a
16 newspaper having general circulation in the county or district at least
17 ten days prior to such hearing, and enforce the same for the protection
18 of public health and the prevention of communicable diseases within its
19 jurisdiction, subject to the review and approval of such rules and
20 regulations by the Department of Health and Human Services;

21 (8) Make all necessary sanitary and health investigations and
22 inspections;

23 (9) In counties having a population of more than four hundred
24 thousand inhabitants as determined by the most recent federal decennial
25 census, enact rules and regulations for the protection of public health
26 and the prevention of communicable diseases within the district, except
27 that such rules and regulations shall have no application within the
28 jurisdictional limits of any city of the metropolitan class and shall not
29 be in effect until (a) thirty days after the completion of a three-week
30 publication in a legal newspaper, (b) approved by the county attorney
31 with his or her written approval attached thereto, and (c) filed in the
1 office of the county clerk of such county. A county shall comply with
2 this subsection within six months after a determination that the
3 population has reached more than four hundred thousand inhabitants as
4 determined by the most recent federal decennial census;

5 (10) Investigate the existence of any contagious or infectious
6 disease and adopt measures, ~~with the approval of the Department of Health~~
7 ~~and Human Services~~, to arrest the progress of the same;

8 (11) Distribute free as the local needs may require all vaccines,
9 drugs, serums, and other preparations obtained from the Department of
10 Health and Human Services or purchased for public health purposes by the
11 county board;

12 (12) Upon request, give professional advice and information to all
13 city, village, and school authorities on all matters pertaining to

14 sanitation and public health;
 15 (13) Fix the salaries of all employees, including the health
 16 director. Such city-county health department may also establish an
 17 independent pension plan, retirement plan, or health insurance plan or,
 18 by agreement with any participating city or county, provide for the
 19 coverage of officers and employees of such city-county health department
 20 under such city or county pension plan, retirement plan, or health
 21 insurance plan. Officers and employees of a county health department
 22 shall be eligible to participate in the county pension plan, retirement
 23 plan, or health insurance plan of such county. Officers and employees of
 24 a district health department formed by two or more counties shall be
 25 eligible to participate in the county retirement plan unless the district
 26 health department establishes an independent pension plan or retirement
 27 plan for its officers or employees;
 28 (14) Establish fees for the costs of all services, including those
 29 services for which third-party payment is available; and
 30 (15) In addition to powers conferred elsewhere in the laws of the
 31 state and notwithstanding any other law of the state, implement and
 1 enforce an air pollution control program under subdivision (23) of
 2 section 81-1504 or subsection (1) of section 81-1528, which program shall
 3 be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401
 4 et seq. Such powers shall include without limitation those involving
 5 injunctive relief, civil penalties, criminal fines, and burden of proof.
 6 Nothing in this section shall preclude the control of air pollution by
 7 resolution, ordinance, or regulation not in actual conflict with the
 8 state air pollution control regulations.
 9 2. On page 13, line 5, strike "20, and 22" and insert "21, and 23";
 10 and in line 11 after "sections" insert "71-1631,".
 11 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 465. Introduced by Wishart, 27; Brewer, 43; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Gragert, 40; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13.

WHEREAS, children across the globe are losing their connection with our natural world, an alienation that threatens their health, their quality of life, their readiness for future job opportunities, and the future of our natural resources; and

WHEREAS, children who spend frequent time outdoors enjoying unstructured and structured activity experience enhanced use of the senses, fewer attention difficulties, and decreased rates of physical and emotional illness and activity; and

WHEREAS, studies show that children who learn and play in nature are healthier, happier, and perform better in school; and

WHEREAS, the State of Nebraska is committed to ensuring that all children have the opportunity to connect with nature at an early age and build upon that connection throughout their developing years; and

WHEREAS, spending time outdoors while adhering to public health protocols and guidelines is proven to be safe and should be encouraged.

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

1. That the Nebraska Legislature encourages every child to:
 - (a) Discover and connect with the natural world;
 - (b) Share nature with the child's family, friends, mentors, and educators;
 - (c) Celebrate the child's cultural connection to the natural world;
 - (d) Spend time learning outdoors as a part of the school day or after school; and
 - (e) Experience specific outdoor activities, like climbing a tree, hiking a trail, riding a bike, splashing in the creek or river, playing in the sand and mud, gazing at the night sky, planting a seed and watching it grow, and harvesting and eating fruits or vegetables.

Laid over.

LEGISLATIVE RESOLUTION 466. Introduced by Pansing Brooks, 28; Blood, 3; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Quick, 35; Scheer, 19; Stinner, 48; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, on June 15, 2020, the United States Supreme Court ruled in *Bostock v. Clayton County*; *Altitude Express, Inc. v. Zarda*; and *R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission*, that an employer who fires an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964; and

WHEREAS, Justice Neil Gorsuch, writing for the majority in the *Bostock* decision, said, "An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."; and

WHEREAS, Justice Gorsuch further explained that "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex"; and

WHEREAS, the Nebraska Chamber of Commerce, local chambers of commerce across the state, employers, and policy leaders throughout Nebraska have repeatedly declared that workforce development is an important challenge and top concern for business leaders and entrepreneurs; and

WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled, qualified, and ambitious workers; and

WHEREAS, in order to attract and recruit a workforce for the needs of our employers and for the benefit of Nebraska, legislators and policymakers need to look thoughtfully at our state laws to make sure they are welcoming to all potential qualified applicants and employees; and

WHEREAS, the motto of our state was adopted in 1867 as "Equality Before the Law" and this motto is proudly displayed on the official state flag and state seal. There has been an increasing recognition that this commitment to equality should be extended to all, including members of the LGBTQ+ community, and that no one should be denied the benefits of our state, such as equal employment or housing, for who they are or whom they love. The Bostock decision is consistent with our state's pledge of equality and equal treatment under the law.

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

1. That the Legislature affirms the United States Supreme Court decision in *Bostock v. Clayton County*.

2. That the Legislature is committed to the ongoing training, recruitment, and retention of all skilled workers in Nebraska to meet the workforce development needs of our employers.

3. That the Nebraska Legislature sends a strong message to current and prospective employers and workers that Nebraska is committed to being a welcoming and inclusive state for all, including LGBTQ+ families and individuals, and that Nebraska is open for business.

Laid over.

ADJOURNMENT

At 4:51 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Tuesday, August 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - AUGUST 4, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-FIFTH DAY

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

PRAYER

The prayer was offered by Senator Arch.

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 Kolowski who was excused; and Senators Briese, B. Hansen, M. Hansen, Hunt, Linehan, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1218. Placed on General File with amendment.
[AM3242](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Natural Resources

LEGISLATIVE BILL 367. Placed on General File.
LEGISLATIVE BILL 855. Placed on General File.
LEGISLATIVE BILL 856. Placed on General File.

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 431, 442, 443, 444, 447, 448, 451, and 458 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 431, 442, 443, 444, 447, 448, 451, and 458.

GENERAL FILE

LEGISLATIVE BILL 1004. Title read. Considered.

Committee [AM3094](#), found on page 1057, was offered.

Senator Lathrop offered his amendment, [AM3224](#), found on page 1235, to the committee amendment.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Wayne offered his amendment, [AM3232](#), found on page 1325, to the committee amendment.

Senator La Grone requested a ruling of the Chair on whether the Wayne amendment is germane to the committee amendment.

The Chair ruled the Wayne amendment is not germane to the committee amendment.

Senator Wayne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

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

Voting in the affirmative, 16:

Blood	DeBoer	Lathrop	Vargas
Bolz	Hansen, M.	Morfeld	Walz
Cavanaugh	Howard	Pansing Brooks	Wayne
Chambers	Hunt	Quick	Wishart

Voting in the negative, 21:

Albrecht	Erdman	Hansen, B.	La Grone	Slama
Arch	Geist	Hilgers	McDonnell	
Bostelman	Gragert	Hilkemann	Moser	
Brewer	Groene	Hughes	Murman	
Clements	Halloran	Kolterman	Scheer	

Present and not voting, 10:

Brandt	Dorn	Lindstrom	Lowe	Stinner
Crawford	Friesen	Linehan	McCollister	Williams

Excused and not voting, 2:

Briese Kolowski

The Wayne motion to overrule the Chair failed with 16 ayes, 21 nays, 10 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator La Grone offered the following amendment to the committee amendment:

[AM3245](#) is available in the Bill Room.

Senator La Grone withdrew his amendment.

Senator La Grone offered the following amendment to the committee amendment:

[AM3247](#)

(Amendments to Standing Committee amendments, AM3094)

- 1 1. Insert the following new section:
- 2 Sec. 4. This act becomes operative on November 17, 2020.
- 3 2. Renumber the remaining section accordingly.

Senator La Grone withdrew his amendment.

Senator Kolterman offered the following motion:

[MO209](#)

Bracket until August 5, 2020.

Senator Kolterman withdrew his motion to bracket.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

The committee amendment, as amended, was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1004A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1089. Title read. Considered.

Committee [AM3176](#), found on page 1195, was offered.

Senator Vargas offered the following amendment to the committee amendment:

[AM3318](#)

(Amendments to Standing Committee amendments, AM3176)

1 1. On page 1, line 20, strike "submits a signed form" and insert
 2 "signs and submits the appropriate form prescribed by the Commissioner of
 3 Education pursuant to subdivision (3)(c) of this section"; in line 23
 4 strike "or"; in line 25 strike "authorizes the" and insert "signs and
 5 submits the appropriate form prescribed by the Commissioner of Education
 6 pursuant to subdivision (3)(c) of this section authorizing such"; in line
 7 27 strike the period and insert "; or"; and after line 27 insert the
 8 following new subdivision:
 9 "(iii) A student who is nineteen years of age or older or is an
 10 emancipated minor signs and submits the appropriate form prescribed by
 11 the Commissioner of Education pursuant to subdivision (3)(c) of this
 12 section stating that such student declines to complete and submit a Free
 13 Application for Federal Student Aid."
 14 2. On page 2, line 1, strike "create and adopt a form" and insert
 15 "prescribe the forms"; in line 3 strike "form" and insert "forms"; strike
 16 lines 10 through 12; in line 13 strike "(e)" and insert "(d)"; in line 26
 17 strike "(f)" and insert "(e)"; and in line 29 strike "(3)(e)" and insert
 18 "(3)(d)".
 19 3. On page 3, lines 18 and 20, strike "form adopted under" and
 20 insert "forms prescribed pursuant to"; and in line 31 strike "the form
 21 adopted under" and insert "a form prescribed pursuant to".
 22 4. On page 4, line 4, strike the second "the" and insert "a"; and in
 23 line 5 strike "adopted under" and insert "prescribed pursuant to".

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 963. Placed on Final Reading Second.

LEGISLATIVE BILL 963A. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murman filed the following amendment to [LB920: AM3315](#)

(Amendments to E & R amendments, ER231)

1 1. Strike sections 3, 50, 51, and 52 and insert the following new
 2 sections:
 3 Sec. 5. Section 79-254, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-254 Sections 79-254 to 79-294 and sections 7 and 8 of this act
 6 shall be known and may be cited as the Student Discipline Act.
 7 Sec. 6. Section 79-258, Revised Statutes Supplement, 2019, is
 8 amended to read:
 9 79-258 Administrative and teaching personnel may take actions
 10 regarding student behavior, other than those specifically provided in the
 11 Student Discipline Act, which are reasonably necessary to aid the
 12 student, further school purposes, or prevent interference with the
 13 educational process. Such actions may include, but need not be limited
 14 to, physical intervention, counseling of students, parent conferences,
 15 referral to restorative justice practices or services, rearrangement of
 16 schedules, requirements that a student remain in school after regular
 17 hours to do additional work, restriction of extracurricular activity, or
 18 requirements that a student receive counseling, psychological evaluation,
 19 or psychiatric evaluation upon the written consent of a parent or
 20 guardian to such counseling or evaluation.
 21 Sec. 7. (1) Teachers and other school personnel may use reasonable
 22 physical intervention to safely manage the behavior of a student to:
 23 (a) Protect such student, another student, a teacher or other school
 24 personnel, or another person from physical injury; or
 25 (b) Secure property in the possession of such student if the
 26 possession of such property by such student poses a threat of physical
 1 injury to such student, another student, a teacher or other school
 2 personnel, or another person.
 3 (2) Any physical intervention by a teacher or other school personnel
 4 pursuant to subdivision (1)(a) or (b) of this section shall not be used
 5 for the purpose of inflicting bodily pain as a penalty for disapproved
 6 behavior.
 7 (3) Following the use of physical intervention pursuant to this
 8 section, a teacher or other school personnel shall contact and notify the
 9 parent or guardian of the use of physical intervention.
 10 (4) No teacher or other school personnel shall be subject to
 11 professional or administrative discipline for the use of physical
 12 intervention pursuant to subdivision (1)(a) or (b) of this section if
 13 such physical intervention was reasonable. Nothing in this section shall
 14 be construed to limit any defense that may be available under any
 15 provision of law, including, but not limited to, any defense relating to
 16 self-protection, the protection of others, or the Political Subdivision
 17 Tort Claims Act.
 18 Sec. 8. (1) Each school district shall have a policy that describes
 19 the process of removing a student from a class and returning a student to
 20 a class. Such policy shall: (a) Describe how and when a student may be
 21 removed from a class and returned to a class; (b) use a discipline
 22 process that is proactive, instructive, and restorative; (c) require
 23 appropriate communication between administrators, teachers or other
 24 school personnel, students, and parents or guardians. Such policy shall
 25 be made available to the public.
 26 (2) Unless prohibited by the federal Individuals with Disabilities
 27 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to

28 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
 29 acts existed on January 1, 2020, an administrator or administrator's
 30 designee shall immediately remove a student from a class upon request by
 31 a teacher or other school personnel if such teacher or other school
 1 personnel has followed school policy in requesting the removal of such
 2 student.

3 (3) When a student is removed from a class, the goal must be to
 4 return the student to the class as soon as possible after appropriate
 5 instructional or behavioral interventions or supports have been
 6 implemented to increase the likelihood the student will be successful.
 7 For a student with a pattern of disruptive behavior, the school shall
 8 provide additional interventions or supports.

9 (4) No teacher or other school personnel shall be subject to
 10 professional or administrative discipline for the removal of a student
 11 from a class pursuant to this section if such teacher or other school
 12 personnel acted in a reasonable manner and in accordance with school
 13 policy.

14 Sec. 9. Section 79-2,144, Revised Statutes Cumulative Supplement,
 15 2018, is amended to read:

16 79-2,144 The state school security director appointed pursuant to
 17 section 79-2,143 shall be responsible for providing leadership and
 18 support for safety and security for the public schools. Duties of the
 19 director include, but are not limited to:

20 (1) Collecting safety and security plans, required pursuant to rules
 21 and regulations of the State Department of Education relating to
 22 accreditation of schools, and other school security information from each
 23 school system in Nebraska. School districts shall provide the state
 24 school security director with the safety and security plans of the school
 25 district and any other security information requested by the director,
 26 but any plans or information submitted by a school district may be
 27 withheld by the department pursuant to subdivision (8) of section
 28 84-712.05;

29 (2) Recommending minimum standards for school security on or before
 30 January 1, 2016, to the State Board of Education;

31 (3) Conducting an assessment of the security of each public school
 1 building, which assessment shall be completed by August 31, 2019;

2 (4) Identifying deficiencies in school security based on the minimum
 3 standards adopted by the State Board of Education and making
 4 recommendations to school boards for remedying such deficiencies;
 5 (5) Establishing security awareness and preparedness tools and
 6 training programs for public school staff;

7 (6) Establishing research-based model instructional programs for
 8 staff, students, and parents to address the underlying causes for violent
 9 attacks on schools;

10 (7) Overseeing suicide awareness and prevention training in public
 11 schools pursuant to section 79-2,146;

12 (8) Establishing tornado preparedness standards which shall include,
 13 but not be limited to, ensuring that every school conducts at least two
 14 tornado drills per year;

15 (9) Collecting behavioral awareness and intervention training plans
 16 and certifying compliance or noncompliance with section 79-2,146 to the
 17 Commissioner of Education for each school district;

18 ~~(10) (9)~~ Responding to inquiries and requests for assistance
 19 relating to school security from private, denominational, and parochial
 20 schools; and

21 ~~(11) (10)~~ Recommending curricular and extracurricular materials to
 22 assist school districts in preventing and responding to cyberbullying and
 23 digital citizenship issues.

24 Sec. 10. Section 79-2,146, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 79-2,146 (1)(a) (1) Beginning in school year 2015-16, all public
27 school nurses, teachers, counselors, school psychologists,
28 administrators, school social workers, and any other appropriate
29 personnel shall receive at least one hour of suicide awareness and
30 prevention training each year. This training shall be provided within the
31 framework of existing inservice training programs offered by the State
1 Department of Education or as part of required professional development
2 activities.

3 (b) (2) The department, in consultation with organizations
4 including, but not limited to, the Nebraska State Suicide Prevention
5 Coalition, the Nebraska chapter of the American Foundation for Suicide
6 Prevention, the Behavioral Health Education Center of Nebraska, the
7 National Alliance on Mental Illness Nebraska, and other organizations and
8 professionals with expertise in suicide prevention, shall develop a list
9 of approved training materials to fulfill the requirements of subsection
10 (1) of this section. Such materials shall include training on how to
11 identify appropriate mental health services, both within the school and
12 also within the larger community, and when and how to refer youth and
13 their families to those services. Such materials may include programs
14 that can be completed through self-review of suitable suicide prevention
15 materials.

16 (2)(a) Prior to the end of school year 2023-24, each school district
17 shall ensure that administrators, teachers, paraprofessionals, school
18 nurses, and counselors receive behavioral awareness and intervention
19 training. Each school district may provide such training, or similar
20 training, to any other school employees at the discretion of the school
21 district. In addition, all school employees shall have a basic awareness
22 of the goals, strategies, and schoolwide plans included in such training.

23 (b) Beginning in school year 2021-22, each school district shall
24 ensure that behavioral awareness and intervention training is offered
25 annually. Administrators, teachers, paraprofessionals, school nurses, and
26 counselors who have received such training from the school district in
27 which they are employed shall receive a behavioral awareness and
28 intervention training review at least once every three years.

29 (c) Behavioral awareness and intervention training shall include,
30 but not be limited to, evidence-based training on a continuum that
31 includes:

1 (i) Recognition of detrimental factors impacting student behavior,
2 including, but not limited to, signs of trauma;

3 (ii) Positive behavior support and proactive teaching strategies,
4 including, but not limited to, expectations and boundaries;

5 (iii) Verbal intervention and de-escalation techniques;

6 (iv) Clear guidelines on removing students from and returning
7 students to a class;

8 (v) Behavioral interventions and supports that will take place when
9 a student has been removed from a class; and

10 (vi) Physical intervention for safety.

11 (d) In addition to the requirements contained in subdivision (2)(d)
12 of this section, behavioral awareness and intervention training shall be
13 consistent with the Student Discipline Act, include an awareness of the
14 protections for school personnel found in the act, include an awareness
15 of the requirement for written consent of a parent or guardian pursuant
16 to section 79-258, and include the identification and role of each
17 employee designated as the behavioral awareness and intervention point of
18 contact.

19 (3)(a) Each school district shall designate one or more school
20 employees as a behavioral awareness and intervention point of contact for
21 each school building or other division as determined by such school
22 district. Each behavioral awareness and intervention point of contact
23 shall be trained in behavioral awareness and intervention and shall have

24 knowledge of community service providers and other resources that are
25 available for the students and families in such school district.

26 (b) Each school district shall maintain or have access to an
27 existing registry of local mental health and counseling resources. The
28 registry shall include resource services that can be accessed by families
29 and individuals outside of school. Each behavioral awareness and
30 intervention point of contact shall coordinate access to support services
31 for students whenever possible. Except as provided in section 43-2101, if
1 information for an external support service is provided to an individual
2 student, school personnel shall notify a parent or guardian of such
3 student in writing unless law enforcement or child protective services is
4 involved. Each school district shall indicate each behavioral awareness
5 and intervention point of contact for such school district on the web
6 site of the school district and in any school directory for the school
7 that the behavioral awareness and intervention point of contact serves.

8 (4)(a) On or before September 1, 2021, and on or before September 1
9 of each year thereafter, each school district shall submit a behavioral
10 awareness and intervention training report to the state school security
11 director. Such report shall include the school district behavioral
12 awareness and intervention training plan, summarize how such plan
13 fulfills the requirements of this section, and provide any other
14 information required by rules and regulations adopted and promulgated
15 pursuant to subsection (5) of this section.

16 (b) Behavioral awareness and intervention training required pursuant
17 to this section shall be funded with behavioral training funding from the
18 Behavioral Training Cash Fund pursuant to section 23 of this act. Any
19 school district that fails to file the behavioral awareness and
20 intervention training report required pursuant to subdivision (4)(a) of
21 this section with the state school security director or that is found to
22 be in noncompliance with the requirements of this section shall not
23 receive behavioral training funding pursuant to section 23 of this act
24 for such school year.

25 (c) On or before October 31, 2021, and each October 31 thereafter,
26 the state school security director shall certify the compliance or
27 noncompliance with the requirements of this section of each school
28 district to the Commissioner of Education.

29 (5) (3) The department may adopt and promulgate rules and
30 regulations to carry out this section.

31 Sec. 11. The Behavioral Training Cash Fund is created. The fund
1 shall be administered by the State Department of Education and shall
2 consist of money received pursuant to section 9-812 and any money
3 appropriated by the Legislature. The department shall distribute money in
4 the fund as behavioral training funding pursuant to section 23 of this
5 act to school districts for behavioral awareness and intervention
6 training required pursuant to section 79-2,146. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.

10 Sec. 22. Section 79-1001, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:
12 79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall
13 be known and may be cited as the Tax Equity and Educational Opportunities
14 Support Act.

15 Sec. 23. (1) For school fiscal year 2021-22 and each school fiscal
16 year thereafter, using data from the fall personnel report filed pursuant
17 to section 79-804 for the immediately preceding school fiscal year, each
18 school district shall receive behavioral training funding paid from the
19 Behavioral Training Cash Fund for each school within such school district
20 that has any grade above kindergarten, including, but not limited to, a
21 special education school, an alternative school, or a focus school.

22 (2) Except as otherwise provided in subsection (6) of this section,
 23 the behavioral training funding for each school described in subsection
 24 (1) of this section shall equal the base training reimbursement plus any
 25 additional training reimbursement units calculated pursuant to this
 26 section.

27 (3) The base training reimbursement shall be two thousand dollars.

28 (4) Each school that has a full-time teacher equivalent greater than
 29 or equal to eighty teachers shall qualify for additional training
 30 reimbursement units as follows:

31 (a) Three additional training reimbursement units for each school
 1 with a full-time teacher equivalent greater than or equal to two hundred
 2 forty teachers;

3 (b) Two additional training reimbursement units for each school with
 4 a full-time teacher equivalent greater than or equal to one hundred sixty
 5 teachers but less than two hundred forty teachers; and

6 (c) One additional training reimbursement unit for each school with
 7 a full-time teacher equivalent greater than or equal to eighty teachers
 8 but less than one hundred sixty teachers.

9 (5) The amount to be paid for each additional training reimbursement
 10 unit for each school fiscal year shall equal the ratio of (a) the
 11 difference of the amount available for distribution in the Behavioral
 12 Training Cash Fund on August 10 immediately preceding such school fiscal
 13 year minus the total of the base training reimbursements for all school
 14 districts divided by (b) the total additional training reimbursement
 15 units for all school districts.

16 (6) For any school fiscal year when the amount available for
 17 distribution in the Behavioral Training Cash Fund on August 10
 18 immediately preceding such school fiscal year is less than the total of
 19 the base training reimbursements for all schools as calculated pursuant
 20 to subsection (3) of this section, the base training reimbursements shall
 21 be reduced proportionally such that the total of the base training
 22 reimbursements for all schools equals the amount available for
 23 distribution. Payment shall not be made for any additional training
 24 reimbursement units pursuant to subsections (4) and (5) of this section
 25 for such school fiscal year.

26 (7) For school fiscal year 2021-22, each school district shall
 27 qualify for behavioral training funding. For school fiscal year 2022-23
 28 and each school fiscal year thereafter, each school district in
 29 compliance with the behavioral awareness and intervention training
 30 requirements provided in section 79-2,146, as certified by the state
 31 school security director, shall be eligible for behavioral training
 1 funding.

2 (8) The department shall not include behavioral training funding in
 3 the calculation of formula resources pursuant to section 79-1017.01.

4 (9) Behavioral training funding shall be distributed directly to
 5 school districts from the Behavioral Training Cash Fund in the same
 6 manner as and in conjunction with funds distributed pursuant to section
 7 79-1022.

8 Sec. 59. Sections 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
 9 19, 20, 21, 23, 26, 31, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,
 10 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, and 61 of this act become
 11 operative on July 1, 2021. The other sections of this act become
 12 operative on their effective date.

13 Sec. 60. Original sections 79-2,146, 79-8,124, 79-8,125, 79-8,126,
 14 79-8,128, 79-8,131, 79-8,132, 79-8,133, 79-8,135, 79-8,138, 79-8,139,
 15 79-8,140, 79-1064, and 85-2101, Reissue Revised Statutes of Nebraska,
 16 sections 9-836.01, 79-2,144, 79-759, 79-8,134, 79-8,137, 79-8,137.01,
 17 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-2505, 85-1412, and
 18 85-2009, Revised Statutes Cumulative Supplement, 2018, and section
 19 84-304, Revised Statutes Supplement, 2019, are repealed.

20 Sec. 61. Original sections 79-254 and 79-1201.01, Reissue Revised
 21 Statutes of Nebraska, sections 9-812, 79-1001, 79-1054, 79-1104.02,
 22 79-1337, 79-2503, 79-2506, and 85-1920, Revised Statutes Cumulative
 23 Supplement, 2018, and sections 79-258 and 79-1003, Revised Statutes
 24 Supplement, 2019, are repealed.
 25 2. Renumber the remaining sections and correct internal references
 26 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 467. Introduced by Hilkemann, 4.

WHEREAS, the Little People of America (LPA), a non-profit organization, is the nation's largest and oldest organization for people with dwarfism and is celebrating its 63rd anniversary in 2020; and

WHEREAS, Dwarfism is a medical condition made up of over 200 different types that results in shorter stature of the affected person; and

WHEREAS, there are an estimated 100 people in Nebraska, 30,000 people in the United States, and 651,700 people in the world living with dwarfism; and

WHEREAS, the popularity of and the need for LPA is at a historic high, growing from twenty members in 1957, to more than eight thousand members in 2019; and

WHEREAS, Nebraska is a part of the LPA, District 9, and many Nebraskan little people contribute to the success of the district by providing ideas, advocacy, and attendance at events supporting little people; and

WHEREAS, LPA dedicates itself to improving the lives of those with dwarfism and provides support and resources to its members for issues such as adoption, parenting, medical needs, conference and educational scholarships, advocacy, and awareness for dwarfism; and

WHEREAS, little people make the world, the United States, and the state of Nebraska a better and more diverse place; and

WHEREAS, Little People of America celebrates National Dwarfism Awareness Month in October each year.

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

1. That the Legislature recognizes October 2020, as Dwarfism Awareness Month and encourages celebration of this month to honor and reflect on the contributions of little people in Nebraska.

2. That a copy of this resolution be sent to the LPA, District 9.

Laid over.

RECESS

At 11:55 a.m., on a motion by Senator Wayne, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Albrecht, Bolz, Briese, B. Hansen, Howard, Morfeld, Stinner, and Walz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1089. The Vargas amendment, [AM3318](#), found in this day's Journal, to the committee amendment, was renewed.

The Vargas amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Committee [AM3176](#), found on page 1195 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Vargas moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Erdman requested a roll call vote on the advancement of the bill.

Senator Vargas requested the roll call vote be taken in reverse order.

Voting in the affirmative, 28:

Blood	Crawford	Kolterman	McDonnell	Walz
Bolz	DeBoer	La Grone	Morfeld	Wayne
Bostelman	Dorn	Lathrop	Pansing Brooks	Williams
Brandt	Hansen, M.	Lindstrom	Quick	Wishart
Cavanaugh	Howard	Linehan	Scheer	
Chambers	Hunt	McCollister	Vargas	

Voting in the negative, 9:

Albrecht	Clements	Geist	Halloran	Moser
Arch	Erdman	Groene	Hilgers	

Present and not voting, 9:

Brewer	Gragert	Hilkemann	Lowe	Slama
Friesen	Hansen, B.	Hughes	Murman	

Excused and not voting, 3:

Briese	Kolowski	Stinner
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Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1021. Senator Chambers renewed his motion, [MO208](#), found on page 1307, to recommit to Urban Affairs Committee.

Senator Chambers withdrew his motion to recommit to committee.

Committee [AM2988](#), found on page 1115 and considered on page 1306, was renewed.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 632. [ER220](#), found on page 1138, was adopted.

Senator Pansing Brooks offered the following motion:

[MO211](#)

Bracket until August 13, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

Senator Bostelman offered his amendment, [AM3183](#), found on page 1189.

Senator Chambers offered the following motion:

[MO212](#)

Bracket until August 13, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1107:

MO210

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 781. Placed on Final Reading.

LEGISLATIVE BILL 1064. Placed on Final Reading.

ST71

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

1. On page 1, line 5, "to provide for participation in compliance enforcement activities as prescribed; to harmonize provisions;" has been inserted after the first semicolon.

(Signed) Julie Slama, Chairperson

SPEAKER'S MAJOR PROPOSAL

August 4, 2020

Senator Mike Hilgers, Chair
Legislative Executive Board
State Capitol, Room 2108
Lincoln, NE 68509

RE: Speaker's Major Proposals

Dear Senator Hilgers and Members of the Executive Board,

Pursuant to Rule 1, Section 17, I have selected Legislative Bill 1107, a bill to change tax provisions, as one of my 2020 Speaker's Major Proposals. I am requesting Executive Board approval of this designation as required by rule.

Thank you for your assistance.

Sincerely,
(Signed) Jim Scheer

COMMITTEE REPORT(S)

Education

The Education 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.

Marjean C. Terrell - Board of Trustees of the Nebraska State Colleges

Aye: 7. Brewer, Groene, Linehan, Morfeld, Murman, Pansing Brooks, Walz.
Nay: 0. Absent: 1. Kolowski. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

SELECT FILE

LEGISLATIVE BILL 632. Senator Chambers offered the following motion:

[MO213](#)

Recommit to Natural Resources Committee.

Pending.

LEGISLATIVE BILL 1056. [ER221](#), found on page 1143, was adopted.

Senator Lowe offered his amendment, [AM3158](#), found on page 1164.

The Lowe amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Wayne withdrew his amendment, [AM3154](#), found on page 1239.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1053. [ER236](#), found on page 1225, was adopted.

Senator Hunt offered her amendment, [AM3319](#), found on page 1326.

Senator Hunt withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1002. [ER235](#), found on page 1226, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 992. [ER234](#), found on page 1226, was adopted.

Senator Friesen offered the following amendment:

[AM3180](#)

(Amendments to Standing Committee amendments, AM3055)

1 1. On page 14, line 13, strike "of dark fiber leased to" and insert

2 "or portion of a lease of dark fiber leased to exclusively".

The Friesen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Brewer offered the following amendment:

[AM3327](#)

(Amendments to Standing Committee amendments, AM3055)

- 1 1. Strike section 15 and insert the following new sections:
- 2 Sec. 10. Section 64-401, Revised Statutes Supplement, 2019, is
- 3 amended to read:
- 4 64-401 Sections 64-401 to 64-418 and section 11 of this act shall be
- 5 known and may be cited as the Online Notary Public Act.
- 6 Sec. 11. No otherwise valid online notarial act performed on or
- 7 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
- 8 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
- 9 because it was performed prior to the operative date of Laws 2019, LB186.
- 10 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 15, 16, 19,
- 11 and 20 of this act become operative three calendar months after
- 12 adjournment. Section 8 of this act becomes operative on July 1, 2022. The
- 13 other sections of this act become operative on their effective date.
- 14 Sec. 18. Original section 64-401, Revised Statutes Supplement, 2019,
- 15 is repealed.
- 16 Sec. 21. Since an emergency exists, this act takes effect when
- 17 passed and approved according to law.
- 18 2. Renumber the remaining sections accordingly.

Senator Brewer withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 681.

A BILL FOR AN ACT relating to the Legislature; to amend sections 29-2011.02, 29-2011.03, and 50-408, Reissue Revised Statutes of Nebraska, and sections 50-406, 50-407, and 50-1205, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to witnesses who refuse to testify or provide information, powers of the Legislative Council and committees of the Legislature, litigation related to legislative subpoenas, and enforcement of legislative subpoenas; to provide for renewal of legislative subpoenas as prescribed; to provide that certain legislative issues are not justiciable; to change provisions relating to certain witness fees; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 4:

Bolz	Chambers	Vargas	Wishart
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Excused and not voting, 3:

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

LEGISLATIVE BILL 783.

A BILL FOR AN ACT relating to health care; to amend section 71-405, Reissue Revised Statutes of Nebraska, section 38-2025, Revised Statutes Cumulative Supplement, 2018, and section 71-7910.01, Revised Statutes Supplement, 2019; to provide an exemption from licensure under the Medicine and Surgery Practice Act; to redefine ambulatory surgical center under the Health Care Facility Licensure Act; to redefine professional health care service entity under the Health Care Quality Improvement Act; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Groene Kolowski Stinner

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 LB956 with 36 ayes, 5 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 956.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-914 and 68-973, Reissue Revised Statutes of Nebraska, and sections 68-901 and 68-974, Revised Statutes Supplement, 2019; to define and redefine terms; to provide duties for managed care organizations regarding changes to provider contracts as prescribed; to change provisions relating to notice regarding eligibility for or modifications to medical assistance; to state findings and intent regarding integrity procedures; to provide for program integrity contractors and remove references to recovery audit contractors; 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, 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	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Kolowski

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 1158. With Emergency Clause.

A BILL FOR AN ACT relating to social services; to amend sections 71-801 and 71-831, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to change provisions regarding contracts and agreements relating to the medical assistance program; to create a fund; to provide duties regarding job-skills programs for applicants for medical assistance; to transfer 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, 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	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Kolowski

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 1160. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Statewide Workforce and Education Reporting System Act; 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, 33:

Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bolz	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, B.	La Grone	Quick	Wishart
Chambers	Hansen, M.	Lathrop	Scheer	
Crawford	Hilgers	Lindstrom	Stinner	

Voting in the negative, 5:

Albrecht Bostelman Clements Erdman Lowe

Present and not voting, 9:

Brewer	Friesen	Hughes	Moser	Slama
Briese	Halloran	Linehan	Murman	

Excused and not voting, 2:

Groene Kolowski

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

WITHDRAW - Amendment to LB518

Senator Chambers withdrew his amendment, [AM2588](#), found on page 726, to LB518.

MOTION(S) - Return LB518 to Select File

Senator Linehan moved to return LB518 to Select File for her specific amendment, [AM3023](#), found on page 1217.

The Linehan motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 518. The Linehan specific amendment, [AM3023](#), found on page 1217 was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 681, 783, 956, 1158, and 1160.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1107. Placed on General File with amendment. [AM3316](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1107:

[MO214](#)

Bracket until August 13, 2020.

Senator Wayne filed the following motion to LB1107:

[MO215](#)

Recommit to Revenue Committee.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB1004:

[AM3335](#)

(Amendments to Standing Committee amendments, AM3094)

1 1. On page 2, line 10, after "guardian" insert "except as required

2 in section 71-6902".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LR373.

ADJOURNMENT

At 4:51 p.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, August 5, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - AUGUST 5, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, August 5, 2020

PRAYER

The prayer was offered by Senator Geist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Groene, Lathrop, McCollister, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 4, 2020, at 4:53 p.m. were the following: LBs 681, 783, 956, 1158e, and 1160e.

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 460 and 461 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 460 and 461.

GENERAL FILE**LEGISLATIVE BILL 814.** Pending.**MOTION - Recess**

Senator M. Hansen moved to recess until 10:00 a.m. today.

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

The M. Hansen motion to recess until 10:00 a.m. today failed with 8 ayes, 29 nays, 9 present and not voting, and 3 excused and not voting.

MOTION - Overrule Speaker's Agenda

Senator Wayne moved to change the Speaker's agenda by moving the 1:30 p.m. agenda item to 9:30 a.m.

Senator Wayne moved for a call of the house. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to overrule the Speaker's agenda.

Voting in the affirmative, 9:

Bolz	Chambers	Kolowski	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	Morfeld	Walz	

Voting in the negative, 31:

Albrecht	Dorn	Hilgers	Linehan	Slama
Arch	Erdman	Hilkemann	Lowe	Stinner
Bostelman	Friesen	Hughes	McCollister	Williams
Brandt	Geist	Kolterman	McDonnell	
Brewer	Gragert	La Grone	Moser	
Briese	Halloran	Lathrop	Murman	
Clements	Hansen, B.	Lindstrom	Scheer	

Present and not voting, 8:

Blood	DeBoer	Hunt	Vargas
Crawford	Howard	Quick	Wishart

Excused and not voting, 1:

Groene

The Wayne motion to overrule the Speaker's agenda failed with 9 ayes, 31 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**MOTION - Reconsider Action on Motion
To Overrule the Speaker's Agenda**

Senator Hunt moved to reconsider the action on the motion to overrule the Speaker's agenda.

Pending.

GENERAL FILE

LEGISLATIVE BILL 814. Senator Geist offered the following motion:

[MO216](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Geist moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Geist requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lindstrom	Scheer
Blood	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 11:

Cavanaugh	Hansen, M.	Kolowski	Pansing Brooks
Chambers	Howard	McCollister	Vargas
DeBoer	Hunt	Morfeld	

Present and not voting, 4:

Bolz	Lathrop	Wayne	Wishart
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The Geist motion to invoke cloture prevailed with 34 ayes, 11 nays, and 4 present and not voting.

The Hunt motion to reconsider the action on the motion to overrule the Speaker's agenda failed with 6 ayes, 34 nays, and 9 present and not voting.

The Hunt motion, [MO200](#), found on page 1234, to indefinitely postpone prior to the bill being read, pursuant to Rule 6, Section 3(f), failed with 6 ayes, 32 nays, and 11 present and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, and 6 present and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 468. Introduced by Hilkemann, 4.

WHEREAS, Rose White is retiring after a forty-seven year career with the American Automobile Association (AAA); and

WHEREAS, Rose served as the Director of Public Affairs, Government Affairs, and Traffic Safety for the Heartland Region of AAA - The Auto Club Group, which includes Nebraska, Iowa, Minnesota, and North Dakota; and

WHEREAS, Rose has been an advocate for travel safety in the state for countless years; and

WHEREAS, Rose has served on many boards and committees including the Governor's Highway Traffic Safety Committee, the Metro Area Motorist Assist Steering Committee, the City of Omaha Traffic Safety Board, the Nebraska Energy Task Force, the ServeNebraska Commission, and the Boy Scouts of Mid-America Executive Committee; and

WHEREAS, Rose represented AAA on state legislative issues and participated in thousands of news interviews; and

WHEREAS, in 1994, Rose was named Executive Director of the Cornhusker Motor Club Foundation, which supports tourism, safety, education, and crime prevention efforts in Nebraska; and

WHEREAS, Rose earned several awards and distinctions during her tenure at AAA, including the National Safety Council's Public Servant Award, the 2014 Linda Woolwine Leadership Award, and the 2017 Lifesaver's Public Service Safety Award from the National Highway Traffic Safety Administration.

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

1. That the Legislature congratulates Rose White on her retirement and thanks her for her work and advocacy in the state of Nebraska.

2. That copies of this resolution be sent to Rose White and AAA - The Auto Club Group.

Laid over.

LEGISLATIVE RESOLUTION 469. Introduced by Hilkemann, 4; Blood, 3; Bolz, 29; Briese, 41; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; Hansen, B., 16; Hansen, M., 26; Hilgers, 21;

Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36.

WHEREAS, the safest way for children to be transported to and from school is in a school bus; and

WHEREAS, Dr. Mark R. Rosekind, former Administrator of the National Highway Traffic Safety Administration (NHTSA), stated in November 2015 that, "...NHTSA's policy is that every child on every school bus should have a three-point seat belt."; and

WHEREAS, on May, 22, 2018, as a result of a special investigation report concerning school bus transportation safety, the National Transportation Safety Board (NTSB) issued a recommendation that Nebraska enact legislation to require that all new large school buses be equipped with lap and shoulder belts for all passenger seating positions in accordance with Federal Motor Vehicle Safety Standard 222; and

WHEREAS, in May of 2019, in response to the NTSB recommendation, the Lincoln Board of Education approved a policy to purchase new school buses equipped with lap and shoulder seat belts; and

WHEREAS, in October 2001, a school bus accident involving students and parents from Seward Public Schools resulted in the deaths of fourteen-year-old students, Benjamin Prescott and Ian E. Koehler, seventeen-year-old student Eric Bader, and one parent, forty-year-old Tracy A. Kohlmeier and injured twenty eight more passengers; and

WHEREAS, the mother of Benjamin Prescott, Dawn Prescott, has been a tireless advocate for over eight years in the effort to pass legislation requiring school buses to be equipped with lap and shoulder seat belts.

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

1. That the Legislature thanks the members of the Lincoln Board of Education for their commitment to the safety of students being transported in school buses.

2. That the Legislature thanks Dawn Prescott for her tireless advocacy for school bus safety in memory of her beloved son, Benjamin Prescott.

3. That a copy of this resolution be sent to the members of the Lincoln Board of Education; Dr. Steve Joel, Superintendent of Lincoln Public Schools; and Dawn Prescott.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB1107](#):
[AM3346](#) is available in the Bill Room.

Senator Geist filed the following amendment to [LB814](#):
[AM3311](#)

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.
 24 2. On page 5, strike lines 25 and 26, and insert the following new
 25 subsection:
 26 "(3) A cause of action may not be maintained by a plaintiff whose
 27 act of rape caused the pregnancy.".
 1 3. On page 6, lines 1 and 2, strike ", if married to the woman at
 2 the time the dismemberment abortion was performed"; and strike lines 6
 3 and 7 and insert the following new subsection:
 4 "(2) No damages may be awarded to a plaintiff whose act of rape
 5 caused the pregnancy.".

Senator Geist filed the following amendment to [LB814](#):
[AM3345](#)

(Amendments to Final Reading copy)

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.
 24 2. On page 5, strike lines 25 and 26, and insert the following new
 25 subsection:

26 "(3) A cause of action may not be maintained by a plaintiff whose
 1 act of rape caused the pregnancy."
 2 3. On page 6, lines 1 and 2, strike ", if married to the woman at
 3 the time the dismemberment abortion was performed"; and strike lines 6
 4 and 7 and insert the following new subsection:
 5 "(2) No damages may be awarded to a plaintiff whose act of rape
 6 caused the pregnancy."

Senator Geist filed the following amendment to [LB814](#):
[AM3344](#)

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.
 24 2. On page 5, strike lines 25 and 26, and insert the following new
 25 subsection:
 26 "(3) A cause of action may not be maintained by a plaintiff whose
 27 act of rape caused the pregnancy."
 1 3. On page 6, lines 1 and 2, strike ", if married to the woman at
 2 the time the dismemberment abortion was performed"; and strike lines 6
 3 and 7 and insert the following new subsection:
 4 "(2) No damages may be awarded to a plaintiff whose act of rape
 5 caused the pregnancy."

Senator Wayne filed the following amendment to [LB1107](#):
[AM3342](#) is available in the Bill Room.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 1004. Placed on Select File with amendment.

[ER238](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 4
 2 and insert "law; to amend section 83-1,110, Reissue Revised Statutes of
 3 Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018,
 4 and section 43-2101, Revised Statutes Supplement, 2019; to change
 5 provisions relating to age of majority; to provide powers and duties with
 6 respect to the administration and supervision of parole; to change
 7 provisions relating to eligibility for parole and provide for
 8 applicability; and to repeal the original sections."

LEGISLATIVE BILL 1004A. Placed on Select File.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Slama name added to LB1107.

RECESS

At 12:26 p.m., on a motion by Senator Lowe, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene and Hunt who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1089. Placed on Select File with amendment.

ER240

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 79-729, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-729 (1) The Legislature recognizes the importance of assuring
6 that all persons who graduate from Nebraska high schools possess certain
7 minimum levels of knowledge, skills, and understanding.
8 (2) Beginning in school year 1987-88, each high school student shall
9 complete a minimum of two hundred high school credit hours prior to
10 graduation. At least eighty percent of such credit hours shall be core
11 curriculum courses prescribed by the State Board of Education.
12 (3)(a) Beginning with the 2021-22 school year, each public high
13 school student shall complete and submit to the United States Department
14 of Education a Free Application for Federal Student Aid prior to
15 graduating from such high school except as otherwise provided in this
16 subsection.
17 (b) A public high school student shall not be required to comply
18 with subdivision (3)(a) of this section if:
19 (i) A parent or legal guardian of or a person standing in loco
20 parentis to such student signs and submits the appropriate form
21 prescribed by the Commissioner of Education pursuant to subdivision (3)
22 (c) of this section indicating that such parent, legal guardian, or
23 person standing in loco parentis authorizes such student to decline to

24 complete and submit a Free Application for Federal Student Aid;

25 (ii) The school principal or the school principal's designee signs
26 and submits the appropriate form prescribed by the Commissioner of
27 Education pursuant to subdivision (3)(c) of this section authorizing such
1 student to decline to complete and submit a Free Application for Federal
2 Student Aid for good cause as determined by the school principal or the
3 school principal's designee; or

4 (iii) A student who is nineteen years of age or older or is an
5 emancipated minor signs and submits the appropriate form prescribed by
6 the Commissioner of Education pursuant to subdivision (3)(c) of this
7 section stating that such student declines to complete and submit a Free
8 Application for Federal Student Aid.

9 (c) The Commissioner of Education shall prescribe the forms to be
10 used by each public high school for purposes of subdivision (3)(b) of
11 this section. Such forms shall be made available:

12 (i) By each public high school to students, parents and legal
13 guardians of students, and persons standing in loco parentis to students;
14 and

15 (ii) In English, Spanish, and any other language spoken by a
16 majority of the students enrolled in any English learner program at such
17 public high school.

18 (d) The school principal or the school principal's designee of each
19 public high school shall provide such compliance information to the
20 school district or governing authority for such public high school and to
21 the State Department of Education without disclosing, for any student who
22 has complied with the requirements of this subsection, personally
23 identifiable information distinguishing whether such compliance was
24 pursuant to subdivision (3)(a) of this section or subdivision (3)(b) of
25 this section. Such school principal or school principal's designee shall
26 provide separately the aggregate number of students who have not complied
27 with this subsection, who complied pursuant to subdivision (3)(a) of this
28 section, and who complied pursuant to subdivision (3)(b) of this section,
29 unless otherwise prohibited by federal or state law regarding the
30 confidentiality of student educational information.

31 (e) On or before December 31, 2022, and on or before December 31 of
1 each year thereafter, the Commissioner of Education shall electronically
2 submit a report with the information received by the State Department of
3 Education pursuant to subdivision (3)(d) of this section to the Clerk of
4 the Legislature.

5 (4) The State Board of Education may establish recommended statewide
6 graduation guidelines. This section does not prohibit the governing board
7 of any high school from prescribing specific graduation guidelines as
8 long as such guidelines do not conflict with this section.

9 (5) This section does not apply to high school students whose
10 individualized education plans prescribe a different course of
11 instruction. This section does not prohibit the governing board of any
12 high school from prescribing specific graduation guidelines as long as
13 such guidelines do not conflict with this section.

14 (6) For purposes of this section, high school means grades nine
15 through twelve and credit hour shall be defined by appropriate rules and
16 regulations of the State Board of Education but shall not be less than
17 the amount of credit given for successful completion of a course which
18 meets at least one period per week for at least one semester.

19 (7) The State Department of Education shall adopt and promulgate
20 rules and regulations as necessary to implement this section. Such rules
21 and regulations shall include, but not be limited to:

22 (a) A timeline for the distribution of the Free Application for
23 Federal Student Aid and the forms prescribed pursuant to subdivision (3)
24 (c) of this section by public high schools and for the submission of the
25 Free Application for Federal Student Aid and the forms prescribed

26 pursuant to subdivision (3)(c) of this section by students;
 27 (b) Standards regarding the information that a public high school
 28 must provide to students regarding;
 29 (i) Instructions for filling out the Free Application for Federal
 30 Student Aid;
 31 (ii) The options available to a student under subdivision (3)(b) of
 1 this section if a student wishes to decline to complete and submit a Free
 2 Application for Federal Student Aid; and
 3 (iii) The method by which a student shall provide proof to the
 4 public high school that such student has completed and submitted the Free
 5 Application for Federal Student Aid or a form prescribed pursuant to
 6 subdivision (3)(c) of this section; and
 7 (c) A requirement for each public high school to report the number
 8 of students who completed and submitted a Free Application for Federal
 9 Student Aid and the number of students who instead submitted a form
 10 prescribed pursuant to subdivision (3)(c) of this section.
 11 Sec. 2. Original section 79-729, Reissue Revised Statutes of
 12 Nebraska, is repealed.
 13 2. On page 1, line 2, after "a" insert "high school"; and in line 3
 14 strike "for waivers" and insert "an exception as prescribed; to provide a
 15 duty for schools to submit data to the State Department of Education; to
 16 provide duties for the Commissioner of Education and require an annual
 17 report to the Legislature; to provide for rules and regulations".

LEGISLATIVE BILL 1021. Placed on Select File with amendment.

[ER239](#)

1 1. On page 1, line 4, after "18-2117.01," insert "18-2117.02,".

(Signed) Julie Slama, Chairperson

MOTION(S) - Print in Journal

Senator Hunt filed the following motion to [LB814](#):

[MO217](#)

Bracket until August 13, 2020.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

Donna Kush - Game and Parks Commission

Aye: 8. Albrecht, Bostelman, Geist, Gragert, Halloran, Hughes, Moser, Quick. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

REQUEST FOR RULING ON MAJOR PROPOSAL

Senator Wayne requested a ruling of the Chair on whether LB1107 can be designated a major proposal, pursuant to Rule 1, Section 17.

The Chair ruled LB1107 has been designated a major proposal and is properly before the body.

Senator Wayne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Wayne moved for a call of the house. The motion prevailed with 25 ayes, 7 nays, and 16 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to overrule the Chair.

Voting in the affirmative, 11:

Bolz	Hansen, M.	Pansing Brooks	Wayne
Cavanaugh	Hunt	Vargas	Wishart
Chambers	Morfeld	Walz	

Voting in the negative, 29:

Albrecht	Clements	Hansen, B.	Lindstrom	Murman
Arch	Dorn	Hilgers	Linehan	Scheer
Bostelman	Friesen	Hilkemann	Lowe	Slama
Brandt	Geist	Hughes	McCollister	Stinner
Brewer	Gragert	Kolterman	McDonnell	Williams
Briese	Halloran	La Grone	Moser	

Present and not voting, 8:

Blood	DeBoer	Howard	Lathrop
Crawford	Erdman	Kolowski	Quick

Excused and not voting, 1:

Groene

The Wayne motion to overrule the Chair failed with 11 ayes, 29 nays, 8 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1107. Title read. Considered.

Committee [AM3316](#), found on page 1350, was offered.

Senator Linehan offered the following amendment to the committee amendment:

[AM3349](#)

(Amendments to Standing Committee amendments, AM3316)

1 1. Insert the following new section:

2 Sec. 139. Section 84-612, Revised Statutes Supplement, 2019, is
3 amended to read:

4 84-612 (1) There is hereby created within the state treasury a fund
5 known as the Cash Reserve Fund which shall be under the direction of the
6 State Treasurer. The fund shall only be used pursuant to this section.

7 (2) The State Treasurer shall transfer funds from the Cash Reserve
8 Fund to the General Fund upon certification by the Director of
9 Administrative Services that the current cash balance in the General Fund
10 is inadequate to meet current obligations. Such certification shall
11 include the dollar amount to be transferred. Any transfers made pursuant
12 to this subsection shall be reversed upon notification by the Director of
13 Administrative Services that sufficient funds are available.

14 (3) In addition to receiving transfers from other funds, the Cash
15 Reserve Fund shall receive federal funds received by the State of
16 Nebraska for undesignated general government purposes, federal revenue
17 sharing, or general fiscal relief of the state.

18 (4) The State Treasurer, at the direction of the budget
19 administrator of the budget division of the Department of Administrative
20 Services, shall transfer not to exceed forty million seven hundred
21 fifteen thousand four hundred fifty-nine dollars in total from the Cash
22 Reserve Fund to the Nebraska Capital Construction Fund between July 1,
23 2013, and June 30, 2018.

24 (5) The State Treasurer shall transfer the following amounts from
25 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
26 dates as directed by the budget administrator of the budget division of
1 the Department of Administrative Services:

2 (a) Seven million eight hundred four thousand two hundred ninety-two
3 dollars on or after June 15, 2016, but before June 30, 2016;

4 (b) Five million fifty-eight thousand four hundred five dollars on
5 or after July 1, 2018, but before June 30, 2019, on such dates and in
6 such amounts as directed by the budget administrator of the budget
7 division of the Department of Administrative Services;

8 (c) Fifteen million three hundred seventy-eight thousand three
9 hundred nine dollars on or after January 1, 2019, but before June 30,
10 2019, on such dates and in such amounts as directed by the budget
11 administrator of the budget division of the Department of Administrative
12 Services; and

13 (d) Fifty-four million seven hundred thousand dollars on or after
14 July 1, 2019, but before June 15, 2021, on such dates and in such amounts
15 as directed by the budget administrator of the budget division of the
16 Department of Administrative Services.

17 (6) The State Treasurer shall transfer seventy-five million two
18 hundred fifteen thousand three hundred thirteen dollars from the Cash
19 Reserve Fund to the Nebraska Capital Construction Fund on or before July
20 31, 2017, on such date as directed by the budget administrator of the
21 budget division of the Department of Administrative Services.

22 (7) The State Treasurer shall transfer thirty-one million dollars

23 from the Cash Reserve Fund to the General Fund after July 1, 2017, but
 24 before July 15, 2017, on such date as directed by the budget
 25 administrator of the budget division of the Department of Administrative
 26 Services.
 27 (8) The State Treasurer shall transfer thirty-one million dollars
 28 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
 29 before October 15, 2017, on such date as directed by the budget
 30 administrator of the budget division of the Department of Administrative
 31 Services.
 1 (9) The State Treasurer shall transfer thirty-one million dollars
 2 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
 3 before January 15, 2018, on such date as directed by the budget
 4 administrator of the budget division of the Department of Administrative
 5 Services.
 6 (10) The State Treasurer shall transfer thirty-two million dollars
 7 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
 8 before April 15, 2018, on such date as directed by the budget
 9 administrator of the budget division of the Department of Administrative
 10 Services.
 11 (11) The State Treasurer shall transfer one hundred million dollars
 12 from the Cash Reserve Fund to the General Fund on or before June 30,
 13 2018, 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 (12) The State Treasurer shall transfer forty-eight million dollars
 17 from the Cash Reserve Fund to the General Fund after March 1, 2019, but
 18 before March 15, 2019, on such date as directed by the budget
 19 administrator of the budget division of the Department of Administrative
 20 Services.
 21 (13) The State Treasurer shall transfer thirty million dollars from
 22 the Cash Reserve Fund to the General Fund after November 15, 2020, but
 23 before December 31, 2020, on such date as directed by the budget
 24 administrator of the budget division of the Department of Administrative
 25 Services. Except for the transfer authorized in this subsection, no funds
 26 shall be transferred from the Cash Reserve Fund to fulfill the
 27 obligations created under the Nebraska Property Tax Incentive Act until
 28 the balance in the Cash Reserve Fund is five hundred million dollars or
 29 more.
 30 2. On page 47, strike beginning with "unless" in line 2 through
 31 "request" in line 3; and strike lines 25 through 31.
 1 3. On page 48, strike lines 1 through 13.
 2 4. On page 81, strike lines 6 through 11 and insert the following
 3 new subdivision:
 4 "(1) Allowable growth percentage means the percentage increase, if
 5 any, in the total assessed value of all real property in the state from
 6 the prior year to the current year, as determined by the department;".
 7 5. On page 83, strike beginning with "three" in line 1 through line
 8 2 and insert "the maximum amount of credits allowed in the prior year
 9 increased by the allowable growth percentage."
 10 6. Renumber the remaining sections and correct internal references
 11 accordingly.
 12 7. Correct the operative date and repealer sections so that the
 13 section added by this amendment becomes operative on its effective date
 14 with the emergency clause.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 470. Introduced by Slama, 1; Stinner, 48.

WHEREAS, Bruce Neemann served the City of Syracuse, its citizens, and the region for forty years as a volunteer firefighter, including the last thirty-two years as the Fire Chief for the City of Syracuse; and

WHEREAS, Bruce proudly succeeded his father, Vernon Neemann, as the Fire Chief of Syracuse, a position Vernon held for fourteen years with Bruce assuming the leadership position in 1988; and

WHEREAS, throughout Bruce's career as a volunteer firefighter and volunteer Fire Chief for the City of Syracuse, he received training and provided training to other volunteer firefighters so as to better educate himself in all facets of fire suppression, but perhaps most importantly, to train and assist volunteer firefighters to become better at their positions, always challenging them to perfect the techniques they were taught and to learn detailed components of fire safety and fire suppression; and

WHEREAS, Bruce's passion for fire safety and fire prevention was exhibited month after month, year after year, during countless visits to elementary classrooms, sharing his knowledge with school children and his experience with fire prevention and fire safety; and

WHEREAS, because of Bruce's knowledge, leadership, bravery, and demeanor under horrific fire conditions, he was able to direct the firefighters of the Syracuse Volunteer Fire Department and other members of the local Mutual Aid Association during several massive structural fires to bring about the best possible results from the potential devastation, which could have occurred absent his leadership skills; and

WHEREAS, Bruce served as a mentor for countless individuals who chose to be volunteer first responders; and

WHEREAS, Bruce retired as Fire Chief for the City of Syracuse on July 27, 2020, after a long and successful career in the fire service.

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

1. That the Legislature extends its congratulations to Bruce Neemann in recognition of his many years serving the City of Syracuse, Otoe County, and the state.
2. That a copy of this resolution be sent to Bruce Neemann.

Laid over.

LEGISLATIVE RESOLUTION 471. Introduced by Linehan, 39; Arch, 14; Hansen, B., 16; La Grone, 49; Scheer, 19; Slama, 1.

WHEREAS, Jack and Eldora Vetter are celebrating forty-five years as the proud founders of Vetter Senior Living; and

WHEREAS, Jack Vetter began his impressive career in 1965 as a nursing home administrator in Valentine, Nebraska; and

WHEREAS, Jack and Eldora Vetter began their successful business in 1975, now known as Vetter Senior Living, established on their beliefs and Jack's personable and compassionate manner of offering the best senior care services possible; and

WHEREAS, based in Elkhorn, Nebraska, Vetter Senior Living is made up of 31 rehabilitation and long-term care facilities and retirement communities in Iowa, Kansas, Missouri, Nebraska, and Wyoming; and

WHEREAS, Vetter Senior Living is honored to be identified as a national leader in providing outstanding quality of life and quality of care for seniors; and

WHEREAS, the cornerstone of Vetter Senior Living's mission is "Dignity in Life," with the simple practice: Treat everyone as the most important person in your life; and

WHEREAS, Vetter Senior Living facilities are home to 2,500 seniors; and

WHEREAS, Vetter Senior Living employs 3,800 compassionate team members; and

WHEREAS, since 2008, Vetter Health Services has been recognized locally as a Best Place to Work in Omaha, and nationally in the top 20 Best Workplaces for Aging Services; and

WHEREAS, Jack and Eldora Vetter's personal convictions guide them in supporting mission projects, benevolent works, charities, and philanthropic organizations around the world.

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

1. That the Legislature congratulates Jack and Eldora Vetter on forty-five years of managing Vetter Senior Living and offering superior care to Nebraska's seniors.
2. That the Legislature acknowledges Jack and Eldora Vetter for their humanitarian and charitable works.
3. That a copy of this resolution be sent to Jack and Eldora Vetter.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB1107](#):

[FA134](#)

Amend AM3346.

Strike section 2. Renumber the remaining sections.

Senator Wayne filed the following amendment to [LB1107](#):

[FA135](#)

Amend AM3346.

Strike section 1. Renumber the remaining sections.

Senator Wayne filed the following amendment to [LB1107](#):

[FA136](#)

Strike the enacting clause.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 814. Placed on Select File with amendment.[ER241](#)1. On page 5, line 28, after "abortion" insert "in".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 518. Placed on Final Reading Second.[ST74](#)

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

1. In the Linehan amendment, AM3023:
 - a. On page 1, lines 7 and 12, the last period has been struck and an underscored semicolon inserted; and
 - b. On page 4, line 3, "to" has been struck.

LEGISLATIVE BILL 992. Placed on Final Reading.**LEGISLATIVE BILL 1002.** Placed on Final Reading.[ST72](#)

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

1. In the E & R amendments, ER235, on page 1, lines 17 and 18, "to harmonize provisions;" has been struck; and in line 23 "to harmonize provisions;" has been inserted after the first semicolon.

LEGISLATIVE BILL 1053. Placed on Final Reading.[ST73](#)

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

1. On page 1, line 1, "the" has been struck.

LEGISLATIVE BILL 1056. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

GENERAL FILE**LEGISLATIVE BILL 1107.** The Linehan amendment, [AM3349](#), found in this day's Journal, to the committee amendment, was renewed.**SENATOR HILGERS PRESIDING****PRESIDENT FOLEY PRESIDING**

The Linehan amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Senator Wayne requested a division of the question on the committee amendment, as amended.

The Chair sustained the division of the question.

The first committee amendment, as amended, is as follows:
[AM3341](#) is available in the Bill Room.

The second committee amendment, as amended, is as follows:
[AM3339](#) is available in the Bill Room.

The third committee amendment, as amended, is as follows:
[AM3340](#) is available in the Bill Room.

The first committee amendment, [AM3341](#), found in this day's Journal, as amended, was offered.

Senator Scheer offered the following motion:

[MO219](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers raised a point of order on whether the motion to invoke cloture is out of order because the bill had not received full and fair debate.

The Chair ruled the bill had received full and fair debate so the motion to invoke cloture is in order.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Wayne requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 8:

Cavanaugh	Hunt	Pansing Brooks	Walz
Chambers	Morfeld	Vargas	Wayne

Voting in the negative, 32:

Albrecht	Clements	Hansen, B.	Lindstrom	Scheer
Arch	Dorn	Hansen, M.	Linehan	Slama
Blood	Erdman	Hilgers	Lowe	Stinner
Bostelman	Friesen	Hilkemann	McCollister	Williams
Brandt	Geist	Hughes	McDonnell	
Brewer	Gragert	Kolterman	Moser	
Briese	Halloran	La Grone	Murman	

Present and not voting, 9:

Bolz	DeBoer	Howard	Lathrop	Wishart
Crawford	Groene	Kolowski	Quick	

The Chambers motion to overrule the Chair failed with 8 ayes, 32 nays, and 9 present and not voting.

The Chair was sustained.

Senator Scheer moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Scheer requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Chambers	Hunt
----------	------

Present and not voting, 6:

Cavanaugh	Hansen, M.	Pansing Brooks
Erdman	Morfeld	Wayne

The Scheer motion to invoke cloture prevailed with 41 ayes, 2 nays, and 6 present and not voting.

The original committee amendment, [AM3316](#), as amended, was adopted with 44 ayes, 2 nays, and 3 present and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 2 nays, and 4 present and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB1089:
[AM3348](#) is available in the Bill Room.

MOTION(S) - Print in Journal

Senator Hunt filed the following motion to LB814:
[MO218](#)
Recommit to Judiciary Committee.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB450:
[AM3057](#)

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. This act becomes operative on January 1, 2021.
- 3 2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilkemann name added to LR471.

ADJOURNMENT

At 6:51 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, August 6, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - AUGUST 6, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

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

PRAYER

The prayer was offered by Senator Bostelman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, DeBoer, B. Hansen, M. Hansen, Morfeld, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 46. Indefinitely postponed.
LEGISLATIVE BILL 285. Indefinitely postponed.
LEGISLATIVE BILL 509. Indefinitely postponed.
LEGISLATIVE BILL 580. Indefinitely postponed.
LEGISLATIVE BILL 802. Indefinitely postponed.
LEGISLATIVE BILL 845. Indefinitely postponed.
LEGISLATIVE BILL 860. Indefinitely postponed.
LEGISLATIVE BILL 863. Indefinitely postponed.
LEGISLATIVE BILL 1072. Indefinitely postponed.
LEGISLATIVE BILL 1132. Indefinitely postponed.
LEGISLATIVE BILL 1173. Indefinitely postponed.
LEGISLATIVE BILL 1205. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of August 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

Ekeler, Jeremy
Nebraska Catholic Conference
Kellman, Robert
Uber Technologies, Inc.

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), LRs 462, 463, and 464 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 462, 463, and 464.

GENERAL FILE

LEGISLATIVE BILL 1074. Title read. Considered.

Senator Linehan asked unanimous consent to withdraw her amendment, [AM2860](#), found on page 908, and replace it with her substitute amendment, [AM3320](#). No objections. So ordered.
[AM3320](#)

1 1. Insert the following new sections:

2 Sec. 2. Section 77-2601, Revised Statutes Supplement, 2019, is

3 amended to read:

4 77-2601 For purposes of sections 77-2601 to 77-2615:

5 (1) Person means and includes every individual, firm, association,
6 joint-stock company, partnership, limited liability company, syndicate,
7 corporation, trustee, or other legal entity, including any Indian tribe
8 or instrumentality thereof;

9 (2) Wholesale dealer means a person who sells cigarettes to licensed
10 retail dealers other than branch stores operated by or connected with
11 such wholesale dealer for purposes of resale and is licensed under
12 section 28-1423;

13 (3) Retail dealer includes every person other than a wholesale
14 dealer engaged in the business of selling cigarettes in this state
15 irrespective of quantity, amount, or number of sales thereof;

16 (4) Tax Commissioner means the Tax Commissioner of the State of

17 Nebraska;

18 (5) Cigarette means any product that contains nicotine, is intended
19 to be burned or heated under ordinary conditions of use, and consists of
20 or contains (a) any roll of tobacco wrapped in paper or in any substance
21 not containing tobacco; (b) tobacco, in any form, that is functional in
22 the product, which, because of its appearance, the type of tobacco used
23 in the filler, or its packaging and labeling, is likely to be offered to,
24 or purchased by, consumers as a cigarette; or (c) any roll of tobacco
25 wrapped in any substance containing tobacco which, because of its
26 appearance, the type of tobacco used in the filler, or its packaging and
27 labeling, is likely to be offered to, or purchased by, consumers as a
1 cigarette described in subdivision (5)(a) of this section. Cigarette does
2 not mean any product that is taxed as a cigar under Title 26 of the
3 United States Code, as such title existed on January 1, 2020;

4 (6) Consumer means any person, firm, association, partnership,
5 limited liability company, joint-stock company, syndicate, or corporation
6 not having a license to sell cigarettes;

7 (7) Sales entity affiliate means an entity that (a) sells cigarettes
8 that it acquires directly from a manufacturer or importer and (b) is
9 affiliated with that manufacturer or importer. Entities are affiliated
10 with each other if one directly, or indirectly through one or more
11 intermediaries, controls or is controlled by or is under common control
12 with the other. Unless provided otherwise, manufacturer or importer
13 includes any sales entity affiliate of that manufacturer or importer;

14 (8) Stamping agent has the same meaning as in section 69-2705; and

15 (9) Indian country means (a) all land in this state within the
16 limits of any Indian reservation under the jurisdiction of the United
17 States, notwithstanding the issuance of any patent, including rights-of-
18 way running through the reservation, (b) all dependent Indian communities
19 within the borders of this state, and (c) all Indian allotments in this
20 state, the Indian titles to which have not been extinguished, including
21 rights-of-way running through such allotments.

22 Sec. 3. Section 77-2602.05, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 77-2602.05 (1) A person that paid taxes applicable under section
25 77-2602 on cigarettes sold in an exempt transaction shall be eligible for
26 a refund of the taxes paid on those cigarettes.

27 (2) Exempt transactions, for purposes of this section and section
28 69-2703, are defined as:

29 (a) Cigarette sales on a federal installation in a transaction that
30 is exempt from state taxation under federal law; and

31 (b) Cigarette sales on an Indian tribe's Indian country to its
1 tribal members where state taxation is precluded by federal law.

2 (3) Except as provided in subsection (5) of this section, the person
3 seeking a refund of taxes shall submit an application to the Tax
4 Commissioner providing documentation sufficient to demonstrate (a) that
5 the cigarettes were sold in a package bearing the correct stamp required
6 under section 77-2603 or 77-2603.01 and that the stamp was one that
7 required payment of tax, (b) that the person paid the applicable taxes in
8 question, (c) that the cigarettes were sold in an exempt transaction, and
9 (d) that the person has not previously obtained the refund on the
10 cigarettes. The documentation shall include, in addition to information
11 necessary to meet the requirements of subdivisions (3)(a) through (d) of
12 this section and any other information that the Tax Commissioner may
13 reasonably require, documents showing the identity of the seller and
14 purchaser and the places of shipment and delivery of the cigarettes. The
15 Tax Commissioner shall verify the accuracy and completeness of the
16 required documentation and information before granting the requested
17 refund.

18 (4) If a meritorious refund claim under subsection (3) of this

19 section is not paid within sixty days after submission of the required
 20 documentation, the refund shall include interest on the amount of such
 21 refund at the rate specified in section 45-104.02 as such rate existed at
 22 the date of submission of the required documentation.
 23 (5) The Tax Commissioner and an Indian tribe may agree upon a tax
 24 refund formula to operate in lieu of application for refunds under
 25 subsection (3) of this section. The aggregate refund provided to an
 26 Indian tribe under a formula for a year shall not exceed the aggregate
 27 tax paid by entities owned and operated by that tribe or a member of that
 28 tribe on cigarettes sold in exempt transactions on that tribe's Indian
 29 country during that year. Refunds of taxes under subsection (3) of this
 30 section shall not be available for cigarettes sold in exempt transactions
 31 on an Indian tribe's Indian country by an Indian tribe that agrees upon a
 1 refund formula under this subsection. Nothing in this subsection shall
 2 limit the state's authority to enter into an agreement pursuant to
 3 section 77-2602.06 pertaining to the collection and dissemination of any
 4 cigarette taxes which may otherwise be inconsistent with this subsection.
 5 (6) Any product that is taxed as a cigar under Title 26 of the
 6 United States Code, as such title existed on January 1, 2020, shall not
 7 be treated as a cigarette for purposes of subdivision (4) of section
 8 69-2702 and the Master Settlement Agreement as defined in section
 9 69-2702.
 10 2. Renumber the remaining sections and correct the repealer
 11 accordingly.

Senator Linehan withdrew her amendment.

Senator Briese withdrew his amendment, [AM3093](#), found on page 1004.

Senator Linehan offered her amendment, [AM3235](#), found on page 1263.

Senator Linehan withdrew her amendment.

Senator Crawford offered the following amendment:

[AM3354](#)

1 1. Insert the following new section:
 2 Sec. 2. Section 77-2716, Revised Statutes Supplement, 2019, is
 3 amended to read:
 4 77-2716 (1) The following adjustments to federal adjusted gross
 5 income or, for corporations and fiduciaries, federal taxable income shall
 6 be made for interest or dividends received:
 7 (a)(i) There shall be subtracted interest or dividends received by
 8 the owner of obligations of the United States and its territories and
 9 possessions or of any authority, commission, or instrumentality of the
 10 United States to the extent includable in gross income for federal income
 11 tax purposes but exempt from state income taxes under the laws of the
 12 United States; and
 13 (ii) There shall be subtracted interest received by the owner of
 14 obligations of the State of Nebraska or its political subdivisions or
 15 authorities which are Build America Bonds to the extent includable in
 16 gross income for federal income tax purposes;
 17 (b) There shall be subtracted that portion of the total dividends
 18 and other income received from a regulated investment company which is
 19 attributable to obligations described in subdivision (a) of this
 20 subsection as reported to the recipient by the regulated investment
 21 company;
 22 (c) There shall be added interest or dividends received by the owner
 23 of obligations of the District of Columbia, other states of the United

24 States, or their political subdivisions, authorities, commissions, or
25 instrumentalities to the extent excluded in the computation of gross
26 income for federal income tax purposes except that such interest or
27 dividends shall not be added if received by a corporation which is a
1 regulated investment company;

2 (d) There shall be added that portion of the total dividends and
3 other income received from a regulated investment company which is
4 attributable to obligations described in subdivision (c) of this
5 subsection and excluded for federal income tax purposes as reported to
6 the recipient by the regulated investment company; and

7 (e)(i) Any amount subtracted under this subsection shall be reduced
8 by any interest on indebtedness incurred to carry the obligations or
9 securities described in this subsection or the investment in the
10 regulated investment company and by any expenses incurred in the
11 production of interest or dividend income described in this subsection to
12 the extent that such expenses, including amortizable bond premiums, are
13 deductible in determining federal taxable income.

14 (ii) Any amount added under this subsection shall be reduced by any
15 expenses incurred in the production of such income to the extent
16 disallowed in the computation of federal taxable income.

17 (2) There shall be allowed a net operating loss derived from or
18 connected with Nebraska sources computed under rules and regulations
19 adopted and promulgated by the Tax Commissioner consistent, to the extent
20 possible under the Nebraska Revenue Act of 1967, with the laws of the
21 United States. For a resident individual, estate, or trust, the net
22 operating loss computed on the federal income tax return shall be
23 adjusted by the modifications contained in this section. For a
24 nonresident individual, estate, or trust or for a partial-year resident
25 individual, the net operating loss computed on the federal return shall
26 be adjusted by the modifications contained in this section and any
27 carryovers or carrybacks shall be limited to the portion of the loss
28 derived from or connected with Nebraska sources.

29 (3) There shall be subtracted from federal adjusted gross income for
30 all taxable years beginning on or after January 1, 1987, the amount of
31 any state income tax refund to the extent such refund was deducted under
1 the Internal Revenue Code, was not allowed in the computation of the tax
2 due under the Nebraska Revenue Act of 1967, and is included in federal
3 adjusted gross income.

4 (4) Federal adjusted gross income, or, for a fiduciary, federal
5 taxable income shall be modified to exclude the portion of the income or
6 loss received from a small business corporation with an election in
7 effect under subchapter S of the Internal Revenue Code or from a limited
8 liability company organized pursuant to the Nebraska Uniform Limited
9 Liability Company Act that is not derived from or connected with Nebraska
10 sources as determined in section 77-2734.01.

11 (5) There shall be subtracted from federal adjusted gross income or,
12 for corporations and fiduciaries, federal taxable income dividends
13 received or deemed to be received from corporations which are not subject
14 to the Internal Revenue Code.

15 (6) There shall be subtracted from federal taxable income a portion
16 of the income earned by a corporation subject to the Internal Revenue
17 Code of 1986 that is actually taxed by a foreign country or one of its
18 political subdivisions at a rate in excess of the maximum federal tax
19 rate for corporations. The taxpayer may make the computation for each
20 foreign country or for groups of foreign countries. The portion of the
21 taxes that may be deducted shall be computed in the following manner:

22 (a) The amount of federal taxable income from operations within a
23 foreign taxing jurisdiction shall be reduced by the amount of taxes
24 actually paid to the foreign jurisdiction that are not deductible solely
25 because the foreign tax credit was elected on the federal income tax

26 return;

27 (b) The amount of after-tax income shall be divided by one minus the
28 maximum tax rate for corporations in the Internal Revenue Code; and
29 (c) The result of the calculation in subdivision (b) of this
30 subsection shall be subtracted from the amount of federal taxable income
31 used in subdivision (a) of this subsection. The result of such
1 calculation, if greater than zero, shall be subtracted from federal
2 taxable income.

3 (7) Federal adjusted gross income shall be modified to exclude any
4 amount repaid by the taxpayer for which a reduction in federal tax is
5 allowed under section 1341(a)(5) of the Internal Revenue Code.

6 (8)(a) Federal adjusted gross income or, for corporations and
7 fiduciaries, federal taxable income shall be reduced, to the extent
8 included, by income from interest, earnings, and state contributions
9 received from the Nebraska educational savings plan trust created in
10 sections 85-1801 to 85-1817 and any account established under the
11 achieving a better life experience program as provided in sections
12 77-1401 to 77-1409.

13 (b) Federal adjusted gross income or, for corporations and
14 fiduciaries, federal taxable income shall be reduced by any contributions
15 as a participant in the Nebraska educational savings plan trust or
16 contributions to an account established under the achieving a better life
17 experience program made for the benefit of a beneficiary as provided in
18 sections 77-1401 to 77-1409, to the extent not deducted for federal
19 income tax purposes, but not to exceed five thousand dollars per married
20 filing separate return or ten thousand dollars for any other return. With
21 respect to a qualified rollover within the meaning of section 529 of the
22 Internal Revenue Code from another state's plan, any interest, earnings,
23 and state contributions received from the other state's educational
24 savings plan which is qualified under section 529 of the code shall
25 qualify for the reduction provided in this subdivision. For contributions
26 by a custodian of a custodial account including rollovers from another
27 custodial account, the reduction shall only apply to funds added to the
28 custodial account after January 1, 2014.

29 (c) Federal adjusted gross income or, for corporations and
30 fiduciaries, federal taxable income shall be increased by:

31 (i) The amount resulting from the cancellation of a participation
1 agreement refunded to the taxpayer as a participant in the Nebraska
2 educational savings plan trust to the extent previously deducted under
3 subdivision (8)(b) of this section; and

4 (ii) The amount of any withdrawals by the owner of an account
5 established under the achieving a better life experience program as
6 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
7 extent previously deducted under subdivision (8)(b) of this section.

8 (9)(a) For income tax returns filed after September 10, 2001, for
9 taxable years beginning or deemed to begin before January 1, 2006, under
10 the Internal Revenue Code of 1986, as amended, federal adjusted gross
11 income or, for corporations and fiduciaries, federal taxable income shall
12 be increased by eighty-five percent of any amount of any federal bonus
13 depreciation received under the federal Job Creation and Worker
14 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
15 under section 168(k) or section 1400L of the Internal Revenue Code of
16 1986, as amended, for assets placed in service after September 10, 2001,
17 and before December 31, 2005.

18 (b) For a partnership, limited liability company, cooperative,
19 including any cooperative exempt from income taxes under section 521 of
20 the Internal Revenue Code of 1986, as amended, limited cooperative
21 association, subchapter S corporation, or joint venture, the increase
22 shall be distributed to the partners, members, shareholders, patrons, or
23 beneficiaries in the same manner as income is distributed for use against

24 their income tax liabilities.

25 (c) For a corporation with a unitary business having activity both
26 inside and outside the state, the increase shall be apportioned to
27 Nebraska in the same manner as income is apportioned to the state by
28 section 77-2734.05.

29 (d) The amount of bonus depreciation added to federal adjusted gross
30 income or, for corporations and fiduciaries, federal taxable income by
31 this subsection shall be subtracted in a later taxable year. Twenty
1 percent of the total amount of bonus depreciation added back by this
2 subsection for tax years beginning or deemed to begin before January 1,
3 2003, under the Internal Revenue Code of 1986, as amended, may be
4 subtracted in the first taxable year beginning or deemed to begin on or
5 after January 1, 2005, under the Internal Revenue Code of 1986, as
6 amended, and twenty percent in each of the next four following taxable
7 years. Twenty percent of the total amount of bonus depreciation added
8 back by this subsection for tax years beginning or deemed to begin on or
9 after January 1, 2003, may be subtracted in the first taxable year
10 beginning or deemed to begin on or after January 1, 2006, under the
11 Internal Revenue Code of 1986, as amended, and twenty percent in each of
12 the next four following taxable years.

13 (10) For taxable years beginning or deemed to begin on or after
14 January 1, 2003, and before January 1, 2006, under the Internal Revenue
15 Code of 1986, as amended, federal adjusted gross income or, for
16 corporations and fiduciaries, federal taxable income shall be increased
17 by the amount of any capital investment that is expensed under section
18 179 of the Internal Revenue Code of 1986, as amended, that is in excess
19 of twenty-five thousand dollars that is allowed under the federal Jobs
20 and Growth Tax Act of 2003. Twenty percent of the total amount of
21 expensing added back by this subsection for tax years beginning or deemed
22 to begin on or after January 1, 2003, may be subtracted in the first
23 taxable year beginning or deemed to begin on or after January 1, 2006,
24 under the Internal Revenue Code of 1986, as amended, and twenty percent
25 in each of the next four following tax years.

26 (11)(a) For taxable years beginning or deemed to begin before
27 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
28 federal adjusted gross income shall be reduced by contributions, up to
29 two thousand dollars per married filing jointly return or one thousand
30 dollars for any other return, and any investment earnings made as a
31 participant in the Nebraska long-term care savings plan under the Long-
1 Term Care Savings Plan Act, to the extent not deducted for federal income
2 tax purposes.

3 (b) For taxable years beginning or deemed to begin before January 1,
4 2018, under the Internal Revenue Code of 1986, as amended, federal
5 adjusted gross income shall be increased by the withdrawals made as a
6 participant in the Nebraska long-term care savings plan under the act by
7 a person who is not a qualified individual or for any reason other than
8 transfer of funds to a spouse, long-term care expenses, long-term care
9 insurance premiums, or death of the participant, including withdrawals
10 made by reason of cancellation of the participation agreement, to the
11 extent previously deducted as a contribution or as investment earnings.

12 (12) There shall be added to federal adjusted gross income for
13 individuals, estates, and trusts any amount taken as a credit for
14 franchise tax paid by a financial institution under sections 77-3801 to
15 77-3807 as allowed by subsection (5) of section 77-2715.07.

16 (13)(a) For taxable years beginning or deemed to begin on or after
17 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
18 federal adjusted gross income shall be reduced by the amount received as
19 benefits under the federal Social Security Act which are included in the
20 federal adjusted gross income if:

21 (i) For taxpayers filing a married filing joint return, federal

22 adjusted gross income is fifty-eight thousand dollars or less; or
23 (ii) For taxpayers filing any other return, federal adjusted gross
24 income is forty-three thousand dollars or less.
25 (b) For taxable years beginning or deemed to begin on or after
26 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
27 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
28 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
29 individual income tax brackets under subsection (3) of section
30 77-2715.03.
31 (14) For taxable years beginning or deemed to begin on or after
1 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an
2 individual may make a one-time election within two calendar years after
3 the date of his or her retirement from the military to exclude income
4 received as a military retirement benefit by the individual to the extent
5 included in federal adjusted gross income and as provided in this
6 subsection. The individual may elect to exclude forty percent of his or
7 her military retirement benefit income for seven consecutive taxable
8 years beginning with the year in which the election is made or may elect
9 to exclude fifteen percent of his or her military retirement benefit
10 income for all taxable years beginning with the year in which he or she
11 turns sixty-seven years of age. For purposes of this subsection, military
12 retirement benefit means retirement benefits that are periodic payments
13 attributable to service in the uniformed services of the United States
14 for personal services performed by an individual prior to his or her
15 retirement.
16 (15) For taxable years beginning or deemed to begin prior to January
17 1, 2021, under the Internal Revenue Code of 1986, as amended, federal
18 adjusted gross income or, for corporations and fiduciaries, federal
19 taxable income shall be adjusted to the amount of federal adjusted gross
20 income or federal taxable income that would have been reported on the
21 taxpayer's federal income tax return had the changes in section 2304 of
22 the federal Coronavirus Aid, Relief, and Economic Security Act, Public
23 Law 116-136, not gone into effect.
24 2. Renumber the remaining sections and correct the repealer
25 accordingly.

Senator Pansing Brooks offered the following motion:

[MO220](#)

Bracket until August 13, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

SPEAKER SCHEER PRESIDING

SENATOR HUGHES PRESIDING

Senator Slama offered the following motion:

[MO221](#)

Bracket until August 13, 2020.

Senator Slama withdrew her motion to bracket.

Senator Erdman offered the following motion:

[MO222](#)

Bracket until August 13, 2020.

PRESIDENT FOLEY PRESIDING

Senator Erdman withdrew his motion to bracket.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 472. Introduced by Hansen, B., 16.

WHEREAS, Henry Earl Doncheski was born May 30, 1920, to Theodore and Edith (Wells) Doncheski, in Stanton, Nebraska; and

WHEREAS, Henry served in the 9th Air Force from 1941 to 1945. He worked as a quartermaster, ensuring that supplies made it to the front lines. His war experience took him across Europe, from the beaches of Normandy to a concentration camp in Germany. Henry was one of thousands of American and Allied soldiers who stormed Omaha Beach on D-Day. He fought in the Battle of the Bulge and at the Rhine River. He helped in the liberation of France and took part in the Red Ball Express; and

WHEREAS, Henry met the love of his life, Dorothy Entrekin, while dancing to Lawrence Welk in Bertha, Nebraska. Henry and Dorothy were married June 13, 1942, and spent the rest of their lives dancing; and

WHEREAS, when Henry was discharged from the military, he and Dorothy moved to Tekamah, Nebraska, where he worked as a mechanic for 40 years at the Ford-Lincoln dealership; and

WHEREAS, Henry served for several years as the fire chief for the Tekamah Volunteer Fire Department. He enjoyed people and would help anyone. He was a member of the Veterans of Foreign Wars for 75 years and participated in the 21-gun salute every Memorial Day at the Tekamah cemetery; and

WHEREAS, Henry's love for his family was endless. He spent several winters with his daughter in Texas and made many friends that will never forget him. He leaves a legacy that his many friends and family will never forget; and

WHEREAS, in August 2013, U.S. Representative Jeff Fortenberry interviewed Henry as part of the Veterans History Project, a collection by the Library of Congress that aims to preserve the memories and voices of American veterans; and

WHEREAS, Henry returned to France for the 70th anniversary of D-Day on Omaha Beach; and

WHEREAS, Ronald Grass, Mayor of the City of Tekamah, on behalf of the citizens of Tekamah, and the Tekamah City Council, proclaimed May 30, 2020, to be Henry Doncheski Appreciation Day; and

WHEREAS, Henry's life was defined by his patriotism, his dedication and integrity, and his involvement in his community. He loved to joke, never met a stranger, and loved to sit outside in the sunshine; and

WHEREAS, Henry was preceded in death by his wife, Dorothy; daughter, Cheryl Noel; son-in-law, Virgil Noel; parents; brothers, Bud, Emil, and Leonard; and sisters, Florence and Dessie; and

WHEREAS, Henry is survived by his son, Randy (Peg) Doncheski of Omaha; daughter, Gae (Tony) Montoya of Carrollton, Texas; six grandchildren; thirteen great-grandchildren; and six great-great-grandchildren; and

WHEREAS, Henry passed away at the age of 99 years, on May 12, 2020, in Plano, Texas.

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

1. That the Legislature honors and recognizes Henry Earl Doncheski for his life of service to the world, his country, and his community.
2. That the Legislature extends its deepest sympathy to the family and friends of Henry Doncheski.
3. That a copy of this resolution be sent to the family of Henry Doncheski.

Laid over.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to [LB1218](#):

[MO223](#)

Suspend Rule 6, Sections 3 and 5 and Rule 7, Sections 3 and 7 and vote on the advancement of the bill without further amendment or debate to E&R for engrossing.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB866](#):

[AM3356](#)

(Amendments to Standing Committee amendments, AM2913)

1 1. Insert the following new sections:

2 Sec. 11. Sections 11 to 19 of this act shall be known and may be

3 cited as the Middle Income Workforce Housing Investment Act.

4 Sec. 12. (1) Current economic conditions and limited availability

5 of modern housing units impact the ability of Nebraska's older urban

6 neighborhoods and majority minority communities to maintain residential

7 stability. Low rates of homeownership and a lack of high-quality, non-

8 income restricted rental housing negatively affects the ability of

9 residents of such neighborhoods and communities to achieve housing

10 stability and invest in their neighborhoods and communities. A lack of

11 workforce housing affects the ability of neighborhoods and communities to

12 maintain and develop viable, stable, and thriving economies. A shortage

13 of quality housing in such areas also impacts the ability of local

14 private, nonprofit, and public employers to grow and prosper.

15 (2) Impediments exist to the construction, rehabilitation, and

16 financing of urban workforce housing. Comparable home sale and appraisal

17 prices do not justify the cost of new construction homes. There is a lack

18 of space that would be large enough for development to achieve cost

19 efficiencies. Due to generations of disinvestment, these neighborhoods

20 and communities frequently receive a stigma that negatively impacts the

21 residential real estate market.

22 (3) In order to develop attractive housing options that lead to the

23 recruitment and retention of a world-class workforce in Nebraska's older
 24 urban communities, it is the intent of the Legislature to use new and
 25 existing resources to support creation of workforce housing investment
 26 funds. Such funds will be used to encourage development of workforce
 1 housing in Nebraska's urban and underserved neighborhoods and
 2 communities.
 3 Sec. 13. For purposes of the Middle Income Workforce Housing
 4 Investment Act:
 5 (1) Department means the Department of Economic Development;
 6 (2) Director means the Director of Economic Development;
 7 (3) Eligible activities of a workforce housing investment fund
 8 means:
 9 (a) New construction of owner-occupied housing in a neighborhood and
 10 community with a demonstrated need for housing that is affordable and
 11 attractive to first time homebuyers, middle-income families, and the
 12 emerging workforce;
 13 (b) Substantial repair or rehabilitation of dilapidated housing
 14 stock; or
 15 (c) Upper-story housing development for occupation by a homeowner;
 16 (4) HOME funds means funds awarded as formula grants under the HOME
 17 Investment Partnerships Program administered by the United States
 18 Department of Housing and Urban Development;
 19 (5) Matching funds means dollars contributed by individuals,
 20 businesses, foundations, local and regional political subdivisions, or
 21 other nonprofit organizations to a workforce housing investment fund
 22 administered by a nonprofit development organization;
 23 (6) Nonprofit development organization means a regional or statewide
 24 nonprofit development organization approved by the director;
 25 (7) Qualified activities include purchase guarantees, loan
 26 guarantees, loan participations, and other credit enhancements related to
 27 eligible activities of the workforce housing investment fund;
 28 (8) Qualified investment means a cash investment in a workforce
 29 housing investment fund administered by a nonprofit development
 30 organization;
 31 (9) Urban community means any area that is:
 1 (a) In a county with a population greater than one hundred thousand
 2 inhabitants as determined by the most recent federal decennial census;
 3 and
 4 (b) Within a qualified census tract as described in 26 U.S.C. 42(d)
 5 (5)(B), as such section existed on January 1, 2020.
 6 (10) Workforce housing means:
 7 (a) Owner-occupied housing units that have an after-construction
 8 appraised value of at least one hundred twenty-five thousand dollars but
 9 not more than two hundred seventy-five thousand dollars. For purposes of
 10 this subdivision (a) and subdivision (b) of this subsection, housing unit
 11 after-construction appraised value shall be updated annually by the
 12 department based upon the most recent increase or decrease in the
 13 Producer Price Index for all commodities, published by the United States
 14 Department of Labor, Bureau of Labor Statistics;
 15 (b) Owner-occupied housing units for which the cost to substantially
 16 rehabilitate such units exceeds fifty percent of a unit's before-
 17 construction assessed value, and the after-construction appraised value
 18 is at least one hundred twenty-five thousand dollars but not more than
 19 two hundred seventy-five thousand dollars;
 20 (c) Upper-story housing for occupation by a homeowner; and
 21 (d) Housing that does not receive federal or state low-income
 22 housing tax credits, community development block grants, HOME funds, or
 23 funds from the Affordable Housing Trust Fund; and
 24 (11) Workforce housing investment fund means a fund that has been
 25 created by a nonprofit development organization and certified by the

26 director to encourage development of workforce housing in urban
27 communities.

28 Sec. 14. (1) The director shall establish a workforce housing
29 investment grant program to foster and support the development of
30 workforce housing in urban communities.

31 (2) A nonprofit development organization may apply to the director
1 for approval of a workforce housing grant for a workforce housing
2 investment fund. The application shall be in a form and manner prescribed
3 by the director. Through fiscal year 2022-2023, grants shall be awarded
4 by the director on a competitive basis until grant funds are no longer
5 available. Grant maximums shall not exceed one million dollars to any one
6 nonprofit development organization over a two-year period, with no more
7 than two million five hundred thousand dollars cumulative for any single
8 grantee through fiscal year 2022-2023. Grants shall require a minimum
9 one-to-one in matching funds to be considered a qualified grant
10 application. Unallocated funds shall be rolled to the next program year.
11 Unallocated funds on June 30, 2025, shall be returned to the Middle
12 Income Workforce Housing Investment Fund.

13 (3) Grants shall be awarded based upon:

14 (a) A demonstrated need for additional owner-occupied housing. Need
15 can be demonstrated with a recent housing study or a letter from the
16 planning department of the city in which the fund is intending to operate
17 stating that the proposal is in line with the city's most recent
18 consolidated plan submitted under 24 C.F.R. part 91, subpart D, as such
19 subpart existed on January 1, 2020;

20 (b) A neighborhood or community that has a higher-than-state average
21 unemployment rate;

22 (c) A neighborhood or community that exhibits a demonstrated
23 commitment to growing its housing stock;

24 (d) Projects that can reasonably be ready for occupancy in a period
25 of twenty-four months; and

26 (e) A demonstrated ability to grow and manage a workforce housing
27 investment fund.

28 (4) A workforce housing investment fund shall:

29 (a) Be required to receive annual certification from the department;

30 (b) Invest or intend to invest in eligible activities for a

31 workforce housing investment fund;

1 (c) Use any fees, interest, loan repayments, or other funds received

2 by the nonprofit development organization as a result of the

3 administration of the grant to support qualified activities; and

4 (d) Have an active board of directors with expertise in development,

5 construction, and finance that meets at least quarterly to approve all

6 qualified investments made by the nonprofit development organization. A

7 nonprofit development organization shall have a formal plan and proven

8 expertise to invest unused workforce housing investment fund balances and

9 shall conduct an annual audit of all financial records by an independent

10 certified public accountant.

11 Sec. 15. (1) The Middle Income Workforce Housing Investment Fund is

12 created. Funding for the grant program described in section 14 of this

13 act shall come from the Middle Income Workforce Housing Investment Fund.

14 The Middle Income Workforce Housing Investment Fund may include revenue

15 from appropriations from the Legislature, grants, private contributions,

16 and other sources. In addition, the Middle Income Workforce Housing

17 Investment Fund shall receive a one-time transfer of ten million dollars

18 on the effective date of this act from the General Fund. Any money in the

19 Middle Income Workforce Housing Investment Fund available for investment

20 shall be invested by the state investment officer pursuant to the

21 Nebraska Capital Expansion Act and the Nebraska State Funds Investment

22 Act.

23 (2) The department shall administer the Middle Income Workforce

24 Housing Investment Fund and may seek additional private or nonstate funds
25 to use in the grant program, including, but not limited to, contributions
26 from the Nebraska Investment Finance Authority and other interested
27 parties.

28 (3) Interest earned by the department on grant funds shall be
29 applied to the grant program.

30 (4) If a nonprofit development organization fails to engage in a
31 qualified activity within twenty-four months after receiving initial
1 grant funding, the nonprofit development organization shall return the
2 grant proceeds to the department for credit to the Affordable Housing
3 Trust Fund.

4 (5) Beginning July 1, 2025, any funds held by the department in the
5 Middle Income Workforce Housing Investment Fund shall be transferred to
6 the Affordable Housing Trust Fund.

7 Sec. 16. (1) Each nonprofit development organization shall submit
8 an annual report to the director to be included as a part of the
9 department's annual status report required under section 81-1201.11. The
10 report shall certify that the workforce housing investment fund meets the
11 requirements of the Middle Income Workforce Housing Investment Act and
12 shall include a breakdown of program activities.

13 (2) The annual report shall include, but not be limited to:

14 (a) The name and geographical location of the nonprofit development
15 organization;

16 (b) The number, amount, and type of workforce housing investment
17 funds invested in qualified activities;

18 (c) The number, geographical location, type, and amount of
19 investments made;

20 (d) A summary of matching funds and where such matching funds were
21 generated; and

22 (e) The results of the annual audit required under subdivision (4)

23 (d) of section 14 of this act.

24 (3) If a nonprofit development organization ceases administration of
25 a workforce housing investment fund, it shall file a final report with
26 the director in a form and manner required by the director. Before July
27 1, 2025, any unallocated workforce housing investment fund grant funds
28 shall be returned for credit to the Middle Income Workforce Housing
29 Investment Fund.

30 (4) If a workforce housing investment fund fails to file a complete
31 annual report by February 15, the director may, in his or her discretion,
1 impose a civil penalty of not more than five thousand dollars for such
2 violation. All money collected by the department pursuant to this
3 subsection shall be remitted to the State Treasurer for distribution in
4 accordance with Article VII, section 5, of the Constitution of Nebraska.

5 Sec. 17. (1) The department shall use its best efforts to assure
6 that any grant funds awarded to a nonprofit development organization are
7 targeted to the geographic communities or regions with the most pressing
8 housing, economic, and employment needs.

9 (2) The department shall use its best efforts to assure that the
10 allocation of grant funds provides equitable access to the benefits
11 provided by the Middle Income Workforce Housing Investment Act to all
12 eligible neighborhoods and communities.

13 (3) The director may contract with a statewide public or private
14 nonprofit organization which shall serve as agent for the department to
15 help carry out the purposes and requirements of the Middle Income
16 Workforce Housing Investment Act. The department or its agent may only
17 use for expenses that portion of the funds available for the workforce
18 housing investment grant program through the Middle Income Workforce
19 Housing Investment Fund necessary to cover the actual costs of
20 administering the program.

21 Sec. 18. (1) As part of the department's annual status report

22 required under section 81-1201.11, the department shall submit a report
23 to the Legislature and the Governor that includes, but is not necessarily
24 limited to:
25 (a) The number and geographical location of workforce housing
26 investment funds;
27 (b) The number, amount, and type of workforce housing investment
28 funds invested in qualified activities; and
29 (c) The number, geographical location, type, and amount of
30 investments made by each nonprofit development organization.
31 (2) The report to the Legislature shall be submitted electronically.
1 (3) Information received, developed, created, or otherwise
2 maintained by the department in administering and enforcing the Middle
3 Income Workforce Housing Investment Act, other than information required
4 to be included in the report to be submitted by the department to the
5 Governor and Legislature pursuant to this section, may be deemed
6 confidential by the department and not considered a public record subject
7 to disclosure pursuant to sections 84-712 to 84-712.09.
8 Sec. 19. The department may adopt and promulgate rules and
9 regulations to administer and enforce the Middle Income Workforce Housing
10 Investment Act.
11 2. On page 3, line 4, strike "cost" and insert "have an after-
12 construction appraised value of"; and strike line 5 and insert "twenty-
13 five thousand dollars but not more than two hundred seventy-five
14 thousand".
15 3. Renumber the remaining sections accordingly.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Tuesday, August 11, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - AUGUST 11, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, August 11, 2020

PRAYER

The prayer was offered by Senator Halloran.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1107. Placed on Select File with amendment.

ER242

1 1. In the Standing Committee amendments, AM3316:
2 a. On page 41, line 1; page 58, line 17; and page 78, line 14, after
3 "or" insert "a"; and
4 b. On page 149, line 10, strike "141" and insert "142"; and in line
5 23 strike "and 77-4602" and insert "77-4602, and 84-612".
6 2. On page 1, strike beginning with "revenue" in line 1 through line
7 4 and insert "government; to amend sections 77-202, 77-693, 77-801,
8 77-1229, 77-1238, 77-1248, 77-1514, 77-2717, 77-2734.03, 77-27,119,
9 77-27,144, 77-4212, 77-5905, and 81-125, Reissue Revised Statutes of
10 Nebraska, sections 18-2119, 18-2710.03, 49-801.01, and 84-602.03, Revised
11 Statutes Cumulative Supplement, 2018, and sections 50-1209, 66-1344,
12 77-1239, 77-2711, 77-2715.07, 77-4602, and 84-612, Revised Statutes
13 Supplement, 2019; to adopt the ImagiNE Nebraska Act, the Key Employer and
14 Jobs Retention Act, the Renewable Chemical Production Tax Credit Act, the
15 Customized Job Training Act, the Nebraska Transformational Projects Act,
16 and the Nebraska Property Tax Incentive Act; to eliminate the exemptions
17 provided under the Personal Property Tax Relief Act; to change provisions

18 relating to sales and use tax refunds; to change provisions under the
19 Property Tax Credit Act; to change provisions relating to actual General
20 Fund net receipts; to provide transfers to and from the Cash Reserve Fund
21 as prescribed; to harmonize provisions; to provide operative dates; to
22 provide severability; to repeal the original sections; and to declare an
23 emergency.".

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

August 6, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1008e and 1009e were received in my office on July 31, 2020.

These bills were signed and delivered to the Secretary of State on August 6, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 6, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 43, 247, 461, 705, 751, 760, 774, 780e, 780Ae, 797, 803, 803Ae, 832, 835, 840, 850e, 858e, 889, 899, 910, 911e, 911Ae, 912, 924e, 927e, 931, 944e, 944Ae, 1003e, 1140e, 1144, 1148, and 1188 were received in my office on July 31, 2020.

These bills were signed and delivered to the Secretary of State on August 6, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 6, 2020

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

Dear Mr. President and Members of the Legislature:

I have signed LB 850 into law, but wish to bring a technical issue to your attention.

LB 850 creates the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee to plan for the production and placement of the monument. The members of the committee consist of an employee at the Nebraska State Historical Society, two members of a local Civic War round table organization and a professor of history from the University of Nebraska. The Chairperson of the Government, Military and Veterans Affairs Committee is also a member.

The mixture of Executive and Legislative branch members on the same committee raises constitutional concerns. I respectfully request that the law be amended in the upcoming legislative session to authorize the Chairperson of the Government, Military and Veterans Affairs Committee be a member of the committee in an ex-officio capacity.

I would like to extend my appreciation to Senator Pansing Brooks for highlighting the First Regiment Nebraska Volunteer Infantry in the Union victory at the Battle of Fort Donelson.

Sincerely,
(Signed) Pete Ricketts
Governor

August 7, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 881, 1028, 1042e, 1042Ae, 1052, 1055, 1080, 1124, 1130, 1152e, 1166e, 1183e, 1185, 1185A, and 1186 were received in my office on August 3, 2020.

These bills were signed and delivered to the Secretary of State on August 7, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 10, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 681, 783, 956, 1158e, and 1160e were received in my office on August 4, 2020.

These bills were signed and delivered to the Secretary of State on August 10, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 465 and 467 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 465 and 467.

SELECT FILE

LEGISLATIVE BILL 1107. [ER242](#), found in this day's Journal, was offered.

ER242 was adopted.

Senator Linehan offered the following amendment:

[AM3381](#)

1 1. Insert the following new sections:

2 Sec. 51. Equivalent employees means the number of employees

3 computed by dividing the total hours paid in a year by the product of

4 forty times the number of weeks in a year. A salaried employee who

5 receives a predetermined amount of compensation each pay period on a

6 weekly or less frequent basis is deemed to have been paid for forty hours

7 per week during the pay period.

8 Sec. 135. Section 77-3806, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 77-3806 (1) The tax return shall be filed and the total amount of

11 the franchise tax shall be due on the fifteenth day of the third month

12 after the end of the taxable year. No extension of time to pay the tax
 13 shall be granted. If the Tax Commissioner determines that the amount of
 14 tax can be computed from available information filed by the financial
 15 institutions with either state or federal regulatory agencies, the Tax
 16 Commissioner may, by regulation, waive the requirement for the financial
 17 institutions to file returns.

18 (2) Sections 77-2714 to 77-27,135 relating to deficiencies,
 19 penalties, interest, the collection of delinquent amounts, and appeal
 20 procedures for the tax imposed by section 77-2734.02 shall also apply to
 21 the tax imposed by section 77-3802. If the filing of a return is waived
 22 by the Tax Commissioner, the payment of the tax shall be considered the
 23 filing of a return for purposes of sections 77-2714 to 77-27,135.

24 (3) No refund of the tax imposed by section 77-3802 shall be allowed
 25 unless a claim for such refund is filed within ninety days of the date on
 26 which (a) the tax is due or was paid, whichever is later, (b) a change is
 27 made to the amount of deposits or the net financial income of the
 1 financial institution by a state or federal regulatory agency, or (c) the
 2 Nebraska Investment Finance Authority issues an eligibility statement to
 3 the financial institution pursuant to the Affordable Housing Tax Credit
 4 Act.

5 (4) Any such financial institution shall receive a credit on the
 6 franchise tax as provided under the Affordable Housing Tax Credit Act,
 7 the Community Development Assistance Act, the Nebraska Job Creation and
 8 Mainstreet Revitalization Act, the Nebraska Property Tax Incentive Act,
 9 and the New Markets Job Growth Investment Act.

10 Sec. 142. It is the intent of the Legislature to fully fund the Tax
 11 Equity and Educational Opportunities Support Act each year.

12 Sec. 143. There is hereby appropriated (1) \$1,259,100 from the
 13 General Fund for FY2020-21 and (2) \$456,600 from the General Fund for
 14 FY2021-22 to the Department of Revenue, for Program 102, to aid in
 15 carrying out the provisions of this legislative bill.

16 Total expenditures for permanent and temporary salaries and per
 17 diems from funds appropriated in this section shall not exceed \$254,200
 18 for FY2020-21 or \$335,800 for FY2021-22.

19 Sec. 144. There is hereby appropriated (1) \$1,153,305 from the
 20 General Fund for FY2020-21 and (2) \$1,880,115 from the General Fund for
 21 FY2021-22 to the Department of Economic Development, for Program 604, to
 22 aid in carrying out the provisions of this legislative bill.

23 Total expenditures for permanent and temporary salaries and per
 24 diems from funds appropriated in this section shall not exceed \$467,365
 25 for FY2020-21 or \$945,360 for FY2021-22.

26 Sec. 149. The following section is outright repealed: Laws 2019,
 27 LB294, section 71.

28 2. In the Standing Committee amendments, AM3316:

29 a. On page 73, lines 26, 27, and 30, strike "2021" and insert
 30 "2023";

31 b. On page 78, line 27; and page 79, line 1, strike "2022" and
 1 insert "2024";

2 c. On page 81, line 25, after "1967" insert "or against the
 3 franchise tax imposed by sections 77-3801 to 77-3807";

4 d. On page 82, lines 5, 7, 13, 14 and 15, 21, and 22 and 23, strike
 5 "certified during" and insert "calculated for";

6 e. On page 83, line 13, after "tax" insert "or franchise tax";

7 f. On page 143, line 13, strike "estimated" and insert "actual"; and
 8 in line 14 strike "such" and insert "the prior"; and

9 g. On page 144, line 4, strike "estimated" and insert "actual"; in
 10 line 5 strike "such" and insert "the prior"; and in line 20 strike
 11 "2024-25" and insert "2023-24".

12 3. In the Linehan amendment, AM3349:

13 a. On page 3, strike beginning with "until" in line 27 through line

14 29 and insert "unless the balance in the Cash Reserve Fund after such
 15 transfer will be at least equal to five hundred million dollars."; and
 16 b. On page 4, line 6, after "department" insert ", except that in no
 17 case shall the allowable growth percentage exceed five percent in any one
 18 year".
 19 4. Renumber the remaining sections and correct internal references
 20 accordingly.
 21 5. Correct the operative date and repealer sections so that:
 22 a. Section 51 added by this amendment becomes operative on January
 23 1, 2021; and
 24 b. Sections 135, 142, 143, 144, and 149 added by this amendment
 25 become operative on their effective date with the emergency clause.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Scheer offered the following motion:

[MO224](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Senator Scheer requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

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

Voting in the negative, 4:

Cavanaugh	Erdman	Halloran	Hunt
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Present and not voting, 2:

Pansing Brooks Wayne

Absent and not voting, 1:

Chambers

The Scheer motion to invoke cloture prevailed with 42 ayes, 4 nays, 2 present and not voting, 1 absent and not voting, and 0 excused and not voting.

The Linehan amendment was adopted with 41 ayes, 3 nays, and 5 present and not voting.

Senator Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 4:

Erdman	Groene	Halloran	Hunt
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Present and not voting, 4:

Cavanaugh	Chambers	McCollister	Wayne
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Advanced to Enrollment and Review for Engrossment with 41 ayes, 4 nays, and 4 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 814. [ER241](#), found on page 1368, was offered.

Senator Geist offered the following motion:

[MO225](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Geist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Geist requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lindstrom	Scheer
Blood	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 8:

Cavanaugh	Hansen, M.	Hunt	Morfeld
Chambers	Howard	McCollister	Pansing Brooks

Present and not voting, 7:

Bolz	Kolowski	Vargas	Wishart
DeBoer	Lathrop	Wayne	

The Geist motion to invoke cloture prevailed with 34 ayes, 8 nays, and 7 present and not voting.

Senator Cavanaugh requested a record vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lindstrom	Scheer
Blood	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 2:

Cavanaugh	Chambers
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Present and not voting, 13:

Bolz	Howard	Lathrop	Pansing Brooks	Wishart
DeBoer	Hunt	McCollister	Vargas	
Hansen, M.	Kolowski	Morfeld	Wayne	

ER241 was adopted with 34 ayes, 2 nays, and 13 present and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 473.** Introduced by Bolz, 29.

WHEREAS, the 2020 coronavirus emergency has created an unprecedented need for public spaces to be kept disinfected; and

WHEREAS, the Nebraska State Capitol is a source of pride for Nebraskans; and

WHEREAS, the Capitol custodial staff have taken additional steps this year to keep the Capitol sanitized by wiping down commonly touched surfaces; and

WHEREAS, the cleaning staff have continually disinfected the chamber, cloakroom, lounge, and restrooms while we complete this legislative session.

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

1. That the Legislature thanks the Capitol custodial staff and expresses its gratitude for their efforts to keep the Capitol safe during the coronavirus emergency.

2. That copies of this resolution be sent to the Capitol cleaning staff and ServiceMaster.

Laid over.

LEGISLATIVE RESOLUTION 474. Introduced by Arch, 14.

WHEREAS, saccular, fusiform, and dissecting aneurysms are bulging, weakened areas in the wall of an artery in the brain; and

WHEREAS, an estimated one out of every fifty individuals in the United States has a brain aneurysm; and

WHEREAS, brain aneurysms are most likely to occur in individuals between the ages of thirty-five and sixty; and

WHEREAS, there are typically no warning signs before the occurrence of a brain aneurysm; and

WHEREAS, brain aneurysms are more likely to occur in women than in men by a three-two ratio; and

WHEREAS, young and middle-aged African Americans have a higher risk of brain aneurysm rupture when compared to young and middle-aged Caucasians in the United States; and

WHEREAS, the combined lost wages of survivors of brain aneurysm ruptures and their caretakers for one year is an estimated \$149,936,118; and

WHEREAS, various risk factors can contribute to the formation of a brain aneurysm, including smoking, hypertension, and a family history of brain aneurysms; and

WHEREAS, an unruptured brain aneurysm can lead to double vision, vision loss, loss of sensation, weakness, loss of balance, incoordination, and speech problems; and

WHEREAS, a brain aneurysm is often discovered when it ruptures and causes a subarachnoid hemorrhage; and

WHEREAS, a subarachnoid hemorrhage can lead to brain damage, hydrocephalus, stroke, and death; and

WHEREAS, each year, more than 30,000 individuals in the United States suffer from ruptured brain aneurysms, approximately 50 percent of whom die as a result; and

WHEREAS, annually, between 3,000 and 4,500 individuals in the United States with ruptured brain aneurysms die before reaching the hospital; and

WHEREAS, a number of advancements have been made in recent years regarding the detection of brain aneurysms, including the computerized tomography scan, the magnetic resonance imaging test, and the cerebral arteriogram; and

WHEREAS, early detection of brain aneurysms can save lives; and

WHEREAS, various research studies are being conducted in the United States in order to better understand, prevent, and treat brain aneurysms; and

WHEREAS, the Brain Aneurysm Foundation, a nonprofit organization, remains a globally recognized leader for brain aneurysm awareness, education, support, advocacy, and research funding; and

WHEREAS, the month of September has been designated as National Brain Aneurysm Awareness Month.

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

1. That the Legislature recognizes September as National Brain Aneurysm Awareness Month.

2. That a copy of this resolution be sent to the Brain Aneurysm Foundation.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to [LB1107](#):

[AM3362](#)

(Amendments to Standing Committee amendments, AM3316)

1 1. Insert the following new sections:

2 Sec. 115. Sections 115 to 138 of this act shall be known and may be

3 cited as the Nebraska Rural Projects Act.

4 Sec. 116. For purposes of the Nebraska Rural Projects Act, the

5 definitions found in sections 117 to 127 of this act shall be used.

6 Sec. 117. Applicant means a nonprofit economic development

7 corporation.

8 Sec. 118. (1) Applicant resources means dollars donated to the

9 applicant specifically for the project by any combination of one or more

10 of the following:

11 (a) An individual;

12 (b) An organization that is exempt from income tax under section

13 501(c) of the Internal Revenue Code; or

14 (c) Any nongovernmental organization.

15 (2) Applicant resources includes any direct or indirect funding for

16 the project from any federal, state, or local government.

17 Sec. 119. Date of application means the date that a completed
18 application is filed under the Nebraska Rural Projects Act.

19 Sec. 120. Director means the Director of Economic Development.

20 Sec. 121. Investment means the amount paid by the applicant for site
21 acquisition and preparation, utility extensions, and rail spur
22 construction for the development of a new industrial rail access business
23 park, including any such amounts paid to assist an initial tenant at such
24 business park that conducts business in the manufacturing, processing,
25 distribution, or transloading trades.

26 Sec. 122. Matching funds means the funds provided toward investment
1 at a project by the State of Nebraska pursuant to section 131 of this
2 act.

3 Sec. 123. Project means an investment by the applicant of up to ten
4 million dollars at one qualified location.

5 Sec. 124. Qualified location means a location within a county in
6 this state that has a population of less than one hundred thousand
7 inhabitants.

8 Sec. 125. Related entity means any entity which is a subsidiary or
9 affiliated entity of the applicant or which has, as one of its purposes
10 for existence, the financial support of the applicant.

11 Sec. 126. Transformational period means the period of time from the
12 date of application through the end of the fifth year after the year in
13 which the complete application was filed with the director.

14 Sec. 127. Year means the fiscal year of the State of Nebraska.

15 Sec. 128. (1) In order to be eligible to receive the matching funds
16 allowed in the Nebraska Rural Projects Act, the applicant shall file an
17 application with the director, on a form developed by the director,
18 requesting an agreement.

19 (2) The application shall:

20 (a) Identify the project, including the qualified location of such
21 project;

22 (b) State the estimated, projected amount of total new investment at
23 the project, including the estimated, projected amount of applicant
24 resources;

25 (c) State the E-Verify number or numbers that will be used by the
26 applicant for employees at the qualified location as provided by the
27 United States Citizenship and Immigration Services; and

28 (d) Contain a nonrefundable application fee of one thousand dollars.
29 The fee shall be remitted to the State Treasurer for credit to the
30 Nebraska Rural Project Fund.

31 (3) An application must be complete to establish the date of
1 application. An application shall be considered complete once it contains
2 the items listed in subsection (2) of this section.

3 (4) Once satisfied that the application is complete and that the
4 applicant is eligible to receive the matching funds allowed in the
5 Nebraska Rural Projects Act, the director shall approve the application.

6 (5) There shall be no new applications filed under this section
7 after December 31, 2021. Any complete application filed on or before
8 December 31, 2021, shall be considered by the director and approved if
9 the location and applicant qualify for approval. Agreements may be
10 executed with regard to any complete application filed on or before
11 December 31, 2021.

12 Sec. 129. (1) Within ninety days after approval of the application,
13 the director shall prepare and deliver a written agreement to the
14 applicant for the applicant's signature. The applicant and the director,
15 on behalf of the State of Nebraska, shall enter into such written
16 agreement. Under the agreement, the applicant shall agree to undertake
17 the project and report all investment at the project to the director
18 annually. The director, on behalf of the State of Nebraska, shall agree
19 to allow the applicant to receive the matching funds allowed in the

20 Nebraska Rural Projects Act, subject to appropriation of such funds by
21 the Legislature. The application, and all supporting documentation, to
22 the extent approved, shall be considered a part of the agreement. The
23 agreement shall state:
24 (a) The qualified location;
25 (b) The type of documentation the applicant will need to document
26 its investment and receipt of applicant resources under the act;
27 (c) The date of application;
28 (d) A requirement that any access to the primary rail carrier, land
29 purchase option, or zoning approval needed to carry out the project will
30 be secured;
31 (e) A requirement that the applicant be and will stay registered for
1 the E-Verify Program provided by the United States Citizenship and
2 Immigration Services for the duration of the project;
3 (f) A requirement that the applicant provide any information needed
4 by the director to perform his or her responsibilities under the Nebraska
5 Rural Projects Act, in the manner specified by the director;
6 (g) A requirement that the applicant provide an annually updated
7 timetable showing the applicant resources donated and received and the
8 investment at the project, in the manner specified by the director; and
9 (h) A requirement that the applicant update the director annually,
10 with its timetable or in the manner specified by the director, on any
11 changes in plans or circumstances which it reasonably expects will affect
12 the investment or applicant resources for the project.
13 (2) Any failure by the applicant to timely provide the updates or
14 information required by the director or the act may result in the loss of
15 the right to receive matching funds or, at the discretion of the
16 director, result in the deferral of matching fund disbursements until
17 such updates and information have been provided to the director by the
18 applicant.
19 (3) The applicant shall provide documentation to the director
20 validating the receipt of applicant resources but is not required to
21 disclose the names of any private donors.
22 (4) An agreement under the Nebraska Rural Projects Act shall have a
23 duration of no more than five years after the date of application,
24 consisting of up to the five years of the transformational period, except
25 that such agreement shall remain effective until all matching fund
26 payments have been received as provided for under the act.
27 Sec. 130. The following transactions or activities shall not create
28 investment under the Nebraska Rural Projects Act except as specifically
29 allowed by this section:
30 (1) The renegotiation of any private donor commitment in existence
31 before the date of application, except to the extent of additional
1 donation commitments;
2 (2) The purchase of any property which was previously owned by the
3 applicant or a related entity. The first purchase by either the applicant
4 or a related entity shall be treated as investment if the item was first
5 placed in service in the state after the date of application;
6 (3) The renegotiation of any agreement in existence on the date of
7 application which does not materially change any of the material terms of
8 the agreement shall be presumed to be a transaction entered into for the
9 purpose of facilitating benefits under the act and shall not be allowed
10 in the calculation of investment under the act; and
11 (4) Any purchase of property from a related entity, except that the
12 applicant will be considered to have made investment under the act to the
13 extent the related entity would have been considered to have made
14 investment on the purchase of the property if the related entity was
15 considered the applicant.
16 Sec. 131. (1) Subject to section 133 of this act, an applicant shall
17 be entitled to receive, from the State of Nebraska, up to ten million

18 dollars as matching funds for up to ten million dollars of investment
19 made by the applicant by the end of the transformational period. For
20 purposes of this section, applicant resources shall be counted as part of
21 the applicant's investment.

22 (2) Subject to section 133 of this act, the state shall pay the
23 available matching funds to the applicant on an annual basis.
24 Sec. 132. (1) The right to matching funds prescribed in section 131
25 of this act shall be established by filing the forms required by the
26 director. The matching funds may only be used by the applicant to make
27 investments at the project or to pay off debt financing for such
28 investments.

29 (2) Interest at the rate specified in section 45-104.02, as such
30 rate may from time to time be adjusted, shall be due by the applicant on
31 any repayment of matching funds.

1 (3) All interpretations of the Nebraska Rural Projects Act shall be
2 made by the director.

3 (4) An audit of a project shall be made by the director to the
4 extent and in the manner determined by the director. The director may
5 recover any matching funds which were erroneously allowed by issuing a
6 repayment determination within the later of three years from the date the
7 matching funds were paid or three years after the end of the
8 transformational period.

9 (5) Any determination by the director that the applicant does not
10 qualify, that a location is not a qualified location, that a project does
11 not qualify, that applicant resources do not qualify, or that matching
12 funds must be repaid may be protested by the applicant to the director
13 within sixty days after the mailing to the applicant of the written
14 notice of the proposed determination by the director. If the notice of
15 proposed determination is not protested in writing by the applicant
16 within the sixty-day period, the proposed determination is a final
17 determination. If the notice is protested, the director, after a formal
18 hearing by the director or by an independent hearing officer appointed by
19 the director, if requested by the applicant in such protest, shall issue
20 a written order resolving such protest.

21 Sec. 133. The right to receive matching funds under the Nebraska
22 Rural Projects Act:

23 (1) Shall be subject to the limitations provided in the act;

24 (2) Shall be subject to funds being appropriated by the Legislature;
25 and

26 (3) Shall not be transferable.

27 Sec. 134. If the applicant cannot be paid in full in any given
28 fiscal year, then the matching funds shall be paid in later years until
29 fully funded.

30 Sec. 135. Any complete application shall be considered a valid
31 application on the date submitted for the purposes of the Nebraska Rural
1 Projects Act.

2 Sec. 136. (1) No later than October 1, 2022, and no later than
3 October 1 of each year thereafter, the director shall submit
4 electronically an annual report for the previous fiscal year to the
5 Legislature. The report shall be on a fiscal year, accrual basis that
6 satisfies the requirements set by the Governmental Accounting Standards
7 Board. The director shall, on or before December 15, 2022, and on or
8 before December 15 of each year thereafter, appear at a joint hearing of
9 the Appropriations Committee of the Legislature and the Revenue Committee
10 of the Legislature and present the report. Any supplemental information
11 requested by three or more committee members shall be presented within
12 thirty days after the request.

13 (2) The report shall state (a) the payment of matching funds made by
14 the State of Nebraska, (b) the expected payments of matching funds still
15 to be made by the State of Nebraska, and (c) the investment made by the

16 applicant.

17 (3) The report shall provide an explanation of the audit and review
18 processes of the Department of Economic Development in approving and
19 rejecting the provision of matching funds and in enforcing matching funds
20 repayment.

21 (4) No information shall be provided in the report or in
22 supplemental information that is protected by state or federal
23 confidentiality laws. The identity of private donors shall not be
24 included in the report.

25 Sec. 137. The director may adopt and promulgate all procedures and
26 rules and regulations necessary to carry out the purposes of the Nebraska
27 Rural Projects Act.

28 Sec. 138. (1) The Nebraska Rural Project Fund is hereby created. The
29 fund shall receive money from application fees paid under the Nebraska
30 Rural Projects Act and from appropriations from the Legislature, grants,
31 private contributions, repayments of matching funds, and all other
1 sources. Any money in the fund available for investment shall be invested
2 by the state investment officer pursuant to the Nebraska Capital
3 Expansion Act and the Nebraska State Funds Investment Act.

4 (2) Distributions shall only be made from the fund in amounts equal
5 to the amount of investment made by the applicant for the project.
6 2. Renumber the remaining sections and correct internal references
7 accordingly.

8 3. Correct the operative date section so that the sections added by
9 this amendment become operative on January 1, 2021.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LR466.

RECESS

At 12:14 p.m., on a motion by Senator La Grone, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Chambers, B. Hansen, Hilkemann, and Morfeld who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 632. Senator Bostelman renewed his amendment, [AM3183](#), found on page 1189 and considered on page 1342.

The Bostelman amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Hunt offered her amendment, [AM3153](#), found on page 1197.

Senator Hunt moved for a call of the house. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

Senator Hunt requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 15:

Blood	DeBoer	Hunt	Pansing Brooks	Walz
Cavanaugh	Hansen, M.	Lathrop	Quick	Wayne
Crawford	Howard	Morfeld	Vargas	Wishart

Voting in the negative, 28:

Albrecht	Clements	Groene	La Grone	Murman
Arch	Dorn	Halloran	Lindstrom	Scheer
Bostelman	Erdman	Hansen, B.	Linehan	Slama
Brandt	Friesen	Hilgers	Lowe	Williams
Brewer	Geist	Hughes	McDonnell	
Briese	Gragert	Kolterman	Moser	

Present and not voting, 3:

Kolowski	McCollister	Stinner
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Excused and not voting, 3:

Bolz	Chambers	Hilkemann
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The Hunt amendment lost with 15 ayes, 28 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered his amendment, [AM3218](#), found on page 1229.

The Hughes amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 866. [ER237](#), found on page 1324, was adopted.

Senator Wayne withdrew his amendment, [AM3292](#), found on page 1252.

Senator Wayne offered his amendment, [AM3356](#), found on page 1382.

Senator Wayne moved for a call of the house. The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

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

Voting in the affirmative, 29:

Blood	DeBoer	Hunt	McDonnell	Vargas
Bolz	Dorn	Kolowski	Morfeld	Walz
Brandt	Hansen, M.	Kolterman	Pansing Brooks	Wayne
Cavanaugh	Hilgers	Lathrop	Quick	Williams
Chambers	Hilkemann	Lindstrom	Scheer	Wishart
Crawford	Howard	McCollister	Stinner	

Voting in the negative, 12:

Albrecht	Briese	Groene	Moser
Bostelman	Clements	Halloran	Murman
Brewer	Erdman	Lowe	Slama

Present and not voting, 8:

Arch	Geist	Hansen, B.	La Grone
Friesen	Gragert	Hughes	Linehan

The Wayne amendment was adopted with 29 ayes, 12 nays, and 8 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1004. [ER238](#), found on page 1359, was adopted.

Senator Lathrop offered his amendment, [AM3335](#), found on page 1351.

The Lathrop amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1004A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1089. [ER240](#), found on page 1360, was adopted.

Senator Vargas withdrew his amendment, [AM3348](#), found on page 1371.

The Presiding Officer called for a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 13 nays, and 10 present and not voting.

LEGISLATIVE BILL 1021. [ER239](#), found on page 1362, was adopted.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB477A to Select File

Senator Vargas moved to return LB477A to Select File for his specific amendment, [AM2995](#), found on page 1036.

The Vargas motion to return prevailed with 29 ayes, 8 nays, and 12 present and not voting.

SELECT FILE

LEGISLATIVE BILL 477A. The Vargas specific amendment, [AM2995](#), found on page 1036, was adopted with 33 ayes, 4 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB450 to Select File

Senator Wishart moved to return LB450 to Select File for her specific amendment, [AM3057](#), found on page 1371.

The Wishart motion to return prevailed with 39 ayes, 0 nays, and 10 present and not voting.

SELECT FILE

LEGISLATIVE BILL 450. The Wishart specific amendment, [AM3057](#), found on page 1371, was adopted with 44 ayes, 1 nay, and 4 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB450A

Senator Wishart withdrew her amendment, [AM2057](#), found on page 209, to LB450A.

MOTION(S) - Return LB450A to Select File

Senator Wishart moved to return LB450A to Select File for the following specific amendment:

[AM3355](#)

(Amendments to Final Reading copy)

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$134,185 from the
- 3 General Fund for FY2020-21 and (2) \$268,369 from the General Fund for
- 4 FY2021-22 to the Military Department, for Program 548, to aid in carrying
- 5 out the provisions of Legislative Bill 450, One Hundred Sixth
- 6 Legislature, Second Session, 2020.
- 7 There is included in the appropriation to this program for FY2020-21
- 8 \$134,185 General Funds for state aid, which shall only be used for such
- 9 purpose. There is included in the appropriation to this program for
- 10 FY2021-22 \$268,369 General Funds for state aid, which shall only be used
- 11 for such purpose.
- 12 No expenditures for permanent and temporary salaries and per diems
- 13 for state employees shall be made from funds appropriated in this
- 14 section.

The Wishart motion to return prevailed with 44 ayes, 0 nays, and 5 present and not voting.

SELECT FILE

LEGISLATIVE BILL 450A. The Wishart specific amendment, [AM3355](#), found in this day's Journal, was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Print in Journal

Senator Blood filed the following motion to [LB518A](#):

[MO226](#)

Indefinitely postpone.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 667. Placed on General File with amendment.

[AM3384](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. For purposes of sections 1 to 4 of this act:
- 4 (1) Coronavirus means an airborne respiratory virus capable of
- 5 person-to-person transmission via respiratory droplets, contact with
- 6 contaminated objects, or other similar methods. Coronavirus includes the
- 7 virus that causes COVID-19, severe acute respiratory syndrome coronavirus
- 8 2, also known as SARS-CoV-2;
- 9 (2) Coronavirus test means a test capable of determining whether an
- 10 individual has the coronavirus;

11 (3) Face mask means an item of double-layered cloth or various other
12 materials with elastic bands or cloth ties to secure such mask over the
13 wearer's nose and mouth in an effort to contain or reduce the spread of
14 potentially infectious respiratory secretions at the source, that is, the
15 wearer's nose and mouth. A face mask is intended to reduce the spread of
16 the virus from the wearer to others, whether or not the face mask
17 protects the wearer;

18 (4) Hand sanitizer means alcohol-based hand sanitizer that is at
19 least sixty percent alcohol;

20 (5) Meatpacking operation or employer means a business, with more
21 than one hundred workers, which engages in slaughtering, butchering, meat
22 canning, meatpacking, meat manufacturing, poultry canning, poultry
23 packing, poultry manufacturing, pet food manufacturing, egg production,
24 processing of meatpacking products, or rendering. Meatpacking operation
25 does not include grocery stores, delis, restaurants, butchers, or other
26 commercial entities preparing meat products for immediate consumption;

27 (6) Meatpacking products includes livestock products and poultry
1 products as such terms are defined in section 54-1902;

2 (7) Meat processing worker or worker means any individual whom an
3 employer suffers or permits to work in a meatpacking operation, and also
4 includes independent contractors and individuals performing work for an
5 employer through a temporary service or staffing agency. An individual
6 need not be directly in contact with meatpacking products to be
7 considered a worker;

8 (8) Negative test result means a coronavirus test result which
9 indicates that a worker was not infected with coronavirus at the time of
10 testing;

11 (9) Positive case count means the total number of positive
12 coronavirus test results; and

13 (10) Positive test result means a coronavirus test result which
14 indicates that a worker was infected with coronavirus at the time of
15 testing.

16 Sec. 2. Meatpacking operations shall comply with the protections
17 and requirements of section 3 of this act beginning on the effective date
18 of this section and shall maintain such compliance until December 31,
19 2021.

20 Sec. 3. (1) An employer shall maintain a six-foot radius of space
21 around and between each worker in all areas of the employer's facility.
22 An employer may accomplish such distancing by increasing physical space
23 between workstations, slowing production speeds, staggering shifts and
24 breaks, adjusting shift size, or any combination thereof. Where feasible,
25 an employer shall reinforce social distancing with the use of plastic
26 barriers in work spaces and common areas. An employer shall also
27 reconfigure common or congregate spaces to allow for such six-foot social
28 distancing radius, including, but not limited to, lunch rooms, break
29 rooms, and locker rooms.

30 (2) An employer shall provide all workers with face masks and shall
31 make face shields available free of charge. An employer shall replace
1 face masks at least daily and more often as necessary, such as when face
2 masks are damaged or soiled. Any individual present at a meatpacking
3 operation facility shall wear a face mask while in the facility.

4 (3) An employer shall provide all workers with the ability to
5 frequently and routinely sanitize their hands with either hand washing or
6 hand sanitizing stations. An employer shall provide gloves to any worker
7 upon request.

8 (4) An employer shall clean and regularly disinfect all frequently
9 touched surfaces in the workplace, such as workstations, training rooms,
10 machinery controls, tools, protective garments, eating surfaces,
11 bathrooms, showers, and other similar areas. An employer shall install
12 and maintain ventilation systems that ensure unidirectional air flow,

13 ventilation with outdoor air, and filtration in both production areas and
14 common areas such as cafeterias and locker rooms.
15 (5) Each time before an individual enters a meatpacking operation
16 facility, the employer shall screen such individual for coronavirus. Such
17 screening procedure shall include a temperature check with the result
18 disclosed to the individual and shall require completion of an oral or
19 written questionnaire including possible coronavirus symptoms and
20 disclosure of known exposure to coronavirus.
21 (6)(a) An employer shall permit any worker who suspects that such
22 worker may have been exposed to the coronavirus to leave the meatpacking
23 operation premises in order to receive a coronavirus test on paid work
24 time.
25 (b) A worker displaying or experiencing symptoms of coronavirus who
26 has received a coronavirus test shall be allowed to await test results
27 while quarantined away from the meatpacking operation. An asymptomatic
28 worker may return to work unless such worker develops symptoms.
29 (c) An employer shall allow a worker who receives a positive test
30 result to quarantine away from the meatpacking operation with paid sick
31 leave and without penalty. An employer shall not require a worker to
1 return to work while the worker is still showing symptoms of coronavirus
2 or within two weeks after a positive test result.
3 (d) An employer shall allow a worker who receives a negative test
4 result to return to work upon receipt of such result.
5 (7) An employer shall track, for each meatpacking operation facility
6 it operates, the total number of coronavirus-related deaths and the
7 positive case count known to the employer. This shall be done on a daily
8 basis and shall be disaggregated by race and ethnicity. The employer
9 shall provide such data in a weekly report to the Department of Health
10 and Human Services, the Department of Labor, the Business and Labor
11 Committee of the Legislature, and the Health and Human Services Committee
12 of the Legislature. Such data and report shall be submitted in the form
13 and manner prescribed by the Commissioner of Labor.
14 (8) If a worker is confirmed to have contracted coronavirus, the
15 employer shall identify all workers who worked in the same work area and
16 on the same shift and notify in writing all such workers of their
17 possible exposure. Such notification shall maintain the confidentiality
18 of the infected worker's identity as required by the federal Americans
19 with Disabilities Act of 1990, as amended, as such act existed on January
20 1, 2020.
21 (9) An employer shall disseminate all communications, notices, and
22 any published materials required by or regarding this section in English,
23 Spanish, and such other languages as required by subdivision (2)(e) of
24 section 48-2213.
25 Sec. 4. (1) The Department of Labor shall have the authority to
26 administer and enforce section 3 of this act under the auspices of the
27 meatpacking industry worker rights coordinator.
28 (2)(a) The department, including the coordinator, may conduct
29 unannounced workplace inspections of employers. The coordinator or the
30 coordinator's delegate has the authority to inspect employer records and
31 make remedial recommendations during such inspection.
1 (b) No later than thirty days following a workplace inspection, the
2 coordinator or delegate shall file a final report of findings, including
3 any findings of violations of section 3 of this act, with the department
4 and provide a copy to the employer and its workers' collective-bargaining
5 representative, if any. The report shall be considered a public record.
6 (3) The department may adopt and promulgate rules and regulations as
7 necessary to carry out sections 1 to 4 of this act.
8 Sec. 5. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

MOTION - Overrule Speaker's Agenda

Senator Wayne moved to change the Speaker's agenda to allow consideration of [MO223](#) to LB1218 following LB450A.

Senator Wayne moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

The Wayne motion to overrule the Speaker's agenda failed with 14 ayes, 29 nays, and 6 present and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 475. Introduced by Vargas, 7.

WHEREAS, Army Specialist Vanessa Guillén was murdered on April 22, 2020, at the age of 20 after experiencing sexual harassment by another soldier; and

WHEREAS, in 2019, the United States Department of Defense reported 6,236 sexual assaults and recorded a three percent increase in the number of sexual assault cases compared to the previous year; and

WHEREAS, sexual harassment and violence disproportionately impacts women of color who are also less likely to report their sexual harassment or assault out of fear or retaliation; and

WHEREAS, sexual harassment and violence in the military against women of color is deeply concerning, particularly given that Latinos are the fastest growing population in the ranks of the United States military, accounting for up to 16 percent of all active-duty military; and

WHEREAS, the Nebraska Legislature has taken positive and encouraging steps against sexual harassment and violence, including Laws 2019, LB532, which made harassment protection orders more accessible for survivors to pursue, the recently passed LB43, which creates the Sexual Assault Victims' Bill of Rights, and LB745 as amended into LB518 (2020), which would provide access to visas for victims of human trafficking when they come forward to report the crimes against them.

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

1. That the Legislature extends heartfelt sympathy to the friends and family of Army Specialist Vanessa Guillén.
2. That the Legislature condemns sexual abuse, harassment, and violence.
3. That a copy of this resolution shall be sent to the family of Army Specialist Vanessa Guillén.

Laid over.

LEGISLATIVE RESOLUTION 476. Introduced by Hilgers, 21; Bolz, 29; Chambers, 11; Hughes, 44; Kolterman, 24; Lowe, 37; McCollister, 20; Scheer, 19; Stinner, 48; Vargas, 7.

WHEREAS, Joanne Pepperl has served as Revisor of Statutes for the Nebraska Unicameral Legislature for 40 years and has worked in the office for 43 years; and

WHEREAS, Joanne has led the office of Revisor of Statutes with professionalism, ethics, and efficiency, not only assuring the timely drafting of the many legislative bills and amendments required each legislative session, but also the accurate and efficient reissuing of the Revised Statutes of Nebraska and publication of the annual supplements; and

WHEREAS, Joanne, as part of her duties, serves as a commissioner of the Uniform Law Commission, and she also serves on the Committee on Style, which writes the drafting rules for uniform and model acts of the Uniform Law Commission and revises as to phraseology and style all acts submitted by drafting committees and all acts finally approved by the Uniform Law Commission; and

WHEREAS, Joanne plans to retire on December 1, 2020; and

WHEREAS, Joanne's contributions to the State of Nebraska deserve the appreciation of the Legislature and the recognition that she will be missed.

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

1. That the Legislature thanks Joanne Pepperl for her service to the Legislature and the State of Nebraska and congratulates her on her career and well-deserved retirement.
2. That a copy of this resolution be delivered to Joanne Pepperl.

Laid over.

MOTION(S) - Print in Journal

Senator Hughes filed the following motion to [LB632A](#):

[MO227](#)

Indefinitely postpone.

ATTORNEY GENERAL'S OPINION

Opinion 20-008

SUBJECT: Constitutionality of LB 814 – A Bill for an Act Relating to Abortion

REQUESTED BY: Senator Ernie Chambers
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
James A. Campbell, Solicitor General

INTRODUCTION

On August 10, 2020, you requested our opinion on the constitutionality of LB 814. That bill is pending before the Legislature, and the legislative session is scheduled to conclude on August 13, 2020, just three business days after your request was submitted to our office. Given this timeline, we have tried to respond as quickly as possible. The fast turnaround has forced us to limit our research and abbreviate our legal analysis.

For the reasons explained below, and based on the information available to our office at this time, we conclude that LB 814 is likely constitutional. Under binding U.S. Supreme Court precedent recently clarified by Chief Justice John Roberts in *June Medical Services LLC v. Russo*, 140 S. Ct. 2103, 2133-42 (2020), it does not appear that LB 814, if enacted, will impose a substantial obstacle on access to abortion in Nebraska.

ANALYSIS

LB 814 would prohibit any person from performing "a dismemberment abortion" on "a living unborn child" unless "a dismemberment abortion is necessary due to a medical emergency as defined [in state law]." LB 814, §§ 2 & 3. The bill defines a "dismemberment abortion" to mean "an abortion in which, with the purpose of causing the death of an unborn child, a person purposely dismembers the body of a living unborn child and extracts him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the unborn child's body to cut or rip it off." *Id.* § 2. A prohibited dismemberment abortion "does not include: (i) An abortion in which suction is used to dismember the body of an unborn child by sucking fetal parts into a collection container; or (ii) The use of instruments or suction to remove the remains of an unborn child who has already died." *Id.*

In your request, you say that LB 814 "bans the D & E (dilation and evacuation) procedure" for abortion. That is not correct. LB 814 permits abortion providers to use the D & E procedure—which, according to the U.S. Supreme Court, involves dilating a woman's cervix, inserting forceps into the uterus, "grab[bing] the fetus," tearing it apart, and "evacuating" it "piece by piece," *Gonzales v. Carhart*, 550 U.S. 124, 135-36 (2007)—so long as providers do not perform that procedure on "a living unborn child." LB 814, § 2. In other words, LB 814 allows the D & E procedure so long as the abortion provider first causes what is known as "fetal demise"—that is, the death of the fetus—before dismembering its body. Doctors performing a D & E may bring about fetal demise by, among other ways, "inject[ing] digoxin or potassium chloride into the fetus, the umbilical cord, or the amniotic fluid." *Gonzales*, 550 U.S. at 136.

The U.S. Supreme Court has affirmed States' authority to regulate abortion procedures, including laws that substitute some procedures for others. As that Court has stated, "[w]here it has a rational basis to act, and it does not impose an undue burden, the State may use its regulatory power to bar certain procedures and substitute others, all in furtherance of its legitimate interests in regulating the medical profession in order to promote respect for life, including life of the unborn." *Id.* at 158.

Just over a month ago, Chief Justice John Roberts outlined the relevant constitutional analysis in his concurring opinion in *June Medical Services LLC v. Russo*, 140 S. Ct. 2103, 2133-42 (2020) (Roberts, C.J., concurring in judgment). And just last week, the United States Court of Appeals for the Eighth Circuit confirmed that the Chief Justice's "separate opinion is controlling" in future cases challenging abortion regulations. *Hopkins v. Jegley*, --- F.3d ---, 2020 WL 4557687, at *2 (8th Cir. Aug. 7, 2020) (per curiam).

The constitutional analysis begins by asking whether the State has "a 'legitimate purpose' for enacting the law and whether 'the law [is] 'reasonably related to that goal.'" *June Medical*, 140 S. Ct. at 2138 (Roberts, C.J., concurring) (quoting *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 878 (1992) (plurality op.)); accord *Hopkins*, 2020 WL 4557687, at *2 (same). As the lead sponsor of LB 814 has publicly stated, the purposes of her bill are "to protect living unborn children from having to endure the brutality of dismemberment," preserve the integrity of and "public trust in the medical profession," and promote "the value of human life." Judiciary Committee Hearing Transcript at 31 (Feb. 20, 2020). The Supreme Court has already recognized that these are legitimate government interests. *Gonzales*, 550 U.S. at 156-58 (acknowledging that the State may enact abortion regulations "to show its profound respect for the life within the woman," to "protect[] the integrity and ethics of the medical profession," and to "express[] respect for the dignity of human life" in general). And a law that forbids doctors from "purposely dismember[ing] the body of a living unborn child . . . through use of . . . instruments that . . . slice, crush, or grasp a portion of the unborn child's body to cut or rip it off," LB 814, § 2, is rationally related to—and directly furthers—those legitimate goals.

Once this rational-basis showing is satisfied, "the only question for a court is whether a law has the 'effect of placing a substantial obstacle in the path of a woman seeking an abortion.'" *June Medical*, 140 S. Ct. at 2138 (Roberts, C.J., concurring) (quoting *Casey*, 505 U.S. at 877); accord *Hopkins*, 2020 WL 4557687, at *2 (same); see also *Casey*, 505 U.S. at 877 (recognizing that an "undue burden" is "shorthand" for a "substantial obstacle"). To facially invalidate an abortion regulation as unconstitutional, a challenger must show that the statute "will operate as a substantial obstacle to a woman's choice to undergo an abortion" in "a large fraction of the cases in which [the law] is relevant." *Planned Parenthood of Ark. & E. Kan. v. Jegley*, 864 F.3d 953, 958 (8th Cir. 2017) (quoting *Casey*, 505 U.S. at 895). Because dismemberment abortions are specific to the second

trimester, LB 814 is "relevant" only to women seeking second trimester abortions. *See id.* LB 814 is thus constitutional unless it creates a substantial obstacle for a large fraction of women seeking second trimester abortions. Because the facts available to our office at this time indicate that LB 814, if enacted, will not operate as a substantial obstacle for a large fraction of that group of women, it appears that LB 814 is constitutional.

In 2019, 181 total abortions were performed in Nebraska on fetuses between 13 and 20 weeks' gestation. *See* Nebraska 2019 Statistical Report of Abortions, Dep't Health and Human Servs., at 10 (June 2020). Yet only six of those abortions used the D & E procedure, *id.* at 4, which means that procedure accounted for only three percent of all second trimester abortions in Nebraska (and only 0.3% of all abortions in the State). While LB 814 would *affect* that three percent of second trimester abortions, it would *not ban* them. Rather, it would simply require that abortion providers begin the D & E procedure with one of the recognized methods of fetal demise. A law that merely alters the manner in which Nebraska abortion providers perform three percent of second trimester abortions does not impose a substantial obstacle on a large fraction of women for whom the law is relevant.

Your request says that "former Nebraska Attorney General Don Stenberg agreed" during oral argument in *Stenberg v. Carhart*, 530 U.S. 914 (2000), that the D & E procedure "could not be banned." In that case, Attorney General Stenberg was asked whether he took "the position that the State of Nebraska could also prohibit the [D & E] procedure for pre-viability abortions" in addition to a ban on partial-birth abortions. Oral Argument Transcript at 9, *Stenberg v. Carhart*, 530 U.S. 914 (2000). In response, he said: "*For purposes of this case*, the State's position would be that the State could not prohibit the D & E procedure, but also the State has not attempted to prohibit the D & E procedure." *Id.* at 10 (emphasis added). General Stenberg was thus clear that his statement applied only to that case and that the State had not attempted to prohibit D & E. But even if his statement applied more broadly, it says nothing about LB 814's unconstitutionality since that bill, again, does not ban the D & E procedure but simply requires that it begin with fetal demise.

Quoting extensively from the various opinions published in *Stenberg*, your request seems to suggest that *Stenberg* establishes that LB 814 is unconstitutional. It does not, for at least two reasons. First, *Stenberg* concluded that the law at issue there *banned* D & E procedures entirely, determining that "[a]ll those who perform abortion procedures using [the D & E] method must fear prosecution, conviction, and imprisonment." 530 U.S. at 945 (emphasis added). But LB 814 allows the D & E procedure so long as it begins with fetal demise. Second, the *Stenberg* majority said that the record there—which was based on facts that are now more than 20 years old—established that the D & E procedure was "the most commonly used method for performing previability second trimester abortions," and thus a ban on it imposed "an undue burden upon a woman's right to make an abortion decision." *Id.* at 945-46. Here, however, the facts demonstrate that

the D & E procedure accounted for only three percent of second trimester abortions in Nebraska last year. Requiring Nebraska abortion providers to alter the way in which those infrequent procedures are performed does not impose a substantial obstacle on abortion.

Our research has revealed some judicial decisions invalidating abortion regulations similar to LB 814. *E.g.*, *W. Ala. Women's Ctr. v. Williamson*, 900 F.3d 1310 (11th Cir. 2018). But not only are none of those decisions binding precedent in Nebraska, they are distinguishable on both factual and legal grounds. The facts in some of the other States that enacted those laws established that the D & E procedure was the overwhelmingly predominant method for second trimester abortions in their jurisdictions. *E.g.*, *id.* at 1321 (noting that 99 percent of abortions during the relevant gestational period used the D & E procedure). But here, as discussed above, D & E procedures are few and far between in Nebraska. This critical factual difference dictates a different outcome. *See June Medical*, 140 S. Ct. at 2141 n.6 (Roberts, C.J., concurring) (agreeing that the validity of an abortion regulation "depend[s] on numerous factors," including the "factual record," that "may differ from State to State") (citation omitted).

In addition, those other cases were all decided before Chief Justice Roberts recently clarified the relevant constitutional analysis in *June Medical*. His discussion of "substantial obstacle" analysis is directly relevant to the constitutional issues addressed in those cases. For example, he stressed that "state and federal legislatures [have] wide discretion to pass legislation," including abortion regulations, "in areas where there is medical and scientific uncertainty." *June Medical*, 140 S. Ct. at 2136 (Roberts, C.J., concurring) (quoting *Gonzales*, 550 U.S. at 163) (alteration in original). In contrast, the courts that have invalidated abortion regulations similar to LB 814 did so based on their belief that legislatures may not "resolve questions of medical uncertainty." *W. Ala. Women's Ctr.*, 900 F.3d at 1325-26. These rulings, therefore, are based on an outmoded view of governing constitutional principles.

The Eighth Circuit's recent *Hopkins* decision proves this. That case includes a challenge to an Arkansas statute similar to LB 814. *Hopkins*, 2020 WL 4557687, at *1 (challenging "the Arkansas Unborn Child Protection from Dismemberment Abortion Act"). The Eighth Circuit "vacated" the trial court's decision invalidating that Arkansas law and "remand[ed] for reconsideration in light of Chief Justice Roberts's separate opinion in *June Medical*." *Id.* at *3. Like some of the other rulings mentioned above, the trial court in that case had relied on the notion that courts, not legislatures, "must resolve questions of medical uncertainty," but Chief Justice Roberts "emphasized the 'wide discretion' that courts must afford to legislatures in areas of medical uncertainty" surrounding abortion. *Id.* at *2 (citations omitted). Also, the trial court "weigh[ed] the asserted benefits" of the law "against the burden," *id.* at *2 n.2, yet Chief Justice Roberts directed courts not to employ a "balancing test in which unweighted factors mysteriously are weighed" because that would require judges "to act

as legislators," *id.* at *1-2 (quoting *June Medical*, 140 S. Ct. at 2135-36). The Eighth Circuit's opinion in *Hopkins* thus cast serious doubt on the prior decisions striking down state laws similar to LB 814.

CONCLUSION

Based on the information currently available to us, we conclude that LB 814 is likely constitutional because it does not appear that it will impose a substantial obstacle on access to abortion in Nebraska.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) James A. Campbell
Solicitor General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

SELECT FILE

LEGISLATIVE BILL 607. [ER169](#), found on page 621, was offered.

ER169 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 106. Senator Hunt offered the following amendment:
[AM3022](#)

1 1. Insert the following new section:
2 Section 1. Section 29-4104, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-4104 (1) The State DNA Data Base is established. The Nebraska
5 State Patrol shall administer the State DNA Data Base and shall provide
6 DNA records to the Federal Bureau of Investigation for storage and
7 maintenance in the Combined DNA Index System. The patrol shall provide
8 for liaison with the Federal Bureau of Investigation and other law
9 enforcement agencies in regard to the state's participation in the
10 Combined DNA Index System.
11 (2) The State DNA Data Base shall store and maintain DNA records
12 related to:
13 (a) (1) Forensic casework, including, but not limited to, forensic
14 casework relating to missing persons, relatives of missing persons, and
15 unidentified human remains;
16 (b) (2) Convicted offenders required to provide a DNA sample under
17 the DNA Identification Information Act;
18 (c) (3) Anonymous DNA records used for research or quality control;
19 and

20 (d) (4) Missing persons, relatives of missing persons, and
 21 unidentified human remains.
 22 (3) The State DNA Data Base shall not receive, store, or maintain
 23 DNA identification information collected or obtained as part of a test to
 24 detect or trace an infectious disease or contagious virus.
 25 2. Renumber the remaining sections and correct the repealer
 26 accordingly.

Senator Hunt withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 219. [ER166](#), found on page 622, was adopted.

Senator Bolz offered her amendment, [AM2812](#), found on page 892.

The Bolz amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 515. [ER171](#), found on page 626, was adopted.

Senator Groene offered the following amendment:
[AM3379](#) is available in the Bill Room.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:
[MO228](#)
 Recommit to Education Committee.

PRESIDENT FOLEY PRESIDING

Senator Chambers withdrew his motion to recommit to committee.

Senator Groene moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Albrecht	Briese	Gragert	Hughes	Moser
Arch	Clements	Groene	La Grone	Murman
Bostelman	Erdman	Halloran	Linehan	Scheer
Brewer	Geist	Hansen, B.	Lowe	Slama

Voting in the negative, 21:

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

Present and not voting, 6:

Blood	Dorn	Stinner
Brandt	Lindstrom	Williams

Excused and not voting, 2:

Friesen	Hilgers
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The Groene amendment lost with 20 ayes, 21 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 238. Senator Pansing Brooks offered her amendment, [AM2551](#), found on page 715.

The Pansing Brooks amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB866 to Select File

Senator Wayne moved to return LB866 to Select File for the following specific amendment:

[AM3387](#)

- 1 1. Insert the following new sections:
- 2 Sec. 20. There is hereby appropriated (1) \$3,500,000 from the
- 3 Middle Income Workforce Housing Investment Fund for FY2020-21 and (2)
- 4 \$7,000,000 from the Middle Income Workforce Housing Investment Fund for
- 5 FY2021-22 to the Department of Economic Development, for Program 601, to
- 6 aid in carrying out the provisions of Legislative Bill 866, One Hundred
- 7 Sixth Legislature, Second Session, 2020.
- 8 Total expenditures for permanent and temporary salaries and per
- 9 diems from funds appropriated in this section shall not exceed \$66,210
- 10 for FY2020-21 or \$128,770 for FY2021-22.
- 11 There is included in the appropriation to this program for FY2020-21
- 12 \$3,328,850 Cash Funds for state aid, which shall only be used for such
- 13 purpose. There is included in the appropriation to this program for

14 FY2021-22 \$6,273,140 Cash Funds for state aid, which shall only be used
 15 for such purpose.
 16 Sec. 21. The State Treasurer shall transfer ten million dollars
 17 from the General Fund to the Middle Income Workforce Housing Investment
 18 Fund on the effective date of this act or as soon thereafter as
 19 administratively practicable.
 20 Sec. 24. Since an emergency exists, this act takes effect when
 21 passed and approved according to law.

The Wayne motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 866. The Wayne specific amendment, [AM3387](#), found in this day's Journal, 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.

MOTION(S) - Bracket LB424

Senator Erdman offered his motion, MO206, found on page 1302, to bracket LB424 until August 13, 2020.

Senator Quick offered the following motion:

[MO229](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Erdman requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 12:

Albrecht	Clements	Halloran	La Grone
Bostelman	Erdman	Hansen, B.	Lowe
Brewer	Geist	Hilgers	Slama

Present and not voting, 3:

Arch Linehan Murman

Excused and not voting, 1:

Groene

The Quick motion to invoke cloture prevailed with 33 ayes, 12 nays, 3 present and not voting, and 1 excused and not voting.

The Erdman motion to bracket failed with 12 ayes, 30 nays, 6 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB424 with 35 ayes, 7 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to municipalities; to amend sections 77-1736.06, 77-1807, and 77-1810, Reissue Revised Statutes of Nebraska, and sections 19-5201, 19-5202, 19-5203, 19-5204, 19-5205, 19-5206, 19-5207, 19-5208, 19-5209, 19-5210, 19-5211, 19-5212, 19-5213, 19-5214, 19-5215, 19-5216, 19-5217, and 19-5218, Revised Statutes Cumulative Supplement, 2018; to transfer and change provisions of the Nebraska Municipal Land Bank Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 31:

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

Voting in the negative, 12:

Albrecht	Clements	Halloran	La Grone
Bostelman	Erdman	Hansen, B.	Lowe
Brewer	Geist	Hilgers	Slama

Present and not voting, 5:

Arch	Friesen	Hughes	Linehan	Murman
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Excused and not voting, 1:

Groene

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB424.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 632. Placed on Final Reading.
LEGISLATIVE BILL 814. Placed on Final Reading.
LEGISLATIVE BILL 1107. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RECESS

At 6:05 p.m., on a motion by Senator Stinner, the Legislature recessed until 7:15 p.m.

AFTER RECESS

The Legislature reconvened at 7:15 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Groene who was excused; and Senators Howard, Lathrop, McDonnell, Pansing Brooks, Vargas, Walz, and Wayne who were excused until they arrive.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB755 with 31 ayes, 6 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 755.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-10,121, 38-10,160, 38-2002, 38-2008, 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, 38-2056, 38-3001, 38-3002, 71-202.01, 71-224, 71-519, and 81-6,103, Reissue Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and 81-3453, Revised Statutes Supplement, 2019; to change home services permit provisions under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and the Barber Act; to change physician, podiatrist, and physician assistant provisions under the Medicine and Surgery Practice Act and the Podiatry Practice Act; to define and redefine terms; to change membership of the Board of Medicine and Surgery; to change infant screening test provisions; to change provisions of a Parkinson's disease drug report; to change provisions, define and redefine terms, and eliminate obsolete provisions under the Engineers and Architects Regulation Act; to provide a duty for the Department of Health and Human Services and the Department of Veterans' Affairs; 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, 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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 755A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 755, One Hundred Sixth Legislature, Second Session, 2020.

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:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht Lowe

Excused and not voting, 2:

Groene Wayne

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 LB781 with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 781. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 14-553, 15-317, and 23-1601, Reissue Revised Statutes of Nebraska, sections 17-605, 17-606, and 23-1605, Revised Statutes Cumulative Supplement, 2018, and sections 16-318 and 84-304, Revised Statutes Supplement, 2019; to provide an annual continuing education requirement for treasurers of certain local governments; to change and eliminate provisions relating to tabulated statements by county treasurers; to provide a duty for the Auditor of Public Accounts as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 23-1606 and 23-1607, 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, 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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 LB808 with 34 ayes, 4 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 808. With Emergency Clause.

A BILL FOR AN ACT relating to commerce; to amend sections 25-223, 76-842, 76-844, 76-854, 76-857, 76-859, 76-860, 76-867, 76-869, 76-870, 76-884, 76-890, 76-2202, 76-2204, 76-2205.02, 76-2207.01, 76-2207.17, 76-2207.22, 76-2207.26, 76-2212.03, 76-2215, 76-2216, 76-2216.02, 76-2218.02, 76-2219.01, 76-2219.02, 76-2220, 76-2221, 76-2223, 76-2227, 76-2233, 76-2233.01, 76-2233.02, 76-2233.03, 76-2239, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-3207, 76-3210, and 81-885.04, Reissue Revised Statutes of Nebraska, sections 1-116, 21-201, and 81-885.24, Revised Statutes Cumulative Supplement, 2018, and sections 76-861, 76-2207.27, 76-2207.30, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, 76-3203.01, and 77-2387, Revised Statutes Supplement, 2019; to eliminate obsolete provisions relating to accountants; to change provisions relating to the certified public accountant examination; to define terms and provide for the ratification of defective corporate actions under the Nebraska Model Business Corporation Act; to adopt the Uniform Trust Decanting Act; to change provisions relating to actions on breach of warranty on improvements to real property; to change provisions under the Nebraska Condominium Act; to change provisions relating to the Real Property Appraiser Act; to define and eliminate certain terms under the Nebraska Appraisal Management Company Registration Act; to redefine the term security to include certain student loans under the Public Funds Deposit Security Act; to change provisions under the Nebraska Real Estate License Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2216.03, 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, 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 808A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, 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, 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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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 LB848 with 34 ayes, 8 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to government; to amend sections 25-2221, 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, 62-301, and 72-2201, Reissue Revised Statutes of Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples' Day and Columbus Day; to change the Young Adult Bridge to Independence Act as it relates to young adult members of Indian tribes; to change the Nebraska State Capitol Preservation and Restoration Act with respect to placement of tribal flags; to harmonize provisions; to provide operative dates; 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, 35:

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

Voting in the negative, 10:

Bostelman	Erdman	Hansen, B.	La Grone	Moser
Clements	Halloran	Hilgers	Lowe	Slama

Present and not voting, 3:

Friesen	Hughes	Murman
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Excused and not voting, 1:

Groene

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 848A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, One Hundred Sixth Legislature, Second Session, 2020.

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, 34:

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

Voting in the negative, 7:

Bostelman	Erdman	Moser	Slama
Clements	Halloran	Murman	

Present and not voting, 7:

Friesen	Hilgers	Kolowski	Lowe
Hansen, B.	Hughes	La Grone	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 918.

A BILL FOR AN ACT relating to government; to create the Commission on African American Affairs.

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, 39:

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

Voting in the negative, 2:

Clements Erdman

Present and not voting, 7:

Friesen	Hansen, B.	Lowe	Williams
Halloran	Hughes	Murman	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 918A.

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.

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

Voting in the negative, 1:

Clements

Present and not voting, 10:

Albrecht	Friesen	Hansen, B.	Lowe	Stinner
Erdman	Halloran	Hughes	Murman	Williams

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 923. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to change provisions relating to gross receipts; to provide an operative date; to repeal the original section; 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, 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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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 963.

A BILL FOR AN ACT relating to workers' compensation; to amend section 71-7104, Reissue Revised Statutes of Nebraska, section 48-101.01, Revised Statutes Cumulative Supplement, 2018, and section 48-122, Revised Statutes Supplement, 2019; to state intent; to change provisions relating to personal injuries of first responders and frontline state employees; to provide a means of demonstrating a prima facie case of personal injury; to provide duties for the Critical Incident Stress Management Program and the Department of Health and Human Services; to require reimbursement for training as prescribed; to change provisions relating to compensation paid for burial expenses; to define and redefine terms; to provide an operative date; 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	Chambers	Hansen, B.	La Grone	Murman
Arch	Clements	Hansen, M.	Lathrop	Pansing Brooks
Blood	Crawford	Hilgers	Lindstrom	Quick
Bolz	DeBoer	Hilkemann	Linehan	Scheer
Bostelman	Dorn	Howard	Lowe	Slama
Brandt	Erdman	Hughes	McCollister	Vargas
Brewer	Geist	Hunt	McDonnell	Walz
Briese	Gragert	Kolowski	Morfeld	Wayne
Cavanaugh	Halloran	Kolterman	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Friesen	Stinner	Williams
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Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 963A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Present and not voting, 3:

Friesen Stinner Williams

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to education; to recognize American Sign Language as a distinct and separate language; to authorize schools and postsecondary educational institutions to offer courses in American Sign Language; to define terms; to establish a language assessment program for children who are deaf or hard of hearing; to provide duties for the Commission for the Deaf and Hard of Hearing and the State Department of Education; to provide for an advisory committee; and to provide a duty for the Revisor of Statutes.

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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 965A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Present and not voting, 1:

Dorn

Excused and not voting, 1:

Groene

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 LB966 with 35 ayes, 4 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 966.

A BILL FOR AN ACT relating to law; to amend sections 30-2414, 30-2416, 30-2426, 71-601, and 76-3413, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2018; to adopt the Uniform Wills Recognition Act (1977); to change Nebraska Probate Code provisions relating to individuals who are related to a decedent through two lines of relationship, parents who are barred from inheriting from a child, allowable will provisions, informal probate and appointment proceedings, and formal testacy or appointment proceedings; to provide for an acknowledgment of maternity and paternity as prescribed; to change provisions relating to the revocation of transfer on death deeds under the Nebraska Uniform Real Property Transfer on Death Act; 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, 45:

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

Voting in the negative, 1:

Erdman

Present and not voting, 2:

Halloran Lowe

Excused and not voting, 1:

Groene

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 LB992 with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 992.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109.01, 86-127, and 86-577, Reissue Revised Statutes of Nebraska, and sections 86-579 and 86-1102, Revised Statutes Cumulative Supplement, 2018; to adopt the Broadband Internet Service Infrastructure Act; to state intent; to provide for a state broadband coordinator; to provide duties for the Public Service Commission as prescribed; to create the Nebraska E-Rate Special Construction Matching Fund Program; to change the distribution of certain performance payments; to change provisions relating to the lease of dark fiber; to terminate a fund; to eliminate a financial assistance program; to provide a term of service for certain Rural Broadband Task Force members; to harmonize provisions; to provide operative dates; to repeal the

original sections; and to outright repeal section 86-580, 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Pansing Brooks

Excused and not voting, 1:

Groene

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 LB1002 with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1002. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 38-1202, 38-1203, 38-1209, 38-1210, 38-1211, 38-1213, 38-1226, 38-1228, 38-1233, 38-1234, 38-1813, 48-115, 71-507, 71-509, 71-7436, 71-7444, 71-8226, 71-8227, 71-8236, 71-8237, 71-8240, 71-8248, 71-8249, 71-8251, and 71-8253, Reissue Revised Statutes of Nebraska, sections 13-303, 28-934, 38-1201, 38-1204, 38-1204.01, 38-1206.01,

38-1207.01, 38-1207.02, 38-1208, 38-1208.01, 38-1208.02, 38-1215, 38-1216, 38-1217, 38-1218, 38-1224, 38-1225, 38-1232, and 38-1237, Revised Statutes Cumulative Supplement, 2018, and sections 38-1220 and 68-901, Revised Statutes Supplement, 2019; to define and redefine terms; to provide for community paramedic and critical care paramedic practice and discipline of training agencies; to change the scope of practice of emergency care providers; to change provisions relating to the State Trauma Advisory Board; to eliminate powers and duties; to eliminate obsolete provisions; to provide for the independent provision of a therapeutic diet order pursuant to the Medical Nutrition Therapy Practice Act; to require standards for inpatient psychiatric units and psychiatric residential treatment facilities under the Medical Assistance Act as prescribed; to change provisions relating to wholesale drug distribution for emergency medical services; to harmonize provisions; to provide operative dates; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Groene

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 LB1053 with 37 ayes, 6 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1053.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-401, 71-403, 71-404, 71-413, 71-415, 71-416, 71-417, 71-436, 71-2085, 71-2086, 71-2087, 71-2092, 71-2093, 71-2094, and 71-6720, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to require adoption of rules and regulations for certain reimbursement rates under the Medical Assistance Act; to define and redefine terms and change licensure provisions under the Health Care Facility Licensure Act; to change receiver and receivership provisions relating to health care facilities; to change applicability of the Medication Aide Act; to harmonize provisions; to provide operative dates; 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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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 LB1056 with 32 ayes, 5 nays, 11 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1056. With Emergency Clause.

A BILL FOR AN ACT relating to regulated activities; to amend sections 9-426, 9-429, and 9-431, Reissue Revised Statutes of Nebraska, sections 53-123.12, 53-129, and 53-134, Revised Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised Statutes Supplement, 2019; to change provisions regarding special permits, remittance of taxes on gross proceeds, and sales of raffle tickets or stubs pursuant to the Nebraska Lottery and Raffle Act; to provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act; 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, 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	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Groene

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

MOTION(S) - Return LB1060 to Select File

Senator Vargas moved to return LB1060 to Select File for the following specific amendment:

[FA137](#)

Strike the enacting clause.

Senator Vargas withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1060.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to racial discrimination; 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, 27:

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

Voting in the negative, 12:

Albrecht	Erdman	Hansen, B.	Lowe
Bostelman	Geist	Hilgers	Murman
Clements	Halloran	La Grone	Slama

Present and not voting, 9:

Arch	Briese	Gragert	Linehan	Stinner
Brewer	Friesen	Hughes	Moser	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 1064. With Emergency Clause.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, and 28-1427, Revised Statutes Supplement, 2019; to change provisions relating to the sale and use of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to provide for participation in compliance enforcement activities as prescribed; to harmonize provisions; to provide an operative date; 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, 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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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: LBs 755, 755A, 781, 808, 808A, 848, 848A, 918, 918A, 923, 963, 963A, 965, 965A, 966, 992, 1002, 1053, 1056, 1060, and 1064.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 11, 2020, at 6:13 p.m. was the following: LB424.

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

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 106. Placed on Final Reading.

LEGISLATIVE BILL 219. Placed on Final Reading.

[ST78](#)

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

1. In the E&R amendments, ER166, on page 7, line 6, "section 43-1311.03" has been struck and "sections 43-1311.03 and 68-1212" inserted; and in line 9 "to change provisions relating to case management services and provide a duty for the Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services;" has been inserted after the semicolon.

LEGISLATIVE BILL 238. Placed on Final Reading.

[ST79](#)

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

1. On page 1, line 1, "sections 83-969 and" has been struck and "section" inserted; the matter beginning with "to" in line 2 through the first semicolon in line 4 has been struck; and in line 5 "sections" has been struck and "section" inserted.

LEGISLATIVE BILL 450. Placed on Final Reading Second.

LEGISLATIVE BILL 450A. Placed on Final Reading Second.

[ST76](#)

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

1. On page 1, line 3, "First Session, 2019" has been struck and "Second Session, 2020" inserted.

LEGISLATIVE BILL 477A. Placed on Final Reading Second.

LEGISLATIVE BILL 515. Placed on Final Reading.

LEGISLATIVE BILL 607. Placed on Final Reading.

LEGISLATIVE BILL 607A. Placed on Final Reading.

[ST80](#)

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

1. On page 1, line 3, "First" has been struck and "Second" inserted and "2019" has been struck and "2020" inserted.

LEGISLATIVE BILL 866. Placed on Final Reading.

[ST77](#)

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

1. In the E&R amendments, ER237, on page 1, line 5, "to adopt the Middle Income Workforce Housing Investment Act; to create a fund; to provide a civil penalty; to appropriate and transfer funds from the General Fund;" has been inserted after the semicolon; in line 6

"and" has been struck; and in line 7 "; and to declare an emergency" has been inserted after "sections".

2. In the Standing Committee amendments, AM2913:

- a. On page 8, line 18, "National" has been struck, shown as stricken, and "national" inserted; and
- b. Sections 11 and 12 have been renumbered as sections 22 and 23, respectively.

LEGISLATIVE BILL 1004. Placed on Final Reading.

LEGISLATIVE BILL 1004A. Placed on Final Reading.

LEGISLATIVE BILL 1021. Placed on Final Reading.

LEGISLATIVE BILL 1089. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB667.

Senator Wayne name added to LB1021.

Senator M. Hansen name added to LB1060.

ADJOURNMENT

At 8:33 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, August 12, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - AUGUST 12, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, August 12, 2020

PRAYER

The prayer was offered by Senator Kolterman.

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 Groene who was excused; and Senators Cavanaugh, Chambers, B. Hansen, La Grone, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 11, 2020, at 8:38 p.m. were the following: LBs 755, 755A, 781e, 808e, 808Ae, 848, 848A, 918, 918A, 923e, 963, 963A, 965, 965A, 966, 992, 1002e, 1053, 1056e, 1060, and 1064e.

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 349, 468, 469, and 470 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 349, 468, 469, and 470.

GENERAL FILE

LEGISLATIVE BILL 632A. Title read. Considered.

Senator Hughes offered his motion, [MO227](#), found on page 1408, to indefinitely postpone.

The Hughes motion to indefinitely postpone prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 518A. Senator Blood offered her motion, [MO226](#), found on page 1404, to indefinitely postpone.

The Blood motion to indefinitely postpone prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 153.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to change provisions relating to the taxation of military retirement benefits; 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	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Bostelman	Friesen	Hunt	Morfeld	Williams
Brandt	Geist	Kolowski	Moser	Wishart
Brewer	Gragert	Kolterman	Murman	
Briese	Halloran	La Grone	Pansing Brooks	
Cavanaugh	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Groene Wayne

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

LEGISLATIVE BILL 323.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Supplement, 2019; to change eligibility requirements for certain disabled persons; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Groene Wayne

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

LEGISLATIVE BILL 323A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 126.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Revised Statutes Supplement, 2019; to provide for additional limited landowner deer hunting permits as prescribed; 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, 30:

Albrecht	Dorn	Hansen, M.	Kolterman	Moser
Blood	Erdman	Hilgers	Lindstrom	Quick
Bolz	Friesen	Hilkemann	Linehan	Scheer
Brandt	Geist	Howard	McCollister	Stinner
Brewer	Halloran	Hughes	McDonnell	Vargas
Clements	Hansen, B.	Kolowski	Morfeld	Walz

Voting in the negative, 7:

Bostelman	La Grone	Murman	Wishart
Gragert	Lathrop	Slama	

Present and not voting, 9:

Arch	Cavanaugh	DeBoer	Lowe	Williams
Briese	Crawford	Hunt	Pansing Brooks	

Excused and not voting, 3:

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

LEGISLATIVE BILL 266.

A BILL FOR AN ACT relating to the School Readiness Tax Credit Act; to amend sections 71-1962, 77-3603, and 77-3604, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to a tax credit for child care and education providers; to harmonize provisions; to provide an operative date; 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, 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

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

LEGISLATIVE BILL 312.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Revised Statutes Cumulative Supplement, 2018; to define a term; to change and eliminate provisions related to functions authorized for dental hygienists as prescribed; to provide a duty for the Department of Health and Human Services and the Health and Human Services Committee of the Legislature; to eliminate obsolete 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, 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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

LEGISLATIVE BILL 518.

A BILL FOR AN ACT relating to government; to provide duties regarding federal immigration forms relating to victims of certain crimes; and to define terms.

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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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

LEGISLATIVE BILL 534.

A BILL FOR AN ACT relating to postsecondary education; to require public postsecondary institutions to submit reports regarding sexual harassment; to require public hearings as prescribed; and to define terms.

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:

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

Voting in the negative, 1:

Erdman

Present and not voting, 5:

Brewer Clements Halloran Linehan Lowe

Excused and not voting, 2:

Groene Wayne

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

LEGISLATIVE BILL 540.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216.02, Revised Statutes Cumulative Supplement, 2018; to change a termination 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	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 153, 323, 323A, 126, 266, 312, 518, 534, and 540.

SPEAKER SCHEER PRESIDING**MOTION(S) - Confirmation Report(s)**

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1207:

Division of Children and Family Services
Stephanie Beasley - Director

Voting in the affirmative, 34:

Albrecht	Cavanaugh	Gragert	Kolterman	Quick
Blood	Crawford	Halloran	Lindstrom	Scheer
Bolz	DeBoer	Hansen, B.	Linehan	Vargas
Bostelman	Dorn	Hilkemann	McCollister	Walz
Brandt	Erdman	Howard	McDonnell	Williams
Brewer	Friesen	Hunt	Murman	Wishart
Briese	Geist	Kolowski	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 11:

Arch	Hansen, M.	Lathrop	Moser
Chambers	Hilgers	Lowe	Stinner
Clements	Hughes	Morfeld	

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1207:

State Board of Health
Daniel J. Rosenthal

Voting in the affirmative, 37:

Albrecht	Cavanaugh	Halloran	Kolterman	Quick
Arch	Crawford	Hansen, B.	Lathrop	Scheer
Blood	DeBoer	Hansen, M.	Lindstrom	Stinner
Bolz	Dorn	Hilgers	Linehan	Walz
Bostelman	Erdman	Hilkemann	McDonnell	Wishart
Brandt	Friesen	Howard	Moser	
Brewer	Geist	Hunt	Murman	
Briese	Gragert	Kolowski	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Hughes	McCollister	Vargas
Clements	Low	Morfeld	Williams

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1208:

Nebraska Rural Health Advisory Commission

April J. Dexter
 Martin L. Fattig
 Jessye A. Goertz
 Benjamin R. Iske
 Lynette D. Kramer
 Sandra Torres

Voting in the affirmative, 38:

Albrecht	Clements	Halloran	Lathrop	Scheer
Arch	Crawford	Hansen, B.	Lindstrom	Stinner
Blood	DeBoer	Hilkemann	Linehan	Vargas
Bolz	Dorn	Howard	McDonnell	Walz
Brandt	Erdman	Hughes	Moser	Williams
Brewer	Friesen	Hunt	Murman	Wishart
Briese	Geist	Kolowski	Pansing Brooks	
Cavanaugh	Gragert	Kolterman	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Bostelman	Hansen, M.	Lowe	Morfeld
Chambers	Hilgers	McCollister	

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1208:

Stem Cell Research Advisory Committee
Rui Yi

Voting in the affirmative, 40:

Albrecht	Cavanaugh	Gragert	Kolowski	Pansing Brooks
Arch	Clements	Halloran	Kolterman	Quick
Blood	Crawford	Hansen, B.	Lathrop	Scheer
Bolz	DeBoer	Hilgers	Lindstrom	Stinner
Bostelman	Dorn	Hilkemann	Linehan	Vargas
Brandt	Erdman	Howard	McDonnell	Walz
Brewer	Friesen	Hughes	Moser	Williams
Briese	Geist	Hunt	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Hansen, M.	Lowe	McCollister	Morfeld
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Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1208:

Board of Emergency Medical Services
Carolyn Petersen

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 6:

Blood	Hansen, M.	McCollister
Chambers	Kolowski	Morfeld

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1240:

Board of Public Roads Classifications and Standards

Roger Figard
 John F. Krager III
 Lisa Kramer
 Steven D. Rames
 Darold E. Tagge
 Timothy W. Weander

Voting in the affirmative, 38:

Albrecht	Crawford	Hansen, B.	Linehan	Scheer
Arch	DeBoer	Hilgers	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh	Halloran	Lindstrom	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Clements	Hilkemann	Morfeld
Chambers	Hansen, M.	Kolowski	

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1307:

State Racing Commission
Shane Greckel

Voting in the affirmative, 31:

Albrecht	Clements	Halloran	McCollister	Walz
Arch	DeBoer	Hilgers	McDonnell	Williams
Bolz	Dorn	Kolowski	Moser	Wishart
Bostelman	Erdman	Kolterman	Murman	
Brandt	Friesen	Lathrop	Pansing Brooks	
Brewer	Geist	Linehan	Quick	
Briese	Gragert	Lowe	Stinner	

Voting in the negative, 2:

Cavanaugh	Hunt
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Present and not voting, 12:

Blood	Hansen, B.	Howard	Morfeld
Chambers	Hansen, M.	Hughes	Scheer
Crawford	Hilkemann	Lindstrom	Vargas

Excused and not voting, 4:

Groene	La Grone	Slama	Wayne
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The appointment was confirmed with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1307:

State Racing Commission
Shelby Bakenhus

Voting in the affirmative, 33:

Albrecht	DeBoer	Hansen, B.	Lathrop	Quick
Arch	Dorn	Hansen, M.	Linehan	Scheer
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Howard	McCollister	Walz
Brewer	Geist	Hughes	McDonnell	Williams
Briese	Gragert	Kolowski	Moser	
Clements	Halloran	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Chambers	Hunt	Pansing Brooks	Wishart
Bolz	Crawford	Lindstrom	Vargas	
Cavanaugh	Hilkemann	Morfeld	Wayne	

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1343:

Board of Trustees of the Nebraska State Colleges
Marjean C. Terrell

Voting in the affirmative, 39:

Albrecht	Clements	Halloran	Kolterman	Quick
Arch	Crawford	Hansen, B.	Lathrop	Scheer
Bolz	DeBoer	Hansen, M.	Linehan	Stinner
Bostelman	Dorn	Hilgers	McCollister	Walz
Brandt	Erdman	Howard	McDonnell	Wayne
Brewer	Friesen	Hughes	Moser	Williams
Briese	Geist	Hunt	Murman	Wishart
Cavanaugh	Gragert	Kolowski	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Hilkemann	Lowe	Vargas
Chambers	Lindstrom	Morfeld	

Excused and not voting, 3:

Groene La Grone Slama

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

PRESIDENT FOLEY PRESIDING

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1101:

Environmental Quality Council
Karl Barfuss
Dennis D. Grams
Seth B. Harder

Voting in the affirmative, 39:

Albrecht	Crawford	Hansen, B.	Lathrop	Quick
Bolz	DeBoer	Hansen, M.	Linehan	Scheer
Bostelman	Dorn	Hilgers	Lowe	Stinner
Brandt	Erdman	Howard	McCollister	Walz
Brewer	Friesen	Hughes	McDonnell	Wayne
Briese	Geist	Hunt	Moser	Williams
Cavanaugh	Gragert	Kolowski	Murman	Wishart
Clements	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Chambers	Lindstrom	Vargas
Blood	Hilkemann	Morfeld	

Excused and not voting, 3:

Groene La Grone Slama

The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1101 and 1102:

Nebraska Oil and Gas Conservation Commission
Dallen R. Juelfs
John Arley Rundel

Voting in the affirmative, 37:

Albrecht	DeBoer	Hansen, M.	McCollister	Stinner
Bostelman	Dorn	Hilgers	McDonnell	Vargas
Brandt	Erdman	Howard	Morfeld	Walz
Brewer	Friesen	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh	Gragert	Lathrop	Pansing Brooks	
Clements	Halloran	Linehan	Quick	
Crawford	Hansen, B.	Lowe	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Arch	Bolz	Hilkemann	Kolowski	Wayne
Blood	Chambers	Hunt	Lindstrom	

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1102:

Nebraska Environmental Trust Board
Felix B. Davidson

Voting in the affirmative, 35:

Albrecht	DeBoer	Hansen, B.	Linehan	Quick
Arch	Dorn	Hansen, M.	Lowe	Scheer
Bostelman	Erdman	Hilgers	McCollister	Stinner
Brandt	Friesen	Howard	McDonnell	Vargas
Briese	Geist	Hughes	Moser	Walz
Clements	Gragert	Kolterman	Murman	Williams
Crawford	Halloran	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Blood	Cavanaugh	Hunt	Morfeld
Bolz	Chambers	Kolowski	Wayne
Brewer	Hilkemann	Lindstrom	

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1102:

Nebraska Power Review Board
Elizabeth A. Hilyard

Voting in the affirmative, 39:

Albrecht	Crawford	Hansen, B.	Lathrop	Quick
Arch	DeBoer	Hansen, M.	Linehan	Scheer
Bolz	Dorn	Hilgers	Lowe	Stinner
Bostelman	Erdman	Hilkemann	McCollister	Vargas
Brandt	Friesen	Howard	McDonnell	Walz
Brewer	Geist	Hughes	Morfeld	Williams
Briese	Gragert	Kolowski	Moser	Wishart
Clements	Halloran	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Chambers	Lindstrom	Wayne
Cavanaugh	Hunt	Murman	

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1102:

Nebraska Ethanol Board
Timothy L. Else

Voting in the affirmative, 40:

Albrecht	Crawford	Hansen, B.	Lathrop	Quick
Arch	DeBoer	Hansen, M.	Lowe	Scheer
Bolz	Dorn	Hilgers	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Vargas
Brandt	Friesen	Howard	Morfeld	Walz
Brewer	Geist	Hughes	Moser	Wayne
Briese	Gragert	Kolowski	Murman	Williams
Clements	Halloran	Kolterman	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 6:

Blood	Chambers	Lindstrom
Cavanaugh	Hunt	Linehan

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1102:

Game and Parks Commission
Dan C. Kreitman

Voting in the affirmative, 25:

Albrecht	DeBoer	Hansen, M.	Linehan	Stinner
Arch	Dorn	Hilkemann	McCollister	Vargas
Brandt	Geist	Howard	Pansing Brooks	Walz
Brewer	Gragert	Kolterman	Quick	Williams
Crawford	Hansen, B.	Lathrop	Scheer	Wishart

Voting in the negative, 6:

Clements	Friesen	McDonnell
Erdman	Halloran	Wayne

Present and not voting, 15:

Blood	Briese	Hilgers	Kolowski	Morfeld
Bolz	Cavanaugh	Hughes	Lindstrom	Moser
Bostelman	Chambers	Hunt	Low	Murman

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1362:

Game and Parks Commission
Donna Kush

Voting in the affirmative, 36:

Albrecht	Crawford	Hilkemann	McDonnell	Vargas
Arch	DeBoer	Howard	Morfeld	Walz
Blood	Dorn	Kolowski	Moser	Williams
Bostelman	Geist	Kolterman	Murman	Wishart
Brandt	Gragert	Lathrop	Pansing Brooks	
Brewer	Halloran	Lindstrom	Quick	
Briese	Hansen, B.	Linehan	Scheer	
Clements	Hansen, M.	McCollister	Stinner	

Voting in the negative, 1:

Erdman

Present and not voting, 9:

Bolz	Chambers	Hilgers	Hunt	Wayne
Cavanaugh	Friesen	Hughes	Low	

Excused and not voting, 3:

Groene	La Grone	Slama
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The appointment was confirmed with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 471. Read. Considered.

LEGISLATIVE RESOLUTION 472. Read. Considered.

LEGISLATIVE RESOLUTION 473. Read. Considered.

LEGISLATIVE RESOLUTION 474. Read. Considered.

LEGISLATIVE RESOLUTION 475. Read. Considered.

LEGISLATIVE RESOLUTION 476. Read. Considered.

LRs 471, 472, 473, 474, 475, and 476 were adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 306. Read. Considered.

LR306 was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 466. Read. Considered.

LR466 was adopted with 28 ayes, 8 nays, 7 present and not voting, and 6 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 471, 472, 473, 474, 475, 476, 306, and 466.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR351 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR351.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 12, 2020, at 10:45 a.m. were the following: LBs 153, 323, 323A, 126, 266, 312, 518, 534, and 540.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 477. Introduced by Revenue Committee: Linehan, 39, Chairperson; Briese, 41; Friesen, 34; Kolterman, 24; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to examine the definition and interpretation of cigarette by the Department of Revenue for purposes of taxation and the Master Settlement Agreement.

The study shall include, but not be limited to, an examination of the following:

- (1) The definition of cigarette under the Master Settlement Agreement;
- (2) The definition of cigarette by the federal Alcohol and Tobacco Tax and Trade Bureau;
- (3) The treatment of filtered cigars by other states party to the Master Settlement Agreement;
- (4) The taxation of filtered cigars by other states;
- (5) The interpretation of sections 77-2601 and 77-2602.05 and any other relevant statutes by the Department of Revenue;
- (6) Any reliable evidence or information indicating a decrease in Master Settlement Agreement dollars due to the interpretation of filtered cigars as cigars; and
- (7) Recommendations on whether the Department of Revenue should alter the current interpretation of cigarette.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Quick name added to LR471.

Senator Gragert name added to LR471.

Senator Kolterman name added to LR471.

Senator Williams name added to LR471.

Senator Geist name added to LR471.

Senator McCollister name added to LR471.

Senator Wishart name added to LR471.

Senator Clements name added to LR471.

Senator Geist name added to LR476.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, August 13, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - AUGUST 13, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, August 13, 2020

PRAYER

The prayer was offered by Senator Williams.

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 Groene who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

ATTORNEY GENERAL'S OPINIONOpinion 20-009

SUBJECT: Whether Noncompliance with the Legislature's
Procedural Rules Invalidates Legislation [LB 814].

REQUESTED BY: Senator Megan Hunt
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

We are in receipt of your request for our opinion on the legal effect of alleged violations of legislative rules in advancing LB 814 to Final Reading. Our research and legal analysis of your questions are abbreviated given that

your request letter is dated August 11, 2020, and we must respond prior to the scheduled adjournment of the legislative session on August 13, 2020.

Your request contained several questions: (1) "What is the legal consequence of failing to formally read and introduce a bill on General File, the first step of full legislative debate?" (2) "Is this oversight in compliance with basic, fundamental legislative rule and policy fatal to the validity of LB 814?" (3) "Can this misstep or oversight be corrected by returning LB 814 to General File or Committee to cure this procedural defect?" (4) "Given the lack of procedural compliance, can the passage and enactment of LB 814 be challenged in court should it be passed and signed by the Governor?" These questions may be succinctly summarized as asking what effect the Legislature's alleged failure to adhere to its procedural rules, occurring sometime between when a bill is filed on the Legislature's Agenda for General File and when it is filed on the Legislature's Agenda for Final Reading, may have on the validity of that bill if it becomes law.

Your questions pertain to legislative rules that govern the stages of the legislative process. Your request makes specific reference to an alleged violation of Rule 6, Sec. 3 of the Rules of the Nebraska Unicameral Legislature. From the remaining context of your letter it appears that your other procedural concerns pertain to alleged violations of Rule 6, Sec. 5. Your request does not assert a violation of any other legislative rules, statutes or constitutional provisions. As your request pertains solely to rules of the Legislature regarding the stages of the legislative process, our opinion is likewise limited to such rules.

Because the Nebraska Supreme Court generally declines to review the Legislature's compliance with its own procedural rules, we conclude that any of the alleged procedural failings you have raised concerning LB 814 likely would not jeopardize its validity should it become law.

ANALYSIS

Article III, § 10 of the Nebraska Constitution states, in part: "[T]he Legislature shall determine the rules of its proceedings" This Office has previously stated that "[u]nder this provision the Legislature has complete authority to determine the rules of its own proceedings 'in the absence of constitutional restraints.'" Op. Att'y Gen. No. 145 (November 3, 1981) (citing *State ex rel. Johnson v. Hagemeister*, 161 Neb. 475, 73 N.W.2d 625 (1955)). Whether the Legislature complied with its own rules when enacting a bill is a question that the Nebraska Supreme Court has declined to review, "absent a constitutional issue," once the Legislature itself has determined that the bill has been passed in compliance with its rules. *DeCamp v. State*, 256 Neb. 892, 896, 594 N.W.2d 571, 574 (1999). "Where no definitive guidance is provided by the Constitution, [the Court is] required to give deference to the actions of the legislative branch in determining whether the statute was validly enacted." *Id.* at 895, 594 N.W.2d at 573. This judicial deference to the Legislature is consistent

with—if not required by—the separation of powers provision in art. II, § 1 of the Nebraska Constitution.

Nebraska courts are not alone in their deferential approach to these cases. The precept that compliance with these kinds of legislative rules presents a nonjusticiable question, unless the legislative procedure is mandated by the constitution, is reflected in case law from a number of other jurisdictions. *See* 16 C.J.S. *Constitutional Law* § 425 (June 2020).

The Wisconsin Supreme Court, for example, recently confirmed that the separation of powers doctrine precludes judicial review of whether a legislative body complied with internal operating rules in enacting a statute. *League of Women Voters of Wisconsin v. Evers*, 387 Wis. 2d 511, 929 N.W.2d 209 (2019) [*League of Women Voters*]. "[U]nder separation of powers concepts and affording the comity and respect due a co-equal branch of state government," the judiciary may not "interfere with the conduct of legislative affairs." *Id.* at 537, 929 N.W.2d at 222. "When the legislative process has been completed, a court may then in a proper case consider whether the power of the legislature has been constitutionally exercised or whether the law enacted in the exercise of its power is valid." *Id.* (quoting *Goodland v. Zimmerman*, 243 Wis. 459, 469, 10 N.W.2d 180 (1943)). "The process by which laws are enacted, however, falls beyond the powers of judicial review." *League of Women Voters*, 387 Wis. 2d at 537, 929 N.W.2d at 222. Noting that the constitution "confers discretion on the Legislature to determine for itself the rules of its own proceedings," the court stated it "[would] not intermeddle in what we view, in the absence of constitutional directives to the contrary, to be purely legislative concerns[.]" *Id.* at 539, 929 N.W.2d at 223 (quoting *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 364, 338 N.W.2d 684 (1983) [*La Follette*]). The court explained that

[d]eclining to "inquire into whether the legislature has complied with legislatively prescribed formalities in enacting a statute" springs from the principles of "separation of powers and comity." . . . "[T]he legislature's adherence to the rules or statutes prescribing procedure is a matter entirely within legislative control and discretion, not subject to judicial review unless the legislative procedure is mandated by the constitution." . . . "If the legislature fails to follow self-adopted procedural rules in enacting legislation, and such rules are not mandated by the constitution, courts will not intervene to declare the legislation invalid." *Id.* at 539-40, 929 N.W.2d at 223 (quoting *La Follette*, 114 Wis. 2d at 364-65, 338 N.W.2d 684)).

The court concluded by noting the legislature is "accountable to the people...for any failure to follow its self-imposed statutory or procedural rules." *League of Women Voters*, 387 Wis. 2d at 540, 929 N.W.2d at 223. "Provided the Legislature acts in accordance with its mandates, the constitution confers no power on the judiciary to enjoin or invalidate laws as a consequence for deficiencies in the implementation of internally-imposed legislative procedures." *Id.*

Numerous state courts agree with the Wisconsin Supreme Court that a legislature's failure to follow its procedural rules does not invalidate legislation. *E.g., Des Moines Register and Tribune Co. v. Dwyer*, 542 N.W.2d 491, 496 (Iowa 1996) ("[T]he legislature has complete control and discretion whether it shall observe, enforce, waive, suspend, or disregard its own rules of procedure, and violations of such rules are not grounds for the voiding of legislation."); *Starr v. Governor*, 154 N.H. 174, 178, 910 A.2d 1247, 1251 (N.H. 2006) ("We will not declare a legislative act invalid for failure of a house to observe its own rules."); *Board of Trustees of the Judicial Reform Retirement System v. Attorney General*, 132 S.W.3d 770, 777 (Ky. 2003) ("[O]ur Constitution authorizes the General Assembly to establish rules governing its own proceedings. So long as those rules do not violate some other provision of the Constitution, it is not within our prerogative to approve, disapprove, or enforce them."); *State ex rel. Grendell v. Davidson*, 86 Ohio St. 3d 629, 633, 716 N.E.2d 704, 708 (Ohio 1999) ("[I]t is well settled that, in considering the validity of a statute, courts will not inquire into whether the legislature complied with its own rules in enacting the statute, as long as no constitutional provision is violated."); *State v. Gray*, 221 La. 868, 874, 60 So.2d 466, 468 (La. 1952) ("[I]t is well settled that an act of the Legislature will not be declared void or invalid for failure of the legislative body to observe its own rules of procedure.").

Although the Nebraska Constitution includes some procedural requirements for the Legislature to follow, it does not appear that any of those requirements are violated by the procedural issues you raised. Article III, § 13, for example, requires "the assent of a majority of all members elected" and demands that "the yeas and nays on the question of final passage of any bill be entered upon the journal." (Emphasis added.) But those requirements are not implicated by your request. Nor is the requirement in art. III, § 14 that every bill be "read by title when introduced" implicated as the title of LB 814 was read when introduced on January 8, 2020. Floor Debate on LB 814, 106th Leg., 2nd Sess. at 15 (Jan. 8, 2020 (Rough Draft)). The remaining procedural requirements in art. III, § 14 are also irrelevant because they apply only to the vote taken upon final passage of a bill. The procedural concerns you raise pertain to legislative rules that govern the Legislature's action in consideration of a bill on General File and Select File, respectively. These particular legislative rules do not correspond to any discrete mandate of the Nebraska Constitution governing legislative procedure, and therefore challenges to compliance with those rules present nonjusticiable questions.

In *DeCamp*, the Nebraska Supreme Court demonstrated the important distinction between constitutionally imposed legislative requirements and legislatively created internal procedures. The court initially determined whether the bill at issue complied with the requirement in art. III, § 14 that a bill be "on file for final reading and passage for at least one legislative day." But when the court turned to compliance with legislatively created rules, it deferred to the Legislature. Specifically, the court concluded that the Legislature had itself determined that the bill satisfied the requirements of

Legislative Rule 6, Sec. 7 by passing the bill in compliance with all other constitutionally imposed legislative procedures. *DeCamp*, 256 Neb. at 896, 594 N.W.2d at 574. Consistent with this reasoning, should LB 814 pass in accordance with constitutional requirements, Nebraska courts would likely conclude that the Legislature itself deemed the bill to have been properly enacted, regardless of the concerns you have raised.

CONCLUSION

Based on the information currently available to us, we conclude that none of the procedural concerns articulated in your request regarding LB 814 presents a constitutional issue. Further, based on the widely held view that courts will not invalidate statutes based on the failure of a legislative body to observe its own rules, Nebraska courts would not likely entertain a challenge to LB 814 if enacted based on the procedural issues raised in your request.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1343-29

REPORTS

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

MOTION(S) - Bracket LB1107

Senator Wayne offered his motion, [MO214](#), found on page 1351, to bracket LB1107 until August 13, 2020.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Scheer offered the following motion:

[MO230](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

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

Voting in the negative, 3:

Cavanaugh Erdman Hunt

Present and not voting, 1:

Wayne

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Briese Groene

The Scheer motion to invoke cloture prevailed with 42 ayes, 3 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Senator Wayne requested a record vote on the motion to bracket.

Voting in the affirmative, 4:

Cavanaugh Erdman Hunt Wayne

Voting in the negative, 39:

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

Present and not voting, 4:

Blood Chambers Howard Pansing Brooks

Excused and not voting, 2:

Briese Groene

The Wayne motion to bracket failed with 4 ayes, 39 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1107 with 38 ayes, 6 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1107. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 77-202, 77-693, 77-801, 77-1229, 77-1238, 77-1248, 77-1514, 77-2717, 77-2734.03, 77-27,119, 77-27,144, 77-3806, 77-4212, 77-5905, and 81-125, Reissue Revised Statutes of Nebraska, sections 18-2119, 18-2710.03, 49-801.01, and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 50-1209, 66-1344, 77-1239, 77-2711, 77-2715.07, 77-4602, and 84-612, Revised Statutes Supplement, 2019; to adopt the ImagiNE Nebraska Act, the Key Employer and Jobs Retention Act, the Renewable Chemical Production Tax Credit Act, the Customized Job Training Act, the Nebraska Transformational Projects Act, and the Nebraska Property Tax Incentive Act; to eliminate the exemptions provided under the Personal Property Tax Relief Act; to change provisions relating to sales and use tax refunds; to provide for credits on franchise taxes; to change provisions under the Property Tax Credit Act; to change provisions relating to actual General Fund net receipts; to provide transfers to and from the Cash Reserve Fund as prescribed; to state intent regarding funding the Tax Equity and Educational Opportunities Support Act; to appropriate funds to aid in carrying out the provisions of this legislative bill; to eliminate an appropriation to the Department of Revenue for personal property tax exemptions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal Laws 2019, LB294, section 71; 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, 41:

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

Voting in the negative, 4:

Chambers	Erdman	Halloran	Hunt
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Present and not voting, 2:

Cavanaugh	Wayne
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Excused and not voting, 2:

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

WITHDRAW - Motion to LB814

Senator Erdman withdrew his motion, [MO199](#), found on page 1239, to bracket LB814 until July 30, 2020.

MOTION(S) - Bracket LB814

Senator Hunt offered her motion, [MO217](#), found on page 1362, to bracket LB814 until August 13, 2020.

Senator Geist offered the following motion:

[MO231](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hunt requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Crawford	Halloran	Lindstrom	Scheer
Arch	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	
Clements	Groene	La Grone	Quick	

Voting in the negative, 8:

Cavanaugh	Hansen, M.	Hunt	Morfeld
Chambers	Howard	McCollister	Pansing Brooks

Present and not voting, 7:

Blood	DeBoer	Lathrop	Wishart
Bolz	Kolowski	Vargas	

Excused and not voting, 1:

Wayne

The Geist motion to invoke cloture prevailed with 33 ayes, 8 nays, 7 present and not voting, and 1 excused and not voting.

The Hunt motion to bracket failed with 8 ayes, 29 nays, 11 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2019; to define a term; to prohibit dismemberment abortion; to provide for a hearing, immunity from liability, causes of action, injunctions, damages, attorney's fees, a penalty, and anonymity; to state intent; to harmonize provisions; to provide severability; 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, 33:

Albrecht	Crawford	Halloran	Lindstrom	Scheer
Arch	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	
Clements	Groene	La Grone	Quick	

Voting in the negative, 8:

Cavanaugh	Hansen, M.	Hunt	Morfeld
Chambers	Howard	McCollister	Pansing Brooks

Present and not voting, 7:

Blood	DeBoer	Lathrop	Wishart
Bolz	Kolowski	Vargas	

Excused and not voting, 1:

Wayne

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1107 and 814.

REFERENCE COMMITTEE REPORT

2020 Resolution calling for an Interim Study

LR477	Interim study to examine the definition and interpretation of cigarette by the Dept. of Revenue for purposes of taxation and the Master Settlement Agreement	Revenue
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(Signed) Mike Hilgers, Chairperson
Executive Board

VISITOR(S)

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhower; Senator Crawford's husband, David; and Senator Scheer's wife, Kris, daughter, son-in-law, granddaughter, and grandson, Keeli, Mike, Stella, and Miller Vrbicky, and daughter, son-in-law, and grandson, Rachel, Aaron, and Harris Hoffman.

RECESS

At 12:00 p.m., on a motion by Senator Friesen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Morfeld who was excused until he arrives.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 13, 2020, at 12:10 p.m. were the following: LBs 1107e and 814.

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

MOTION(S) - Return LB106 to Select File

Senator Chambers moved to return LB106 to Select File for the following specific amendment:

[FA140](#)

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 106.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4108, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA records; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

MOTION(S) - Return LB219 to Select File

Senator Chambers moved to return LB219 to Select File for the following specific amendment:

[FA141](#)

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB219 with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT relating to children; to amend section 43-4704, Revised Statutes Cumulative Supplement, 2018, and sections 43-1311.03 and 68-1212, Revised Statutes Supplement, 2019; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a

driver's license; to change provisions relating to case management services and provide a duty for the Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services; 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, B.	Lathrop	Scheer
Arch	Crawford	Hansen, M.	Lindstrom	Slama
Blood	DeBoer	Hilgers	Linehan	Stinner
Bolz	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolowski	Murman	Wishart
Cavanaugh	Groene	Kolterman	Pansing Brooks	
Chambers	Halloran	La Grone	Quick	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

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 238.

A BILL FOR AN ACT relating to executions; to amend section 83-970, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to witnessing executions; 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, 27:

Blood	Dorn	Kolterman	Pansing Brooks	Wayne
Bolz	Hansen, M.	Lathrop	Quick	Williams
Brandt	Hilkemann	Lindstrom	Scheer	Wishart
Cavanaugh	Howard	McCollister	Stinner	
Crawford	Hunt	McDonnell	Vargas	
DeBoer	Kolowski	Morfeld	Walz	

Voting in the negative, 10:

Albrecht	Clements	Groene	La Grone	Moser
Bostelman	Erdman	Halloran	Lowe	Slama

Present and not voting, 12:

Arch	Chambers	Gragert	Hughes
Brewer	Friesen	Hansen, B.	Linehan
Briese	Geist	Hilgers	Murman

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

LEGISLATIVE BILL 450.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; to provide an operative date; 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	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 450A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, One Hundred Sixth Legislature, Second Session, 2020.

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Pansing Brooks

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

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to provide an income tax exemption for Segal AmeriCorps Education Awards; 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, 39:

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

Voting in the negative, 4:

Albrecht	Clements	Groene	Lowe
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Present and not voting, 4:

Erdman	Halloran	Hansen, B.	Kolowski
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Excused and not voting, 2:

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

LEGISLATIVE BILL 477A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Sixth Legislature, Second Session, 2020; and to provide for a transfer of funds.

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, 38:

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

Voting in the negative, 4:

Albrecht Clements Groene Lowe

Present and not voting, 5:

Bolz Erdman Halloran Hansen, B. Kolowski

Excused and not voting, 2:

Chambers Pansing Brooks

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 LB515 with 30 ayes, 10 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 515.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-254, 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; 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, 26:

Blood	Gragert	Lathrop	Quick	Williams
Bolz	Hansen, M.	Lindstrom	Scheer	Wishart
Cavanaugh	Hilkemann	McCollister	Stinner	
Crawford	Howard	McDonnell	Vargas	
DeBoer	Hunt	Morfeld	Walz	
Dorn	Kolterman	Murman	Wayne	

Voting in the negative, 7:

Albrecht Clements Groene Moser
Bostelman Erdman Lowe

Present and not voting, 14:

Arch	Briese	Halloran	Hughes	Linehan
Brandt	Friesen	Hansen, B.	Kolowski	Slama
Brewer	Geist	Hilgers	La Grone	

Excused and not voting, 2:

Chambers Pansing Brooks

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 LB607 with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 607.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1008, 38-1033, 38-1035, 38-1037, 38-1040, 38-1041, 38-1044, 38-1053, 38-1054, 38-1055, 38-1060, 38-1064, 38-10,167, and 38-10,169, Reissue Revised Statutes of Nebraska, sections 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069, 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative Supplement, 2018, and section 38-1001, Revised Statutes Supplement, 2019; to define and redefine terms; to change provisions relating to permanent color technology and licensure by examination; to provide for registration of a guest body artist and licensure of a temporary body art facility and a nail technology apprentice salon; 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, 31:

Blood	Dorn	Kolowski	Morfeld	Wayne
Bolz	Gragert	Kolterman	Moser	Williams
Bostelman	Hansen, M.	Lathrop	Quick	Wishart
Brandt	Hilkemann	Lindstrom	Scheer	
Cavanaugh	Howard	Linehan	Stinner	
Crawford	Hughes	McCollister	Vargas	
DeBoer	Hunt	McDonnell	Walz	

Voting in the negative, 10:

Albrecht	Erdman	Groene	Hansen, B.	Lowe
Clements	Geist	Halloran	La Grone	Slama

Present and not voting, 6:

Arch	Briese	Hilgers
Brewer	Friesen	Murman

Excused and not voting, 2:

Chambers Pansing Brooks

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 607A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Sixth Legislature, Second Session, 2020.

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, 28:

Blood	Gragert	Kolowski	Morfeld	Walz
Bolz	Hansen, M.	Kolterman	Moser	Wayne
Brandt	Hilkemann	Lathrop	Quick	Williams
Crawford	Howard	Lindstrom	Scheer	Wishart
DeBoer	Hughes	McCollister	Stinner	
Dorn	Hunt	McDonnell	Vargas	

Voting in the negative, 10:

Albrecht	Erdman	Groene	La Grone	Murman
Clements	Geist	Hansen, B.	Lowe	Slama

Present and not voting, 9:

Arch	Brewer	Cavanaugh	Halloran	Linehan
Bostelman	Briese	Friesen	Hilgers	

Excused and not voting, 2:

Chambers Pansing Brooks

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

WITHDRAW - Motion to LB632

Senator Chambers withdrew his motion, [MO213](#), found on page 1344, to recommit LB632 to the Natural Resources Committee.

MOTION(S) - Return LB632 to Select File

Senator Cavanaugh moved to return LB632 to Select File for the following specific amendment:

[FA144](#)

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB632 with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to environment and energy; to amend sections 13-2001, 13-2003, 13-2017, 13-2023, 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section 2-1504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Nebraska Natural Resources Commission membership and the Integrated Solid Waste Management Act; to define a term; to restate policy; to prohibit regulation of containers as prescribed; to change provisions relating to utility discontinuance and reconnection; to require the Department of Natural Resources to develop a state flood mitigation plan; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 2:

Chambers Pansing Brooks

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

MOTION(S) - Return LB866 to Select File

Senator Wayne moved to return LB866 to Select File for the following specific amendment:

[FA145](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB866 with 35 ayes, 8 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 866. With Emergency Clause.

A BILL FOR AN ACT relating to cities; to amend sections 14-403 and 15-902, Reissue Revised Statutes of Nebraska, and sections 19-901 and

19-902, Revised Statutes Supplement, 2019; to adopt the Municipal Density and Missing Middle Housing Act; to provide zoning regulation requirements for certain cities; to adopt the Middle Income Workforce Housing Investment Act; to create a fund; to provide a civil penalty; to appropriate and transfer funds from the General Fund; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 29:

Blood	Dorn	Hunt	McDonnell	Vargas
Bolz	Hansen, M.	Kolowski	Morfeld	Walz
Cavanaugh	Hilgers	Kolterman	Pansing Brooks	Wayne
Chambers	Hilkemann	Lathrop	Quick	Williams
Crawford	Howard	Lindstrom	Scheer	Wishart
DeBoer	Hughes	McCollister	Stinner	

Voting in the negative, 7:

Albrecht	Clements	Halloran	Slama
Bostelman	Groene	Lowe	

Present and not voting, 13:

Arch	Briese	Geist	La Grone	Murman
Brandt	Erdman	Gragert	Linehan	
Brewer	Friesen	Hansen, B.	Moser	

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

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

Voting in the negative, 7:

Albrecht	Clements	Halloran	Slama
Bostelman	Groene	Lowe	

Present and not voting, 11:

Arch	Briese	Geist	Moser
Brandt	Erdman	Hansen, B.	Murman
Brewer	Friesen	La Grone	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to law; to amend section 83-1,110, Reissue Revised Statutes of Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018, and section 43-2101, Revised Statutes Supplement, 2019; to change provisions relating to age of majority; to provide powers and duties with respect to the administration and supervision of parole; to change provisions relating to eligibility for parole and provide for applicability; 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, 29:

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

Voting in the negative, 11:

Albrecht	Clements	Halloran	Murman
Bostelman	Erdman	La Grone	Slama
Brewer	Groene	Lowe	

Present and not voting, 9:

Arch	Geist	Hansen, B.	Hughes	Moser
Briese	Gragert	Hilgers	Linehan	

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

LEGISLATIVE BILL 1004A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, One Hundred Sixth Legislature, Second Session, 2020; and to provide for a transfer.

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, 28:

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

Voting in the negative, 11:

Albrecht	Clements	Halloran	Murman
Bostelman	Erdman	La Grone	Slama
Brewer	Groene	Lowe	

Present and not voting, 10:

Arch	Friesen	Gragert	Hilgers	Linehan
Briese	Geist	Hansen, B.	Hughes	Moser

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 LB1021 with 35 ayes, 3 nays, and 11 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1021.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2108, 18-2110, 18-2111, 18-2112, 18-2114, 18-2117, and 77-1704.01, Reissue Revised Statutes of Nebraska, sections 18-2109, 18-2113, 18-2115, 18-2116, 18-2117.01, 18-2117.02, and 18-2147, Revised Statutes

Cumulative Supplement, 2018, and section 18-2101, Revised Statutes Supplement, 2019; to provide for an expedited review of certain redevelopment plans under the Community Development Law; to exempt such redevelopment plans from certain requirements; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 1089.

A BILL FOR AN ACT relating to schools; to amend section 79-729, Reissue Revised Statutes of Nebraska; to add a high school graduation requirement and provide an exception as prescribed; to provide a duty for schools to submit data to the State Department of Education; to provide duties for the Commissioner of Education and require an annual report to the Legislature; to provide for rules and regulations as prescribed; 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, 29:

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

Voting in the negative, 12:

Albrecht	Briese	Geist	Hansen, B.
Arch	Clements	Groene	Lowe
Bostelman	Erdman	Halloran	Moser

Present and not voting, 8:

Brewer	Gragert	Hughes	Murman
Friesen	Hilgers	La Grone	Slama

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

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB866.

(Signed) Julie Slama, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 106, 219, 238, 450, 450A, 477, 477A, 515, 607, 607A, 632, 866, 1004, 1004A, 1021, and 1089.

EXECUTIVE BOARD COMMUNICATION

August 13, 2020

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell,

The *Legislature's Workplace Harassment Policy* requires all senators and staff to receive workplace harassment training at least once each biennium. A report of senators and staff who have taken the training is then required to be published in the Legislative Journal at the end of the two-year session.

All senators, but three, and all staff, but two, took the training. In compliance with the *Policy*, but in order to facilitate the Journal's publication, the list of names of those who took the training this biennium is available in the office of the Chairperson of the Executive Board.

Sincerely,
(Signed) Mike Hilgers, Chairperson
Executive Board

MOTION - Notify Governor

Senator Crawford moved that a committee of five be appointed to notify the Governor that the One Hundred Sixth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Bolz, Crawford, Howard, Kolowski, and Scheer to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

MOTION - Disposition of Bills

Senator Kolowski moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 13, 2020, at 4:03 p.m. were the following: LBs 106, 219, 238, 450, 450A, 477, 477A, 515, 607, 607A, 632, 866, 1004, 1004A, 1021, and 1089.

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

MOTION - Committee Records

Senator Kolterman moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Legislative Journal, Session Laws, and Indexes

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws, and that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

MOTION - Adjourn Sine Die

Senator Scheer moved that the One Hundred Sixth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 4:32 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

CORRECTIONS FOR THE JOURNAL

Page 751, after line 20, add "Senator Friesen name added to LB944."
The Journal for the thirty-first day was approved as corrected.

MESSAGE(S) FROM THE GOVERNOR

August 15, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 424, 755, 755A, 781e, 808e, 808Ae, 848, 848A, 918, 918A, 923e, 963, 963A, 965, 965A, 966, 992, 1002e, 1053, 1056e, and 1064e were received in my office on August 11, 2020. Engrossed Legislative Bill 814 was received in my office on August 13, 2020.

These bills were signed and delivered to the Secretary of State on August 15, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 15, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1060 without my signature and with my objections.

I agree with the intent of LB 1060 to protect people against racial discrimination.

LB 1060 would add a new definition of "race" that would apply in all discrimination cases arising under the Nebraska Fair Employment Practice Act. The new definition would state "race includes, but is not limited to, hair texture and protective hairstyles; and protective hairstyles includes, but is not limited to, hairstyles such as braids, locks, and twists."

The bill covers features based on mutable characteristics that are not attributable to one racial group. While hair type is an immutable characteristic, hairstyles can easily be changed. Additionally, the hairstyles named in the bill (locks, braids, and twists) are not exclusively worn by one race.

While I agree with the goal, I object to the form of the bill. It needs to add protections for employees based upon their immutable hair texture and to also add protections for employers centered on health and safety standards.

As written, the bill fails to provide health or safety exceptions for employers. For example, employees who work in food service or around heavy machinery are often required to wear their hair a certain length or tie back or cover their hair in order to ensure their safety, as well as the health and safety of the public.

Under LB 1060, an employer would be unable to uniformly apply its grooming policies without fear of violating the Nebraska Fair Employment Practice Act. Additionally, since the changes in LB 1060 will apply to state agencies and political subdivisions, it will preclude law enforcement agencies across the state from being able to maintain long-standing personal grooming policies.

Clearly, there is a need to provide appropriate protections for African Americans and others so that their unchangeable hair textures cannot be used as a reason for bias or discrimination in the workplace. I am committed to working with the Legislature to enact a statute early in the upcoming session that will achieve this important purpose but in a manner that focuses on immutable race characteristics and provides employer flexibility.

For these reasons, I vetoed LB 1060. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 126, 153, 266, 312, 323, 323A, 518, 534, and 540 were received in my office on August 12, 2020.

These bills were signed and delivered to the Secretary of State on August 17, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 106, 219, 450, 450A, 477, 477A, 632, 866, 1021, and 1107e were received in my office on August 13, 2020.

These bills were signed and delivered to the Secretary of State on August 17, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 238 without my signature and with my objections.

LB 238 adds additional burdens to the process of carrying out the death penalty in Nebraska. The legislation would require that witnesses who are

present continuously observe the execution process from the moment the inmate enters the execution chamber until the inmate is declared dead or the execution is halted. The bill's additional restrictions would mandate changes to the current execution protocol.

LB 238 purports to protect the identity of the person conducting the execution by allowing that person to wear a mask. Under current law, his or her identity is protected.

Members of the execution team are employees of the Nebraska Department of Correctional Services who volunteer for this responsibility. Wearing a mask or disguise in an attempt to conceal their identity could impede necessary procedures if the staff member's eyesight is hindered or blocked. Ultimately, the staff member would still be easily identified by gender, race, hair, weight, and height. Protecting the identity of the staff who are required to perform this duty on behalf of the State is done for their safety and the safety of their families.

Carrying out Nebraska's death penalty is a sobering responsibility that is assigned to state staff members. To have members of an execution team wearing a mask or disguise would make a mockery of the execution and show a complete lack of respect for the inmate, the inmate's family, and for family of the victims.

For these reasons, I have vetoed LB 238. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 515 without my signature and with my objections.

The bill amends the Student Discipline Act in a way that will detrimentally affect the learning environment in our schools. Parents and educators have worked with Senators to introduce several bills to protect students and educators over the last two years. LB 515 does the opposite by making it harder to reassign, suspend, or expel students who injure others or unlawfully possess controlled substances and alcohol in our schools.

I support giving students subject to suspension the opportunity to complete missed classwork and homework. I am also supportive of requiring schools to accept credits earned by an expelled student at another school. However, I cannot support increasing both the bureaucracy and costs related to student discipline.

LB 515 increases the burden of proof for school districts to discipline students that possess, sell, or distribute illegal drugs by requiring they prove the student knew they had drugs or that the drugs were illegal. Additionally, it also added a definition of a "personal injury caused by an accident" which goes well beyond the common meaning, making it harder to discipline students when they injure staff or students. Increasing the burden of proof and mandating unrealistic and arbitrary timelines make it nearly impossible to gather evidence of the student's intent or knowledge to meet the standard proposed by the bill.

It is not wise public policy to turn school discipline matters into court proceedings or arbitration. The bill disregards the safety of teachers and other students. Student discipline must balance the rights of students and the need for a safe learning environment. While well intentioned, LB 515 misses that mark. School districts have contacted me to share their concerns that the bill will adversely affect their staff and students. These concerns are serious and cannot be ignored.

For these reasons, I have vetoed LB 515. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 607 and LB 607A without my signature and with my objections.

I appreciate the hard work of Senator Kolterman on this omnibus legislative bill. My sole objection is to the provision that would impose new occupational licensing requirements upon individuals who perform manicures and pedicures on natural nails.

LB 607 would define that work as "nail technology" and then increase the licensing burdens and costs by requiring a natural nail practitioner to graduate from a cosmetology school or a nail technology apprentice salon, produce documentation of having at least three hundred hours of work experience, and pass a written examination in order to be licensed. These requirements go well beyond basic education and training in safe health and sanitation practices.

Entrepreneurs, many who have recently immigrated to our state, work in this profession. The regulatory burdens placed upon them by LB 607 do not seem warranted when weighed against the harm that the bill intends to prevent. A better practice would be to require a less burdensome state registration system for natural nail manicurists and pedicurists.

For these reasons, I have vetoed LB 607 and LB 607A. Given that the Legislature has adjourned sine die, I filed the vetoed bills with the Nebraska Secretary of State.

Sincerely,
(Signed) Pete Ricketts
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1004 and LB 1004A without my signature and with my objections.

This legislation liberalizes the parole eligibility date for inmates by making them eligible for parole two years earlier than their mandatory discharge date.

My primary concern with LB 1004 is that the bill will allow inmates with serious felony convictions to become eligible for parole earlier than current law allows. Supporters of the bill tend to cite cases involving low-level crimes; however, as presented for my consideration, LB 1004 is not limited to low-level offenders. Inmates incarcerated for serious and violent crimes like domestic assault, sexual assault on a child, and armed robbery will be eligible for earlier parole under the bill.

LB 1004 will also make any newly admitted inmates with sentences of two years or less eligible for parole on the day that they enter a Nebraska Department of Correctional Services (NDCS) facility. Every new inmate spends approximately 30-90 days in intake, where they are assessed and have

treatment recommendations made, if appropriate. Those inmates with clinical recommendations generally need at least 6 to 12 months to complete any required programming. Depending on how quickly those programming requirements are completed, many inmates in this category may not have enough time remaining on their sentence for a meaningful period of supervision in the community.

LB 1004 also presents funding concerns. LB 1004A does not appropriate any additional funding for the Board of Parole even though the board's fiscal note states that additional financing to hire more parole officers to supervise the increased number of parolees will be needed. Funding for additional treatment and housing costs to provide adequate supervision and supports was not appropriated. Initially, the fiscal note for LB 1004 suggested that the increased costs for the Board of Parole would be offset by savings at NDCS, as inmates shifted from confinement to parole. The reality is this will not happen in a vacuum. NDCS will continue to need adequate funding to support parole-eligible inmates as they near their hearings before the Parole Board.

Contrary to assertions that little has been done to address the space needs in our correctional system, since 2015, substantial funding investments have been enacted.

I appreciate Senator Lathrop's innovative approach in LB 1004, but the bill is overly broad and will lead to the unintended consequence of making certain inmates eligible for parole as soon as they enter a NDCS facility. It will also make violent felons eligible for parole earlier than what is permitted by current law. I have no objection to the remaining provisions of LB 1004 which pertain to the age of majority.

Despite my objections to LB 1004, I am willing to work with the introducer during the upcoming session on approaches to expand the parole-eligible population, provided there are limitations that will preclude violent offenders from becoming eligible for parole earlier than their court-imposed sentences. Nebraska already has a very generous "good time" law which operates by reducing most sentences by one-half.

For these reasons, I have vetoed LB 1004 and LB 1004A. Given that the Legislature has adjourned sine die, I filed the vetoed bills with the Nebraska Secretary of State.

(Signed) Sincerely,
Pete Ricketts
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1089 without my signature and with my objections.

LB 1089 requires all families to share their private, sensitive family financial information with the U.S. Department of Education by completing the Free Application for Federal Student Aid (FAFSA) or by completing a prescribed state form to decline.

The bill imposes an unnecessary hurdle to high school graduation by mandating that our public school students and families complete and submit a complex federal financial aid application or a state form electing not to participate in the bill's new requirements. State mandates related to high school graduation should be limited to academic content and rigor.

Additionally, I am concerned this will become the new method to hold students hostage for the goals of others that have no direct relationship to the quality of education our students receive in our public high schools. This bill intrudes into the personal lives of students outside of the classroom setting.

Many private, philanthropic groups have supported efforts to voluntarily increase the number of students completing the Free Application for Federal Student Aid (FAFSA). This bill encourages private organizations to lobby for state mandates to achieve their goals, rather than continue the good work they have done to educate and assist students and families.

These mandates are a one-size-fits all policy. It is clear that the reporting requirements in the bill will pressure school districts to increase FAFSA completion rates to avoid the stigma of having a low student participation rate.

I have vetoed LB 1089 as it is an unfunded and burdensome mandate on students and families that is not related to the core education mission of our K-12 schools. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,
(Signed) Pete Ricketts
Governor

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Sixth Legislature, Second Session.

Patrick J. O'Donnell
Clerk of the Legislature

August 18, 2020
Lincoln, Nebraska

