

**FIRST DAY - JANUARY 6, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 6, 2021

**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 Seventh Legislature, First 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 6, 2021, and was called to order by President Foley.

The roll was called and the following members were present:

Aguilar, Raymond	Friesen, Curt	McCollister, John S.
Albrecht, Joni	Geist, Suzanne	McDonnell, Mike
Arch, John	Gragert, Tim	McKinney, Terrell M.
Blood, Carol	Groene, Mike	Morfeld, Adam
Bostar, Eliot	Halloran, Steve	Moser, Mike
Bostelman, Bruce	Hansen, Ben	Murman, Dave
Brandt, Tom	Hansen, Matt	Pahls, Rich
Brewer, Tom	Hilgers, Mike	Pansing Brooks, Patty
Briese, Tom	Hilkemann, Robert	Sanders, Rita
Cavanaugh, John Jr.	Hughes, Dan	Slama, Julie
Cavanaugh, Machaela	Hunt, Megan	Stinner, John
Clements, Robert	Kolterman, Mark	Vargas, Tony
Day, Jen	Lathrop, Steve	Walz, Lynne
DeBoer, Wendy	Lindstrom, Brett	Wayne, Justin T.
Dorn, Myron	Linehan, Lou Ann	Williams, Matt
Erdman, Steve	Lowe, John S. Sr.	Wishart, Anna
Flood, Mike		

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Brandt moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Doug Donscheski as temporary Sergeant at Arms.

The motion prevailed.

**MOTION - Committee on Credentials**

Senator Hughes moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2020.

The motion prevailed.

Senator Hughes moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Friesen, Pansing Brooks, Williams, M. Hansen, and Hughes.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

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 Seventh Legislature, First Session, 2021.

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 Seventh Legislature, First Session, 2021.

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.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 6, 2021.

(SEAL)

(Signed) Robert B. Evnen  
Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama	November 3, 2020
2 Robert Clements	November 6, 2018
3 Carol Blood	November 3, 2020
4 Robert Bob Hilkemann	November 6, 2018
5 Mike McDonnell	November 3, 2020
6 Machaela Cavanaugh	November 6, 2018
7 Tony Vargas	November 3, 2020
8 Megan Hunt	November 6, 2018
9 John Cavanaugh	November 3, 2020
10 Wendy DeBoer	November 6, 2018
11 Terrell McKinney	November 3, 2020
12 Steve Lathrop	November 6, 2018
13 Justin T. Wayne	November 3, 2020
14 John Arch	November 6, 2018
15 Lynne M. Walz	November 3, 2020
16 Ben Hansen	November 6, 2018
17 Joni Albrecht	November 3, 2020
18 Brett Lindstrom	November 6, 2018
19 Mike Flood	November 3, 2020
20 John S. McCollister	November 6, 2018
21 Mike Hilgers	November 3, 2020
22 Mike Moser	November 6, 2018
23 Bruce Bostelman	November 3, 2020
24 Mark A. Kolterman	November 6, 2018
25 Suzanne Geist	November 3, 2020
26 Matt Hansen	November 6, 2018
27 Anna Wishart	November 3, 2020
28 Patty Pansing Brooks	November 6, 2018
29 Eliot Bostar	November 3, 2020
30 Myron Dorn	November 6, 2018
31 Rich Pahls	November 3, 2020
32 Tom Brandt	November 6, 2018
33 Steve Halloran	November 3, 2020
34 Curt Friesen	November 6, 2018
35 Raymond M. Aguilar	November 3, 2020
36 Matt Williams	November 6, 2018
37 John S. Lowe Sr.	November 3, 2020

38	Dave Murman	November 6, 2018
39	Lou Ann Linehan	November 3, 2020
40	Tim Gragert	November 6, 2018
41	Tom Briese	November 3, 2020
42	Michael Groene	November 6, 2018
43	Tom Brewer	November 3, 2020
44	Dan Hughes	November 6, 2018
45	Rita Sanders	November 3, 2020
46	Adam Morfeld	November 6, 2018
47	Steve Erdman	November 3, 2020
48	John P. Stinner Sr.	November 6, 2018
49	Jen Day	November 3, 2020

**MOTION - Credentials Committee Report**

Senator Erdman moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

**MOTION - Escort Chief Justice**

Senator Blood 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 administering the oath of office to the members of the Legislature.

The motion prevailed.

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

**MEMBERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
) ss.  
LANCASTER COUNTY )

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Aguilar, Raymond	Erdman, Steve	McKinney, Terrell M.
Albrecht, Joni	Flood, Mike	Pahls, Rich
Blood, Carol	Geist, Suzanne	Sanders, Rita
Bostar, Eliot	Halloran, Steve	Slama, Julie
Bostelman, Bruce	Hilgers, Mike	Vargas, Tony
Brewer, Tom	Linehan, Lou Ann	Walz, Lynne
Briese, Tom	Lowe, John S. Sr.	Wayne, Justin T.
Cavanaugh, John Jr.	McDonnell, Mike	Wishart, Anna
Day, Jen		

The committee escorted the Chief Justice from the Chamber.

#### **MOTION - Adopt Temporary Rules**

Senator Lathrop moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 6, 2021.

The motion prevailed.

#### **MOTION - Election of Officers**

Senator Hilgers moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Seventh Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Assistant Clerk of the Legislature	Brandon L. Metzler
Sergeant at Arms	Doug Donscheski

The motion prevailed.

#### **MOTION - Election of Speaker**

Senator Kolterman moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Hilgers placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hilgers.

The motion prevailed.

Senator Hilgers was duly elected Speaker of the Legislature.



**MOTION - Committee on Committees Members**

Senator Bostelman moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Bostelman, Kolterman, Morfeld, and Moser were nominated from District 1.

Senators Hunt, Lathrop, Lindstrom, and Vargas were nominated from District 2.

Senators Albrecht, Erdman, Groene, and Murman were nominated from District 3.

Senator Halloran moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator Hilkemann moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Hughes placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hughes.

The motion prevailed.

Senator Hughes was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator B. Hansen moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Vargas placed his name in nomination.

Senator Slama placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Briese, Hunt, and Halloran as tellers.

Senator Vargas	26
Senator Slama	<u>23</u>
	49

Senator Vargas was duly elected Vice Chairperson of the Executive Board.

#### **MOTION - Executive Board Members**

Senator Friesen moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Geist and Pansing Brooks were nominated from District 1.

Senators Lathrop and McCollister were nominated from District 2.

Senators Lowe and Slama were nominated from District 3.

Senator Walz moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

#### **MOTION - Standing Committee Chairpersons**

Senator Moser moved to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

#### **CHAIRPERSON - Agriculture**

Senator Halloran placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Halloran.



The motion prevailed.

Senator Halloran was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Stinner placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stinner.

The motion prevailed.

Senator Stinner was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Williams placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Williams.

The motion prevailed.

Senator Williams was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator M. Hansen placed his name in nomination.

Senator B. Hansen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Lindstrom, Erdman, and Blood as tellers.

Senator M. Hansen 23  
Senator B. Hansen 26  
49

Senator B. Hansen was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Groene placed his name in nomination.

Senator Walz placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators DeBoer, Dorn, and Gragert as tellers.

Senator Groene	24
Senator Walz	<u>24</u>
	48

The Chair announced that a second ballot would be cast between Senator Groene and Senator Walz.

The Chair appointed Senators Albrecht, Arch, and Vargas as tellers.

Senator Groene	23
Senator Walz	<u>25</u>
	48

Senator Walz was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Briese placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Briese.

The motion prevailed.

Senator Briese was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brewer.

The motion prevailed.

Senator Brewer was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Arch placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Arch.

The motion prevailed.

Senator Arch was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Lathrop placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lathrop.

The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Gragert placed his name in nomination.

Senator Bostelman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hilkemann, McDonnell, and Murman as tellers.

Senator Gragert	14
Senator Bostelman	<u>33</u>
	47

Senator Bostelman was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kolterman.

The motion prevailed.

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Linehan placed her name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Linehan.

The motion prevailed.

Senator Linehan was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Friesen placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friesen.

The motion prevailed.

Senator Friesen was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Wayne placed his name in nomination.

Senator M. Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wayne.

The motion prevailed.

Senator Wayne was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Wayne moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Rules

Senator Clements placed his name in nomination.

Senator DeBoer placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Williams, Linehan, and Morfeld as tellers.

Senator Clements	25
Senator DeBoer	<u>24</u>
	49

Senator Clements was duly elected Chairperson of the Rules Committee.

#### CHAIRPERSON - Enrollment and Review

Senator Slama nominated Senator McKinney.

Senator Slama moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McKinney.

The motion prevailed.

Senator McKinney was duly elected Chairperson of the Enrollment and Review Committee.

#### **REPORT FROM THE SECRETARY OF STATE**

January 6, 2021

Speaker of the Legislature  
One Hundred and Seventh Legislature, First Session (Regular) 2021  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 3, 2020 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education. These votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2016 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to two Constitutional Amendments and

four Initiative Measures is on file in this office. A certification of these returns is also attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,  
(Signed) Robert B. Evnen  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, ) ss. Secretary of State  
State of Nebraska ) 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 list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 3, 2020.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 6, 2021.

(SEAL) (Signed) Robert B. Evnen  
Secretary of State

Public Service Commission, District 2 - Crystal Rhoades  
Board of Regents of the University of Nebraska, Dist 1 - Tim Clare  
Board of Regents of the University of Nebraska, Dist 2 - Jack A. Stark  
State Board of Education - Dist 1 - Patsy Koch Johns  
State Board of Education - Dist 2 - Lisa Fricke  
State Board of Education - Dist 3 - Patti S. Gubbels  
State Board of Education - Dist 4 - Jacquelyn Morrison

**CERTIFICATE**

State of Nebraska

United States of America, ) ss. Secretary of State  
State of Nebraska ) 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 listing of Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election in the state of Nebraska held on November 3, 2020.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 6, 2021.

(SEAL) (Signed) Robert B. Evnen  
Secretary of State

2020 General Election

Proposed Amendment No. 1

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For 603,204  
Against 280,898

Proposed Amendment No. 2

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is extremely blighted.

For 520,236  
Against 330,445

Initiative Measure 428

A statutory initiative measure to: (1) reduce the amount that delayed deposit services licensees, also known as payday lenders, can charge to a maximum annual percentage rate of thirty-six percent; (2) prohibit payday lenders from evading this rate cap; and (3) deem void and uncollectable any delayed deposit transaction made in violation of this rate cap.

For 723,521  
Against 150,330

## Initiative Measure 429

A constitutional amendment to state that laws may be enacted to provide for the authorization, regulation, and taxation of all forms of games of chance to be conducted by licensees within licensed racetrack enclosures in Nebraska.

For 588,405  
Against 316,298

## Initiative Measure 430

A statutory initiative measure which: (1) allows games of chance to be conducted by authorized gaming operators within licensed racetrack enclosures in Nebraska; (2) establishes a Nebraska Gaming Commission to license and regulate such gaming; and (3) amends and repeals existing sections of law to harmonize provisions consistent with the enactment of such statute.

For 591,086  
Against 318,094

## Initiative Measure 431

A statutory initiative measure which: (1) imposes a 20% annual tax on gross gaming revenue from games of chance operated at licensed racetrack locations; (2) distributes 75% of such gaming tax revenues to the State for credit of 2.5% to both the Compulsive Gamblers Assistance Fund and General Fund, and 70% to the Property Tax Credit Cash Fund; and (3) distributes 25% of such gaming tax revenues to the county where the licensed racetrack is located, or, if the racetrack is located partially within a city or village, distributes this percentage evenly between the county and city or village.

For 620,835  
Against 282,703

Senator Wishart moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

**ANNOUNCEMENT**

Senator Williams announced the Banking, Commerce and Insurance Committee will hold an executive session Thursday, January 7, 2021, at 1:30 p.m., in Room 1507.



**VISITOR(S)**

The Doctor of the Day was Dr. Patrick Hotovy of York.

**ADJOURNMENT**

At 1:25 p.m., on a motion by M. Cavanaugh, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - JANUARY 7, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 7, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**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 Senator Lathrop who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Hilkemann offered the following Committee on Committees report:

Agriculture (8)

Tuesday

Halloran (C), Brewer, Cavanaugh, J., Groene, Hansen, B., Lathrop, Sanders, Slama

Appropriations (9)

Monday, Tuesday, Wednesday, Thursday, & Friday

Stinner (C), Clements, Dorn, Erdman, Hilkemann, Kolterman, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Monday & Tuesday

Williams (C), Aguilar, Bostar, Flood, Gragert, Lindstrom, McCollister, Pahls

Business and Labor (7)

Monday

Hansen, B. (C), Blood, Halloran, Hansen, M., Hunt, Lathrop, Slama

Education (8)

Monday &amp; Tuesday

Walz (C), Brandt, Day, Linehan, McKinney, Morfeld, Murman,  
Pansing BrooksGeneral Affairs (8)

Monday

Briese (C), Arch, Brewer, Cavanaugh, J., Groene, Lowe, Sanders, Wayne

Government, Military and Veterans Affairs (8)

Wednesday, Thursday, &amp; Friday

Brewer (C), Blood, Halloran, Hansen, M., Hunt, Lowe, Pahls, Sanders

Health and Human Services (7)

Wednesday, Thursday, &amp; Friday

Arch (C), Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams

Judiciary (8)

Wednesday, Thursday, &amp; Friday

Lathrop (C), Aguilar, Brandt, DeBoer, McKinney, Morfeld, Pansing Brooks,  
SlamaNatural Resources (8)

Wednesday, Thursday, &amp; Friday

Bostelman (C), Cavanaugh, J., Geist, Gragert, Groene, Hughes, Moser,  
WayneNebraska Retirement Systems (6)

At call of Chair

Kolterman (C), Clements, Lindstrom, McDonnell, Slama, Stinner

Revenue (8)

Wednesday, Thursday, &amp; Friday

Linehan (C), Albrecht, Bostar, Briese, Flood, Friesen, Lindstrom,  
McCollisterTransportation and Telecommunications (8)

Monday &amp; Tuesday

Friesen (C), Albrecht, Bostelman, Cavanaugh, M., DeBoer, Geist, Hughes,  
MoserUrban Affairs (7)

Tuesday

Wayne (C), Arch, Blood, Briese, Hansen, M., Hunt, Lowe

Committee on Committees (13)

Hilkemann (C)

District 1:Bostelman  
Kolterman  
Morfeld (VC)  
MoserDistrict 2:Hunt  
Lathrop  
Lindstrom  
VargasDistrict 3:Albrecht  
Erdman  
Groene  
MurmanEnrollment and Review (1)

McKinney (C)

Reference (9)Hughes (C), Vargas (VC), Geist, Hilgers, Lathrop, Lowe,  
McCollister, Pansing Brooks, Slama, Stinner (nonvoting ex officio)Rules (6)Clements (C), Cavanaugh, J., DeBoer, Erdman, Hansen, M., Hilgers  
(ex officio)Executive Board of the Legislative Council (9)Hughes (C), Vargas (VC), Geist, Hilgers, Lathrop, Lowe,  
McCollister, Pansing Brooks, Slama, Stinner (nonvoting ex officio)**MESSAGE(S) FROM THE GOVERNOR**

August 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 Natural Resources:

Thomas E. Riley, P.E., 1338 S. 202 Street, Eagle, NE 68347

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 21, 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 Department of Health and Human Services - Division of Developmental Disabilities:

Anthony (Tony) R. Green, 116 S. 50th Avenue, 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

August 27, 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 Banking and Finance:

Kelly J. Lammers, 1124 224th, Milford, NE 68405

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 27, 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 Nebraska Board of Parole:

Rosalyn R. Cotton, 17189 Manderson Street, Omaha, NE 68116

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 16, 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:

Mark Quandahl, 16729 Leavenworth Circle, Omaha, NE, 68118

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

October 28, 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:

John E. Walvoord, 23637 Wright Street, Waterloo, NE 68069

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

October 28, 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 Nebraska Arts Council:

Sharon Hofschire, 2024 South 85 Avenue, Omaha, NE 68124  
Pamela Snow, 1524 Fairway Circle, Ashland, NE 68003  
Ann Michelle Dudley, 1006 Darrus Drive, Norfolk, NE 68701  
Brenda Davis, 807 N. 7th, Beatrice, NE 68310  
Zachary Cheek, 3021 N. 170 Street, 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



October 28, 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 Nebraska Information Technology Commission:

Shane J. Greckel, 54172 887 Road, Bloomfield, NE 68718  
Daniel Spray, 1005 Woodcrest, 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

October 28, 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 Nebraska Motor Vehicle Industry Licensing Board:

Clint Jones, 46341 N. 400 Avenue, Genoa, NE 68640  
Brad Jacobs, 1404 Kendall Street, St. Paul, NE 68873  
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

October 28, 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:

Timothy A. Tesmer, M.D., 3721 Doonbeg Road, Lincoln, NE 68520

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

October 28, 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 Highway Commission:

Alec Gorynski, 2603 N. 160th Street, Omaha, NE 68116

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

October 30, 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 Nebraska Accountability and Disclosure Commission:

Kate Sullivan, 816 West Cedar, Cedar Rapids, NE 68627

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

October 30, 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 Nebraska Natural Resources Commission:

LeRoy W. Sievers, 716 Driftwood Drive, Lincoln, NE, 68510  
Joseph L. Citta, Jr, 1518 Kozy Drive, Columbus, NE 68601  
Timothy E. Krause, 78580 Highway 183, Mason City, NE 68855

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Stanley A. Clouse, 4907 Linden Drive Place, Kearney, NE 68847  
Bradley B. Dunbar, 16131 Bedford Avenue, Omaha, NE 68116  
Thomas L. Knutson, 791 9th Avenue, St. Paul, NE 68873  
Scott Smathers, 6140 Richland Circle, Lincoln, NE 68516

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 2, 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 Medicaid and Long Term Care:

Kevin Bagley, 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

November 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 individuals are being appointed to the State Electrical Board:

Kurt Griess, 132 Mark Street, Aurora, NE 68818  
Boyd Pedersen, 51976 Highway 275, Clearwater, NE 68726

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, 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 Personnel Board:

Erin Bond, 1132 N. 99th Street, Lincoln, NE 68527

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, 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 Nebraska Ethanol Board:

Randy L. Gard, 3402 S. Blaine Street, 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 17, 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 Educational Lands and Funds:

Duane L. Kime, 90301 Hathcery Road, 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

December 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 Crime Victim's Reparation Committee:

Ann E. Ames, 2128 Lake Street, Lincoln, NE 68502

Also, contingent upon your approval, the following individuals are being reappointed to the Crime Victim's Reparation Committee:

Jeffrey Davis, Sarpy County Sheriff's Office, 8333 Platteview Road,  
Papillion, NE 68046  
Shawn Eatherton, 3207 Avenue K, Kearney, NE 68847

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, 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 Child Abuse Prevention Fund Board:

David J. Hansen, 7510 Cardwell Circle, Lincoln, NE 68523

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, 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 Natural Resources Commission:

Rick Kubat, 8222 Castelar 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

December 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 reappointed to the Nebraska Environmental Trust Board:

Mark Quandahl, 16729 Leavenworth Circle, Omaha, NE 68118

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, 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 Commission for the Deaf and Hard of Hearing:

Dr. Joshua Dale Sevier, 1023 Jones Street, Apt. 905, Omaha, NE, 68102

Also, contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Diane Schutt, 700 11th Street, Fairbury, NE, 68352

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, 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 Nebraska Game and Parks Commission:

Henry R. Brandt, 17851 South 12th Street, Roca, NE 68430

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 21, 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 Nebraska Investment Council:

Keith Olson, 13024 Hawthorne Court, 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

December 21, 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 Nebraska Power Review Board:

Charles Hutchison, 13904 Rahn Boulevard, Bellevue, NE 68123  
Gregory Eugene Moen, 2704 Park Way, 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

December 21, 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 Coordinating Commission for Postsecondary Education:

Molly S. O'Holleran, 1001 S. Deerwood Drive, North Platte, NE 69101  
Gene Kelly, 1105 Rousseau Court, Papillion, NE 68046

Also, contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Dr. Paul Von Behren, 2046 East 30th Street, Fremont, NE 68025  
Mary Lauritzen, 1097 Highway 9, West Point, NE 68788

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 21, 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 Nebraska Educational Telecommunications Commission:

Paul Turman, Nebraska State College System, 1327 H Street, Suite 200,  
Lincoln, NE 68508  
Clay Smith, 2310 Woodsdale Boulevard, Lincoln, NE 68502  
Marilyn B. Hadley, 3112 Country Club Lane, Kearney, NE 68845

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 21, 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 State Board of Health:

Dr. Mark R. Patefield, 717 Cedar Avenue, Laurel NE 68745  
Dr. Russell Crotty, 1101 7th Street, Auburn, NE 68305  
Michael Kotopka, DDS, 1030 Aldrich Road, Lincoln, NE 68510  
Dan Vehle, 17831 Englewood Circle, Omaha, NE 68133  
Robert (Bud) Synhorst, 2601 Piccadilly Court, Lincoln, NE 68504

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 OPINION**Opinion 20-010

**SUBJECT:** Necessity of Legislation to Implement the Department of Health and Human Services' "YRTC & Youth Facilities Initial Transition Plan"

**REQUESTED BY:** Senator Sara Howard, Senator Tom Brandt, Senator Steve Halloran, and Senator Dave Murman  
Nebraska Legislature

**WRITTEN BY:** Douglas J. Peterson, Attorney General  
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office as to whether the Legislature must enact legislation prior to the Department of Health and Human Services ("DHHS") taking certain actions relating to its "YRTC & Youth Facilities Initial Transition Plan," dated July 15, 2020. At issue is DHHS' plan to move the Juvenile Chemical Dependency Program ("JCDP") currently located at the Hastings Regional Center ("HRC") to the Whitehall Campus at the Lincoln Regional Center ("LRC"), and then establish a youth rehabilitation and treatment center ("YRTC") for girls at the HRC. You have requested that we provide our guidance on these issues as soon as possible, "[g]iven DHHS's timeline to begin implementing this new plan by October 1, 2020."

**BACKGROUND**

Your opinion request letter references several statutes for our consideration. First, Neb. Rev. Stat. § 83-305 (2014), which "designates the [HRC] in Adams County as a state hospital for the treatment of mental illness." Second, under Neb. Rev. Stat. § 83-101.06 (2014), DHHS "shall . . . [a]dminister the clinical programs and services of the [HRC] . . ." Third, DHHS is required to utilize a "rehabilitation model" for services provided at the regional centers, which is defined as "a comprehensive approach to treatment and rehabilitation of a person with a disability caused by a mental illness in order to assure that such person can perform those physical, emotional, social, and intellectual skills needed to live and work in the community." Neb. Rev. Stat. § 83-305.04 (2014). Lastly, you state that under Neb. Rev. Stat. § 71-810(3) (2018), DHHS is required to "notify the Governor and the Legislature 'of any intended reduction or discontinuation of regional center services.'" In this regard, you indicate that under the proposed move to Whitehall, the number of beds available for the JCDP will be reduced from 24 to 8.<sup>1</sup>

According to your opinion request letter, in 2017 the Legislature appropriated over \$5 million dollars to construct a new building at the HRC for the JCDP. The building was recently completed, but has not been used

for the program. You state that appropriations for the operation of the HRC are found in Program 361, which falls under the budget program for all three regional centers (Program 365). You indicate that Whitehall falls under a different division and budget program. It is your understanding that the male youth in the JCDP will be moved to Whitehall on October 1, 2020.

With respect to the proposed plan to move the female youth currently housed at the YRTC-Kearney to the new building at the HRC, you state that DHHS plans to renovate the building to fortify the structure "so that it would serve a more correctional purpose and . . . accommodate the needs and behaviors of the females committed to the YRTC." The YRTC at Geneva will then close. While DHHS had planned to move the girls by October 1, certain legislation passed last month (2020 Neb. Laws LB 1040, § 2) requires DHHS to complete a YRTC operational planning process prior to establishing a new YRTC in Hastings. You state that "DHHS may begin to renovate and retrofit the new building . . . to accommodate the female youth at the YRTC as soon as September. The girls would then be moved . . . in March 2021."

### ANALYSIS

With this background in mind, you have posed a number of questions to us regarding DHHS' authority to implement the proposed plan under current law. We will discuss each of your questions separately below.

- I. Does the Legislature need to amend the law, specifically section 83-305, before the Chemical Dependency Program at the Hastings Regional Center is dismantled and the boys are moved to Whitehall in Lincoln?

Neb. Rev. Stat. § 83-305 (2014) states:

The state hospital established in Lancaster County for the treatment of mental illnesses shall be known as the Lincoln Regional Center. The state hospital established in Madison County shall be known as the Norfolk Regional Center. The state hospital established in Adams County shall be known as the Hastings Regional Center.

"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." *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 793, 943 N.W.2d 231, 243 (2020); *Aksamit Resource Mgmt. v. Nebraska Pub. Power Dist.*, 299 Neb. 114, 123, 907 N.W.2d 301, 308 (2018). Section 83-305, ascertained from the entirety of its language considered in its plain, ordinary, and popular sense, designates three existing state hospitals for the treatment of mental illness as "regional centers." The plain language of § 83-305 does

not define "state hospital" or "regional center." Notably, the JCDP is not referenced in § 83-305 nor is any other program or service.

Neb. Rev. Stat. § 83-108 (Cum. Supp. 2018)<sup>2</sup> provides, in pertinent part, that DHHS "shall have oversight and general control of the . . . hospitals for the mentally ill, [and] facilities and programs operated by the Office of Juvenile Services . . . ." DHHS also has broad authority over the admission, assignment and transfer of patients and residents in facilities under its jurisdiction. Neb. Rev. Stat. § 83-109 (Cum. Supp. 2018). As amended by 2020 Neb. Laws LB 1148, § 14 (effective date: November 14, 2020), Neb. Rev. Stat. § 83-108.04 provides that "[f]or children committed to the Office of Juvenile Services, [DHHS] may use other public facilities operated by [DHHS] for the care and treatment of such children or may contract for the use of space in another facility operated and utilized as a youth rehabilitation and treatment center in compliance with state law."

With respect to the JCDP, Neb. Rev. Stat. § 43-407(2) (2018), amended by 2020 Neb. Laws LB 1148, § 12, and 2020 Neb. Laws LB 1188, § 6, with an effective date of November 14, 2020, provides, in pertinent part:

A juvenile may be committed by a court to the Office of Juvenile Services for placement at a youth rehabilitation and treatment center operated and utilized in compliance with state law pursuant to a hearing described in subdivision (1)(b)(iii) of section 43-286. The office shall not change a juvenile's placement except as provided in this section. If a juvenile placed at a youth rehabilitation and treatment center is assessed as needing inpatient or subacute substance abuse or behavioral health residential treatment, the Office of Juvenile Services may arrange for such treatment to be provided at the Hastings Regional Center or may transition the juvenile to another inpatient or subacute residential treatment facility licensed as a treatment facility in the State of Nebraska and shall provide notice of the change in placement pursuant to subsection (3) of this section. . . .<sup>3</sup>

(Emphasis added.) As indicated in the emphasized language above, the Office of Juvenile Services ("OJS") *may* place a juvenile needing such treatment at the HRC *or* another inpatient or subacute residential treatment facility in the state. Section 43-407(2) gives the OJS the authority and discretion to place a juvenile where it deems appropriate. We do not read this provision as requiring that the treatment be provided at the HRC.

Our research indicates that Neb. Rev. Stat. 83-306, repealed by 2004 Neb. Laws LB 1083, § 149, previously required that "[t]he three state hospitals for the mentally ill described in section 83-305 shall provide care and treatment for all persons suffering from mental illnesses who are admitted to the state hospitals." Neb. Rev. Stat. § 83-306 (Reissue 2002). Section 83-306(4) further specified treatment of a particular illness at a specific regional center: "Persons addicted to the excessive use of alcohol shall . . . be committed to the Hastings Regional Center . . . ." *Id.* However,

even with a specific statutory requirement for the treatment of persons with a particular illness, this office previously concluded that the Department of Public Institutions, the agency responsible for operation of the HRC at that time, was not statutorily prohibited from terminating the Medical Detoxification program for individuals addicted to alcohol. Op. Att'y Gen. No. 49 (March 28, 1985). "Simply, no specific statute requires that a Medical Detoxification program must be maintained at the [HRC]. Whether the Medical Detoxification program at the [HRC] is terminated is a management decision which may be made by the Department of Public Institutions." *Id.* at 2.

"The intent of the Legislature may be found through its omission of words from a statute as well as its inclusion of words in a statute." *Stewart v. Nebraska Dep't of Revenue*, 294 Neb. 1010, 1019, 885 N.W.2d 723, 730 (2016). This prior statute illustrates that the Legislature knows how to employ language expressing its intent to require certain programs at specific facilities, and did not use such language in § 43-407(2) or any other statute. Since no specific statute creates the JCDP or requires the program to be maintained at the HRC, it is our opinion that DHHS' proposed plan to move the JCDP to Whitehall constitutes a management decision, for which no legislation is necessary.

The statutes cited in your opinion request letter do not change our conclusion in this regard. While Neb. Rev. Stat. § 83-101.06 (2014) requires DHHS to "administer the clinical programs and services" offered at the regional centers, this requirement is limited to those programs and services "as may be provided by the department." The statute does not require DHHS to provide any particular service or program at HRC. Nor does it restrict the use of the HRC to only clinical programs. And while Neb. Rev. Stat. § 83-305.04 requires that DHHS "utilize a rehabilitation model when appropriate for services provided at the regional centers under the jurisdiction of the department," there is nothing in your request letter or in the materials provided to us by DHHS to suggest this model will not be utilized when the JCDP is moved to Whitehall.

You have asked us whether § 83-305 must be amended before DHHS' proposed plan to move the JCDP to Whitehall may proceed. Based on the foregoing, we conclude that no such amendment is necessary. DHHS has broad control and discretion over the facilities under its jurisdiction, the programs and services offered at those facilities, and the admission, assignment and transfer of the patients and residents to those facilities. Section 43-407 indicates that the treatment at issue may be provided at HRC or another facility in the state as determined by the OJS. Section 71-810 suggests that the HRC JCDP may be discontinued so long as the behavioral health services provided at Whitehall are sufficient to replace the services provided at HRC.<sup>4</sup> In sum, we conclude that DHHS' plan to move the JCDP to Whitehall appears to be authorized under existing law.

- II. Similarly, does the Legislature need to amend section 83-305 before a YRTC can be established at the Hastings Regional Center or before the Hastings Regional Center can be used to house the female youth from the YRTC since the YRTC at the Hastings Regional Center will not be a state hospital or used as a mental health facility as required under § 83-305? Must the provision establishing a state hospital in Adams County at the Hastings Regional Center be stricken?

As we concluded in response to your first question, there is no need to amend § 83-305 to create the proposed YRTC at the HRC. Under Neb. Rev. Stat. § 43-404 (2016),<sup>5</sup> the OJS "shall have oversight and control of the youth rehabilitation and treatment centers." Neb. Rev. Stat. § 43-405 (2016)<sup>6</sup> authorizes the OJS to "[e]xercise all powers and perform all duties necessary to carry out its responsibilities under the Health and Human Services, Office of Juvenile Services Act." Under Neb. Rev. Stat. § 43-407, "[t]he [OJS] shall design and make available programs and treatment services through youth rehabilitation and treatment centers."<sup>7</sup> Certain language in LB 1140 appears to further sanction DHHS' ability to establish a YRTC at the HRC as proposed, subject to the conditions set out in the legislation:

The department shall not establish a new youth rehabilitation and treatment center or establish or move a youth rehabilitation and treatment center to a new or existing state or private facility until March 30, 2021, after the completion of the planning process required under this section. Youth committed to the [OJS] and residing at a youth rehabilitation and treatment center may be moved to an existing state or private facility on a temporary basis in the event of an emergency, pursuant to the emergency plans created under section 6 of this act, and in compliance with the requirements and restrictions in sections 7 and 8 of this act.

2020 Neb. Laws LB 1140, § 2, codified at Neb. Rev. Stat. § 43-427. In addition, we understand that there was no apparent need to enact enabling legislation prior to DHHS' establishing the "YRTC-Lincoln" at the Lancaster County Youth Services Center earlier this year.

You have also asked whether the Legislature should strike the provision establishing a state hospital in Adams County at the HRC. According to DHHS officials, the HRC has not operated as a state hospital for the mentally ill for a number of years. We also understand that the JCDP is the only program currently offered at the HRC. Accordingly, the Legislature may want to consider amending § 83-305 to reflect the HRC's actual use.

- III. Would the Legislature need to amend the law to redirect the appropriations designated in LB 330 (2017) for the construction of a building for the specific use of the Chemical Dependency Program so that the building may be used as a YRTC instead?



The specific appropriation referenced above states, in pertinent part:

The unexpended General Fund and Nebraska Capital Construction Fund appropriation balances existing on June 30, 2017, are hereby reappropriated.

[DHHS] is hereby authorized to repurpose reappropriated funds originally appropriated to this program for the renovation of Building 3 at the [HRC]. Such reappropriated funds shall be used to construct a facility at the [HRC] to house the chemical dependency program for males in state custody.

There is included in the reappropriated fund balances in this program an estimated \$2,897,000 to demolish buildings at the [HRC] determined by the Vacant Building and Excess Land Committee to be vacant as defined in section 72-811.

2017 Neb. Laws LB 330, § 8.<sup>8</sup>

This office has indicated on numerous occasions that appropriations bills must be restricted to appropriations only and cannot enact substantive law. Op. Att'y Gen. No. 91020 (March 25, 1991).<sup>9</sup> "[A]n appropriations bill is separate and distinct from other substantive legislation." Report of the Attorney General, 1979-1980, No. 289 at 416. Our position was based on constitutional provisions relating to appropriations bills, which require one subject and a new legislative act to amend or repeal existing law. Our prior opinions also pointed out the difficulty with including substantive provisions in appropriation bills: "One practical problem of putting such language in appropriation bills is the fact that such bills are in the nature of temporary laws. They are never placed with our permanent laws, but are only printed once, in the Session laws. Thus they do not come to the attention of persons having to deal with the government." Opinion of the Attorney General to Governor Exon (March 25, 1974), 1974 Legislative Journal at 1313. There is no provision in the permanent laws that discusses "a facility at the [HRC] to house the chemical dependency program for males in state custody." The only provision we could find relating to the JCDP is the reference to "inpatient or subacute substance abuse or behavioral health residential treatment" and the HRC in Neb. Rev. Stat. § 43-407.

The premise of your question appears to be that the language in LB 330 requires the JCDP to be housed at the new facility at the HRC. As explained above, appropriation bills do not create substantive provisions. And as indicated in our responses to questions I and II, DHHS already has the ability under current law to plan to use the HRC facility for a proposed YRTC. Consequently, the Legislature must decide as a matter of policy whether substantive legislation is necessary to restrict the use of the HRC facility.

- IV. Would it be necessary for the Legislature to reallocate funds from the Hastings Regional Center operations budget, Program 361, to the operations budget at Whitehall prior to the establishment of the Chemical Dependency Program at Whitehall?

According to the 2019 mainline budget bill, LB 294, § 104, the HRC is listed as a program classification (No. 361) within DHHS Program No. 365, "Mental Health Operations." According to DHHS officials, the administrative costs of operating the JCDP at HRC are currently paid from Program No. 365 and will continue to be paid from this program when JCDP is transitioned to Whitehall. Thus, it is not necessary for the Legislature to "reallocate" funds prior to the proposed move.

### CONCLUSION

Based on the foregoing, it is our opinion that no legislative amendments to Neb. Rev. Stat. § 83-305 are necessary in order for DHHS to implement its "YRTC & Youth Facilities Initial Transition Plan." While the proposed transfer of the JCDP to Whitehall may proceed as scheduled, DHHS is prohibited from establishing a new YRTC or establishing or moving a YRTC to a new or existing state or private facility until March 30, 2021, following the completion of the planning requirements set out in § 43-427. There is also no need to "redirect" the appropriation expended to construct the building originally intended for the JCDP, notwithstanding DHHS' decision to repurpose the building.

Finally, other funding or administrative considerations regarding the regional centers, the OJS, or the YRTCs, are matters of policy as opposed to legal questions, which the Youth Rehabilitation and Treatment Center Special Oversight Committee<sup>10</sup> or the Legislature as a whole is best equipped to address.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-2564-29

<sup>1</sup>DHHS officials inform us that the notice required under § 71-810 was provided to the Governor and the Clerk of the Legislature on September 15, 2020.

<sup>2</sup>Section 83-108 was amended during the 2020 legislative session to give DHHS oversight and general control over "any facility operated and utilized as a youth rehabilitation and treatment center in compliance with state law." 2020 Neb. Laws LB 1188, § 17 (effective date: November 14, 2020).

<sup>3</sup>We note that specific references to YRTC-Kearney and YRTC-Geneva in § 43-407 were struck by the 2020 legislation.

<sup>4</sup>Neb. Rev. Stat. § 71-810(2) (2018) provides, in pertinent part:

The division [of Behavioral Health] may reduce or discontinue regional center behavioral health services only if (a) appropriate community-based services or other regional center behavioral health services are available for every person receiving the regional center services that would be reduced or discontinued, [and] (b) such services possess sufficient capacity and capability to effectively replace the service needs which otherwise would have been provided at such regional center . . . .

<sup>5</sup>Amended by 2020 Neb. Laws LB 1188, § 3 (effective date: November 14, 2020).

<sup>6</sup>Amended by 2020 Neb. Laws LB 1188, § 4 (effective date: November 14, 2020).

<sup>7</sup>As noted above, the Legislature eliminated references to "Youth Rehabilitation and Treatment Center-Kearney" and "Youth Rehabilitation and Treatment Center-Geneva" in § 43-407 in the 2020 legislation. Cf. Neb. Rev. Stat. § 83-107.01, amended by 2020 Neb Laws LB 1188, § 16 (effective date: November 14, 2020), which lists the state institutions under DHHS' supervision, including the YRTCs at Kearney and Geneva, and sets out the gender separation requirements of the YRTCs "so long as the department operates" such facility.

<sup>8</sup>As indicated, the 2017 appropriation was a reappropriation of funds originally appropriated to Program No. 919 for the renovation of Building 3 at the HRC. The legislative history of the project indicates that DHHS' original capital construction project request was made for the 2013-2015 biennium budget cycle with a FY2014 request for \$6,876,890 for "[t]he renovation of Building #3 at the [HRC] to house a Chemical Dependency Treatment Program for 24 adolescent males." 2013-2015 Capital Construction and Building Renewal Budget Request, October 4, 2012, at 4. The original appropriation was made via LB 198, § 11 (2013), which stated, "[DHHS] is hereby authorized to renovate Building No. 3 at the [HRC] to house the chemical dependency program serving adolescent males in state custody." In 2015, the Legislature appropriated \$4,883,000 for FY2015-16, for the same purpose of renovating Building No. 3 to house the chemical dependency program. See LB 660, § 9 (2015). Most recently, the Legislature appropriated the undisbursed balances in Program No. 919 existing on June 30, 2019 and June 30, 2020. See LB 297, § 47 (2019). LB 297 contained no specific authorization language regarding these funds found in prior capital construction legislation in each of the three prior biennium budget cycles. DHHS' 2019-2021 request simply seeks a reappropriation for "Program 919 Hastings Regional Center (HRC) Building No. 3 Renovation." 2019-2021 Capital Construction and Building Renewal Budget Request, September 14, 2018, at 4.

<sup>9</sup>See also Op. Att’y Gen. No. 35 (August 14, 2000); Op. Att’y Gen. No. 92054 (April 1, 1992); Opinion of the Attorney General No. 24, February 17, 1981; Report of the Attorney General, 1977–1978, No. 75 at 112 and No. 241 at 368; and Report of the Attorney General, 1975–1976, No. 201 at 281 and No. 214 at 296.

<sup>10</sup>See 2020 Neb. Laws LB 1144, § 4 (effective date: November 14, 2020).

**2020 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
337	Interim study to reexamine which Nebraska-grown food products can feasibly be used for school meals and snacks	X		
378	Interim study to examine the Livestock Brand Act and the role and mission of the Nebraska Brand Committee	X		
380	Interim study to examine the feasibility of creating a state meat inspection program		X	
435	Interim study to examine and document the economic impacts of the COVID-19 pandemic emergency on the agricultural sector of Nebraska			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
389	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		X	
390	Interim study to assess the fiscal and economic impact of the COVID-19 pandemic on Nebraska’s early childhood		X	

	workforce and the early childhood care and education system			
392	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		X	
394	Interim study to examine the TestNebraska program		X	
407	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund		X	

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
354	Interim study to examine whether the Real Property Appraiser Act should be updated		X	
430	Interim study to examine issues related to property and casualty insurance			X
355	Interim study to review the credentialing requirements in the Real Property Appraiser Act in furtherance of the purposes of the Occupational Board Reform Act		X	

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
356	Interim study to examine issues within the jurisdiction of the Business and Labor Committee		X	
357	Interim study to review occupational regulations for locksmiths	X		
358	Interim study to review the Nebraska Workers' Compensation		X	

	Act			
359	Interim study to review the Employment Security law and the effects of the COVID-19 pandemic on the efficacy of the law		X	
381	Interim study to review the collective-bargaining agreements of law enforcement agencies and the statutory requirements for such agreements		X	
391	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		X	
441	Interim study to examine issues related to paid family and medical leave		X	
459	Interim study to review the effects of COVID-19 on the safety of workers in Nebraska		X	

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
362	Interim study to conduct an in-depth review of the financing of special education in public primary and secondary schools			X
363	Interim study to conduct an in-depth review of the financing of the public elementary and secondary schools			X
399	Interim study 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 levels			X
400	Interim study to examine issues within the jurisdiction of the Education Committee			X

401	Interim study to examine the enrollment option program		X	
402	Interim study to examine the impact of COVID-19 on the education of Nebraska's children		X	
425	Interim study to examine the administrative costs of local systems and school districts			X
452	Interim study to examine career and technical education programs and opportunities			X

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
361	Interim study to examine matters related to the upcoming redistricting process in Nebraska			X
395	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			X
423	Interim study to conduct a comprehensive review of the pay plan and salary grade ranges for legislative employees			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
347	Interim study to examine the use of heat-applied tax stamps on individual cigarette packages			X
432	Interim study to examine issues within the jurisdiction of the General Affairs Committee			X
433	Interim study to examine the State Racing Commission and review occupational licenses and regulations for jockeys and horse trainers	X		
450	Interim study to examine the Executive Order issued by the			X

	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			
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Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
455	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		X	
345	Interim study to examine efforts to protect Nebraska's archaeological and paleontological resources		X	
367	Interim study to examine set fee and fine amounts and the costs experienced by county governments when administering the associated services		X	
397	Interim study to examine the implementation and impact of eliminating felony disenfranchisement in Nebraska		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
348	Interim study to examine service animal fraud and emotional support animal fraud		X	
350	Interim study to examine the role of telehealth services during the COVID-19 pandemic of 2020		X	
368	Interim study to analyze underinvestment in primary care in the State of Nebraska			X
382	Interim study to examine the oversight of non-court involved child welfare cases			X



387	Interim study to examine the processes, by which children 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			X
404	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		X	
406	Interim study to examine issues within the jurisdiction of the Health and Human Services Committee		X	
408	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			X
409	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			X
410	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		X	
411	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			X
412	Interim study to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources			X

414	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee related to long-term care facilities, assisted living facilities, and nursing facilities			X
420	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			X
422	Interim study to examine the modifications made to child welfare policies and practices during the COVID-19 pandemic of 2020		X	
424	Interim study to conduct a comprehensive review of maternal and child mortality		X	
428	Interim study to examine issues surrounding staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers			X
445	Interim study to update data and review the potential impact on the state behavioral health system by expanding access to prescribing psychologists		X	
454	Interim study to evaluate Nebraska law permitting a faculty or academic license for dentistry			X
456	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			X

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
457	Interim study to examine the Nebraska parole and pardons processes		X	
377	Interim study to complete a comprehensive review on the reform of policing in Nebraska		X	
417	Interim study to examine law enforcement jurisdictions in the state and the existing policies on the use of force by law enforcement officers		X	
384	Interim study to examine issues related to Nebraska's correctional system		X	
421	Interim study to examine the racial and ethnic disproportionality that exists in Nebraska's foster care system, including specifically, for youth committed to the youth rehabilitation and treatment centers			X
427	Interim study to examine the issue of reentry housing utilized by people exiting the Nebr. Dept. of Correctional Services and requiring post-release supervision		X	
393	Interim study to review juvenile justice involvement for youth who commit certain status offenses			X
449	Interim study to conduct a comprehensive review of systemic and institutional racism in Nebraska			X
386	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			X

	code			
379	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			X
383	Interim study to examine issues within the jurisdiction of the Judiciary Committee		X	
405	Interim study to examine the feasibility of developing the Nebraska Juvenile Justice Information System			X
418	Interim study to examine the categorization of criminal offenses			X
419	Interim study to examine the various age requirements in the Nebraska statutes related to minors and the age of majority			X
453	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			X
416	Interim study to examine the terms used to refer to law enforcement officers in Nebraska statutes			X
385	Interim study to investigate the advertisement and use of unproven stem cell injections as a therapy for health disorders			X
388	Interim study 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			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
333	Interim study to examine the		X	

	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			
340	Interim study to examine the extent of surface water irrigation in Nebraska and the condition of the surface water irrigation projects		X	
373	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		X	
446	Interim study 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 regarding Lake McConaughy and Lake Ogallala state recreation areas		X	

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
314	Interim study to review the most recent experience study required for all retirement systems administered by the Public Employees Retirement Board	X		
315	Interim study 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	X		
316	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	X		

317	Interim study to carry out section 13-2402 which requires the Nebraska Retirement Systems Committee to monitor defined benefit plans administered by political subdivisions	X		
318	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	X		
398	Interim study to examine retirement benefits for law enforcement employees in all counties except counties containing a city of the metropolitan class			X

## Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
477	Interim study to examine the definition and interpretation of cigarette by the Dept. of Revenue for purposes of taxation and the Master Settlement Agreement	X		
415	Interim study to examine the state inheritance tax, its current structure, and recommendations on whether it should be amended, replaced, or repealed	X		
364	Interim study to conduct an in-depth review of the use of plastic shopping bags and single-use checkout bags			X

## Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
437	Interim study to review the current model of collecting revenue to build and repair roads			X
438	Interim study to continue to monitor the activities of the Rural			X

	Broadband Task Force that was created by Laws 2018, LB994			
429	Interim study to examine issues related to mapping broadband coverage throughout Nebraska			X
439	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee			X
365	Interim study to conduct an in-depth review of the use of highway cable barriers on Nebraska's highways			X
396	Interim study to examine whether Nebraska should enact peer-to-peer vehicle sharing program legislation			X
440	Interim study to examine existing laws, rules, and regulations related to excavation, in particular regarding underground facilities			X

## Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
352	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			X
369	Interim study to review the occupational regulations for fire alarm inspectors	X		
370	Interim study to examine the statutes governing all classes of municipalities in Chapter 18 of the Nebraska Revised Statutes		X	
371	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee			X
372	Interim study to examine the impact of sanitary and improvement districts on residential neighborhood development in Nebraska			X

374	Interim study to examine issues related to the historical practice known as redlining within Nebraska municipalities		X	
434	Interim study to analyze housing throughout Nebraska			X
436	Interim study to determine whether elementary and secondary students in Nebraska have adequate access to clean drinking water throughout the school day			X

#### MOTION - Adopt Temporary Rules

Senator Hilgers moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day.

The motion prevailed.

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Hughes, 44, Chairperson.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend section 77-3001, Reissue Revised Statutes of Nebraska, as amended by section 12, Initiative Law 2020, No. 430; to correlate provisions with Laws 2019, LB538, section 2; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 2.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to property taxes; 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 3.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to schools; to amend section 13-506, Revised Statutes Cumulative Supplement, 2020; to change notice provisions for budget hearings; to require public access to data as prescribed; to provide duties; and to repeal the original section.



**LEGISLATIVE BILL 4.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to servicemembers and veterans; to amend sections 80-901, 80-902, and 80-903, Reissue Revised Statutes of Nebraska; to change provisions and qualification requirements relating to tuition credits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 5.** Introduced by Blood, 3; Walz, 15.

A BILL FOR AN ACT relating to schools; to adopt the Purple Star Schools Act.

**LEGISLATIVE BILL 6.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the taxation of military retirement benefits; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 7.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801 and 28-801.01, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-416, and 28-441, Revised Statutes Cumulative Supplement, 2020; to provide immunity from arrest and prosecution for certain controlled substances and prostitution violations by witnesses and victims of violent crimes and persons cooperating with law enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 8.** Introduced by Blood, 3.

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, 2020; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communications; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 9.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to real property; to amend sections 16-118 and 77-1344, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to annexation of land and the special valuation of agricultural or horticultural land within cities and villages; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 10.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.23 and 77-202.24, Reissue Revised Statutes of Nebraska, and section 60-3,185, Revised Statutes Cumulative Supplement, 2020; to change a motor vehicle tax exemption and a property tax exemption relating to certain disabled veterans; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 11.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-312.02, 32-808, 32-941, and 32-943, Reissue Revised Statutes of Nebraska, and sections 32-312 and 32-330, Revised Statutes Cumulative Supplement, 2020; to change requirements to register to vote, availability of voter registration information, and provisions regarding ballots for early voting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 12.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to transportation; to require the Department of Transportation to conduct a commuter rail service study and report.

**LEGISLATIVE BILL 13.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Revised Statutes Cumulative Supplement, 2020; to prohibit possession of a deadly weapon by a person in this state subject to a valid foreign protection order relating to domestic or family abuse; and to repeal the original section.

**LEGISLATIVE BILL 14.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to audiology and speech-language pathology; to amend sections 38-513, 38-515, and 38-520, Reissue Revised Statutes of Nebraska, and sections 38-518 and 38-1509, Revised Statutes Cumulative Supplement, 2020; to adopt the Audiology and Speech-Language Pathology Interstate Compact; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 15.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to occupational therapy; to amend section 38-2516, Reissue Revised Statutes of Nebraska; to adopt the Occupational Therapy Practice Interstate Compact; to authorize practice as an occupational therapist or occupational therapy assistant as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Reissue Revised Statutes of Nebraska; to provide for state contributions to the Nebraska Retirement Fund for Judges as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 17.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 24-703 and 79-966.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710, 79-966, and 81-2017, Revised Statutes Cumulative Supplement, 2020; to change actuarial valuation provisions and amortization periods in retirement systems under the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 18.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the ImagiNE Nebraska Act; to amend sections 77-6810 and 77-6818, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to equivalent employees and qualified locations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 19.** Introduced 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, 2020; 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 20.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-901, Revised Statutes Cumulative Supplement, 2020; to provide requirements for insurance coverage of prescribed contraceptives and obtaining prescribed contraceptives under the medical assistance program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 21.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-322, 44-3,127, 44-32,119, and 44-5814, Reissue Revised Statutes of Nebraska, and sections 44-3902 and 44-3903, Revised Statutes Cumulative Supplement, 2020; to provide for distribution of administrative penalties in accordance with Article VII, section 5, of the Constitution of Nebraska; to change requirements for transmittal and review of applications related to health maintenance organizations; to redefine a term; to change continuing education exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 22.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Protection in Annuity Transactions Act; to amend sections 44-8102, 44-8103, 44-8105, 44-8106, 44-8107, 44-8108, and 44-8109, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the purpose of the act; to limit liability; to change applicability of the act; to authorize rules and regulations; to define and redefine terms; to change producer and insurer obligations, supervision, prohibited practices, and record keeping; to provide for safe harbor requirements; to change the powers of the Director of Insurance; to change penalties and training requirements; to provide for applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 23.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.30, 76-2218.02, 76-2221, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to change certain applicability, qualification, and disciplinary provisions under the Real Property Appraiser Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Kolterman, 24; Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Judges Retirement System; to amend sections 24-703, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, and 33-126.06, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Cumulative Supplement, 2020; to change the Nebraska Retirement Fund for Judges fee and remittance procedures; to change distribution of certain court fees relating to the Nebraska Retirement Fund for Judges; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 25.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Community Development Law; to

amend sections 18-2101.02 and 18-2147, Revised Statutes Cumulative Supplement, 2020; to change the period for dividing ad valorem taxes for certain redevelopment plans that include extremely blighted areas; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 26.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.41, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, and 77-2711, Revised Statutes Cumulative Supplement, 2020; to provide a sales and use tax exemption for residential water service; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced 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 28.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2101 and 29-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for a new trial; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 29.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221 and 62-301, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to holidays; and to repeal the original sections.

**LEGISLATIVE BILL 30.** 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 31.** Introduced by Wayne, 13.

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 32.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-204, 28-320.01, 28-320.02, 28-1205, 28-1212.02, 28-1212.04,

28-1463.04, and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-115, 28-201, 28-202, 28-416, 28-813.01, 28-929, 28-1206, 28-1463.05, 29-1816, and 83-1,122.01, Revised Statutes Cumulative Supplement, 2020; to provide for new felony classifications; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 33.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to sentencing; and to repeal the original section.

**LEGISLATIVE BILL 34.** Introduced by Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105.02 and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-105.01, and 29-2204, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to sentences for certain offenses committed by persons under twenty-one years of age; to require consideration of certain factors at sentencing; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 35.** Introduced by Pansing Brooks, 28; Brewer, 43.

A BILL FOR AN ACT relating to state history; to amend section 82-803, Revised Statutes Cumulative Supplement, 2020; to change a membership provision of the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee; and to repeal the original section.

**LEGISLATIVE BILL 36.** Introduced by Erdman, 47; Brewer, 43; Clements, 2; Halloran, 33; McDonnell, 5.

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 37.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1253, 81-538, and 81-551, Reissue Revised Statutes of Nebraska, and sections 81-503.01, 81-505.01, and 81-5,167, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain rules and regulations and fees; to eliminate provisions relating to standpipe requirements for hotels and apartments and certain definitions; to change qualifications of the state boiler inspector; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-534, 81-5,136, and 81-5,137, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 38.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1113, 77-2505, and 77-2909, Reissue Revised Statutes of Nebraska; to change provisions related to certain tax credits and retaliatory taxes as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 39.** Introduced by Lindstrom, 18; McDonnell, 5; 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, 2020; 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 40.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Rural Projects Act.

**LEGISLATIVE BILL 41.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to counties under township organization; to amend section 23-259, Reissue Revised Statutes of Nebraska, and section 23-1601, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain payments of funds to townships; and to repeal the original sections.

**LEGISLATIVE BILL 42.** 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 43.** 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, and sections 11-105, 11-115, 23-405, 23-2518, 32-101, and 32-208, Revised Statutes Cumulative Supplement, 2020; 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 44.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to cities; to amend section 19-5505, Revised Statutes Cumulative Supplement, 2020; to change requirements for adoption of an affordable housing action plan; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 45.** Introduced 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 46.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1442 and 76-1446, Reissue Revised Statutes of Nebraska; to eliminate an alternative service provision; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-1442.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 47.** 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, 2020; to require notice of obligee remedies in child support orders; to make obligees parties to certain child support enforcement proceedings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 48.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to marriage; to amend sections 42-102, 42-373, and 42-375, Reissue Revised Statutes of Nebraska; to eliminate a disqualification for marriage and change provisions relating to annulments; and to repeal the original sections.

**LEGISLATIVE BILL 49.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1418, Revised Statutes Cumulative Supplement, 2020; to change the penalty for use of tobacco or a nicotine product by a person under the age of



twenty-one; and to repeal the original section.

**LEGISLATIVE BILL 50.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend sections 81-1902, 81-1903, 81-1910, 81-1914, 81-1915, 81-1916, 81-1917, 81-1918, 81-1919, 81-1923, 81-1924, 81-1925, 81-1928, 81-1930, 81-1934, 81-1935, and 81-1936, Reissue Revised Statutes of Nebraska; to change provisions relating to voice analysis examiners and voice stress analyzers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 51.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to law enforcement; to amend sections 48-147, 48-2709, 81-1403, 81-1407, 81-1412.02, and 81-1414, Reissue Revised Statutes of Nebraska, and sections 23-1701.01, 29-2264, 48-115, 48-126.01, 48-145, 81-1401, 81-1414.07, 81-1456, and 81-1457, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions relating to annual and initial training for law enforcement officers; to change membership of the Nebraska Police Standards Advisory Council; to provide for certification of persons certified as law enforcement officers in other states; to change provisions relating to law enforcement officer certification; to provide for policies and requirements for investigating law enforcement officer misconduct; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to prohibit chokeholds as prescribed; to require policies on excessive force and a duty to intervene; to require accreditation of law enforcement agencies; to create a fund; to eliminate provisions regarding law enforcement reserve forces; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1438, 81-1439, 81-1440, 81-1441, 81-1442, 81-1443, 81-1444, 81-1445, and 81-1446, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 52.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil actions; to provide for immunity for injury or death resulting from COVID-19 exposure; and to define terms.

**LEGISLATIVE BILL 53.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2855, Reissue Revised Statutes of Nebraska; to provide for immunity for health care providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 54.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to claims for certain intentional torts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 55.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2020; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 56.** 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, and section 83-1,102, Revised Statutes Cumulative Supplement, 2020; 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.

**LEGISLATIVE BILL 57.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide a hearsay exception for present sense impressions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 58.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-520.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of notice by publication in cases involving liens arising from city or village special assessments; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Tourism Commission; to amend sections 81-3728, 81-3729, and 81-3730, Revised Statutes Cumulative Supplement, 2020; to provide powers and duties regarding tourism promotional products; to provide and change provisions regarding revenue received by the commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 60.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections

85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to tax levies as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 61.** Introduced by Kolterman, 24.

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 62.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to education funding; to amend sections 9-812, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the Nebraska Education Improvement Fund, the Nebraska Opportunity Grant Fund, the Community College Gap Assistance Program Fund, and the Coordinating Commission for Postsecondary Education; to create a fund; to provide a duty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 63.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-202.01 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain deadlines relating to certain property tax exemptions; and to repeal the original sections.

**LEGISLATIVE BILL 64.** Introduced by Lindstrom, 18; Linehan, 39.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the taxation of social security benefits; and to repeal the original section.

**LEGISLATIVE BILL 65.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,103.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to a prohibited interest in a contract by an officer; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2391, 77-2393, 77-23,105, and 77-23,106, Reissue Revised Statutes of Nebraska, and sections 77-2394, 77-2395, 77-2397, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to deposits, bonds, custodial officials, and pooled collateral; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 67.** Introduced by Day, 49.

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 relating to school-based health centers; and to repeal the original section.

**LEGISLATIVE BILL 68.** Introduced by Day, 49.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to when a provider may be reimbursed for services provided to an absent child; and to repeal the original section.

**LEGISLATIVE BILL 69.** Introduced by Day, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2020; to adopt the Student Loan Repayment Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 70.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2020; to authorize the regulation of professional kickboxing and professional bare-knuckle boxing; and to repeal the original sections.

**LEGISLATIVE BILL 71.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-901 and 81-8,235, Reissue Revised Statutes of Nebraska, and sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to claims for certain intentional torts; to provide for applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 72.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.04 and 53-124, Revised Statutes Cumulative Supplement, 2020; to provide for the sale of alcoholic liquor not in the original package as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** Introduced by Geist, 25; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend section 4, Initiative Law 2020, No. 431; to change provisions relating to the distribution of funds collected under the Nebraska Racetrack Gaming Act; and to repeal the original section.

**LEGISLATIVE BILL 74.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend sections 50-1209, 77-5905, and 81-12,163, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to performance audits; to change a tax incentive termination date and tax credit limit as prescribed; to state intent regarding use of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 75.** Introduced by Gragert, 40.

A BILL FOR AN ACT relating to county government; to amend sections 23-299 and 51-201, Reissue Revised Statutes of Nebraska; to change provisions relating to the discontinuance of township organization in any county with a township library; to change provisions relating to the levying and collection of tax for certain libraries; and to repeal the original sections.

**LEGISLATIVE BILL 76.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change apportionment of Nebraska's electoral college votes; and to repeal the original sections.

**LEGISLATIVE BILL 77.** Introduced by Gragert, 40.

A BILL FOR AN ACT relating to the Property and Casualty Insurance Rate and Form Act; to amend sections 44-7508, 44-7509, and 44-7510, Reissue Revised Statutes of Nebraska; to prohibit risk classifications and rate adjustments that are based solely on the fact that an insured is deployed in the military for a period of six months or greater; and to repeal the original sections.

**LEGISLATIVE BILL 78.** Introduced by Gragert, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, and 80-414, Revised Statutes Cumulative Supplement, 2020; to require applicants for certain license plates to register with the Department of Veterans' Affairs as prescribed; to change provisions relating to a registry of the Department of Veterans' Affairs; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 79.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to property taxes; to amend section 77-4212, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the minimum amount of relief granted under the Property Tax Credit Act; and to repeal the original section.

**LEGISLATIVE BILL 80.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.01, Revised Statutes Cumulative Supplement, 2020; to decrease annual shipping license fees for manufacture direct sales and retail direct sales; and to repeal the original section.

**LEGISLATIVE BILL 81.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-728, 31-729, 31-739, 31-740, 31-744, and 31-749, Reissue Revised Statutes of Nebraska; to provide powers related to public parking facilities as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 82.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,187, Revised Statutes Cumulative Supplement, 2020; to change the motor vehicle tax schedule fractions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 83.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to virtual conferencing; to amend sections 24-1204, 38-170, 39-1108, 58-230, 79-1218, 84-1409, and 84-1412, Reissue Revised Statutes of Nebraska, and sections 2-4108, 58-817, 79-2204, 82-803, 84-1411, and 84-1413, Revised Statutes Cumulative Supplement, 2020; to provide for virtual conferencing; to change provisions of the Open Meetings Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 84.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to taxation; to amend sections 50-1209 and 77-6818, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to tax incentive performance audits; to redefine a term under the Imagine Nebraska Act; and to repeal the original sections.

**LEGISLATIVE BILL 85.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2436, Reissue Revised Statutes of Nebraska; to provide for notice of expiration of a permit by the Nebraska State Patrol; to eliminate an obsolete provision; and to repeal the original section.

**LEGISLATIVE BILL 86.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-101 and 71-2454, Revised Statutes Cumulative Supplement, 2020; to require certain credential holders to register for the prescription drug monitoring system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 87.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1054, Revised Statutes Cumulative Supplement, 2020; 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 88.** Introduced 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; and to provide exceptions.

**LEGISLATIVE BILL 89.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to minors; to amend section 43-2101, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the age of majority; and to repeal the original section.

**LEGISLATIVE BILL 90.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2634 and 81-2,162.06, Revised Statutes Cumulative Supplement, 2020; to change the amount of a pesticide registration fee credit under the Pesticide Act; to change provisions relating to fixing the rate of an inspection fee under the

Nebraska Commercial Fertilizer and Soil Conditioner Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 91.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend sections 81-2,147.02, 81-2,147.03, and 81-2,147.06, Reissue Revised Statutes of Nebraska, and section 81-2,147.01, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions for seed relating to labeling, germination testing, and tetrazolium (TZ) testing; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 92.** Introduced by Clements, 2; Geist, 25; Hansen, B., 16; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-607, Reissue Revised Statutes of Nebraska, and section 85-502, Revised Statutes Cumulative Supplement, 2020; to change residency and admission provisions with regard to students who are educated in a school that elects not to meet accreditation or approval requirements; and to repeal the original sections.

**LEGISLATIVE BILL 93.** Introduced by Government, Military and Veterans Affairs Committee: Brewer, 43, Chairperson; Halloran, 33; Hunt, 8; Lowe, 37; Pahls, 31.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-614, Reissue Revised Statutes of Nebraska; to eliminate a reporting requirement regarding marriages; and to repeal the original section.

**LEGISLATIVE BILL 94.** Introduced by Government, Military and Veterans Affairs Committee: Brewer, 43, Chairperson; Halloran, 33; Hunt, 8; Lowe, 37; Pahls, 31.

A BILL FOR AN ACT relating to the Online Notary Public Act; to amend section 64-401, Revised Statutes Cumulative Supplement, 2020; to prohibit invalidation of certain online notarial acts performed pursuant to Executive Order No. 20-13; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 95.** Introduced by DeBoer, 10.

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 96.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-745, Reissue Revised Statutes of Nebraska; to change



hearing and notice requirements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 97.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-101, 43-104, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, 43-107, 43-108, 43-111, 43-111.01, 43-112, 43-115, and 43-146.01, Reissue Revised Statutes of Nebraska, and sections 43-102 and 43-1411, Revised Statutes Cumulative Supplement, 2020; to provide for adoption by two persons jointly; to define a term; to change provisions relating to consent to adoption, home studies, and terminology; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 98.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-1344 and 77-1347, Revised Statutes Cumulative Supplement, 2020; 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 99.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to limitations on blighted areas; and to repeal the original section.

**LEGISLATIVE BILL 100.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2020; to provide for limits on provider contracts pertaining to the utilization of certain billing practices; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 101.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-994, Revised Statutes Cumulative Supplement, 2020; to change the limitation on addition of long-term care services and supports to the medicaid managed care program; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 102.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to courts; to amend sections 22-417, 23-120, 23-121, 24-337.04, 24-507, 32-524, 33-106.02, and 43-512.05, Reissue Revised Statutes of Nebraska; to authorize county boards to eliminate the

office of elected clerk of the district court as prescribed; to change provisions relating to consolidation of county offices, duties of counties to supply materials, and residency requirements for elected clerks of the district courts; to provide for transitioning the duties of clerk of the district court in certain counties to clerk magistrates; to change certain county employees to state employees; to change provisions relating to elections for clerks of the district court; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid certain counties to pay federal judgments as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 104.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska; to provide for aggregation of pecuniary losses for criminal mischief violations; and to repeal the original section.

**LEGISLATIVE BILL 105.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to county clerks; to amend section 23-1302, Reissue Revised Statutes of Nebraska; to change dates for certification of unpaid claims of the county; and to repeal the original section.

**LEGISLATIVE BILL 106.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Revised Statutes Cumulative Supplement, 2020; to authorize the building, implementation, and maintenance of a new operator's license services system for issuing operators' licenses and state identification cards; to change a certified abstract fee and distribution of fee revenue; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 107.** Introduced by McCollister, 20; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act; and to declare an emergency.

**LEGISLATIVE BILL 108.** Introduced by McCollister, 20; Blood, 3; Cavanaugh, M., 6; Hunt, 8; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13; 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 109.** Introduced by Pansing Brooks, 28; Hunt, 8; Vargas, 7; Wayne, 13.

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 110.** Introduced by Pansing Brooks, 28; Hunt, 8; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to the use of force; to amend sections 28-1406, 28-1409, 28-1412, and 28-1414, Reissue Revised Statutes of Nebraska; to require a peace officer to intervene in cases of excessive force; to require reports; to prohibit retaliation; to define and redefine terms; to change provisions relating to affirmative defenses for the use of force in law enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 111.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-519, 28-524, and 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-115, 28-929, 28-929.01, 28-929.02, 28-930, 28-931, 28-934, 28-1351, 28-1354, and 29-901, Revised Statutes Cumulative Supplement, 2020; to change and eliminate provisions and penalties relating to offenses involving assault on an officer, emergency responder, certain employees, or a health care professional; to define and redefine terms; to change provisions and penalties relating to criminal mischief and unauthorized application of graffiti; to require restitution as prescribed; to prohibit certain acts involving laser pointers and other devices, rioting, inciting a riot, disrupting public meetings, and obstructing a public way; to change provisions relating to bail; to provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 112.** 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 113.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to transportation; to amend sections 60-4,183 and 60-4,188, Reissue Revised Statutes of Nebraska, and sections

37-1285.01, 60-164.01, 60-301, 60-3,104.01, 60-3,120, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,135.01, 60-3,198, 60-3,202, 60-3,224, 60-3,227, 60-3,231, 60-3,235, 60-3,238, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, 60-3,254, 60-4,114, 60-4,115, 60-4,126, 60-4,146.01, 60-4,157, and 75-3,100, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to electronic certificates of title, postage and handling fees for specialty license plates, examination of operator's license applicants, seasonal permits, driver's education and training courses, and the unified carrier registration plan and agreement; to authorize the building, implementation, and maintenance of a new motor carrier services system for issuing vehicle registrations and assessment of fuel tax; to change apportionable vehicle fees and distribution of fee revenue; to create a fund; to eliminate temporary farm permits; to change provisions relating to driving skills examinations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 114.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to adopt the Clean Slate Act.

**LEGISLATIVE BILL 115.** 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 Cumulative Supplement, 2020; to impose sales and use taxes on candy and soft drinks; to distribute sales tax proceeds to the Nebraska Health Care Cash Fund as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 116.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2404, 69-2405, 69-2406, 69-2426, and 69-2432, Reissue Revised Statutes of Nebraska; to change provisions relating to handgun transfer certificates; to change a fee; to provide for dissemination of information regarding firearm safety and suicide prevention and require suicide prevention training; to change provisions relating to appeals; to provide penalties; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 117.** Introduced by Cavanaugh, M., 6.

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 118.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 28-311.11, 42-924, and 42-924.02, Revised Statutes Cumulative Supplement, 2020; to change the duration of harassment, sexual assault, and domestic abuse protection orders from one year to five years; to change requirements for affidavits; and to repeal the original sections.

**LEGISLATIVE BILL 119.** Introduced by Cavanaugh, M., 6; Blood, 3.

A BILL FOR AN ACT relating to the Healthy Pregnancies for Incarcerated Women Act; to amend sections 47-1001 and 47-1003, Revised Statutes Cumulative Supplement, 2020; 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 120.** Introduced by Hunt, 8; Blood, 3; Pansing Brooks, 28.

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, 2020; 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 121.** Introduced by Hunt, 8; McCollister, 20; McKinney, 11; Pansing Brooks, 28.

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 122.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the minimum wage; and to repeal the original section.

**LEGISLATIVE BILL 123.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-410, Reissue Revised Statutes of Nebraska; to change provisions regarding certain meetings; and to repeal the original section.

**LEGISLATIVE BILL 124.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-918, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to reports; and to repeal the original section.

**LEGISLATIVE BILL 125.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-801, 32-812, 32-813, 32-817, 32-1003, 32-1004, 32-1005, 32-1006, 32-1119, and 32-1122, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-816, 32-901, and 32-1008, Revised Statutes Cumulative Supplement, 2020; to define terms; to provide for ranked-choice voting for certain offices; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 126.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,222, Reissue Revised Statutes of Nebraska, and section 60-6,219, Revised Statutes Cumulative Supplement, 2020; to require lighted headlights and taillights when windshield wipers are in continuous operation; to change a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 127.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-284.02, Reissue Revised Statutes of Nebraska; to change provisions relating to payments to guardians of former wards; and to repeal the original section.

**LEGISLATIVE BILL 128.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to civil actions; to adopt the Residential Tenant Clean Slate Act; and to provide an operative date.

**LEGISLATIVE BILL 129.** Introduced by McCollister, 20.

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 Cumulative Supplement, 2020; to provide for eligibility for certain children; to provide duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 130.** Introduced by McCollister, 20.

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 131.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-137, 15-404, 16-404, and 17-614, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the enactment of ordinances as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 132.** Introduced by DeBoer, 10; Brandt, 32; Dorn, 30; Hilkemann, 4; McCollister, 20; McKinney, 11; Stinner, 48; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to school finance; to create the School Financing Review Commission; to provide powers and duties; and to declare an emergency.

**LEGISLATIVE BILL 133.** Introduced by Erdman, 47; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Halloran, 33; Lowe, 37; McDonnell, 5; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-501, 13-2813, 77-201, 77-2004, 77-2005, 77-2006, 77-27,148, 77-3507, and 85-2231, Reissue Revised Statutes of Nebraska, and sections 13-319, 18-2147, 77-2701, 77-3506, 77-3508, 77-6406, 77-6827, 79-1001, and 84-612, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska EPIC Consumption Tax Act; to terminate the Nebraska Budget Act, tax-increment financing, the property tax, the inheritance tax, sales and use taxes, the income tax, the homestead exemption, the Tax Equity and Educational Opportunities Support Act, and the Community College Aid Act as prescribed; to change an application deadline under the ImagiNE Nebraska Act; to transfer funds from the Cash Reserve Fund; and to repeal the original sections.

**LEGISLATIVE BILL 134.** Introduced by Brandt, 32; Blood, 3; Day, 49; DeBoer, 10; Dorn, 30; Friesen, 34; Gragert, 40; Halloran, 33; Hunt, 8; McCollister, 20; Murman, 38; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to tax incentive programs; to amend sections 77-27,187.02 and 77-5723, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-27,119, 77-6828, 84-602.01, 84-602.03, and 84-602.04, Revised Statutes Cumulative Supplement, 2020; 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 135.** Introduced by Wishart, 27; DeBoer, 10.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to reimbursements; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 136.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-265, Reissue Revised Statutes of Nebraska; to change procedures regarding short-term suspensions; and to repeal the original section.

**LEGISLATIVE BILL 137.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Step Up to Quality Child Care Act; to amend section 71-1962, Revised Statutes Cumulative Supplement, 2020; to change reporting requirements for the Nebraska Early Childhood Professional Record System; and to repeal the original section.

**LEGISLATIVE BILL 138.** Introduced by Vargas, 7.

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.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 1.** Introduced by Blood, 3; Aguilar, 35; Albrecht, 17; Arch, 14; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, the Department of Defense recently reestablished the United States Space Command as the eleventh unified combatant command of the Armed Forces; and



WHEREAS, the United States Air Force requested that state and community leaders nominate military locations to host the United States Space Command headquarters; and

WHEREAS, the city of Bellevue, Nebraska, on behalf of community, state, and regional leaders and officials and in conjunction with support from local military leaders, nominated Offutt Air Force Base to be the location for the United States Space Command headquarters; and

WHEREAS, Nebraska Governor Pete Ricketts endorsed the application recommending Offutt Air Force Base for the honor of becoming the permanent host for the United States Space Command headquarters; and

WHEREAS, Offutt Air Force Base and the neighbouring Bellevue and Omaha communities received top scores on the basing criteria established by the United States Air Force including: proximity to mutually supporting space entities; an available qualified workforce; infrastructure and facility capacity; high bandwidth communications infrastructure; enhanced security; energy resilience; cost efficiencies; and community support; and

WHEREAS, Offutt Air Force Base is among six sites being considered by the Air Force to host the United States Space Command headquarters; and

WHEREAS, Offutt Air Force Base is the home for global missions of national consequence, the joint, interagency, coalition, Guard, and Reserve presence would complement the needs of the United States Space Command; and

WHEREAS, several Offutt Air Force Base units of interest include the 55th Wing, which provides dominant worldwide reconnaissance, real-time intelligence, command and control, and information warfare; the 595th Command and Control Group supporting strategic nuclear deterrence; the Air Force's only weather wing; and the newly formed Marine Corps Forces Space Command; and

WHEREAS, the largest tenant on Offutt Air Force Base is a global warfighting combatant command, the United States Strategic Command, which has a mission set that combines the United States legacy nuclear command and control mission with responsibility for space operations, global strike, and global missile defense to deter strategic attacks and employ forces, as directed, to guarantee the security of our nation and our allies; and

WHEREAS, the United States Strategic Command oversees and manages the Nuclear Command, Control, and Communications Enterprise Center; and the United States Space Command is a key member of the Nuclear Command, Control, and Communications Enterprise Stakeholder Council; and

WHEREAS, for seventeen years, from 2002 to 2019, America's military space mission headquartered at Offutt Air Force Base as part of the United States Strategic Command mission set; and

WHEREAS, the history of hosting the United States Strategic Command and units that mutually support joint combatant commands serves as an excellent foundation for Offutt Air Force Base to create additional synergies and efficiencies; and

WHEREAS, community support for military missions; the military men, women, and families living and working at Offutt Air Force Base; and

veterans living in the surrounding communities began in the 1940s and support for these groups remains unsurpassed to this day; and

WHEREAS, creative public-private partnerships executed in the Omaha metropolitan area by economic leaders are some of the largest and most efficient available, as evidenced by the business community's investment in the new Omaha Veterans Affairs Medical Center which opened in 2020 and helped save taxpayers thirty-four million dollars, equating to twenty-eight percent of the project's cost; and

WHEREAS, education will be a key element in providing workforce talent development and acquisition as the United States Space Command matures; and

WHEREAS, elementary, secondary, and postsecondary education in Nebraska is highly rated and stands ready to continue delivering opportunities that support professionals in the space and defense industries and their families; and

WHEREAS, the National Strategic Research Institute at the University of Nebraska is one of fourteen University Affiliated Research Center laboratories affiliated with the Department of Defense and the only one sponsored by a combatant command, the United States Strategic Command; and

WHEREAS, the University of Nebraska College of Law is the only law college in the nation to offer an expansive space, cyber, and telecommunications law curriculum which includes a doctoral-level J.S. D. degree, an LL.M. degree, a concentrated program of study for J.D. students, and an executive certificate program for practicing attorneys; and

WHEREAS, the quality of life in the cities of Bellevue and Omaha ranked higher than the other finalists in the AARP Livability Index and in the Air Force assessment titled, "Support of Military Families - 2019"; and

WHEREAS, the cities of Bellevue and Omaha offer a diversified economy and are home to five Fortune 500 companies; and

WHEREAS, the region has low unemployment and offers good wages, affordable housing, a low cost of living, seamless access to transportation, and easy commuting; and

WHEREAS, the cities of Bellevue and Omaha have proven to be an ideal home for military personnel, civilians, and their families; and

WHEREAS, the leaders of our community are committed to ensuring ample housing, childcare, community services, and economic development; and

WHEREAS, the Nebraska Unicameral Legislature continues its strong relationship with the Department of Defense's Military Community and Family Policy office in a constant effort to create laws that support the military personnel stationed at Offutt Air Force Base and their families; and

WHEREAS, the Bellevue and Omaha communities would welcome the additional military and civilian personnel, contractors, and families associated with the United States Space Command; and

WHEREAS, basing the headquarters at Offutt Air Force Base would enhance the economy of the region by adding approximately one thousand four hundred new jobs; and

WHEREAS, reestablishing the United States Space Command headquarters at Offutt Air Force Base would require military construction improvements, which would create construction and other support jobs, further increasing the economic benefit to the region; and

WHEREAS, there is widespread bipartisan support for hosting the United States Space Command Headquarters from federal, state, and community leaders who recognize the importance of returning the space mission to Offutt Air Force Base; and

WHEREAS, the space mission is vital to our Nation's security, prosperity, and scientific advancement.

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

1. That the Nebraska Legislature does hereby express enthusiastic support for the United States Air Force to reestablish the United States Space Command headquarters at Offutt Air Force Base near Omaha, Nebraska.

2. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the President of the United States, 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, each member of Nebraska's congressional delegation, the Secretary of the Air Force, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense.

Laid over.

**LEGISLATIVE RESOLUTION 2CA.** Introduced by Wayne, 13; Wishart, 27.

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

Section 1. At the general election in November 2022, 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 Article XIX:

XIX-1 (1) Subject to such reasonable restrictions as the Legislature may by statute provide, cannabis shall be lawful for a person twenty-one years of age or older.

(2) The Legislature shall pass appropriate legislation, to be effective on or before October 1, 2023, relating to the cultivation, manufacture, distribution, consumption, and sale of cannabis in any form.

(3) The Legislature shall have power to enforce this article by appropriate legislation.

(4) This section shall not be construed to modify any existing portion of this Constitution.

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 legalize cannabis for persons twenty-one years of age or older and to require the Legislature to enact laws relating to cannabis.

For  
Against.

**LEGISLATIVE RESOLUTION 3CA.** Introduced by Slama, 1.

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

Section 1. At the general election in November 2022 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.

**LEGISLATIVE RESOLUTION 4.** Introduced by McKinney, 11; Wayne, 13.

WHEREAS, Senator Ernie Chambers concluded his very distinguished career in the Nebraska Unicameral Legislature on January 6, 2021; and

WHEREAS, Senator Ernie Chambers was first elected to the Legislature in 1970 and has served continuously since then with one constitutionally imposed four-year hiatus; and

WHEREAS, Senator Ernie Chambers has represented Legislative District Number 11 honestly, fearlessly, and well; and

WHEREAS, Senator Ernie Chambers is the longest serving State Senator in Nebraska history; and

WHEREAS, Senator Ernie Chambers has enacted more meaningful, just, and compassionate laws than any resolution under one hundred pages in length could possibly record; and

WHEREAS, Senator Chambers authored many important bills including bills which: Abolished the death penalty; required district elections at the county, city, and school board levels; divested Nebraska investments from the apartheid in South Africa; returned Native American artifacts held by the State of Nebraska to the Native American people; restored family rights through the Nebraska Indian Child Welfare Act; established a DNA new trial right that helped to free and exonerate the Beatrice six; prohibited corporal punishment of children at schools; established a publically funded and medically approved diet for kids on welfare; established the learning community to help eliminate disparity in public education resources; and protected the environment and wildlife living in Nebraska; and

WHEREAS, Senator Ernie Chambers set a standard for honest, fearless, selfless, intelligent, and informed public service that will inspire future generations and teach such generations how to serve and preserve our democratic state; and

WHEREAS, Senator Ernie Chambers personified the principle that "the salvation of the state is watchfulness in the citizen"; and

WHEREAS, Senator Ernie Chambers now returns to the realm of private citizenship having made an inestimable contribution to our community, state, and nation and to the world.

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

1. That the Legislature thanks Senator Ernie Chambers for his service to the Legislature and the State of Nebraska and congratulates him on his incredible career of public service to the people of this state.

2. That a copy of this resolution be delivered to Senator Ernie Chambers.

Laid over.

**LEGISLATIVE RESOLUTION 5.** Introduced by Gragert, 40; Brewer, 43; Halloran, 33; Slama, 1.

WHEREAS, the One Hundred Sixth Legislature recognized the benefits of achieving more rapid and widespread adoption of soil-health management practices; and

WHEREAS, the One Hundred Sixth Legislature created a seventeen-member Healthy Soils Task Force to develop a healthy soils initiative for the State of Nebraska; and

WHEREAS, members of the Healthy Soils Task Force and stakeholders across Nebraska researched the soil-health programs and activities of other states, assessed current soil-health work in Nebraska, examined soil-health and related issues as specified by legislation, and developed a plan to build on and enhance existing programs; and

WHEREAS, the Healthy Soils Task Force focused on ways to increase profitability for producers and landlords while simultaneously protecting the

environment for future generations without the need for mandates or regulations; and

WHEREAS, the Healthy Soils Task Force thinks by being proactive in addressing key agronomic and environmental issues that Nebraska might avoid the strict mandates and regulations found in other states; and

WHEREAS, growing interest exists for creating programs which reward producers to voluntarily implement practices to promote and conserve the health and quality of soil and water in Nebraska; and

WHEREAS, a permanent healthy soils initiative and a central hub providing a single point of contact would benefit Nebraska and increase coordination, collaboration, and communication relating to soil-health advancement.

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

1. That the Legislature accepts the report, findings, and recommendations that the Healthy Soils Task Force submitted to the Governor and the Agriculture Committee of the Legislature.

2. That the Legislature supports and encourages a voluntary grassroots effort to accelerate means to protect and enhance Nebraska's soil and receive the benefits described in the report from the Healthy Soils Task Force.

3. That the Legislature encourages the Department of Agriculture, the Department of Natural Resources, and other state agencies to assist in the voluntary grassroots effort.

Laid over.

**LEGISLATIVE RESOLUTION 6.** Introduced by Gragert, 40.

WHEREAS, the Wausa-Osmond High School one-act team won the 2020 NSAA Class C-1 State Play Production Championship; and

WHEREAS, the Wausa-Osmond High School one-act team earned their first place finish with a score of 174 points for their production of Hold On, prevailing over Archbishop Bergan; and

WHEREAS, under the guidance of Director Brad Hoelsing and Director Sheila Hoelsing, the Wausmond one-act team won its first championship after Osmond High School joined Wausa High School's one-act team. Prior to the merge of play production teams, Wausa High School had earned 12 state championships and one runner-up championship; and

WHEREAS, the Wausa-Osmond High School one-act team won the award for Outstanding Technical Crew; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Wausa-Osmond High School one-act team on winning the 2020 NSAA Class C-1 State Play Production Championship.

2. That a copy of this resolution be sent to the Osmond High School, Wausa High School, Director Brad Hoelsing, and Director Sheila Hoelsing.

Laid over.

**LEGISLATIVE RESOLUTION 7.** Introduced by Gragert, 40.

WHEREAS, the Creighton High School one-act team won the 2020 NSAA Class C-2 State Play Production Championship; and

WHEREAS, under the guidance of Director Curtis Stevens and Director Deb Van Metre, the Creighton Bulldogs earned their first place finish with a score of 178 points for their production of Romeo To Go, prevailing over Loup City; and

WHEREAS, Trey Vogt won the award for Outstanding Male Performer with his performance as Mr. Gunnysack; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Creighton High School one-act team on winning the 2020 NSAA Class C-2 State Play Production Championship.

2. That a copy of this resolution be sent to Creighton High School, Trey Vogt, Director Curtis Stevens, and Director Deb Van Metre.

Laid over.

**LEGISLATIVE RESOLUTION 8.** Introduced by Gragert, 40.

WHEREAS, Brad Haglund, a member of Wakefield Boy Scout Troop 172, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy 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 Brad's community service project he straightened headstones in the local cemetery; and

WHEREAS, Brad, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brad Haglund on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brad Haglund.

Laid over.

**LEGISLATIVE RESOLUTION 9.** Introduced by Brandt, 32.

WHEREAS, the Bruning-Davenport-Shickley Eagles won the 2020 Class D-2 Football Championship; and

WHEREAS, the Bruning-Davenport-Shickley Eagles defeated the Sandhills-Thedford Knights on the field at Shickley by a score of 36-28; and

WHEREAS, the Bruning-Davenport-Shickley Eagles ended the season undefeated at 12-0; and

WHEREAS, the championship victory marked the team's second championship in four years and its third championship in six 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Bruning-Davenport-Shickley Eagles football team and its coaches on winning the 2020 Class D-2 State Football Championship.
2. That a copy of this resolution be sent to the Bruning-Davenport-Shickley Eagles football team and Head Coaches Chris Ardissono and Mark Rotter.

Laid over.

**LEGISLATIVE RESOLUTION 10CA.** Introduced by Cavanaugh, M., 6; Hansen, M., 26.

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

Section 1. At the general election in November 2022, 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 11CA.** Introduced by Erdman, 47; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Halloran, 33; Lowe, 37; McDonnell, 5; Murman, 38.

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

Section 1. At the general election in November 2022, 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 IV, section 28, and Article VIII, sections 1, 1A, 1B, 2, 2A, 3, 4, 5, 6, 7, 10, 11, 12, and 13, and add a new section 14 to Article VIII:

IV-28 ~~Until January 1, 2025~~ ~~By January 1, 1997~~, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor as provided by law. The commission shall have power to review and equalize assessments of property for taxation within the state and shall have such other powers and perform such other duties as the Legislature may provide. The terms of office and compensation of members of the commission shall be as provided by law.

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.

VIII-1 (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 and subject to subsection (2) of this section: (a)(4) 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; (b)(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; (c)(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; (d)(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; ~~(e)(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; ~~(f)(6)~~ the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; ~~(g)(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 ~~(h)(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.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-1A (1) The state shall be prohibited from levying a property tax for state purposes.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

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) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-2 (1) Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary and subject to subsection (2) of this section: (a)(4) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (b)(2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (c)(3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (d)(4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (e)(5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (f)(6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (g)(7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (h)(8) the Legislature may exempt inventory from taxation; (i)(9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (j)(10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (k)(11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; and (l)(12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-2A (1) The Legislature may establish bonded and licensed warehouses or storage areas for goods, wares and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state upon leaving such warehouses or storage areas, and may exempt such goods, wares and merchandise from ad valorem taxation while in such storage areas.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-3 (1) The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-4 (1) Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; Provided, that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-5 (1) County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-6 (1) The Legislature may vest the corporate authorities of cities, towns and villages, with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate

authorities of cities and villages with power to levy special assessments for the maintenance, repair and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-7 (1) Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The Legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-10 (1) Notwithstanding the other provisions of Article VIII and subject to subsection (2) of this section, the Legislature is authorized to substitute a basis other than valuation for taxes upon grain and seed produced or handled in this state. Existing revenue laws not inconsistent with the Constitution shall continue in effect until changed by the Legislature.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-11 (1) Subject to subsection (3) of this section, everyEvery public corporation and political subdivision organized primarily to provide electricity or irrigation and electricity shall annually make the same payments in lieu of taxes as it made in 1957, which payments shall be allocated in the same proportion to the same public bodies or their successors as they were in 1957.

(2) Subject to subsection (3) of this section, the LegislatureThe legislature may require each such public corporation to pay to the treasurer of any county in which may be located any incorporated city or village, within the limits of which such public corporation sells electricity at retail, a sum equivalent to five (5) per cent of the annual gross revenue of such public corporation derived from retail sales of electricity within such city or village, less an amount equivalent to the 1957 payments in lieu of taxes made by such public corporation with respect to property or operations in any such city or village. The payments in lieu of tax as made in 1957, together with any payments made as authorized in this section shall be in lieu of all other taxes, payments in lieu of taxes, franchise payments, occupation and excise taxes, but shall not be in lieu of motor vehicle licenses and wheel taxes, permit fees, gasoline tax and other such excise taxes or general sales taxes levied against the public generally. So much of such five (5) per cent as is in excess of an amount equivalent to the amount

paid by such public corporation in lieu of taxes in 1957 shall be distributed in each year to the city or village, the school districts located in such city or village, the county in which such city or village is located, and the State of Nebraska, in the proportion that their respective property tax mill levies in each such year bear to the total of such mill levies.

(3) This section is superseded by Article VIII, section 14, of this Constitution, and the payments described in subsections (1) and (2) of this section shall not be required on or after January 1, 2024.

VIII-12 (1) Notwithstanding any other provision in the Constitution and subject to subsection (3) of this section, for~~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.

(2) Notwithstanding any other provision in the Constitution or a local charter and subject to subsection (3) of this section, 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 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. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is designated as extremely blighted. 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.

(3) Beginning January 1, 2024, cities and villages shall no longer have the power to incur indebtedness pursuant to subsection (1) of this section or to pledge taxes pursuant to subsection (2) of this section.

VIII-13 (1) Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary and subject to subsection (2) of this section, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended, shall be considered ratified and confirmed by such amendments without the need for legislative reenactment of such laws.

(2) This section is superseded by Article VIII, section 14, of this Constitution and shall only apply with respect to taxes imposed prior to January 1, 2024.

VIII-14 (1) Notwithstanding any other provision of this Constitution to the contrary, effective January 1, 2024, the State of Nebraska and all political subdivisions of the state shall be prohibited from imposing a tax on personal

income, a tax on corporate income, a tax on personal property, a tax on real property, a tax on an inheritance from a deceased person, a tax on the estate of a deceased person, and a tax on the retail sale of goods and services except as provided in subsection (2) of this section. Any taxes described in this subsection that are imposed prior to January 1, 2024, may be collected through the end of calendar year 2024.

(2) The Legislature shall enact a consumption tax which shall apply to purchases of services and new goods, except for fuel. Such consumption tax shall begin no later than January 1, 2024. The Legislature may authorize political subdivisions of the state to enact their own consumption taxes upon such terms and conditions as the Legislature may provide.

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 an income tax, a property tax, an inheritance tax, an estate tax, and a tax on retail sales of goods and services except for a consumption tax and to require the Legislature to enact a consumption tax.

For

Against.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR1 was referred to the Reference Committee.

### **ANNOUNCEMENT(S)**

The Committee on Committees elected Senator Morfeld as Vice Chairperson.

### **ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Friday, January 8, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRD DAY - JANUARY 8, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 8, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Groene who was excused; and Senators Briese, Hunt, Linehan, and Lowe who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**REPORTS**

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

**ANNOUNCEMENT(S)**

The Banking, Commerce and Insurance Committee elected Senator Lindstrom as Vice Chairperson.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Robert Hilkemann offered the following Committee on Committees report:

Agriculture (8)

Tuesday

Halloran (C), Brandt, Brewer, Cavanaugh, J., Gragert, Groene, Hansen, B., Lathrop

Appropriations (9)

Monday, Tuesday, Wednesday, Thursday, &amp; Friday

Stinner (C), Clements, Dorn, Erdman, Hilkemann, Kolterman, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Monday &amp; Tuesday

Williams (C), Aguilar, Bostar, Flood, Lindstrom, McCollister, Pahls, Slama

Business and Labor (7)

Monday

Hansen, B. (C), Blood, Gragert, Halloran, Hansen, M., Hunt, Lathrop

Education (8)

Monday &amp; Tuesday

Walz (C), Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders

General Affairs (8)

Monday

Briese (C), Arch, Brandt, Brewer, Cavanaugh, J., Groene, Lowe, Wayne

Government, Military and Veterans Affairs (8)

Wednesday, Thursday, &amp; Friday

Brewer (C), Blood, Halloran, Hansen, M., Hunt, Lowe, McCollister, Sanders

Health and Human Services (7)

Wednesday, Thursday, &amp; Friday

Arch (C), Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams

Judiciary (8)

Wednesday, Thursday, &amp; Friday

Lathrop (C), Brandt, DeBoer, Geist, McKinney, Morfeld, Pansing Brooks, Slama

Natural Resources (8)

Wednesday, Thursday, &amp; Friday

Bostelman (C), Aguilar, Cavanaugh, J., Gragert, Groene, Hughes, Moser, Wayne

Nebraska Retirement Systems (6)

At call of Chair

Kolterman (C), Clements, Lindstrom, McDonnell, Slama, Stinner

Revenue (8)

Wednesday, Thursday, &amp; Friday

Linehan (C), Albrecht, Bostar, Briese, Flood, Friesen, Lindstrom, Pahls

Transportation and Telecommunications (8)

Monday &amp; Tuesday

Friesen (C), Albrecht, Bostelman, Cavanaugh, M., DeBoer, Geist, Hughes, Moser

Urban Affairs (7)

Tuesday

Wayne (C), Arch, Blood, Briese, Hansen, M., Hunt, Lowe

Committee on Committees (13)

Hilkemann (C)

District 1:Bostelman  
Kolterman  
Morfeld (VC)  
MoserDistrict 2:Hunt  
Lathrop  
Lindstrom  
VargasDistrict 3:Albrecht  
Erdman  
Groene  
MurmanEnrollment and Review (1)

McKinney (C)

Reference (9)

Hughes (C), Vargas (VC), Geist, Hilgers, Lathrop, Lowe, McCollister, Pansing Brooks, Slama, Stinner (nonvoting ex officio)

Rules (6)

Clements (C), Cavanaugh, J., DeBoer, Erdman, Hansen, M., Hilgers (ex officio)

Executive Board of the Legislative Council (9)

Hughes (C), Vargas (VC), Geist, Hilgers, Lathrop, Lowe, Pansing Brooks, McCollister, Slama, Stinner (nonvoting ex officio)

Senator Robert Hilkemann moved to approve the final Committee on Committees report found on in this day's Journal.

The Committee on Committees report was approved 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 139.** Introduced by Briese, 41; Williams, 36.

A BILL FOR AN ACT relating to liability; to adopt the COVID-19 Liability Protection Act; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 140.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to railroad safety; to amend sections 74-1317, 74-1318, 75-401, 75-402, and 75-405, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the purpose of the Grade Crossing Protection Fund; to provide for fund transfers as prescribed; to provide duties; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 141.** Introduced by Stinner, 48.

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

**LEGISLATIVE BILL 142.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to a fund transfer limit and a termination date; and to repeal the original section.

**LEGISLATIVE BILL 143.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to juveniles; to amend section 43-285, Revised Statutes Cumulative Supplement, 2020; to require notice of placement change of a juvenile to a school district as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 144.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-978, Revised Statutes Cumulative Supplement, 2020; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 145.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-978.01, 79-987, 79-9,122, and

79-9,123, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to audits, reporting, and cost billing and payments; to eliminate obsolete provisions; to provide for a compliance audit by the board of trustees, an audit by the Auditor of Public Accounts, and an examination by the Public Employees Retirement Board as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 146.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902 and 79-978, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms under the School Employees Retirement Act and Class V School Employees Retirement Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 147.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend section 72-1249.02, Reissue Revised Statutes of Nebraska, and sections 79-978, 79-978.01, 79-980, 79-981, 79-982, 79-982.01, 79-982.02, 79-983, 79-984, 79-985, 79-989, 79-990, 79-991, 79-992, 79-992.01, 79-992.02, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,113, 79-9,115, 79-9,117, 79-9,122, 79-9,123, 84-712.05, 84-1501, and 84-1503, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to treatment of charges under the Nebraska State Funds Investment Act; to define and redefine terms; to change provisions relating to duties and responsibilities of the board of trustees and board of education; to provide duties and responsibilities for the Public Employees Retirement Board, the director of the Nebraska Public Employees Retirement Systems, and the State Treasurer; to change the appointment of the administrator, the actuary, and the legal advisor; to change work billing and payment provisions; to provide for the transfer and transition of the management and administration of the retirement system as prescribed under the Class V School Employees Retirement Act; to provide for indemnity and liability; to change provisions relating to the use and operation of the Class V School Employees Retirement Fund; to change provisions relating to the Class V School Employees Retirement System Management Work Plan Fund, records which may be withheld from the public, and membership and terms on the Public Employees Retirement Board; to eliminate obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 148.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-108, 38-157, 38-158, 38-167, 38-179, 38-1,107, 38-1,115, 38-1,119, 46-1201, 46-1204.01, 46-1207, 46-1227.01, 46-1229, 46-1231, 46-1235, 46-1238, 71-1910, 71-2619, 71-2621, 71-2622, 71-3101, 71-3102,

71-3103, 71-3104, 71-3105, 71-3106, 71-3107, 71-4301, 71-4302, 71-4303, 71-4304, 71-4305, 71-4306, 71-4307, 71-4621, 71-4622, 71-4623, 71-4624, 71-4625, 71-4626, 71-4627, 71-4629, 71-4630, 71-4631, 71-4632, 71-4633, 71-4634, 71-4635, 71-5301, 71-5301.01, 71-5304, 71-5306, 71-5308, 71-5309, 71-5310, 71-5312.01, and 81-2121, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, 38-151, 38-155, 38-1,143, 46-1224, 71-5302, and 81-502, Revised Statutes Cumulative Supplement, 2020; to adopt the Environmental Safety Act; to transfer powers and duties from the Department of Health and Human Services to the Department of Environment and Energy; to define and redefine terms; to change provisions relating to testing of water samples, issuance of licenses and permits, fees, water well contractors, recreation camps, swimming pools, mobile home parks, and drinking water; to provide powers and duties regarding conflicts of interest and expenses of the Water Well Standards and Contractors' Licensing Board; to create funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 149.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,183, Reissue Revised Statutes of Nebraska, 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, 60-4,168, 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 Cumulative Supplement, 2020; to redefine terms; to adopt updates to federal law and update certain federal references; to provide a requirement to comply with federal law in the definition of low-speed vehicle; to change certain disciplinary or registration actions under the International Registration Plan Act; and to repeal the original sections.

**LEGISLATIVE BILL 150.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to courts; to amend section 33-156, Reissue Revised Statutes of Nebraska; to change the indigent defense fee; and to repeal the original section.

**LEGISLATIVE BILL 151.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to criminal procedure; to adopt the Prosecutorial Transparency Act; and to provide severability.

**LEGISLATIVE BILL 152.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to fireworks; to amend sections 28-1241 and 28-1243, Reissue Revised Statutes of Nebraska; to change provisions relating to classifications of fireworks and the sale and possession of fireworks; to update references to federal law; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 153.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2020; 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 154.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-760.05, Reissue Revised Statutes of Nebraska, and section 79-760.06, Revised Statutes Cumulative Supplement, 2020; to require tracking of student discipline as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 155.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to paternity; to amend section 43-1411, Revised Statutes Cumulative Supplement, 2020; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 156.** 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 157.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to grand juries called in cases of death occurring during apprehension or custody; to require appointment of a special prosecutor; and to repeal the original section.

**LEGISLATIVE BILL 158.** Introduced by Wayne, 13.

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, 2020; 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 159.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-138 and 18-131, Reissue Revised Statutes of Nebraska, and sections 16-247, 16-403, 16-405, 17-613, and 18-132, Revised Statutes Cumulative Supplement, 2020; to provide for printing or publishing ordinances in electronic form; and to repeal the original sections.

**LEGISLATIVE BILL 160.** 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, 2020; 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 161.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to building codes; to amend section 71-6405, Reissue Revised Statutes of Nebraska, and sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2020; to remove redundant language; to provide for the applicability of the state building code and local building or construction codes as prescribed; to correct a reference to the Department of Environment and Energy; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-405.01, Revised Statutes Cumulative Supplement, 2020; to provide procedures for detachment of real property from the corporate limits of a city or village; to eliminate provisions relating to detachment of real property from the corporate limits of a city of the first class, city of the second class, or village; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original section; and to outright repeal sections 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 163.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-131, 18-305, 18-306, 18-307, 18-308, 18-309, 18-310, 18-311, 18-401, 18-402, 18-403, 18-404, 18-405, 18-407, 18-408, 18-409, 18-410, 18-411,



18-412, 18-412.02, 18-412.07, 18-412.08, 18-412.09, 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505, 18-506, 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512, 18-602, 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618, 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626, 18-627, 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003, 18-1004, 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1206, 18-1207, 18-1215, 18-1216, 18-1501, 18-1502, 18-1503, 18-1504, 18-1508, 18-1509, 18-1701, 18-1702, 18-1705, 18-1706, 18-1707, 18-1708, 18-1709, 18-1712, 18-1713, 18-1714, 18-1716, 18-1718, 18-1721, 18-1722.01, 18-1723, 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748, 18-1750, 18-1752, 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803, 18-1804, 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915, 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131, 18-2135, 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206, 18-2301, 18-2302, 18-2303, 18-2304, 18-2305, 18-2306, 18-2307, 18-2308, 18-2309, 18-2310, 18-2311, 18-2312, 18-2313, 18-2314, 18-2315, 18-2402, 18-2443, 18-2476, 18-2501, 18-2502, 18-2504, 18-2505, 18-2506, 18-2518, 18-2520, 18-2521, 18-2522, 18-2523, 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529, 18-2530, 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538, 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, 71-3305, and 77-3,119, Reissue Revised Statutes of Nebraska, and sections 13-518, 16-6,108, 18-132, 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902, 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, 18-3001, and 77-2602, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to cities, villages, and metropolitan utilities districts; to change a federal reference; to change and eliminate provisions relating to publication of notice and requirements for application; to name an act; to define and redefine terms relating to initiatives and referendums; to eliminate obsolete provisions regarding cigarette tax revenue; to repeal the Municipal Infrastructure Redevelopment Fund Act; to transfer funds and terminate a fund; 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, and 18-2609, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 164.** 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, 2020; to change provisions relating to the establishment of state speed limits by local authorities; and to repeal the original section.

**LEGISLATIVE BILL 165.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-1301, 77-1307, 77-1308, 77-1309, and 77-1725.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the assessment of real property that suffers significant property damage; to

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

**LEGISLATIVE BILL 166.** Introduced by Geist, 25.

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, 2020; to provide for Josh the Otter-Be Safe Around Water Plates; to create the Josh the Otter-Be Safe Around Water Cash Fund; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 167.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to fundamental rights; to amend sections 13-901 and 81-8,235, Reissue Revised Statutes of Nebraska; to protect religious services as prescribed; to define terms; to authorize tort claims under the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727 and 31-730, Reissue Revised Statutes of Nebraska; to terminate authorization for the creation of new districts as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 169.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to offenses relating to property; to eliminate locksmith registration requirements; to eliminate a penalty relating to failure by a locksmith to register; and to outright repeal sections 28-1402, 28-1403, 28-1404, and 28-1405, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 170.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to the date when compensation begins; and to repeal the original section.

**LEGISLATIVE BILL 171.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-624, 48-626, and 48-628.17, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to weekly benefit amounts and maximum annual amounts as prescribed; to eliminate obsolete

language; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 172.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-625, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to benefit payments; and to repeal the original section.

**LEGISLATIVE BILL 173.** Introduced by Hansen, B., 16.

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 174.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to transportation; to amend sections 39-1316, 39-2301.01, 39-2302, 39-2306, 39-2307, 39-2501, 39-2503, 39-2511, 39-2513, 60-511, 60-512, 60-513, 60-514, 60-550.01, 60-554, and 60-6,336, Reissue Revised Statutes of Nebraska, and sections 39-2106, 39-2107, 39-2304, 39-2308, 39-2308.01, 39-2308.03, 39-2502, 39-2504, 39-2505, 39-2512, 39-2514, 39-2515, 60-507, 60-695, 60-699, and 60-6,138, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the state highway system, the Board of Public Roads Classifications and Standards, licensure under the County Highway and City Street Superintendents Act, incentive payments, distribution of highway funds, county highway superintendents, city street superintendents, and the Board of Examiners for County Highway and City Street Superintendents; to redefine terms; to change provisions of the Motor Vehicle Safety Responsibility Act; to change provisions relating to accident reports and the Nebraska Rules of the Road regarding roundabouts and snowmobiles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 175.** 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.

**SPEAKER HILGERS PRESIDING**

**LEGISLATIVE BILL 176.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2020; to provide an income tax credit for certain agricultural producers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 177.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to liens; to amend section 52-1202, Reissue Revised Statutes of Nebraska, and section 52-1103, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to filing and perfection of liens; and to repeal the original sections.

**LEGISLATIVE BILL 178.** Introduced 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 179.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to county assessors; to amend sections 23-3201, 23-3202, 23-3203, 23-3204, 23-3209, 77-115, and 77-1339, Reissue Revised Statutes of Nebraska, and sections 23-405 and 23-2518, Revised Statutes Cumulative Supplement, 2020; to terminate the terms of elected county assessors; to provide for appointment of county assessors; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-519, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 180.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4603, Reissue Revised Statutes of Nebraska, and section 77-4602, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain public statements of the Tax Commissioner and certain estimates of General Fund net receipts; and to repeal the original sections.

**LEGISLATIVE BILL 181.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2603, 13-2604, and 13-2610, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions relating to the use of state assistance; to change a limitation on the total amount of state assistance allowed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 182.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2701.16, Revised Statutes Cumulative Supplement, 2020; to exclude certain income from the definition of gross receipts; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 183.** Introduced by Hunt, 8; Cavanaugh, M., 6; Day, 49; McKinney, 11; Pansing Brooks, 28.

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 184.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to retirement; to amend section 84-1601, Reissue Revised Statutes of Nebraska, and sections 81-2025 and 81-2032, Revised Statutes Cumulative Supplement, 2020; to provide for a premium deduction for certain retired Nebraska State Patrol employees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 185.** Introduced by Brewer, 43; Hilkemann, 4; Pansing Brooks, 28.

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

**LEGISLATIVE BILL 186.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal child enticement; and to repeal the original section.

**LEGISLATIVE BILL 187.** Introduced by Cavanaugh, M., 6; Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Revised Statutes Cumulative Supplement, 2020; to change the definition of sexual penetration; and to repeal the original section.

**LEGISLATIVE BILL 188.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to firearms; to adopt the Second Amendment Preservation Act; and to provide severability.

**LEGISLATIVE BILL 189.** Introduced by Halloran, 33; Groene, 42.

A BILL FOR AN ACT relating to property taxes; to amend section

77-1736.06, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to property tax refunds; and to repeal the original section.

**LEGISLATIVE BILL 190.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Water Sustainability Fund; to amend section 61-222, Revised Statutes Cumulative Supplement, 2020; to provide a restriction and an exception relating to distributions from the fund as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 191.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Irrigation District Act; to amend section 46-102, Revised Statutes Cumulative Supplement, 2020; to redefine an elector as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 192.** Introduced by Wishart, 27; DeBoer, 10; Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for law enforcement training and certification.

**LEGISLATIVE BILL 193.** Introduced by Wishart, 27; DeBoer, 10; Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for law enforcement training.

**LEGISLATIVE BILL 194.** Introduced by Vargas, 7; Flood, 19; Pahls, 31; Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2901, 77-2902, 77-2903, 77-2904, 77-2905, 77-2909, and 77-2910, Reissue Revised Statutes of Nebraska, and section 77-2906, Revised Statutes Cumulative Supplement, 2020; to change the Nebraska Job Creation and Mainstreet Revitalization Act as prescribed; to eliminate certain deadlines for applications and the use of credits; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-2912, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 195.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Friesen, 34; Gragert, 40; Hansen, B., 16; Kolterman, 24; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1; Williams, 36.

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 196.** Introduced by Vargas, 7; Hunt, 8; Lathrop, 12; McKinney, 11; Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Fair Housing Act; to amend sections 20-139, 20-301, 20-303, 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 197.** Introduced by Vargas, 7; Blood, 3; Dorn, 30; Hunt, 8; Lathrop, 12; Morfeld, 46.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2020; to change residency requirements for participants in the National and Community Service State Grant Program as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 198.** Introduced by Vargas, 7; Hunt, 8; Morfeld, 46; Pansing Brooks, 28.

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.

**LEGISLATIVE BILL 199.** Introduced by Vargas, 7; Hunt, 8.

A BILL FOR AN ACT relating to privacy; to adopt the Face Surveillance Privacy Act.

**LEGISLATIVE BILL 200.** Introduced by Vargas, 7; Hunt, 8; Morfeld, 46.

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.

**LEGISLATIVE BILL 201.** Introduced by Pansing Brooks, 28; McKinney, 11; Vargas, 7; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to juveniles; to amend section 43-246.01,

Reissue Revised Statutes of Nebraska, and sections 29-1816 and 43-274, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the jurisdiction of county, district, and juvenile courts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 202.** Introduced by Pansing Brooks, 28; Bostar, 29; Brewer, 43; Hunt, 8; McKinney, 11; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to child welfare; to amend sections 43-4505 and 71-1902, Reissue Revised Statutes of Nebraska, and sections 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, and 43-4514, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to a written independent living transition proposal as prescribed; to restate intent; to change provisions relating to eligibility, extended services and support, and court-appointed representation under the Young Adult Bridge to Independence Act; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 203.** Introduced by Pansing Brooks, 28; Blood, 3; Hunt, 8; McKinney, 11; Wayne, 13; Wishart, 27.

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.

**LEGISLATIVE BILL 204.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to section 29-4004, Reissue Revised Statutes of Nebraska, and sections 29-4003 and 29-4007, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to registration duties; to add a registrable offense and provide for applicability; to add notification requirements; and to repeal the original sections.

**LEGISLATIVE BILL 205.** Introduced by Hunt, 8; Bostar, 29; Cavanaugh, M., 6; Hansen, M., 26; McCollister, 20; McKinney, 11; Morfeld, 46; Pansing Brooks, 28; Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to unpaid periodic rent; and to repeal the original section.

**LEGISLATIVE BILL 206.** 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, trespass, and unauthorized application of graffiti; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 207.** Introduced by McDonnell, 5.

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 the date when compensation begins; and to repeal the original section.

**LEGISLATIVE BILL 208.** Introduced by McDonnell, 5.

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

**LEGISLATIVE BILL 209.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 84-1504, Reissue Revised Statutes of Nebraska, and section 48-1401, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to treatment of deferred compensation by certain political subdivisions, state agencies, and the Public Employees Retirement Board; and to repeal the original sections.

**LEGISLATIVE BILL 210.** Introduced by Murman, 38; Albrecht, 17; Clements, 2; Halloran, 33; Hansen, B., 16; Slama, 1.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Revised Statutes Cumulative Supplement, 2020; to change provisions regarding part-time enrollment; to provide duties regarding extracurricular activities as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 211.** Introduced by Murman, 38; Albrecht, 17; Clements, 2; Gragert, 40; Halloran, 33; Hansen, B., 16.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, and 38-186, Revised Statutes Cumulative Supplement, 2020; to adopt the Reflexologist Registration Act; to provide an exemption from the Massage Therapy Practice Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 212.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to public records; to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska; to prohibit charging a

fee for official requests for public records by members of the Legislature and set a deadline for fulfilling such requests; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 12. Introduced by Gragert, 40.

WHEREAS, Judge Merritt C. Warren of Creighton was a serviceman, dedicated public servant, and community leader; and

WHEREAS, Judge Warren entered the Navy's Midshipman program where he was sent to Doane College, Northwestern University, and Cornell University before serving in the Mediterranean Sea during World War II. He was honorably discharged as a Lieutenant after the war; and

WHEREAS, Judge Warren married Geraldine "Gerry" Gillespie, on November 4, 1945; and

WHEREAS, Judge Warren opened a law office in Creighton, Nebraska, in 1949, where he was soon appointed City Attorney. He was appointed to serve as Knox County Attorney and was later elected to the position, serving for several years. He practiced law in Creighton from 1949 to 1969, when he was appointed District Judge by Governor Norbert Tiemann; and

WHEREAS, Judge Warren served on the bench for 22 years, retiring in 1991, then spending several years as a senior judge, including assignments to the Court of Appeals and Nebraska Supreme Court; and

WHEREAS, Judge Warren was especially active in the Creighton community, serving on the school board, hospital board, and the Creighton Historical Center board. He was also a member of the Creighton Volunteer Fire Department and was an active member of the United Church of Christ, where he sang in the choir and taught Sunday school. Furthermore, he helped pass Nebraska's motorcycle helmet law, worked with Santee Sioux tribal leaders to improve the Knox County Reservation, and was a member of the American Legion and VFW; and

WHEREAS, Gerry predeceased Judge Warren on May 17, 2005; and

WHEREAS, on December 28, 2013, Judge Warren married Paula Owens, and the couple enjoyed spending time together and with family in his later years; and

WHEREAS, Judge Warren was the father of five children, Bruce, Merritt, Jean, Sue, and Scott; and

WHEREAS, Judge Warren was the grandfather of fourteen grandchildren, the great-grandfather of sixteen great-grandchildren, and the great-great-grandfather of one great-great-grandchild; and

WHEREAS, Judge Warren's commitment to the people of Nebraska was evident by his actions and service to his community and the state; and

WHEREAS, Judge Merritt C. Warren passed away on October 10, 2020, at the age of 97.

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

1. That the Legislature recognizes the passion of Judge Merritt C. Warren and his dedication to his community and the State of Nebraska.
2. That the Legislature offers its condolences to the family of Judge Merritt C. Warren.
3. That a copy of this resolution be sent to the family of Judge Merritt C. Warren.

Laid over.

**LEGISLATIVE RESOLUTION 13CA.** Introduced by Brewer, 43; Erdman, 47.

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

Section 1. At the general election in November 2022, 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 14.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Friesen, 34; Gragert, 40; Hansen, B., 16; Kolterman, 24; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1; Williams, 36.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH 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 15.** Introduced by Hansen, B., 16.

WHEREAS, the Guardian Angels Central Catholic Bluejays girls softball team from West Point, Nebraska, won the Class C State Softball Championship in 2020; and

WHEREAS, the Bluejays were crowned state champions at the 2020 Nebraska School Activities Association Softball Tournament; and

WHEREAS, the Bluejays completed a remarkable six-game rally through the elimination bracket to capture the Class C title; and

WHEREAS, the Guardian Angels Central Catholic Bluejays defeated the Kearney Catholic Stars 12 to 0 in the winner-take-all final; and

WHEREAS, the Bluejay's head coach Allan Kreikemeier is proud of the players, who respond well to pressure; and

WHEREAS, dedication and sacrifice by the whole team contributed to achieving the championship over the Stars; and

WHEREAS, the Bluejays needed two wins to secure the championship over the Stars; and

WHEREAS, the Bluejays scored 7 to 3 in their first win over the Stars with big hits from Jenna Schinstock and Brynn Baumert, and the team's pitcher, Erin Franzluebbers, carrying the team to victory; and

WHEREAS, in the second game, the Bluejays won 12 to 0 over the Stars, with Kayla Fischer, Leah Jansen, Avery Kreikemeier, and Aubrey Kreikemeier all hitting home runs in the same inning; and

WHEREAS, the rest of the team who contributed to the championship include Kate Gnad, Jaycee Ortmeier, Livia Hunke, Kiley Pojar, Jaycee Ortmeier, Brenna Rief, Sydney Hutchinson, and Tori Buss, along with team managers Abbie Toline and Shelbie Perchal, and coaches Emily Franzluebbers, Jeff Pribnow, and Bruce Schlecht; and

WHEREAS, the win marks the final game for four seniors, Jenna Schinstock, Brenna Rief, Avery Kreikemeier, and Erin Franzluebbers; and

WHEREAS, Guardian Angels Central Catholic ended the year with a 29-3 record, marking the program's second state title; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Guardian Angels Central Catholic Bluejays girls softball team on winning the 2020 Class C State Softball Championship.

2. That copies of this resolution be sent to Guardian Angels Central Catholic and head coach Allan Kreikemeier.

Laid over.

**LEGISLATIVE RESOLUTION 16.** Introduced by Hansen, B., 16.

WHEREAS, Paul Timm teaches seventh through twelfth grade science at Lyons-Decatur Northeast Schools, the same school he attended as a boy; and

WHEREAS, Mr. Timm began his teaching career in Laurel, Nebraska, where he taught agriculture education; and

WHEREAS, Mr. Timm has been at Lyons-Decatur Northeast Schools since 2008; and

WHEREAS, Mr. Timm brings passion and enthusiasm to his teaching, making him an excellent teacher; and

WHEREAS, Mr. Timm's positive energy is contagious to the staff and students at his school; and

WHEREAS, his example motivates and encourages others to become better teachers; and

WHEREAS, he supports staff at Lyons-Decatur Northeast Schools as they work towards their goals; and

WHEREAS, Mr. Timm uses his caring nature to relate every lesson to the lives of his students on a daily basis and the students transfer this energy into their own work; and

WHEREAS, Mr. Timm empowers all of his students to learn and excel in educational achievements through the combination of his energy and instructional skills; and

WHEREAS, he recently provided guidance to a student who qualified for the American Junior Academics of Science in Austin, Texas; and

WHEREAS, Mr. Timm views learning as an entrepreneurial venture, stating that students are not just employees on the job but business owners building an enterprise of learning with passion, personal choice, and full ownership; and

WHEREAS, Mr. Timm is an expert in the field of science and technology, including certification as a National Geographic Teacher, receiving an invitation to the National Geographic Education Summit in Washington D.C., and acceptance into the Society for Science and Public Advocate Program; and

WHEREAS, his expertise led to many grants that have benefited Lyons-Decatur Northeast Schools, including a four-thousand-dollar STEM Research Grant and a five-thousand-dollar Water Project Grant; and

WHEREAS, Mr. Timm also coached the cross country team to a conference championship and a state-qualifying appearance; and

WHEREAS, he goes above and beyond for his community, his school, and most importantly his students; and

WHEREAS, Mr. Timm has been a teacher for seventeen years after he earned a bachelor's degree in agriculture education and a master's degree in entomology from the University of Nebraska-Lincoln.

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

1. That the Legislature thanks Paul Timm for serving seventeen years in education and for helping his students excel in the areas of science and technology.

2. That copies of this resolution be sent to Paul Timm and Lyons-Decatur Northeast Schools.

Laid over.

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

Rules  
Room 1525

Tuesday, January 12, 2021 1:30 p.m.

Rules proposals

(Signed) Robert Clements, Chairperson

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR5 was referred to the Reference Committee.

#### **ANNOUNCEMENT(S)**

The Judiciary Committee elected Senator Pansing Brooks as Vice Chairperson.

The Urban Affairs Committee elected Senator Hunt as Vice Chairperson.

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

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

Senator Hunt name added to LB4.

Senator Brewer name added to LB4.

Senator Gragert name added to LB4.

Senator Bostelman name added to LB4.

Senator Sanders name added to LB4.

Senator Gragert name added to LB5.

Senator Gragert name added to LB6.

Senator Hunt name added to LB8.

Senator Gragert name added to LB10.  
Senator Blood name added to LB19.  
Senator Gragert name added to LB36.  
Senator Blood name added to LB49.  
Senator Blood name added to LB72.  
Senator Brewer name added to LB73.  
Senator Brewer name added to LB85.  
Senator Blood name added to LB87.  
Senator Blood name added to LB88.  
Senator McKinney name added to LB109.  
Senator McKinney name added to LB110.  
Senator McKinney name added to LB117.  
Senator McKinney name added to LB119.  
Senator Hunt name added to LB125.  
Senator Blood name added to LB125.  
Senator Hunt name added to LB128.  
Senator Hunt name added to LB129.  
Senator Hunt name added to LB135.  
Senator Hunt name added to LB138.  
Senator Brewer name added to LB169.  
Senator Hunt name added to LR4.  
Senator Hunt name added to LR10CA.  
Senator McKinney name added to LR10CA.

#### **ADJOURNMENT**

At 11:40 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**FOURTH DAY - JANUARY 11, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 11, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Groene who was excused; and Senator Morfeld who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1	General File
LB2	Revenue
LB3	Education
LB4	Government, Military and Veterans Affairs
LB5	Education
LB6	Revenue
LB7	Judiciary
LB8	Government, Military and Veterans Affairs
LB9	Revenue
LB10	Revenue
LB11	Government, Military and Veterans Affairs
LB12	Transportation and Telecommunications
LB13	Judiciary
LB14	Health and Human Services

LB15	Health and Human Services
LB16	Nebraska Retirement Systems
LB17	Nebraska Retirement Systems
LB18	Revenue
LB19	Health and Human Services
LB20	Banking, Commerce and Insurance
LB21	Banking, Commerce and Insurance
LB22	Banking, Commerce and Insurance
LB23	Banking, Commerce and Insurance
LB24	Nebraska Retirement Systems
LB25	Urban Affairs
LB26	Revenue
LB27	Appropriations
LB28	Judiciary
LB29	Government, Military and Veterans Affairs
LB30	Banking, Commerce and Insurance
LB31	Judiciary
LB32	Judiciary
LB33	Judiciary
LB34	Judiciary
LB35	Government, Military and Veterans Affairs
LB36	Education
LB37	Business and Labor
LB38	Revenue
LB39	Revenue
LB40	Revenue
LB41	Government, Military and Veterans Affairs
LB42	Appropriations
LB43	Government, Military and Veterans Affairs
LB44	Urban Affairs
LB47	Judiciary
LB48	Judiciary
LB49	Judiciary
LB50	Judiciary
LB51	Judiciary
LB52	Judiciary
LB53	Judiciary
LB54	Judiciary
LB55	Judiciary
LB56	Judiciary
LB57	Judiciary
LB58	Judiciary
LB59	Government, Military and Veterans Affairs
LB60	Education
LB61	Government, Military and Veterans Affairs
LB62	Education
LB63	Revenue
LB64	Revenue
LB65	Government, Military and Veterans Affairs

LB66	Banking, Commerce and Insurance
LB67	Health and Human Services
LB68	Health and Human Services
LB69	Revenue
LB70	General Affairs
LB71	Judiciary
LB72	General Affairs
LB73	General Affairs
LB74	Revenue
LB75	General Affairs
LB76	Government, Military and Veterans Affairs
LB77	Banking, Commerce and Insurance
LB78	Transportation and Telecommunications
LB79	Revenue
LB80	General Affairs
LB81	Urban Affairs
LB82	Transportation and Telecommunications
LB83	Government, Military and Veterans Affairs
LB84	Revenue
LB85	Judiciary
LB86	Health and Human Services
LB87	Education
LB88	Judiciary
LB89	Judiciary
LB90	Agriculture
LB91	Agriculture
LB92	Education
LB93	Government, Military and Veterans Affairs
LB94	Government, Military and Veterans Affairs
LB95	Judiciary
LB96	Urban Affairs
LB97	Judiciary
LB98	Revenue
LB99	Urban Affairs
LB100	Health and Human Services
LB101	Health and Human Services
LB102	Judiciary
LB103	Appropriations
LB104	Judiciary
LB105	Government, Military and Veterans Affairs
LB106	Transportation and Telecommunications
LB107	Executive Board
LB108	Health and Human Services
LB109	Judiciary
LB110	Judiciary
LB111	Judiciary
LB112	Government, Military and Veterans Affairs
LB113	Transportation and Telecommunications
LB114	Judiciary

LB115 Revenue  
 LB116 Judiciary  
 LB117 Education  
 LB118 Judiciary  
 LB119 Judiciary  
 LB120 Judiciary  
 LB121 Health and Human Services  
 LB122 Business and Labor  
 LB123 Executive Board  
 LB124 Judiciary  
 LB125 Government, Military and Veterans Affairs  
 LB126 Transportation and Telecommunications  
 LB127 Health and Human Services  
 LB128 Judiciary  
 LB129 Health and Human Services  
 LB130 Judiciary  
 LB131 Urban Affairs  
 LB132 Education  
 LB133 Revenue  
 LB134 Revenue  
 LB135 Education  
 LB136 Education  
 LB137 Education  
 LB138 Judiciary  
 LR1 Government, Military and Veterans Affairs  
 LR2CA Judiciary  
 LR3CA Government, Military and Veterans Affairs  
 LR10CA Government, Military and Veterans Affairs  
 LR11CA Revenue

Ames, Ann E. - Crime Victim's Reparations Committee - Judiciary  
 Bagley, Kevin - Director - Division of Medicaid and Long Term  
 Care-Department of Health and Human Services - Health and Human  
 Services  
 Bond, Erin - State Personnel Board - Government, Military and Veterans  
 Affairs  
 Brandt, Henry R. - Nebraska Game and Parks Commission - Natural  
 Resources  
 Cheek, Zachary - Nebraska Arts Council - General Affairs  
 Citta, Joseph L., Jr. - Nebraska Natural Resources Commission - Natural  
 Resources  
 Clouse, Stanley A. - Nebraska Natural Resources Commission - Natural  
 Resources  
 Cotton, Rosalyn R. - Board of Parole - Judiciary  
 Crotty, Russell - State Board of Health - Health and Human Services  
 Davis, Brenda - Nebraska Arts Council - General Affairs  
 Davis, Jeffrey - Crime Victim's Reparations Committee - Judiciary  
 Dudley, Ann Michelle - Nebraska Arts Council - General Affairs

Dunbar, Bradley B. - Nebraska Natural Resources Commission - Natural Resources  
Eatherton, Shawn - Crime Victim's Reparations Committee - Judiciary  
Gard, Randy L. - Nebraska Ethanol Board - Natural Resources  
Gorynski, Alec - State Highway Commission - Transportation and Telecommunications  
Greckel, Shane J. - Nebraska Information Technology Commission - Transportation and Telecommunications  
Green, Anthony (Tony) R. - Director - Division of Developmental Disabilities-Health and Human Services - Health and Human Services  
Griess, Kurt - State Electrical Board - General Affairs  
Hadley, Marilyn B. - Nebraska Educational Telecommunications Commission - Education  
Hansen, David J. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
Hofschire, Sharon - Nebraska Arts Council - General Affairs  
Hutchison, Charles - Nebraska Power Review Board - Natural Resources  
Jacobs, Brad - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
Jones, Clint - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
Kelly, Gene - Coordinating Commission for Postsecondary Education - Education  
Kime, Duane L. - Board of Educational Lands and Funds - Education  
Knutson, Thomas L. - Nebraska Natural Resources Commission - Natural Resources  
Kotopka, Michael - State Board of Health - Health and Human Services  
Krause, Timothy E. - Nebraska Natural Resources Commission - Natural Resources  
Kubat, Rick - Nebraska Natural Resources Commission - Natural Resources  
Lammers, Kelly J. - Director - Department of Banking and Finance - Banking, Commerce and Insurance  
Lauritzen, Mary - Coordinating Commission for Postsecondary Education - Education  
Moen, Gregory Eugene - Nebraska Power Review Board - Natural Resources  
O'Daniel, Matthew - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
O'Holleran, Molly S. - Coordinating Commission for Postsecondary Education - Education  
Olson, Keith - Nebraska Investment Council - Nebraska Retirement Systems  
Patefield, Mark R. - State Board of Health - Health and Human Services  
Pedersen, Boyd - State Electrical Board - General Affairs  
Quandahl, Mark - Nebraska Environmental Trust Board - Natural Resources  
Riley, Thomas E. - Director - Department of Natural Resources - Natural Resources  
Schutt, Diane - Commission for the Deaf and Hard of Hearing - Health and Human Services

Sevier, Joshua Dale - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Sievers, LeRoy W. - Nebraska Natural Resources Commission - Natural Resources  
 Smathers, Scott - Nebraska Natural Resources Commission - Natural Resources  
 Smith, Clay - Nebraska Educational Telecommunications Commission - Education  
 Snow, Pamela - Nebraska Arts Council - General Affairs  
 Spray, Daniel - Nebraska Information Technology Commission - Transportation and Telecommunications  
 Sullivan, Kate - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
 Synhorst, Robert (Bud) - State Board of Health - Health and Human Services  
 Tesmer, Timothy A. - State Board of Health - Health and Human Services  
 Turman, Paul - Nebraska Educational Telecommunications Commission - Education  
 Vehle, Dan - State Board of Health - Health and Human Services  
 Von Behren, Paul - Coordinating Commission for Postsecondary Education - Education  
 Walvoord, John E. - Beginning Farmer Board - Agriculture

(Signed) Dan Hughes, Chairperson  
 Executive Board

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 10, 2021, 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  
 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  
 Albrecht, Tim  
 Apple Inc.

Alston, Garth R.  
Altria Client Services LLC and its Affiliates

Amack, Angela K.  
Center for People in Need  
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 (NPPFA)

American Communications Group, Inc.  
AARP Nebraska  
Advanced Power Alliance  
American Cancer Society Cancer Action Network  
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  
NC2-Nebraska Cancer Coalition  
Nebraska Association of Behavioral Health Organizations  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Nebraska Chapter of the American Physical Therapy Association  
Nebraska Child Health and Education Alliance  
Nebraska Commission on Public Advocacy, The  
Nebraska Dental Assistants Association  
Nebraska Investment Finance Authority  
Nebraska Occupational Therapy Association  
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!  
The Nebraska Coalition for Lifesaving Cures  
Vigilnet America LLC  
Windstream Communications  
YMCA's of Nebraska

Ashford, Brad  
Houghton Bradford Whitted PC, LLO

Baier, Richard J.  
Nebraska Bankers Association

Baird Holm LLP  
Avail  
BHE Renewables, LLC  
Brickway Brewery & Distillery

Geronimo Energy, LLC  
Lyft, Inc.  
Moran's Liquor Works, LLC  
MTM Inc.  
Nebraska Craft Brewers Guild  
SunVest Solar, Inc.  
The Energy Studio, Inc.  
TSYS  
Westervelt Ecological Services  
Baker, Cassi  
Greenwich Biosciences, Inc.  
Barrett, John R.  
Great Plains Communications, Inc.  
Bass, Katherine  
First Five Nebraska  
Beacom, Nathan  
Center for Rural Affairs  
Beck, Craig  
OpenSky Policy Institute  
Becker, David  
The Nebraska Geological Society  
Becker, Jill  
Black Hills Energy  
Bell, Robert  
Nebraska Insurance Federation  
Benjamin, Melody  
Nebraska Cattlemen, Inc.  
Benson, David  
American Cancer Society Cancer Action Network  
Benson, Jenni  
Nebraska State Education Association  
Beyer, Nolan  
Millard Public Schools  
Biddison, Morgan  
Tri-State Generation and Transmission Association  
Bish, Jacob  
Hemp Harvest Works  
Blake, Jeremiah  
Charter Communications, Inc.  
Block, Kristi  
Nebraska Grain and Feed Association  
Boddy, Heath  
Nebraska Health Care Association, Inc.  
Bohrer, Bruce J.  
Lincoln Chamber of Commerce  
Borgeson, Robert A.  
SMART-TD  
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  
Charter Communications, Inc.  
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

Bromm Nielsen & Mines  
3M COMPANY  
Aflac  
AHIP - America's Health Insurance Plans  
Cameco Resources  
Cargill  
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  
State Farm Insurance Companies  
Syngenta  
Verizon Communications, Inc.

Bromm, Curt  
Bromm Nielsen & Mines

Bromm, Jason  
Bromm Nielsen & Mines

Brown, Scott  
Vertex Pharmaceuticals Incorporated

Brunkhorst, Kelly  
Nebraska Corn Growers Association

Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation

Cannon, Jonathan  
Nebraska Association of County Officials

Carroll-Shern, Linda  
Pharmaceutical Research and Manufacturers of America

Cartier, John  
Civic Nebraska

Catalyst Public Affairs  
American National Bank  
Bellino Enterprises  
Charter Communications, Inc.  
CRH Americas, Inc.  
History Nebraska Foundation  
Home Instead, Inc.  
Invenergy LLC  
Koch Companies Public Sector, LLC and Affiliates  
KVC Health Systems, Inc.  
Lutheran Family Services of Nebraska  
Nebraska Board of Engineers and Architects  
Nebraska Health Information Initiative, Inc.  
Nebraska Intergovernmental Risk Management Association  
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

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

Conrad, Danielle  
ACLU Nebraska

CP Strategies LLC  
Centene Corporation on behalf of its affiliates and subsidiaries  
KAAPA Ethanol, LLC  
Nebraska Petroleum Producers Association  
Nomi Health, Inc.  
T-Mobile

Creager, Jennifer  
Greater Omaha Chamber

Danek, Sandy  
Nebraska Right to Life

Davis, Hillary  
Student Press Law Center

Davis, Jeffrey N.  
Burlington Northern Sante Fe (BNSF) Railway Company

DeBow, Chris  
Public Trust Advisors, LLC

Decamp, Suzan  
AARP Nebraska

DeLong, Danny  
AARP Nebraska

Dentlinger, Courtney  
Nebraska Public Power District

DeRossett, Dennis M.  
Nebraska Press Association

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

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

Ekeler, Jeremy  
Nebraska Catholic Conference

Erickson, Julie S.  
American Communications, Inc.

Ernst, Dan E.  
Nebraska Council of School Administrators

Everett, Elizabeth

First Five Nebraska  
Fairbairn, Kyle  
Greater Nebraska Schools Association  
Falk, W. Jarad  
Charter Communications, Inc.  
Faustman, Nicholas  
AAA Nebraska and The Auto Club Group  
Feagler, Mike  
Nebraska Hospital Association  
Feichtinger, Erin  
Together Inc. of Metropolitan Omaha  
Fellers, Ansley  
Nebraska Grocery Industry Association  
SHAZAM  
Fellers, Trent  
Windstream Communications  
Fennell, Madaline  
Nebraska State Education Association  
Ferrell, Beth Bazyn  
Nebraska Association of County Officials  
Feser, Adam  
First Five Nebraska  
Feuerborn, Jordan  
Merck Sharp and Dohme Corp.  
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  
Geis, Gavin Lawrence  
Common Cause National  
George, Dee D  
Novartis Services, Inc.  
Gerloff, Jerianne  
Pfizer Inc.  
Gerrard, Eric  
American Communications, Inc.  
City of Lincoln

Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady

Giles, Jo  
Coalition for a Strong Nebraska

Givens-Dunn, Taylor  
Voices for Children in 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

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 and its Affiliates

Harner, Shannon R.  
Nebraska Investment Finance Authority

Harr, Burke  
Houghton Bradford Whitted PC, LLO

Harris, Jasmine  
RISE

Harris, Julie  
Bike Walk Nebraska

Harrold, Patricia  
Nebraska Firearms Owners Association (NFOA)

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  
DraftKings Inc.  
Heartland Relief, LLC  
Omaha Federation of Labor, AFL-CIO  
Omaha Professional Firefighters Association  
TransCanada

Hendrickson, Ashlee  
Nebraska Health Care Association, Inc.

Higgins, Kersten  
Mutual of Omaha

Higgins, Shirley  
Nebraska Public Power District

Hilton, Felicia  
Nebraska Labor Unity Council  
North Central States Regional Council of Carpenters

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

Hubly, Justin  
Nebraska Association of Public Employees NAPE/AFSCME Local 61

Hunter-Pirtle, Ann  
Stand for Schools

Husch Blackwell LLP  
Nebraska Chiropractic Physicians Association

Husch Blackwell Strategies  
Blue Cross and Blue Shield of Nebraska  
Capitol Bridge, LLC  
Enhanced Capital  
Facebook  
Fonner Park  
Great Plains Communications, Inc.  
Hawkins Construction  
JUUL Labs Inc.  
Lindsay Corporation  
Monolith Materials  
Nucor Corporation  
Paige Wireless  
Turo

Waste Management, Inc.  
Idoux, John  
CenturyLink  
Irsik, Ryan  
Walmart, Inc.  
Jacobson, Mary  
Nebraska Strategies  
Jensen Rogert Associates, Inc.  
AgMed, LLC  
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  
LeadingAge Nebraska  
Learning Community of Douglas and Sarpy Counties  
Mosaic  
Nebraska Association of Nurse Anesthetists  
Nebraska Dental Hygienists' 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  
Wine Institute  
Joekel, Tiffany  
Women's Fund of Greater Omaha, Inc.  
Jones Jr., Dallas  
Lincoln Independent Business Association (LIBA)  
Juhnke, Alan R.  
Nebraska Pork Producers Association  
Kavan, Camdyn  
OpenSky Policy Institute  
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  
Molson Coors Beverage Company USA 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  
Anthem, Inc. and Its Affiliates  
Bennington Public Schools  
Buildertrend Solutions, Inc.  
Cigar Association of America, Inc.  
Community Alliance, Inc.  
Community Lottery System, Inc.  
Creighton University  
CVS Health  
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 Auto Body Association  
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  
Westside Community Schools  
Kelley, Michael A.  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC  
Kelley, Sean  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC  
Kellman, Robert  
Uber Technologies, Inc.  
Kerr, Ashlea  
Arc of Nebraska, The  
Kilgarin, Karen  
Nebraska State Education Association  
Kingery, Shannon L.  
RAI Services Co. (Reynolds American Inc.)



Kissel Kohout ES Associates, LLC  
AmeriHealth Caritas  
Associated Beverage Distributors of Nebraska  
Autism Center of Nebraska  
Burlington Northern Sante Fe (BNSF) Railway Company  
CenturyLink  
Enbridge (U.S.) Inc. (Formerly Spectra Energy)  
Hands of Heartland  
Lancaster County Board of Commissioners  
Mentor Nebraska  
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  
Ollie Webb Center, Inc  
Professional Engineers Coalition  
Railway Supply Institute  
Ralston Public School District  
Telecare Corporation  
United Cities of Sarpy County

Klingler, Timoree  
Nebraska Health Information Initiative, Inc.

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

Krannawitter, Brian  
American Heart Association

Kruse Company  
Nebraska Alliance for Family and Child Service Providers  
Nebraska Association for the Gifted  
Neilan Strategy Group  
People United for Privacy  
RAI Services Co. (Reynolds American Inc.)

Kubat, Rick  
Metropolitan Utilities District

Lassen, Robert  
AARP Nebraska

LeFebvre, Mary  
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

Lucariello, Katelin  
Pharmaceutical Research and Manufacturers of America

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.

Mace, Gina  
Enel North America, Inc.

MacTaggart, Christon  
Women's Fund of Greater Omaha, Inc.

Maddock, Jahne'  
Racial Justice Coalition

Mallett, Rochelle  
Husch Blackwell Strategies LLC

Mancuso, Aubrey  
Voices for Children in Nebraska

Mandel, Jon  
DraftKings Inc.

Marquis-Favinger, Carrie  
Nebraska Realtors Association

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  
McHargue, Mark  
Nebraska Farm Bureau Federation  
McIntosh, Ryan  
Brandt, Horan, Hallstrom and Stilmock  
McNally, Lynne  
Nebraska Horsemen's Benevolent and Protective Association  
Nebraska Propane Gas Association  
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  
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  
Miner, Marion  
Nebraska Catholic Conference  
Mines, Mick  
Bromm Nielsen & Mines  
Moles, Jack  
Nebraska Rural Community Schools Association  
Mollard, Elizabeth  
Nebraska Affiliate of the American College of Nurse-Midwives  
Moulton, MaryLee

League of Women Voters of Nebraska  
Mueller Robak  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter  
Bristol-Myers Squibb Co.  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
COPIC Insurance Company  
Duncan Aviation, Inc.  
Eastern Nebraska Development Council  
Fiserv  
GlaxoSmithKline  
Google LLC and its Affiliates  
Greenwich Biosciences, Inc.  
Integrated Life Choices  
Iowa-Nebraska Rental Dealers Association  
Lincoln Airport Authority  
Madonna Rehabilitation Hospital  
Millard Public Schools  
Millard Roofing and Gutter Company  
NaphCare, Inc.  
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 Oncology Society  
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.  
Sugar Creek Capital  
Uber Technologies, Inc.  
Mueller, William J.  
Mueller Robak, LLC  
Mueting, Marcia  
Nebraska Pharmacists Association  
Murty, Dayton  
CP Strategies LLC

Nathan, Robbie  
AARP Nebraska

Neal, John P.  
Lincoln Public Schools

Nebraska Strategies  
Amazon.com Services LLC  
Bayer U.S. LLC  
Consumer Data Industry Association  
Keith County Area Development  
Lincoln Premium Poultry  
Mark Anthony Brands  
Nebraska Licensed Beverage Association  
Public Trust Advisors, LLC  
Tesla, Inc.  
U.S. Cellular

Neilan Strategy Group  
People United for Privacy  
Tenaska  
Wireless Infrastructure Association c/o MultiState Associates Inc.

Neilan, Perre S.  
Neilan Strategy Group

Neiles-Brasch, Megan  
Omaha Public Schools

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 Assn for Home Healthcare and Hospice  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of County Officials  
Nebraska Cattlemen, Inc.  
Nebraska Funeral Directors 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  
Rural Telecommunications Coalition of Nebraska  
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 for Automotive Innovation  
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  
Winnebago Tribe of Nebraska  
Omey, Samantha  
Exxon Mobil Corporation  
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  
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  
Friends of Knox County  
Friends of Nebraska Tech Collaborative  
Kiewit Corporation  
Metropolitan Entertainment & Convention Authority  
Microsoft Corporation  
Nebraska Nurse Practitioners  
Nebraska Trucking Association  
Oath and Other Various Subsidiaries  
Omaha Zoological Society  
Quality Living, Inc.  
School Employees' Retirement System of Douglas County School District 1  
Telcoin  
Tenaska  
University of Nebraska  
Peetz, Jack  
Peetz & Company  
Peetz, Natalie  
Peetz & Company  
Pellett, Stacey  
Deere & 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.  
Anthem, Inc. and Its Affiliates

Potter, Tim  
AARP Nebraska

Prokop, Matthew  
American Cancer Society Cancer Action Network

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
Altria Client Services LLC and its Affiliates  
American Property Casualty Insurance Association (APCIA)  
Bellevue Public Schools  
CIOX Health, LLC c/o MultiState Associates, Inc.  
Enterprise Rent-A-Car  
Farm Credit Services of America  
Father Flanagan's Boys' Home  
Friends of Nebraska Parks  
HBAL/MOBA Coalition  
Ho-Chunk, Inc.  
Housing Policy Network  
Hy-Vee  
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 Broadband Alliance  
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  
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  
Rips, Sara  
ACLU Nebraska  
Robak, Kim M.  
Mueller Robak, LLC  
Robertson, Rob J.  
Nebraska Farm Bureau Federation  
Rogert, Kent  
Jensen Rogert Associates, Inc.  
Rollag, Megan  
Racial Justice Coalition  
Roque, Matthew  
ProRail Nebraska, Inc.  
Roth, Anne  
Hy-Vee  
Rubin, Barry R.  
Heartland Strategy Group, LLC

Sahling-Zart, Shelley R.  
Lincoln Electric System

Sanford, Robert A.  
Nebraska Domestic Violence Sexual Assault Coalition

Schaefer, Matthew T.  
Mueller Robak, LLC

Schilz, Kenneth  
Nebraska Strategies

Schneider, David  
Convention of States Action

Schneider, Stephen  
American Property Casualty Insurance Association (APCIA)

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 Assn for Home Healthcare and Hospice

Shelburn, Jessica  
Americans for Prosperity

Silke, Vanessa  
Baird Holm LLP

Slattery, David  
Nebraska Hospital Association

Slone, Bryan  
Nebraska Chamber of Commerce & Industry

Sommer, Alex  
Prime Therapeutics, LLC

Spady, Robin  
Nebraska Municipal Power Pool

Spatz, John  
Nebraska Association of School Boards

St. Clair, Sheri  
League of Women Voters of Nebraska

Stahly, Dee Ann  
Dexcom, Inc.

Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock

Streetman, Terrance  
Alzheimer's Association

Stubbendieck, Todd  
AARP Nebraska

Sullivan, J. Scott  
Nebraska Credit Union League

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

Traynor, Hunter  
Rembolt Ludtke, LLP

Trocinski, Carol A.  
United Healthcare Services, Inc.

Valenti, John  
Sanofi US

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

Wesely, Don  
O'Hara Lindsay & Associates, Inc.

Westerhold, Russell  
Nowka & Edwards

Wetzel, Jason  
General Motors LLC

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  
Centene Corporation on behalf of its affiliates and subsidiaries

Wininger, Dwight  
ALLO Communications

Woepfel, Ed  
Nebraska Cooperative Council

Wurster, Donald F.  
National Indemnity Company

Young, Hannah  
Nonprofit Association of the Midlands

Zalenski, Susan D.  
Johnson & Johnson Services, Inc.

Zulkoski Weber LLC  
Archer Daniels Midland Company  
Bio Nebraska Life Sciences Association  
Cedars Youth Services  
Consortia Consulting  
Ducks Unlimited, Inc.  
JE Dunn Construction  
Kum & Go  
Merck Sharp and Dohme Corp.  
National Psoriasis Foundation  
Nebraska Academy of Nutrition and Dietetics  
Nebraska Academy of Physician Assistants  
Nebraska Association of Resources Districts  
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  
Secure Democracy  
Viaero Wireless  
Women's Fund of Greater Omaha, Inc.  
Zulkoski, Katie W.  
Zulkoski Weber LLC

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 213.** Introduced by Briese, 41; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to state government; to provide for an efficiency review of state agencies as prescribed.

**LEGISLATIVE BILL 214.** Introduced by Linehan, 39; Bostelman, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101 and 77-1359, Reissue Revised Statutes of Nebraska; to define certain terms for purposes of property taxes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 215.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435 and 86-457, Reissue Revised Statutes of Nebraska, and section 86-903, Revised Statutes Cumulative Supplement, 2020; to change 911 service surcharge provisions under the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, and the Prepaid Wireless Surcharge Act as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2020; to prohibit certain statements by a peace officer; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2020; to prohibit the filing of a false report by a peace officer; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 218.** 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, 2020; to provide for the applicability of the 2018 Uniform Plumbing Code in certain cities, villages, and counties; to eliminate duplicative provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 219.** 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 Cumulative Supplement, 2020; to change legislative declarations and findings relating to traffic congestion; and to repeal the original sections.

**LEGISLATIVE BILL 220.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the state building code; to amend section 71-6405, Reissue Revised Statutes of Nebraska, and sections 71-6404 and 71-6406, Revised Statutes Cumulative Supplement, 2020; to define a term; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 221.** 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, 2020; to provide for the applicability of the 2021 Uniform Plumbing Code in certain cities, villages, and counties; to eliminate duplicative provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 222.** Introduced by Erdman, 47; Brewer, 43; Halloran, 33; Murman, 38.

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 223.** Introduced by Erdman, 47; Brewer, 43; Halloran, 33; Murman, 38.

A BILL FOR AN ACT relating to game and parks; to amend section 37-308.01, Reissue Revised Statutes of Nebraska; to authorize the carrying of a firearm for protection while archery hunting; and to repeal the original section.

**LEGISLATIVE BILL 224.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to county surveyors; to amend section 23-1901.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to appointment of a county surveyor in certain counties as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 225.** 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 226.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,185, Revised Statutes Cumulative Supplement, 2020; to limit motor vehicle tax exemptions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 227.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public safety; to amend section 28-111, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-907, Revised Statutes Cumulative Supplement, 2020; to adopt the Doxing Prevention Act; to change provisions relating to penalty enhancements and false reporting; to define terms; to provide and change penalties; to provide for civil causes of action; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 13-3203, 13-3204, and 13-3205, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change provisions relating to requirements for ordinances and resolutions and assessment contract provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 229.** Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; 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 assault by strangulation or suffocation as an offense 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 230.** Introduced by Hunt, 8; Cavanaugh, J., 9; Hansen, M., 26.

A BILL FOR AN ACT relating to civil rights; 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, 29-401, and 49-801, Reissue Revised Statutes of Nebraska; to prohibit discrimination on the basis of sexual orientation or gender identity in public accommodations and under the Nebraska Fair Housing Act; to change powers of cities and villages relating to discrimination; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 231.** Introduced by Hunt, 8; Cavanaugh, J., 9; Hansen, M., 26.

A BILL FOR AN ACT relating to conversion therapy; to amend sections 38-101, 38-178, and 38-2894, Revised Statutes Cumulative Supplement, 2020; to prohibit conversion therapy and provide for disciplinary sanctions under the Uniform Credentialing Act as prescribed; to provide for a deceptive trade practice; to define terms; to prohibit the use of funds for conversion therapy as prescribed; to eliminate a duty of the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 232.** Introduced by Hunt, 8; Hansen, M., 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-490 and 60-491, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and 60-4,144, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the gender designated on drivers' licenses and state identification cards; to change gender-related language as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 233.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2020; to provide sales and use tax collection duties for certain peer-to-peer rentals of vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 234.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to corporations; to amend section 21-2217, Reissue Revised Statutes of Nebraska, and sections 21-211, 21-214, 21-215, 21-2,195, 21-2,211, 21-2,212, 21-2,219, 21-2,221, 21-2,228, 21-301,



21-302, 21-303, 21-304, 21-305, 21-306, 21-313, 21-323, 21-323.01, 21-325, 21-325.01, 21-329, and 21-2216, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to when corporate reports and occupation taxes become due and delinquent; to define terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 235.** Introduced by Brewer, 43; Albrecht, 17; Erdman, 47; Halloran, 33; Lowe, 37; Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Meat and Poultry Inspection Law; to amend section 54-1901, Reissue Revised Statutes of Nebraska; to state intent to implement a cooperative state inspection program pursuant to federal law; to provide powers and duties for the Department of Agriculture; to create a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 236.** Introduced by Brewer, 43; Clements, 2; Erdman, 47; Slama, 1.

A BILL FOR AN ACT relating to counties; to amend sections 23-104, 28-1202, and 69-2428, Reissue Revised Statutes of Nebraska; to give counties the power to authorize the carrying of concealed weapons as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 237.** Introduced by Brewer, 43; Erdman, 47; Halloran, 33; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the taxation of benefits received under the federal Social Security Act; and to repeal the original section.

**LEGISLATIVE BILL 238.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Ground Emergency Medical Transport Act; to amend sections 68-977, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, and 68-986, Reissue Revised Statutes of Nebraska; to define and eliminate terms; to restate intent; to change provisions relating to supplemental reimbursement eligibility and payment; to change references to an intergovernmental transfer program and capitation payments and provide for a certified public expenditure program; to update federal references; to change Department of Health and Human Services duties and powers as prescribed; to eliminate a provision relating to commencement of increased capitation payments; to harmonize provisions; to repeal the original sections; to outright repeal section 68-988, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 239.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the use of handheld wireless communication devices; and to repeal the original section.

**LEGISLATIVE BILL 240.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,270, Revised Statutes Cumulative Supplement, 2020; to require the use of occupant protection systems for each vehicle occupant; and to repeal the original section.

**LEGISLATIVE BILL 241.** Introduced by Vargas, 7; Aguilar, 35; Brandt, 32; Hansen, M., 26; Hunt, 8; Lathrop, 12; McDonnell, 5; Pansing Brooks, 28; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to labor; to adopt the Meatpacking Employees COVID-19 Protection Act; and to declare an emergency.

**LEGISLATIVE BILL 242.** Introduced by Brandt, 32; Albrecht, 17; Bostar, 29; Cavanaugh, J., 9; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Kolterman, 24; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Stinner, 48; Walz, 15; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2904 and 39-2805, Reissue Revised Statutes of Nebraska, and sections 13-2914 and 39-2822, Revised Statutes Cumulative Supplement, 2020; to change provisions of the Political Subdivisions Construction Alternatives Act and Transportation Innovation Act relating to design-build contracts, construction management at risk contracts, and county bridges; to eliminate obsolete provisions; to provide a designation for terminated program funds; to create the County Bridge Incentive Program; to provide duties for the Department of Transportation; and to repeal the original sections.

**LEGISLATIVE BILL 243.** Introduced by Bostar, 29; Cavanaugh, J., 9; Day, 49; Hansen, M., 26; Hunt, 8; McKinney, 11; Morfeld, 46; Pansing Brooks, 28.

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, 2020; to adopt the Access College Early Tech Promise Program Act; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 244.** Introduced by Clements, 2; Arch, 14; Bostelman, 23; Brewer, 43; Briese, 41; Erdman, 47; Halloran, 33; Lowe, 37; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2436, Reissue Revised Statutes of Nebraska; to change renewal provisions; and to repeal the original section.

**LEGISLATIVE BILL 245.** Introduced by DeBoer, 10; Wayne, 13; Wishart, 27.

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, 43-104.04, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105, 43-106, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115, 43-146.01, and 43-906, Reissue Revised Statutes of Nebraska, and sections 25-307, 43-102, and 43-1411, Revised Statutes Cumulative Supplement, 2020; to define terms and change terminology; to change provisions relating to petitions for adoptions, adoptive home studies, consents to adoptions, fathers, the biological father registry, notices, petitions for adjudication of paternity, and notices to possible biological fathers; to eliminate provisions relating to guardians ad litem; 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 246.** Introduced by DeBoer, 10; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to landlord and tenant; to amend sections 25-21,219, 76-1441, and 76-14,101, Reissue Revised Statutes of Nebraska; to change provisions relating to the applicability of forcible entry and detainer and actions for possession under the Uniform Residential Landlord and Tenant Act and the Mobile Home Landlord and Tenant Act; and to repeal the original sections.

**LEGISLATIVE BILL 247.** Introduced by Pansing Brooks, 28; Friesen, 34; Hunt, 8; Lathrop, 12; Williams, 36.

A BILL FOR AN ACT relating to mental health; to create the Mental Health Crisis Hotline Task Force; to provide powers and duties; and to declare an emergency.

**LEGISLATIVE BILL 248.** Introduced by Pansing Brooks, 28; Williams, 36.

A BILL FOR AN ACT relating to the Uniform Directed Trust Act; to amend section 30-4305, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to actions excluded from the act; and to repeal the original section.

**LEGISLATIVE BILL 249.** Introduced by Pansing Brooks, 28; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; Hansen, M., 26; Hunt, 8; McCollister, 20; McKinney, 11; Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1111, Revised Statutes Cumulative Supplement, 2020; to prohibit employers from inquiring about and using wage rate history as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 250.** Introduced by Hunt, 8; Geist, 25.

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 251.** Introduced by Cavanaugh, M., 6; DeBoer, 10; Flood, 19; Hansen, M., 26; Hilkemann, 4; Hunt, 8; McCollister, 20; Morfeld, 46; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to organ and tissue donation; to amend section 71-4827, Reissue Revised Statutes of Nebraska, and section 60-494, Revised Statutes Cumulative Supplement, 2020; to change the age for organ and tissue donation as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 252.** Introduced by Williams, 36; Brandt, 32; Dorn, 30.

A BILL FOR AN ACT relating to the Veterinary Drug Distribution Licensing Act; to amend section 71-8901, Reissue Revised Statutes of Nebraska; to provide for refills pursuant to certain veterinary drug orders as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 253.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to series limited liability companies; to amend sections 21-192 and 21-504, Revised Statutes Cumulative Supplement, 2020; to change series limited liability company provisions relating to filing fees and limitations of powers; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 254.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to taxation; to amend section 77-5208, Reissue Revised Statutes of Nebraska; to extend the date for approval of new applications pursuant to the Beginning Farmer Tax Credit Act; and to repeal the original section.

**LEGISLATIVE BILL 255.** Introduced by Hansen, M., 26; Blood, 3; Bostar, 29; Brandt, 32; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; McDonnell, 5; Morfeld, 46; Pahls, 31; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to first responders; 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 256.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-139, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to lump-sum settlement approval and the filing of releases; and to repeal the original section.

**LEGISLATIVE BILL 257.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-615, Reissue Revised Statutes of Nebraska; to change how vacancies on the board of directors are filled; and to repeal the original section.

**LEGISLATIVE BILL 258.** Introduced by Vargas, 7.

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

**LEGISLATIVE BILL 259.** Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Hansen, B., 16; Lowe, 37; McDonnell, 5.

A BILL FOR AN ACT relating to civil procedure; to authorize a civil action for damages for certain public safety officers as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 260.** Introduced by Hunt, 8; Blood, 3; Bostar, 29; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Dorn, 30; Flood, 19; Hansen, M., 26; Hilkemann, 4; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to good cause for voluntarily leaving employment and employers' experience accounts; and to repeal the original

sections.

**LEGISLATIVE BILL 261.** Introduced by Linehan, 39; Aguilar, 35; Arch, 14; Blood, 3; Brandt, 32; Brewer, 43; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hunt, 8; Kolterman, 24; Lathrop, 12; Lowe, 37; McKinney, 11; Moser, 22; Murman, 38; Pahls, 31; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to veterans; to amend section 80-107, Reissue Revised Statutes of Nebraska; to change provisions relating to procuring and furnishing markers for the graves of certain veterans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 262.** Introduced by Vargas, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to public assistance; to amend sections 4-110 and 43-4505, Reissue Revised Statutes of Nebraska, and sections 43-4504, 43-4511.01, and 43-4514, Revised Statutes Cumulative Supplement, 2020; to provide for participation in the bridge to independence program under the Young Adult Bridge to Independence Act by young adults not lawfully present in the United States; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 263.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to professions and occupations; to amend sections 84-933 and 84-934, Revised Statutes Cumulative Supplement, 2020; to define a term; 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 or in the United States Military; to provide for jurisprudential examinations and appeals from denial of a license; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 17.** Introduced by Albrecht, 17.

WHEREAS, Edward Matney of Hartington, Nebraska, was appointed as a county court judge in the sixth judicial district in December of 2020; and

WHEREAS, Edward Matney has practiced law in South Sioux City, Nebraska, from 2012 until his judicial appointment; and

WHEREAS, Edward Matney was an administrator and attorney with the Department of Health and Human Services from 2009 to 2012;

WHEREAS, Edward Matney served as the county attorney for Dakota County from 1998 to 1999 and 2004 to 2008; and

WHEREAS, Edward Matney served as the county attorney for Cedar County from 2001 to 2003 and 2018 to 2019.

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

1. That the Legislature congratulates Honorable Edward Matney on his judicial appointment to the county court for the sixth judicial district.
2. That a copy of this resolution be sent to Honorable Edward Matney.

Laid over.

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

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

Senator Lowe name added to LB4.  
Senator Brandt name added to LB5.  
Senator Lindstrom name added to LB5.  
Senator Lindstrom name added to LB6.  
Senator Brandt name added to LB6.  
Senator Hilkemann name added to LB14.  
Senator Hilkemann name added to LB15.  
Senator Blood name added to LB59.  
Senator Lowe name added to LB72.  
Senator Hansen, M. name added to LB88.  
Senator Hansen, M. name added to LB117.  
Senator Hansen, M. name added to LB120.  
Senator Hansen, M. name added to LB128.  
Senator Hansen, M. name added to LB132.  
Senator Brewer name added to LB165.  
Senator Lowe name added to LB167.  
Senator Hansen, M. name added to LB203.  
Senator Briese name added to LR13CA.

**ANNOUNCEMENT(S)**

The Agriculture Committee elected Senator Brandt as Vice Chairperson.

**ADJOURNMENT**

At 11:31 a.m., on a motion by Senator Walz, the Legislature adjourned until 10:00 a.m., Tuesday, January 12, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**FIFTH DAY - JANUARY 12, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 12, 2021

**PRAYER**

The prayer was offered by Senator Walz.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Groene and Halloran who were excused; and Senator Lindstrom who was excused until he arrives.

**SENATOR WILLIAMS PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB45	Judiciary
LB46	Judiciary
LB139	Judiciary
LB140	Appropriations
LB141	Appropriations
LB142	Appropriations
LB143	Health and Human Services
LB144	Nebraska Retirement Systems
LB145	Nebraska Retirement Systems
LB146	Nebraska Retirement Systems
LB147	Nebraska Retirement Systems

LB148	Natural Resources
LB149	Transportation and Telecommunications
LB150	Judiciary
LB151	Judiciary
LB152	General Affairs
LB153	Education
LB154	Education
LB155	Judiciary
LB156	Urban Affairs
LB157	Judiciary
LB158	Government, Military and Veterans Affairs
LB159	Urban Affairs
LB160	Banking, Commerce and Insurance
LB161	Urban Affairs
LB162	Urban Affairs
LB163	Urban Affairs
LB164	Transportation and Telecommunications
LB165	Revenue
LB166	Transportation and Telecommunications
LB167	Judiciary
LB168	Urban Affairs
LB169	Business and Labor
LB170	Business and Labor
LB171	Business and Labor
LB172	Business and Labor
LB173	Judiciary
LB174	Transportation and Telecommunications
LB175	Revenue
LB176	Revenue
LB177	Banking, Commerce and Insurance
LB178	Revenue
LB179	Government, Military and Veterans Affairs
LB180	Revenue
LB181	Revenue
LB182	Revenue
LB183	Health and Human Services
LB184	Nebraska Retirement Systems
LB185	Appropriations
LB186	Judiciary
LB187	Judiciary
LB188	Government, Military and Veterans Affairs
LB189	Revenue
LB190	Natural Resources
LB191	Natural Resources
LB192	Appropriations
LB193	Appropriations
LB194	Revenue
LB195	Government, Military and Veterans Affairs
LB196	Judiciary

LB197	Education
LB198	Education
LB199	Judiciary
LB200	Education
LB201	Judiciary
LB202	Health and Human Services
LB203	Judiciary
LB204	Judiciary
LB205	Judiciary
LB206	Judiciary
LB207	Business and Labor
LB208	Appropriations
LB209	Nebraska Retirement Systems
LB210	Education
LB211	Health and Human Services
LB212	Executive Board
LR5	Agriculture
LR13CA	Education
LR14	Government, Military and Veterans Affairs

(Signed) Dan Hughes, Chairperson  
Executive Board

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 264.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-312, 82-313, and 82-334, Revised Statutes Cumulative Supplement, 2020; to state intent for the Legislature to appropriate funds for and to change provisions relating to the competitive grant program; and to repeal the original sections.

**LEGISLATIVE BILL 265.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3211, Revised Statutes Cumulative Supplement, 2020; to provide an annual report exception; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 266.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to renewable energy; to adopt the Renewable Energy Standards Act; and to provide an operative date.

**LEGISLATIVE BILL 267.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801, 13-2802, 13-2803, 13-2804, 13-2805, 13-2806, 13-2810, 13-2813, 13-2818, 13-2819, and 66-1859, Reissue Revised Statutes of Nebraska, and sections 13-520 and 13-2809, Revised Statutes Cumulative Supplement, 2020; to provide an exception to certain budget limitations; to change provisions relating to municipal counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 268.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1423, Reissue Revised Statutes of Nebraska; to change provisions relating to a landlord's right of access; and to repeal the original section.

**LEGISLATIVE BILL 269.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-192, Revised Statutes Cumulative Supplement, 2020; to change provisions regarding the annual review of a committed offender's record; to require publication of a list of nonviolent, elderly committed offenders with medical conditions; to eliminate obsolete language; and to repeal the original section.

**LEGISLATIVE BILL 270.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to pharmacy benefits; to amend sections 68-901 and 71-2484, Revised Statutes Cumulative Supplement, 2020; to adopt the Pharmacy Benefit Manager Regulation Act; to transfer provisions related to pharmacy benefits; to require an audit as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 271.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 29-3604 and 29-3605, Reissue Revised Statutes of Nebraska, and 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, 2020; to adopt the 24/7 Sobriety Program Act; to authorize a 24/7 sobriety program permit for operating a motor vehicle as prescribed; to prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license revocation violations; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 272.** Introduced 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, Revised Statutes Cumulative Supplement, 2020; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 273.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to youth rehabilitation and treatment centers; to amend section 83-364, Reissue Revised Statutes of Nebraska, and sections 28-934, 43-407, 48-101.01, 81-1316, 83-104, and 83-107.01, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to provide for use of facilities as youth rehabilitation and treatment centers; to permit provision of care at another youth rehabilitation and treatment center; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 274.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-123, 53-123.11, 53-123.14, 53-123.16, 53-124.13, and 53-134, Revised Statutes Cumulative Supplement, 2020; to provide for a promotional farmers market special designated license; to provide for a fee; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 275.** Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to the Semiquincentennial Commission; to create a commission and provide duties for the commission relating to the United States Semiquincentennial; to provide duties for the Governor; and to declare an emergency.

**LEGISLATIVE BILL 276.** Introduced by Hunt, 8; Cavanaugh, J., 9.

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 277.** Introduced by Hunt, 8; Cavanaugh, J., 9; Hansen, M., 26.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1485, 76-1486, 76-1489, 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 for paying certain overdue rent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 278.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2020; to change a penalty for possession as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 279.** Introduced by Bostar, 29; Arch, 14; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend section 58-706, Revised Statutes Cumulative Supplement, 2020; to authorize certain activities that are eligible for assistance from the Affordable Housing Trust Fund; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to insurance; to amend section 44-211, Revised Statutes Cumulative Supplement, 2020; to eliminate a state residency requirement for the board of directors of an insurance company; and to repeal the original section.

**LEGISLATIVE BILL 281.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to schools; to require child sexual abuse prevention instructional programs for students and staff.

**LEGISLATIVE BILL 282.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-815, Reissue Revised Statutes of Nebraska; to change provisions relating to defenses for offenses involving obscene materials; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 283.** Introduced by Briese, 41; Aguilar, 35; Albrecht, 17; Bostar, 29; Brandt, 32; Brewer, 43; Day, 49; Friesen, 34; Halloran, 33; Hansen, M., 26; Hunt, 8; Lindstrom, 18; Lowe, 37; Moser, 22; Sanders, 45; Slama, 1; Wayne, 13.

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, 2020; to provide for year-round daylight saving time as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 284.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Governor's Emergency Program; to amend section 81-829.42, Revised Statutes Cumulative Supplement, 2020;

to provide requirements regarding federal funds; and to repeal the original section.

**LEGISLATIVE BILL 285.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to government; to amend sections 32-329, 32-608, 32-1005, and 70-611, Reissue Revised Statutes of Nebraska, and sections 32-330, 32-404, 32-606, 32-816, and 79-1217, Revised Statutes Cumulative Supplement, 2020; to change election provisions relating to voter registration lists and certain notice of filing deadlines, filing periods, filing forms, filing fees, and write-in votes; to change a certification deadline for certain public power districts; to provide a written notice of appointment requirement for educational service units; to eliminate provisions relating to overvoted ballots; to repeal the original sections; and to outright repeal section 32-1006, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 286.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to education; to amend section 79-101, Revised Statutes Cumulative Supplement, 2020; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 287.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to school funding; to amend sections 77-3446, 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2020; 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.

#### **SPEAKER HILGERS PRESIDING**

**LEGISLATIVE BILL 288.** Introduced by Walz, 15.

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 Cumulative Supplement, 2020; 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 289.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend section 79-1003, Revised Statutes Cumulative Supplement, 2020; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 290.** Introduced by Cavanaugh, M., 6; Blood, 3; Cavanaugh, J., 9; Hansen, M., 26; Hunt, 8; Lathrop, 12; McDonnell, 5; McKinney, 11; Morfeld, 46; Pansing Brooks, 28; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to employment; to amend sections 48-652 and 71-7611, Revised Statutes Cumulative Supplement, 2020; to adopt the Paid Family and Medical Leave Insurance Act; to create a fund; to transfer funds; to change provisions relating to experience accounts under the Employment Security Law; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 291.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to property taxes; to amend section 77-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax protests; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 292.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to property taxes; 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 293.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 32-509, 75-101, and 75-101.01, Reissue Revised Statutes of Nebraska; to change the number of districts and qualifications; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 294.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to government; to amend section 81-1316, Revised Statutes Cumulative Supplement, 2020; to exempt certain state agency deputy directors and legal counsel from the State Personnel System as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to eliminate a provision that prohibits the sale of alcoholic liquor to a person while such person is within a motor vehicle; and to outright repeal section 53-178.01, Reissue Revised Statutes of Nebraska.



**LEGISLATIVE BILL 296.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to state institutions; to amend section 83-109, Revised Statutes Cumulative Supplement, 2020; to change provisions regarding access to records; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banking and finance; to adopt the Nebraska Protection of Vulnerable Adults from Financial Exploitation Act.

**LEGISLATIVE BILL 298.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to labor; to amend section 4-109, Reissue Revised Statutes of Nebraska, and section 48-628.04, Revised Statutes Cumulative Supplement, 2020; to redefine public benefits as prescribed; to change provisions of the Employment Security Law relating to the disqualification of certain aliens; and to repeal the original sections.

**LEGISLATIVE BILL 299.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to firefighters; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; 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 300.** Introduced by Slama, 1; Albrecht, 17; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Friesen, 34; Gragert, 40; Hansen, B., 16; Hughes, 44; Linehan, 39; Lowe, 37; Murman, 38; Sanders, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1407, 28-1408, 28-1409, 28-1410, 28-1411, 28-1412, 28-1413, 28-1414, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to justifications for the use of force; to provide for presumptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 301.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-401, 28-405, and 28-416, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to change drug schedules and adopt federal drug provisions; to change a penalty provision; and to repeal the original sections.

**LEGISLATIVE BILL 302.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-498.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to operator's license revocation; and to repeal the original section.

**LEGISLATIVE BILL 303.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-520, Revised Statutes Cumulative Supplement, 2020; to provide a budget limitation exception as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 304.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice for enforcement of law enforcement officer employment restrictions.

**LEGISLATIVE BILL 305.** Introduced by Erdman, 47; Brandt, 32.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-106, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to appointment and removal of the commission secretary; and to repeal the original section.

**LEGISLATIVE BILL 306.** Introduced by Brandt, 32; Bostar, 29; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, B., 16; Hansen, M., 26; Hilkemann, 4; Hunt, 8; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McKinney, 11; Morfeld, 46; Pahls, 31; Sanders, 45; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to public assistance; to provide eligibility requirements relating to the federal low-income home energy assistance program administered by the state; to provide duties for the Department of Health and Human Services; and to declare an emergency.

**LEGISLATIVE BILL 307.** Introduced by Pansing Brooks, 28; Cavanaugh, J., 9; DeBoer, 10; Lathrop, 12; McKinney, 11; Vargas, 7; Williams, 36.

A BILL FOR AN ACT relating to juveniles; to amend section 43-3102, Reissue Revised Statutes of Nebraska; to change provisions relating to waivers of counsel; to require appointment of counsel; to provide a duty for the Supreme Court of Nebraska; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 308.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend section 29-2709, 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 harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 309.** Introduced by Clements, 2; Bostelman, 23; Erdman, 47; Lowe, 37.

A BILL FOR AN ACT relating to civil rights; to amend sections 38-178 and 38-2894, Revised Statutes Cumulative Supplement, 2020; to adopt the Assistance Animal Integrity in Housing Act; to provide for disciplinary action for violation of such act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 310.** Introduced by Clements, 2; Erdman, 47; Geist, 25; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 311.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103.22, Reissue Revised Statutes of Nebraska, and section 53-123.16, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change provisions relating to a microdistillery license; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 312.** Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Blood, 3; Clements, 2; Slama, 1.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-501 and 12-502, Revised Statutes Cumulative Supplement, 2020; to change cemetery association membership eligibility and record-keeping requirements; and to repeal the original sections.

**LEGISLATIVE BILL 313.** Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostelman, 23; Clements, 2; Slama, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3512 and 77-3514.01, Reissue Revised Statutes of Nebraska; to change provisions relating to late applications for homestead exemptions; to harmonize provisions; and to repeal the original sections.

**ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Wednesday, January 13, 2021, at 11:00 a.m., in Room 1510.

Senator Clements announced the Rules Committee will hold an executive session Thursday, January 14, 2021, at 1:00 p.m., in Room 1525.

**ANNOUNCEMENT(S)**

The Nebraska Retirement Systems Committee elected Senator Lindstrom as Vice Chairperson.

The Rules Committee elected Senator DeBoer as Vice Chairperson.

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

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

Senator Day name added to LB5.  
Senator Day name added to LB6.  
Senator Day name added to LB7.  
Senator McCollister name added to LB8.  
Senator Day name added to LB10.  
Senator McCollister name added to LB11.  
Senator Day name added to LB14.  
Senator Day name added to LB15.  
Senator Hunt name added to LB20.  
Senator Day name added to LB20.  
Senator Hunt name added to LB44.  
Senator Hunt name added to LB45.  
Senator Hunt name added to LB46.  
Senator Hunt name added to LB48.  
Senator Hunt name added to LB49.  
Senator Blood name added to LB67.  
Senator Blood name added to LB68.  
Senator Blood name added to LB69.  
Senator Hunt name added to LB72.  
Senator Hunt name added to LB87.  
Senator Hunt name added to LB88.  
Senator Hunt name added to LB89.  
Senator Hansen, M. name added to LB93.  
Senator Hansen, M. name added to LB94.  
Senator Hunt name added to LB97.  
Senator Hunt name added to LB107.  
Senator Hansen, M. name added to LB108.

Senator Hansen, M. name added to LB109.  
Senator Hunt name added to LB114.  
Senator Hunt name added to LB116.  
Senator Hunt name added to LB117.  
Senator Hunt name added to LB119.  
Senator DeBoer name added to LB120.  
Senator Hunt name added to LB130.  
Senator Hunt name added to LB132.  
Senator Lowe name added to LB173.  
Senator Brandt name added to LB235.  
Senator Lindstrom name added to LB236.  
Senator Arch name added to LB247.  
Senator Brewer name added to LB254.  
Senator Hunt name added to LB255.  
Senator Hansen, B. name added to LR3CA.

### **ADJOURNMENT**

At 11:32 a.m., on a motion by Senator Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 13, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTH DAY - JANUARY 13, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 13, 2021

**PRAYER**

The prayer was offered by Senator Aguilar.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Briese and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

On page 28, after line 7, insert the following:

November 2, 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 Medicaid and Long Term Care:

Kevin Bagley, 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

The Journal for the second day was approved as corrected.

The Journal for the fifth day was approved.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB213	Government, Military and Veterans Affairs
LB214	Revenue
LB215	Transportation and Telecommunications
LB216	Judiciary
LB217	Judiciary
LB218	Urban Affairs
LB219	Urban Affairs
LB220	Urban Affairs
LB221	Urban Affairs
LB222	Revenue
LB223	Natural Resources
LB224	Government, Military and Veterans Affairs
LB225	Appropriations
LB226	Transportation and Telecommunications
LB227	Judiciary
LB228	Urban Affairs
LB229	Judiciary
LB230	Judiciary
LB231	Judiciary
LB232	Transportation and Telecommunications
LB233	Revenue
LB234	Banking, Commerce and Insurance
LB235	Agriculture
LB236	Judiciary
LB237	Revenue
LB238	Health and Human Services
LB239	Transportation and Telecommunications
LB240	Transportation and Telecommunications
LB241	Business and Labor
LB242	Government, Military and Veterans Affairs
LB243	Education
LB244	Judiciary
LB245	Judiciary
LB246	Judiciary



LB247 Executive Board  
 LB248 Banking, Commerce and Insurance  
 LB249 Business and Labor  
 LB250 Government, Military and Veterans Affairs  
 LB251 Health and Human Services  
 LB252 Health and Human Services  
 LB253 Banking, Commerce and Insurance  
 LB254 Revenue  
 LB255 Business and Labor  
 LB256 Business and Labor  
 LB257 Government, Military and Veterans Affairs  
 LB258 Business and Labor  
 LB259 Judiciary  
 LB260 Business and Labor  
 LB261 Government, Military and Veterans Affairs  
 LB262 Health and Human Services  
 LB263 Government, Military and Veterans Affairs

(Signed) Dan Hughes, Chairperson  
 Executive Board

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 314.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend section 44-312, Revised Statutes Cumulative Supplement, 2020; to change provisions related to telehealth insurance coverage; and to repeal the original section.

**LEGISLATIVE BILL 315.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Reissue Revised Statutes of Nebraska, and section 28-310.01, Revised Statutes Cumulative Supplement, 2020; to change penalties for certain assault offenses; and to repeal the original sections.

**LEGISLATIVE BILL 316.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations for a postconviction relief action; and to repeal the original section.

**LEGISLATIVE BILL 317.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04,

Revised Statutes Cumulative Supplement, 2020; to provide for Nebraska History Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 318.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2020; to increase the earned income tax credit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska; to change penalties for theft offenses as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 320.** Introduced by Cavanaugh, J., 9; Blood, 3; Cavanaugh, M., 6; Day, 49; Hansen, M., 26; Hunt, 8; McKinney, 11.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1401 and 76-1410, Reissue Revised Statutes of Nebraska, and section 76-1431, Revised Statutes Cumulative Supplement, 2020; to define terms; to change provisions relating to landlords' and tenants' rights and duties regarding violent criminal activity upon a premises; to provide for the release of a victim of domestic violence from a rental agreement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Cavanaugh, J., 9; Blood, 3; Cavanaugh, M., 6; Day, 49; Hansen, M., 26; Hunt, 8; Pansing Brooks, 28.

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 322.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to schools; to amend section 79-2,144, Revised Statutes Cumulative Supplement, 2020; to adopt the School Safety and Security Reporting System Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 323.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.12 and 79-1103, Reissue Revised Statutes of Nebraska, and sections 79-1003, 79-1003.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes

Cumulative Supplement, 2020; to define and redefine terms; to define pandemic affected school fiscal years; to change provisions related to qualified early childhood education membership; to change the calculation of the summer school and transportation allowances as prescribed; 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 324.** Introduced by Brandt, 32; Blood, 3; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Day, 49; Dorn, 30; Erdman, 47; Gragert, 40; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Linehan, 39; Lowe, 37; Pansing Brooks, 28; Slama, 1; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Meat and Poultry Inspection Law; to amend sections 54-1901, 54-1902, 54-1903, 54-1908, 54-1909, 54-1911, 54-1912, 54-1913, and 54-1915, Reissue Revised Statutes of Nebraska; to define a term and alphabetize terms; to provide for animal share sales as prescribed; to create the Independent Processor Assistance Program; to provide duties for the Department of Agriculture; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 325.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2101, Reissue Revised Statutes of Nebraska, and sections 38-121 and 38-2130, Revised Statutes Cumulative Supplement, 2020; to adopt the Art Therapy Practice Act; to provide powers and duties for the Board of Mental Health Practice; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 326.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-911, 29-211, and 81-8,215.01, Reissue Revised Statutes of Nebraska, and sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2020; to provide immunity for first responders operating motor vehicles as prescribed; to provide immunity for claims arising from vehicular pursuits as prescribed; to provide for policies and training on vehicular pursuits; to define terms; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice and the Nebraska Police Standards Advisory Council; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 327.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to education; to amend section 79-729, Reissue Revised Statutes of Nebraska; to provide a personal finance or

financial literacy requirement for high school graduation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 328.** Introduced by Arch, 14.

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 329.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-6,109.02, Reissue Revised Statutes of Nebraska, and section 66-489.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain taxes imposed on the average wholesale price of gasoline; to provide for the use of certain tax proceeds; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 330.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-801, 29-401, 29-2204.02, 29-2270, 43-247, 43-248.01, 43-252, 43-289, 43-412, 43-905, and 43-2402, Reissue Revised Statutes of Nebraska, and sections 24-517, 28-1204.05, 29-1816, 29-2204, 43-245, 43-247.02, 43-274, 43-285, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2404.02, and 83-4,125, Revised Statutes Cumulative Supplement, 2020; to raise the jurisdictional age limit for juvenile court to twenty-one; to change provisions relating to prostitution and unlawful possession of a firearm by a prohibited juvenile offender; to change and eliminate definitions; to change provisions relating to sealing of records and placement and treatment of juveniles; to provide for applicability; to change provisions relating to the Juvenile Services Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 331.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to offenses against animals; to amend section 28-1014, Reissue Revised Statutes of Nebraska; to prohibit contractual criminal enforcement by private entities; and to repeal the original section.

**LEGISLATIVE BILL 332.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-201, 14-201.03, 32-536, and 32-553, Reissue Revised Statutes of Nebraska, and section 32-539, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to elections, districts, terms, number of city council members, and redistricting procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 333.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-936 and 83-1,135, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to possession of electronic communication devices in Department of Correctional Services facilities; to authorize possession of such devices by certain officials and attorneys as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 334.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-912 and 81-8,240, Reissue Revised Statutes of Nebraska, and sections 29-2261, 47-902, 47-903, 81-8,244, 83-1,100, 83-1,102, 83-1,107, 83-901, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2020; to adopt the Community Work Release and Treatment Centers Act; to provide powers and duties for the Board of Parole, Office of Probation Administration, office of Inspector General of the Nebraska Correctional System, the Public Counsel, the Division of Parole Supervision, and the Department of Correctional Services; to change provisions relating to escape from official detention; to provide for access to presentence investigation reports and other records; to transfer responsibility for certain programs and services from the Department of Correctional Services to the Board of Parole; to redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-933, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 335.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to require announcement of the average cost of incarceration of a defendant at sentencing; to define terms; and to provide duties for courts, the Department of Correctional Services, the Nebraska Commission on Law Enforcement and Criminal Justice, and the State Court Administrator; and to provide for rules and regulations.

**LEGISLATIVE BILL 336.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-435, 37-437, 37-439, and 37-446, Reissue Revised Statutes of Nebraska, and section 37-438, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to provide for regular and limited annual and temporary park entry permits as prescribed; to change and provide fees; to provide for designation and disbursement of certain fees under the State Park Cash Revolving Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 337.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to prescription drug coverage; to adopt the Step-Therapy Reform Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 338.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-330 and 86-1102, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to universal service funding for unserved or underserved exchanges; to provide for community-based plans as prescribed; to provide duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 339.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to highways and bridges; to provide for a utility coordination plan for certain contracts.

**LEGISLATIVE BILL 340.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to create the medicaid nursing facility services program.

**LEGISLATIVE BILL 341.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the State Settlement Cash Fund; to amend section 59-1608.04, Revised Statutes Cumulative Supplement, 2020; to provide for annual transfers to the General Fund; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 342.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education for purposes of the Early Childhood Education Endowment Cash Fund.

**LEGISLATIVE BILL 343.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-146, Revised Statutes Cumulative Supplement, 2020; to change identification inspection provisions; and to repeal the original section.

**LEGISLATIVE BILL 344.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, 76-2325, and 76-2325.02, Revised

Statutes Cumulative Supplement, 2020; to define a term; to create the Underground Excavation Safety Committee; to provide powers and duties for the committee and the State Fire Marshal; to change civil penalty procedures; to change provisions relating to reports by the Attorney General; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 345.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-520, Revised Statutes Cumulative Supplement, 2020; to provide an exception to certain budget limitations; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-908, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2020; to adopt the Fueling Station Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 347.** Introduced by Lindstrom, 18; Briese, 41; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; 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 348.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-24,129, Reissue Revised Statutes of Nebraska; to change provisions relating to succession to real property by affidavit for small estates; and to repeal the original section.

**LEGISLATIVE BILL 349.** Introduced by McKinney, 11.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221 and 62-301, Revised Statutes Cumulative Supplement, 2020; to establish El-Hajj Malik El-Shabazz, Malcolm X Day; to change provisions relating to holidays; and to repeal the original sections.

**LEGISLATIVE BILL 350.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to the distribution of certain sales and use tax revenue to the Game and Parks Commission Capital Maintenance Fund; and to repeal the original

section.

**LEGISLATIVE BILL 351.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Step Up to Quality Child Care Act; to amend section 71-1958, Reissue Revised Statutes of Nebraska; to change provisions relating to quality scale ratings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend sections 33-107.03, 33-154, and 33-155, Reissue Revised Statutes of Nebraska; to change the amounts of certain court fees; and to repeal the original sections.

**LEGISLATIVE BILL 353.** 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 354.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1816, Revised Statutes Cumulative Supplement, 2020; to require a court to issue a decision on a motion to transfer jurisdiction within thirty days after the hearing; and to repeal the original section.

**LEGISLATIVE BILL 355.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend sections 11-125, 25-1093.03, 43-113, and 76-711, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to bonds of county judges and clerk magistrates, service of process in replevin actions, forms in Small Claims Court, preservation of records in adoption proceedings, and deposits in eminent domain actions; and to repeal the original sections.

**LEGISLATIVE BILL 356.** Introduced 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 disqualification for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 357.** 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 358.** Introduced by Hunt, 8.

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.

**SENATOR HILKEMANN PRESIDING**

**LEGISLATIVE BILL 359.** Introduced by Pansing Brooks, 28; Hunt, 8; McKinney, 11; Morfeld, 46.

A BILL FOR AN ACT relating to schools; to amend sections 79-719, 79-720, 79-721, 79-722, and 79-723, Reissue Revised Statutes of Nebraska; to change provisions regarding multicultural education as prescribed; to provide powers for the State Board of Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 360.** Introduced by Pansing Brooks, 28; Blood, 3; Hunt, 8.

A BILL FOR AN ACT relating to sexual assault; to amend sections 28-319 and 28-320, Reissue Revised Statutes of Nebraska, and section 28-318, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms relating to sexual assault offenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 361.** Introduced by Dorn, 30; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the State Department of Education for educational service units.

**LEGISLATIVE BILL 362.** Introduced by Halloran, 33; Aguilar, 35; Albrecht, 17; Clements, 2; Erdman, 47; Gragert, 40; Linehan, 39; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to elections; to amend section 32-943, Reissue Revised Statutes of Nebraska; to provide for return of a marked ballot for early voting by a voter-appointed agent; to change an agent restriction; and to repeal the original section.

**LEGISLATIVE BILL 363.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-201, 45-1004, and 45-1005, Reissue Revised Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01, 8-163, 8-183.04, 8-1,140, 8-204,

8-318, 8-355, 8-1101, 8-1101.01, 8-1108.02, 8-1704, 8-1707, 8-2724, 8-2725, 8-2726, 8-2729, 8-2734, 8-2737, 8-2903, 21-17,115, 45-335, 45-346, 59-1722, 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2020, and section 4A-108, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to adopt 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, the Consumer Rental Purchase Agreement Act, and financial exploitation of a vulnerable or senior adult provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions of the Nebraska Trust Company Act, the Securities Act of Nebraska, and the Nebraska Money Transmitters Act; to define retained net income for purposes of payment of dividends; to redefine a term and change bond provisions under the Nebraska Installment Sales Act; to change provisions under the Nebraska Installment Loan Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 364.** Introduced by Linehan, 39; Albrecht, 17; Bostelman, 23; Brewer, 43; Clements, 2; Erdman, 47; Geist, 25; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Lowe, 37; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2020; 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 365.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Racing Commission; and to declare an emergency.

**LEGISLATIVE BILL 366.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend sections 77-5903, 77-5906, and 77-5907, Reissue Revised Statutes of Nebraska, and section 77-5905, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change the termination date of the act; to change provisions relating to tax credit amounts and reporting requirements; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 367.** 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, sections 77-3007 and 77-3011, Revised Statutes Cumulative Supplement,

2020, and section 77-3001, Reissue Revised Statutes of Nebraska, as amended by section 12, Initiative Law 2020, No. 430; to define and redefine terms; 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 368.** Introduced by Sanders, 45; Stinner, 48.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304.01, Reissue Revised Statutes of Nebraska; to provide for a late fee and audit powers as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 369.** Introduced by Sanders, 45; Stinner, 48.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-305.01, Revised Statutes Cumulative Supplement, 2020; to provide for access to working papers and audit files as prescribed; to provide for a late fee and other enforcement powers; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 370.** Introduced by Sanders, 45; Lindstrom, 18; Morfeld, 46.

A BILL FOR AN ACT relating to public records; to adopt the Personal Privacy Protection Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 371.** Introduced by Aguilar, 35; Bostar, 29; Brandt, 32; Brewer, 43; Briese, 41; Flood, 19; Friesen, 34; Halloran, 33; Lathrop, 12; McKinney, 11; Moser, 22.

A BILL FOR AN ACT relating to state, district, and county fairs; to amend section 2-219, Reissue Revised Statutes of Nebraska; to provide an exception for the conduct of games of chance pursuant to the Nebraska Racetrack Gaming Act where a state fair or district or county agricultural fair is being held; and to repeal the original section.

**LEGISLATIVE BILL 372.** Introduced by Day, 49; Blood, 3; Cavanaugh, J., 9; Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1807 and 81-1821, Reissue Revised Statutes of Nebraska; to change provisions relating to applications and a statute of limitations; and to repeal the original sections.

**LEGISLATIVE BILL 373.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Standard Nonforfeiture Law for Individual Deferred Annuities; to amend section 44-407.14, Reissue

Revised Statutes of Nebraska; to change the interest rate for minimum nonforfeiture amounts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 374.** Introduced by DeBoer, 10; Wishart, 27.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Alzheimer's Disease and Other Dementia Support Act; to create the Alzheimer's Disease and Other Dementia Advisory Council; and to require a plan.

**LEGISLATIVE BILL 375.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy benefit managers; to amend section 71-2484, Revised Statutes Cumulative Supplement, 2020; to adopt the Pharmacy Benefit Manager Regulation and Transparency Act; to change provisions relating to pharmacy benefit managers; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 376.** Introduced by Cavanaugh, M., 6; Walz, 15.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1212.01, Revised Statutes Cumulative Supplement, 2020; to state intent; to authorize the application for and implementation of services and supports for developmentally disabled children and their families; to provide for a report; to provide duties for the Advisory Committee on Developmental Disabilities; and to repeal the original section.

**LEGISLATIVE BILL 377.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to inheritance taxes; to amend section 77-2005.01, Reissue Revised Statutes of Nebraska; to change the individuals who are considered to be relatives of a decedent; and to repeal the original section.

**LEGISLATIVE BILL 378.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to schools; to require the Commissioner of Education to report data as prescribed.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 18CA.** Introduced by Wayne, 13.

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

Section 1. At the general election in November 2022, 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 ~~three~~two 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 19.** Introduced by Hilkemann, 4; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Howard Hawks represented regent district number 2 on the Board of Regents of the University of Nebraska beginning with his election in 2002 until the end of his most recent term in 2021; and

WHEREAS, Regent Howard Hawks is a native of Bruning, Nebraska, and an alumnus from both the University of Nebraska-Lincoln and the University of Nebraska at Omaha; and

WHEREAS, Regent Howard Hawks has not only served the residents of regent district number 2, but the entire State of Nebraska as an elected official, business and civic leader, and philanthropist; and

WHEREAS, Regent Howard Hawks served as the Chairperson and Vice Chairperson of the Board of Regents of the University of Nebraska each for two terms and has also led numerous committees of the Board of Regents, including the 2014 Presidential Search Screening and Selection Committee; and

WHEREAS, drawing on his exceptional experience in the fields of finance, business operations, and strategic planning, Regent Howard Hawks has made the University of Nebraska a more efficient and effective organization by prioritizing public-private partnerships, investing in deferred maintenance, and advocating for more state investment in higher education and research; and

WHEREAS, Regent Howard Hawks has been an instrumental business leader in Nebraska by founding and leading Tenaska, a Nebraska-based independent energy company known for its expertise in power plant

development, natural gas and electric power marketing, natural gas exploration and production, and private equity fund management; and

WHEREAS, Regent Howard Hawks has been recognized for his business achievements and success through induction into the Omaha Business Hall of Fame in 2002 and receiving both the University of Nebraska-Lincoln College of Business Lifetime Achievement Award and the University of Nebraska at Omaha College of Business Administration Distinguished Alumni Award; and

WHEREAS, Regent Howard Hawks has served admirably in leadership positions for countless community organizations including the Aksarben Future Trust, Heritage Services, Creighton University, Joslyn Art Museum, Mid-American Council Boy Scouts of America, Omaha Zoological Society, Omaha Henry Doorly Zoo Foundation, Greater Omaha Chamber of Commerce, Knights of Aksarben, Methodist Hospital, Omaha Symphony Association, Boys and Girls Club of Omaha, and the University of Nebraska Foundation; and

WHEREAS, Regent Howard Hawks and his wife Rhonda have supported countless civic, education, and community charitable efforts and initiatives through the Hawks Foundation, with a special focus on serving those Nebraskans in need of behavioral health support through helping establish the Lasting Hope Recovery Center in Omaha and in reforming the community behavioral health system of Nebraska; and

WHEREAS, Regent Howard Hawks earned the respect of those who served with him on the Board of Regents of the University of Nebraska, Presidents and Chancellors of the University of Nebraska, members of the United States Congress, Governors of Nebraska, members of the Nebraska Unicameral Legislature, and business and civic leaders; and

WHEREAS, Regent Howard Hawks decided to retire from his service as a University of Nebraska Regent and not seek a fourth term of office in 2020; and

WHEREAS, Regent Howard Hawks leaves a legacy as a champion for the University of Nebraska and its campuses through well-crafted public policy, strong relationships with government stakeholders, strategic public investment, and generous philanthropic support that will forever be remembered by the entire University of Nebraska community and State of Nebraska.

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

1. That the Legislature extends its deepest thanks and appreciation to Howard Hawks for his nearly two decades of dedicated service on the Board of Regents of the University of Nebraska and wishes him and his wife the very best in their next chapter of service.

2. That copies of this resolution be sent to Regent Howard Hawks and the Corporation Secretary for the Board of Regents of the University of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 20CA.** Introduced by Pansing Brooks, 28; Cavanaugh, J., 9; Hansen, M., 26; Hunt, 8; Morfeld, 46; Vargas, 7; Wishart, 27.

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

Section 1. At the general election in November 2022, 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 repeal Article I, section 29:

Article I, section 29, of the Constitution of Nebraska is 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 remove provisions regarding marriage from the Constitution of Nebraska.

For

Against.

**LEGISLATIVE RESOLUTION 21CA.** Introduced by Briese, 41.

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

Section 1. At the general election in November 2022, 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 18 to Article VII:

VII-18 Notwithstanding any other provision of this Constitution to the contrary, beginning July 1, 2024, the State of Nebraska shall pay all classroom expenses, as defined by the Legislature, related to the operation of public elementary and secondary schools in this state.

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 State of Nebraska to pay all classroom expenses, as defined by the Legislature, related to the operation of public elementary and secondary schools in this state beginning July 1, 2024.

For

Against.

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

- Senator Murman name added to LB5.
- Senator Murman name added to LB6.
- Senator Sanders name added to LB9.
- Senator Lindstrom name added to LB10.
- Senator Murman name added to LB10.
- Senator Murman name added to LB14.

Senator Murman name added to LB15.  
Senator Hunt name added to LB29.  
Senator Hunt name added to LB30.  
Senator Hansen, M. name added to LB72.  
Senator Vargas name added to LB72.  
Senator Murman name added to LB76.  
Senator Cavanaugh, J. name added to LB120.  
Senator Hansen, M. name added to LB154.  
Senator Hansen, M. name added to LB158.  
Senator Murman name added to LB167.  
Senator Brewer name added to LB188.  
Senator Cavanaugh, M. name added to LB229.  
Senator DeBoer name added to LB229.  
Senator Cavanaugh, M. name added to LB230.  
Senator Murman name added to LB236.  
Senator Murman name added to LB237.  
Senator Bostar name added to LB237.  
Senator Cavanaugh, M. name added to LB241.  
Senator Geist name added to LB261.  
Senator Cavanaugh, J. name added to LB261.  
Senator Briese name added to LB261.  
Senator Cavanaugh, M. name added to LB266.  
Senator Brewer name added to LB274.  
Senator Cavanaugh, M. name added to LB277.  
Senator Cavanaugh, J. name added to LB283.  
Senator Murman name added to LB283.  
Senator Cavanaugh, M. name added to LB299.  
Senator Brewer name added to LB299.  
Senator Geist name added to LB300.  
Senator Brewer name added to LB310.  
Senator McDonnell name added to LB311.  
Senator Murman name added to LR3CA.

#### **ADJOURNMENT**

At 11:35 a.m., on a motion by Senator Briese, the Legislature adjourned until 9:30 a.m., Thursday, January 14, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTH DAY - JANUARY 14, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 14, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator M. Hansen who was excused; and Senators Friesen, Hilkemann, and Lindstrom who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB50	Government, Military and Veterans Affairs (rereferred)
LB160	Judiciary (rereferred)
LB236	Government, Military and Veterans Affairs (rereferred)
LB264	Appropriations
LB265	Urban Affairs
LB266	Natural Resources
LB267	Government, Military and Veterans Affairs
LB268	Judiciary
LB269	Judiciary
LB270	Banking, Commerce and Insurance
LB271	Judiciary
LB272	Revenue
LB273	Judiciary

LB274 General Affairs  
LB275 Government, Military and Veterans Affairs  
LB276 Judiciary  
LB277 Judiciary  
LB278 Judiciary  
LB279 Appropriations  
LB280 Banking, Commerce and Insurance  
LB281 Education  
LB282 Judiciary  
LB283 Government, Military and Veterans Affairs  
LB284 Government, Military and Veterans Affairs  
LB285 Government, Military and Veterans Affairs  
LB286 Education  
LB287 Education  
LB288 Education  
LB289 Education  
LB290 Business and Labor  
LB291 Revenue  
LB292 Revenue  
LB293 Transportation and Telecommunications  
LB294 Government, Military and Veterans Affairs  
LB295 General Affairs  
LB296 Health and Human Services  
LB297 Banking, Commerce and Insurance  
LB298 Business and Labor  
LB299 Revenue  
LB300 Judiciary  
LB301 Judiciary  
LB302 Transportation and Telecommunications  
LB303 Government, Military and Veterans Affairs  
LB304 Appropriations  
LB305 Natural Resources  
LB306 Health and Human Services  
LB307 Judiciary  
LB308 Judiciary  
LB309 Judiciary  
LB310 Revenue  
LB311 General Affairs  
LB312 General Affairs  
LB313 Revenue

(Signed) Dan Hughes, Chairperson  
Executive Board

**MESSAGE(S) FROM THE GOVERNOR**

January 12, 2021

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

Kendall (Ken) B. Curry, 3780 30th Avenue, Columbus, NE 68601

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 13, 2021

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust:

Joshua N. Andersen, 2060 Road 307, Edgar, NE 68935

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Environmental Trust:

Rodney R. Christen, 71850 617 Avenue, Steinauer, NE 68441  
Jim Hellbusch, 2106 Maple Road, Columbus, NE 68601

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

### ANNOUNCEMENT(S)

The Appropriations Committee elected Senator Wishart as Vice Chairperson.

The Natural Resources Committee elected Senator Moser as Vice Chairperson.

### PRESIDENT FOLEY PRESIDING

#### MOTION - Escort Governor

Senator Halloran 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 DeBoer, Albrecht, Wishart, Brewer, and Sanders to serve on said committee.

### STATE OF THE STATE ADDRESS

“Even as we’ve had to overcome the challenge of the pandemic, the work of Nebraskans everywhere has kept the state of the state strong.”

“As the pandemic continues, we have an opportunity to keep moving our state forward. This legislative session, we will do this the Nebraska Way.”

“The limits we are proposing here are reasonable, and will help ensure that local control of the institutions we cherish endures for years to come.”

President Foley, Speaker Hilgers, Members of the Legislature, Tribal Chairmen, and Fellow Nebraskans — good morning!

Congratulations on the commencement of the First Session of the 107th Nebraska Legislature. I want to welcome each of you to Lincoln.

Congratulations Speaker Hilgers on your election. I look forward to working together with you and all the newly elected chairs.

Please also recognize the newest members of the Unicameral: Senators Aguilar, Bostar, Cavanaugh, Day, Flood, McKinney, Pahls, and Sanders. Each of you brings unique perspective and experiences to the body. I look

forward to working with you as well.

As this session begins, I know that many are excited to turn the page on 2020; however, I believe that when we look back on the last year we will see a year that brought out the best in Nebraskans.

We began with high hopes of moving forward as we recovered from the historic floods of 2019. But 2020 was interrupted by a new and unforeseen challenge: the coronavirus pandemic. Nebraskans took on this new challenge in the same spirit we have for generations: We rolled up our sleeves and put our grit, tenacity, and determination to work the Nebraska Way.

Through it all, Nebraskans have been using our tools to slow the spread of the virus such as social distancing, wearing a mask to the store, washing our hands often, and staying home when sick. As we all do our part, the State has followed our North Star: protecting our hospital capacity. Over the last ten months, we've pursued this goal by using our six pillars: testing, contact tracing, providing PPE, making quarantine space available, protecting at-risk populations, and using directed health measures.

Time and again, history shows Nebraskans respond by doing the right thing, and the pandemic has been no different. Our healthcare workers have stepped up heroically to keep Nebraskans healthy. Data shows that Nebraskans stayed home when we asked them to last spring. And now, Nebraskans are embracing the coronavirus vaccine.

Thanks to the individual contributions of countless Nebraskans and our six pillars, our state has successfully ensured that everyone that needs a hospital bed, ICU bed, or ventilator has had access to one. This approach has helped us strike that balance between slowing the spread of the virus and allowing people to live a more normal life.

Even as we've had to overcome the challenge of the pandemic, the work of Nebraskans everywhere has kept the state of the state strong.

While protecting hospital capacity, we have also been working to help Nebraskans recover. The federal government has invested over \$10 billion in aid into our state. The State steered federal coronavirus relief towards \$411 million in grants for Nebraska's businesses and family farms. We also provided over \$80 million to aid non-profit and community-based organizations ranging from food banks to childcare providers.

While battling coronavirus, we have kept building on our efforts to grow Nebraska even in the midst of tough circumstances.

We've seen new opportunities in developing our workforce, with the creation of 2,280 Career Scholarships at our state's colleges and universities to help train the next generation of leaders.

We've made it easier to do business in Nebraska by continuing to improve the effectiveness and the efficiency of state government services. This has helped attract major investments from companies like Becton Dickinson in Holdrege to Hormel in Papillion—just to name a couple. Throughout the pandemic, we've been cutting red tape to keep Nebraskans working. From giving licensed professionals more flexibility to allowing restaurants to offer carryout alcohol, we looked for ways to grow our healthcare workforce and help small businesses survive. The jobs being created across our state have helped Nebraska achieve an unemployment rate that is the lowest in the nation. At 3.1 percent, our unemployment rate for November 2020 is only one tenth of a percent above where it stood one year ago.

This body is to be congratulated for the work it accomplished in the 2020 session despite the circumstances of the pandemic. Even with these challenges, you were able to pass property tax relief, incentive renewal and reform, veterans tax relief, flood relief, pandemic relief, relief for the tunnel collapse in the Panhandle, career scholarships, and the most significant pro-life bill in a decade.

As the pandemic continues, we have an opportunity to keep moving our state forward. This legislative session, we will do this the Nebraska Way: by working together for the best interests of the people we serve.

The next two-year budget I am proposing controls spending to a growth rate of 1.5 percent. In this context, we can achieve several important priorities.

First, property tax relief. This budget delivers on the promise of property tax relief by delivering \$1.36 billion in relief over the biennium. This includes \$550 million in direct property tax relief through the State's Property Tax Credit Relief Fund, and over \$596 million from the newly enacted LB 1107 refundable property tax credit. I am also proposing roughly \$214 million to provide for property tax payments under the current homestead exemption program.

But there's more we must do to keep Nebraska on the road to realizing property tax relief. That is why Senator Linehan and I are proposing to limit the growth of local government property taxes to 3 percent. New local spending constraints are critical to ensuring the relief we provide goes into people's pockets and to maintain local control in future years. Property taxes have grown by 4.46 percent annually on average for the last 10 years for an overall increase of 54.65 percent.

Taxes are growing at a rate that Nebraskans cannot manage within their family budgets. It is my belief that if the Legislature fails to enact spending constraints, the people of Nebraska will take matters into their own hands and strip local governments of their property tax authority. It's happened before in the 1960s when the voters stripped the State of its authority to levy a property tax, and it will happen again. The limits we are proposing here

are reasonable, and will help ensure that local control of the institutions we cherish endures for years to come.

As we consider these limits, I also want to note that we can continue to support strong public schools. As I have done every year as Governor, my budget proposes to fully fund state aid to the K-12 education formula with an additional \$42.7 million over the biennium. We must continue to invest in the next generation of Nebraskans so they can access educational opportunities that can help them achieve their dreams.

Next, I am proposing three initiatives to help Nebraska continue its journey to become the best state in the nation for military families and veterans. First, Nebraska is still working to bring Space Command to the Heartland. Senator Stinner and I are recommending the State invest \$50 million towards establishing a public-private partnership to locate this important mission at Offutt Air Force Base. Second, Senator Brewer and I are proposing that Nebraska exempt 100 percent of military retirement income for military retirees. This would complete the work on veterans tax relief we began last year. And third, military spouses continue to face challenges taking jobs in Nebraska in licensed professions on a temporary basis. In recent years, Nebraska has made great strides in helping military spouses, who hold a teaching license in another state, to teach while their families are deployed here. Senator Sanders and I are working together to take new steps recommended by the Department of Defense to cut more red tape in this area.

Additionally, Senator Murman and I are proposing that we use our experience gained during the pandemic to expand our healthcare workforce. Early in the pandemic, I issued an executive order allowing licensed healthcare professionals from other states to work here in Nebraska. By allowing universal reciprocity for out-of-state healthcare workers to continue, we can encourage more skilled healthcare professionals to choose the Good Life to help meet our state's needs.

This budget also helps us take important steps to protect public safety. Nebraska's corrections system has been underbuilt for 40 years, and our infrastructure is aging. Working together, we've been able to make significant strides over the last six years, investing in sentencing reform, rehabilitation, and the physical plant of our system. But more must be done to modernize and rightsize our prisons. By 2025, Nebraska's corrections system is forecasted to house over 6,400 inmates. Today, we have an operational capacity of over 5,300 inmates, and the Nebraska State Penitentiary is decaying. To help protect public safety and to replace the State Penitentiary, I am proposing that we build a new, modern correctional facility. This facility will require an initial investment of \$115 million in this budget for a total of \$230 million by the time it is completed and operational in 2025.

Finally, we must continue to invest in better community connectivity

through broadband internet. It's no secret that many Nebraskans still do not have access to broadband. Over 80,000 Nebraska households lack broadband speeds of at least 25/3. The pandemic revealed how impossible work from home or remote education can be for those on the wrong side of the digital divide. Over the last several months, we were able to use CARES Act money to begin connecting 17,600 households with broadband. Additional households are expected to receive broadband using existing resources over the next two years. Senator Friesen, Speaker Hilgers, and I are proposing that we invest \$20 million in each of the next two years to help another 30,000 households get broadband connectivity. This will move Nebraska closer to bringing broadband coverage to every corner of the state.

Property tax relief. Our veterans and military. Licensing reform. Public safety. Broadband access. These are all critical priorities for us to work on this year. As the session gets underway, I'm confident that we can achieve each of these in the coming days by working together for the people – the Nebraska Way.

Once again, congratulations on the start of this new session. I want to thank each of you for your service to the people of Nebraska. Together, we can achieve great things for Nebraskans in the coming days.

God bless you all and God bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

#### **SENATOR HUGHES PRESIDING**

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 379.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, sections 93, 96, 108, 159, 181, 182, and 261; and Laws 2020, LB1008, sections 49, 50, 51, 52, 53, 54, and 55; to define terms; to provide, change, and eliminate appropriations for operation of state government; to change fund transfers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 380.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2023; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.



**LEGISLATIVE BILL 381.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2021-22 and FY2022-23; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 382.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2021-22 and FY2022-23; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 383.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 384.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 61-222 and 86-1103, Revised Statutes Cumulative Supplement, 2020; to provide and change uses and transfers of funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 385.** Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2020; to authorize transfers; to state intent; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 386.** Introduced by Lathrop, 12; at the request of the Governor.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2020; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 387.** Introduced by Brewer, 43; at the request of the Governor; Albrecht, 17; Bostelman, 23; Clements, 2; Gragert, 40; Halloran, 33; Linehan, 39; Lowe, 37; McDonnell, 5; Sanders, 45.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 388.** Introduced by Friesen, 34; at the request of the Governor; Hilgers, 21.

A BILL FOR AN ACT relating to telecommunications; to adopt the Nebraska Broadband Bridge Act.

**LEGISLATIVE BILL 389.** Introduced by Sanders, 45; at the request of the Governor; Blood, 3.

A BILL FOR AN ACT relating to teachers; to amend section 79-813, Reissue Revised Statutes of Nebraska; to require the issuance of certificates and permits to military spouses as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 390.** Introduced by Murman, 38; at the request of the Governor.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-129.01, Revised Statutes Cumulative Supplement, 2020; to provide for additional credentials; to change requirements for credentials; to harmonize provisions; and to repeal the original sections.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 22CA.** Introduced by Linehan, 39; at the request of the Governor.

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

Section 1. At the general election in November 2022, 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 otherwise provided in 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) The limitation in subsection (1) of this section shall not apply to the amount of property tax revenue raised by a political subdivision in any fiscal year on any real growth value within the political subdivision.

(5) For purposes of this section:

(a) Property tax revenue means revenue raised from a tax that is assessed annually upon the value of real property; and

(b) Real growth value means the increase in real property valuation due to (i) improvements to real property as a result of new construction and additions to existing buildings, (ii) any other improvements to real property which increase the value of such property, and (iii) annexation of property by the political subdivision.

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, amounts needed to pay bonded indebtedness, and amounts raised on real growth value.

For

Against.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 391.** Introduced by Bostar, 29; Aguilar, 35.

A BILL FOR AN ACT relating to appropriations; to transfer funds from the General Fund to the Customized Job Training Cash Fund.

**LEGISLATIVE BILL 392.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to psychologists; to amend sections 38-2838, 38-2850, 38-3112, 71-2445, and 71-2473, Reissue Revised Statutes of Nebraska, and sections 28-401, 38-3101, and 38-3111, Revised Statutes Cumulative Supplement, 2020; 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 393.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Legislature; to eliminate the Next Generation Business Growth Act; and to outright repeal sections 50-301, 50-302, 50-303, 50-304, 50-305, and 50-306, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 394.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to housing; to amend sections 25-21,223 and 76-1446, Reissue Revised Statutes of Nebraska; to adopt the Public Health Emergency Housing Protection Act; to change provisions relating to deadlines for trials in actions for possession and forcible entry and detainer; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 395.** Introduced by Gragert, 40; Hughes, 44.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-448 and 37-456, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to special deer depredation season and provide for antelope and elk depredation seasons and permits; to change and provide fees; to change limits on limited antelope or elk permits; to provide for a free-earned landowner elk permit as prescribed; to provide duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Brandt, 32; Briese, 41; Cavanaugh, J., 9; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; McCollister, 20; McKinney, 11; Murman, 38; Sanders, 45; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to schools; and to adopt the Nebraska Farm-To-School Program Act.

**LEGISLATIVE BILL 397.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301 and 60-2907, Revised Statutes Cumulative Supplement, 2020; to prohibit certain causes of action by motorists without insurance or financial responsibility or motorists convicted of driving under the influence or refusal to test; to require the Department of Motor Vehicles to establish and maintain an online verification system for accessing certain private passenger motor vehicle insurance information; to authorize a disclosure under the Uniform Motor Vehicle Records Disclosure Act; and to repeal the original sections.

**LEGISLATIVE BILL 398.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to telecommunications and technology; to amend section 86-103.01, Reissue Revised Statutes of Nebraska, and sections 86-324, 86-577, 86-1101, and 86-1102, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to change Public Service Commission powers relating to the Nebraska Telecommunications Universal Service Fund; to restate legislative intent relating to access to broadband service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 399.** Introduced by Bostelman, 23.

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 400.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to telehealth; to amend sections 71-8503 and 71-8505, Reissue Revised Statutes of Nebraska, and sections 44-312 and 44-7,107, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change requirements for insurers and telehealth consultations under the medical assistance program; and to repeal the original sections.

**LEGISLATIVE BILL 401.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to state institutions; to amend sections 83-305 and 83-363, Reissue Revised Statutes of Nebraska; to eliminate designation of the Hastings Regional Center as a state hospital for the mentally ill; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 402.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to civil actions; to require a report by the Supreme Court regarding eviction proceedings; and to define terms.

**LEGISLATIVE BILL 403.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to decedents' estates; to amend section 68-919, Revised Statutes Cumulative Supplement, 2020; to change a provision relating to recovery of medical assistance debt involving property transferred by deed with retention of a life estate; and to repeal the original section.

**LEGISLATIVE BILL 404.** Introduced by Lowe, 37; Bostelman, 23; Brewer, 43; Clements, 2; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Slama, 1.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2436, Reissue Revised Statutes of Nebraska; to change permit and renewal time periods; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 405.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to village boards of trustees; to amend section 17-209.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to officers and employees of villages; and to repeal the original section.

**LEGISLATIVE BILL 406.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to natural resources; to amend section 61-224, Revised Statutes Cumulative Supplement, 2020; to create the Lower Platte River Infrastructure Task Force; to provide for a fund transfer; to change provisions relating to use of the Critical Infrastructure Facilities Cash Fund; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 407.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2020; to provide, change, and eliminate definitions; to include certain county correctional employees within provisions concerning mental injuries and mental illness; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 408.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-1601 and 77-1776, Reissue Revised Statutes of Nebraska, and section 77-1601.02, Revised Statutes Cumulative Supplement, 2020; to adopt the Property Tax Request Act; to change provisions relating to property tax requests; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 409.** Introduced by Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to public power; to amend section 70-1012, Reissue Revised Statutes of Nebraska, and section 70-1015, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to construction and unauthorized construction of electric transmission lines; to

provide a moratorium on the construction of certain electric transmission lines as prescribed; to create the Electric Transmission Line Study Committee of the Legislature; and to repeal the original sections.

**LEGISLATIVE BILL 410.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to itemized deductions; and to repeal the original section.

**LEGISLATIVE BILL 411.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the designated health information exchange; to amend section 81-6,125, Revised Statutes Cumulative Supplement, 2020; to require provision of clinical information by health care facilities and health care payors; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 412.** Introduced by Cavanaugh, M., 6; Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change a tax and assessment provision; and to repeal the original section.

**LEGISLATIVE BILL 413.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Cumulative Supplement, 2020; to define terms; to require coverage of medications for substance use disorder treatment and addiction medicine services as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 414.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Political Subdivisions Construction Alternatives Act; to amend sections 13-2903 and 13-2904, Reissue Revised Statutes of Nebraska, and section 13-2914, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to require a determination statement in a resolution adopted by the governing body of a political subdivision as prescribed; to change provisions relating to projects included or excluded under the act; and to repeal the original sections.

**LEGISLATIVE BILL 415.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103.22, Reissue Revised Statutes of Nebraska, and section 53-123.16, Revised Statutes Cumulative Supplement, 2020; to

redefine a term; to increase the annual gallon limit for microdistilleries; and to repeal the original sections.

**LEGISLATIVE BILL 416.** Introduced by Cavanaugh, M., 6; Cavanaugh, J., 9; Day, 49; Hunt, 8; McKinney, 11; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-911, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-129, 68-901, and 68-915, Revised Statutes Cumulative Supplement, 2020; to define terms; to require implicit bias training for applicants and credential holders under the Uniform Credentialing Act; to require the Department of Health and Human Services to apply for a federal waiver to provide postpartum care; to state intent; to provide for instruction regarding health screenings; to change provisions relating to eligibility for medical assistance for postpartum women; to provide for reimbursement for the services of a doula; to create a fund; to state legislative intent regarding appropriations; to create a grant program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 417.** Introduced by Halloran, 33; Aguilar, 35; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Gragert, 40; Hansen, B., 16; Lowe, 37; Murman, 38; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to firearms; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2020; to authorize possession of a firearm on school grounds by a full-time, off-duty law enforcement officer; and to repeal the original section.

**LEGISLATIVE BILL 418.** Introduced by Murman, 38; Blood, 3; Bostar, 29; Briese, 41; Cavanaugh, J., 9; Clements, 2; Day, 49; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Gragert, 40; Halloran, 33; Lowe, 37; Pansing Brooks, 28; Slama, 1; Walz, 15.

A BILL FOR AN ACT relating to public health; to adopt the Solemn Covenant of the States to Award Prizes for Curing Diseases compact.

**LEGISLATIVE BILL 419.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to civil actions; to amend sections 25-21,223, 76-1442, and 76-1450, Reissue Revised Statutes of Nebraska; to require appointment of counsel at county expense in eviction proceedings; to define terms; to provide a duty for the Supreme Court; to require notice of the right to counsel in summonses as prescribed; to provide for a fee; to harmonize provisions; and to repeal the original sections.



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 23.** Introduced by Erdman, 47; Briese, 41.

**PURPOSE:** The purpose of this resolution is to study the progress of natural resources districts in fulfilling their originally intended purpose relating to flood control, soil erosion, irrigation run-off, and ground water quantity and quality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**ANNOUNCEMENT(S)**

The Business and Labor Committee elected Senator Blood as Vice Chairperson.

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

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

Senator Cavanaugh, J. name added to LB12.  
Senator Cavanaugh, J. name added to LB20.  
Senator Hunt name added to LB56.  
Senator Sanders name added to LB241.  
Senator Groene name added to LB300.  
Senator McCollister name added to LB310.  
Senator Williams name added to LB311.  
Senator Brewer name added to LB327.  
Senator Brewer name added to LB362.  
Senator Groene name added to LR3CA.  
Senator Murman name added to LR21CA.

**ADJOURNMENT**

At 11:27 a.m., on a motion by Senator Clements, the Legislature adjourned until 10:00 a.m., Friday, January 15, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTH DAY - JANUARY 15, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE**

**FIRST SESSION**

**EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 15, 2021

**PRAYER**

The prayer was offered by Senator McCollister.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Flood, Geist, Gragert, Hilkemann, Lindstrom, McDonnell, Moser, and Pahls who were excused; and Senators Briese and Vargas 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:

<b>LB/LR</b>	<b>Committee</b>
LB314	Banking, Commerce and Insurance
LB315	Judiciary
LB316	Judiciary
LB317	Transportation and Telecommunications
LB318	Revenue
LB319	Judiciary
LB320	Judiciary
LB321	Judiciary
LB322	Education
LB323	Education
LB324	Agriculture
LB325	Health and Human Services

LB326	Judiciary
LB327	Education
LB328	Health and Human Services
LB329	Revenue
LB330	Judiciary
LB331	Judiciary
LB332	Urban Affairs
LB333	Judiciary
LB334	Judiciary
LB335	Judiciary
LB336	Natural Resources
LB337	Banking, Commerce and Insurance
LB338	Transportation and Telecommunications
LB339	Transportation and Telecommunications
LB340	Appropriations
LB341	Appropriations
LB342	Appropriations
LB343	Transportation and Telecommunications
LB344	Transportation and Telecommunications
LB345	Government, Military and Veterans Affairs
LB346	Revenue
LB347	Revenue
LB348	Judiciary
LB349	Government, Military and Veterans Affairs
LB350	Revenue
LB351	Health and Human Services
LB352	Judiciary
LB353	Appropriations
LB354	Judiciary
LB355	Judiciary
LB356	Health and Human Services
LB357	Judiciary
LB358	Judiciary
LB359	Education
LB360	Judiciary
LB361	Appropriations
LB362	Government, Military and Veterans Affairs
LB363	Banking, Commerce and Insurance
LB364	Revenue
LB365	Appropriations
LB366	Revenue
LB367	Revenue
LB368	Government, Military and Veterans Affairs
LB369	Government, Military and Veterans Affairs
LB370	Judiciary
LB371	General Affairs
LB372	Judiciary
LB373	Banking, Commerce and Insurance
LB374	Health and Human Services

LB375 Banking, Commerce and Insurance  
LB376 Health and Human Services  
LB377 Revenue  
LB378 Education  
LR18CA Executive Board  
LR20CA Judiciary  
LR21CA Education

(Signed) Dan Hughes, Chairperson  
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 January 14, 2021, 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

Jensen Rogert Associates, Inc.  
Trilogy Integrated Resources, LLC  
Kollasch, Keith  
Nebraska Firearms Owners Association (NFOA)  
McLaren, Jay  
Medica  
Nebraska Strategies  
Lancaster County Agricultural Society, Inc.  
USIC  
Ostrow, Sean  
DraftKings Inc.  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
Museum of Nebraska Art (MONA)  
Nebraska Psychiatric Society  
Orsted  
War Horse Gaming, LLC

### ANNOUNCEMENT(S)

The Revenue Committee elected Senator Lindstrom as Vice Chairperson.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Gragert - LB387

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 420.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to emergency responders; to amend section 18-1723, Reissue Revised Statutes of Nebraska, and section 35-1001, Revised Statutes Cumulative Supplement, 2020; 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 421.** 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 422.** 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 Cumulative Supplement, 2020; 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 423.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to home inspectors; to define terms; to require registration with the Secretary of State; to provide for a fee; to provide for proof of financial responsibility; to provide a penalty; and to provide an operative date.

**LEGISLATIVE BILL 424.** Introduced by Brewer, 43; Albrecht, 17; Bostelman, 23; Friesen, 34; Groene, 42; Halloran, 33; Murman, 38.

A BILL FOR AN ACT relating to zoning restrictions; to amend sections 23-114, 23-114.01, 23-114.05, 66-914, and 72-272, Reissue Revised

Statutes of Nebraska, and section 23-172, Revised Statutes Cumulative Supplement, 2020; to define a term; to require county zoning provisions prior to construction of wind energy generation projects as prescribed; to provide for fees as prescribed; to change provisions relating to county zoning resolutions, violations, and codes; to eliminate provisions relating to variances or exceptions from zoning regulations; to provide limitations on agreements relating to school lands; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; 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 83-106, Revised Statutes Cumulative Supplement, 2020; to require completion of a needs assessment and cost analysis for an inpatient adolescent psychiatric unit as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 426.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require the department to conduct a cost analysis for capital improvements and structural changes to facilities at the Youth Rehabilitation and Treatment Center-Kearney and submit a report; and to declare an emergency.

**LEGISLATIVE BILL 427.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; 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 83-107.01, Revised Statutes Cumulative Supplement, 2020; to state intent regarding substance abuse and behavioral health treatment for juveniles; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to youth rehabilitation and treatment centers; to amend section 83-102, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to educational programming; and to repeal the original section.

**LEGISLATIVE BILL 429.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; 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 43-404, Revised Statutes Cumulative Supplement, 2020; to require notification by the department to the Legislature prior to implementation of substantial changes to facilities and programs under the Office of Juvenile Services; and to repeal the original section.

**LEGISLATIVE BILL 430.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Briese, 41; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to property taxes; to amend section 77-120, Reissue Revised Statutes of Nebraska; to change provisions relating to net book value; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 431.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Briese, 41; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1376, 77-1504, 77-27,135, 81-15,164, and 81-3722, Reissue Revised Statutes of Nebraska; to change provisions relating to improvements on leased lands, the assessment of undervalued and overvalued property, methods for giving notice, and the collection of certain fees and taxes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 432.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Briese, 41; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2734.02, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change income tax rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 433.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Briese, 41; Friesen, 34; Lindstrom, 18.

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 434.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Briese, 41; Friesen, 34; Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-385, and 77-5731, Reissue Revised Statutes of Nebraska, and section 77-6837, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to tax expenditure reports and certain joint hearings of



the Revenue Committee and Appropriations Committee of the Legislature; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 435.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-951, 32-953, and 32-957, Reissue Revised Statutes of Nebraska, and sections 32-202, 32-939.02, and 32-1027, Revised Statutes Cumulative Supplement, 2020; to provide duties for the Secretary of State; to provide for the inclusion of an official watermark on ballots for early voting and special elections; to change provisions relating to the counting of ballots; and to repeal the original sections.

**LEGISLATIVE BILL 436.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Athletic Training Practice Act; to amend sections 38-401, 38-402, 38-404, 38-408, 38-409, 38-410, and 38-411, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate definitions; to change provisions relating to licensure and scope of practice; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-403, 38-405, and 38-407, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 437.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-944, 68-945, 68-946, and 68-1017, Reissue Revised Statutes of Nebraska, and section 29-110, Revised Statutes Cumulative Supplement, 2020; to change penalty and statute of limitation provisions relating to public assistance violations; to provide powers and duties for the state medicaid fraud control unit and the Attorney General under the False Medicaid Claims Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 438.** Introduced by Hansen, M., 26.

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

**LEGISLATIVE BILL 439.** Introduced 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 440.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice

Act; to amend section 48-1118, Reissue Revised Statutes of Nebraska, and section 48-1107.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to discrimination against a qualified individual with a disability and enforcement of the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 441.** Introduced by Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to compensation for certain employees who are affected by COVID-19; to create a fund; to define terms; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 442.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to government; to create the Commission on Asian American Affairs.

**LEGISLATIVE BILL 443.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend sections 43-1304 and 43-1308, Reissue Revised Statutes of Nebraska; to exempt local foster care review boards from the Open Meetings Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 444.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to jails; to amend section 47-503, Reissue Revised Statutes of Nebraska, and section 47-502, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to credit against jail terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 445.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 43-250 and 43-253, Revised Statutes Cumulative Supplement, 2020; to require notification of a juvenile's parent, guardian, or custodian when a juvenile is taken into custody as prescribed; to define terms; to require that a juvenile's parent, guardian, or custodian be present when requested; to prohibit the use of certain statements in court proceedings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 446.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to housing; to adopt the Nebraska Housing

Index and Financing Investment System Act.

**LEGISLATIVE BILL 447.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1913.01, Reissue Revised Statutes of Nebraska; to remove an immunization exception; to change reporting requirements as prescribed; to provide a duty to the Department of Health and Human Services; and to repeal the original section.

**LEGISLATIVE BILL 448.** Introduced by Morfeld, 46; Bostar, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2020; to provide for a surcharge on operator's licenses and permits and state identification cards for the Nebraska State Patrol Retirement System; and to repeal the original section.

**LEGISLATIVE BILL 449.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Environment and Energy.

**LEGISLATIVE BILL 450.** Introduced by McKinney, 11.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Innovation Hub Act.

**LEGISLATIVE BILL 451.** Introduced by McKinney, 11; Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1108, Reissue Revised Statutes of Nebraska, and section 48-1102, Revised Statutes Cumulative Supplement, 2020; to define terms; to change provisions relating to racial discrimination and unlawful employment practices; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 452.** Introduced by McKinney, 11; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to schools; to adopt the Financial Literacy Act.

**LEGISLATIVE BILL 453.** Introduced by McKinney, 11; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1419 and 76-1435, Reissue Revised Statutes of Nebraska; to require landlords to comply with rental registration ordinances as prescribed; to change provisions relating to certain remedies;

and to repeal the original sections.

**LEGISLATIVE BILL 454.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and sections 79-1016 and 79-1018.01, Revised Statutes Cumulative Supplement, 2020; to adopt the School Property Tax Stabilization Act; to change the valuation of agricultural land and horticultural land as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 455.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-129, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-118, and 86-5,107, Revised Statutes Cumulative Supplement, 2020; to adopt the Broadband Pole Attachment Act; to change the jurisdiction of the Public Service Commission and provide duties; to change provisions relating to requirements and applicability of the Broadband Internet Service Infrastructure Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 456.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Nebraska Enhancing Broadband Act; and to state intent for an appropriation.

**LEGISLATIVE BILL 457.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2708 and 77-27,144, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to deductions for certain sales and use tax refunds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 458.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend sections 29-4004, 29-4005, and 29-4006, Reissue Revised Statutes of Nebraska, and section 29-4007, Revised Statutes Cumulative Supplement, 2020; to amend sections 29-4004, 29-4005, 29-4006, and 29-4007, Reissue Revised Statutes of Nebraska; to provide for alternative methods of appearance and change provisions relating to the registration period; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 459.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4001, 77-4002, 77-4007, and 77-4025, Reissue Revised Statutes of

Nebraska, and sections 71-7611 and 77-2602, Revised Statutes Cumulative Supplement, 2020; to state intent regarding use of funds in the Nebraska Health Care Cash Fund; to increase the cigarette tax and distribute the tax proceeds as prescribed; to define and redefine terms under the Tobacco Products Tax Act; to distribute tobacco products tax proceeds as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 460.** Introduced by Brandt, 32; Dorn, 30; Murman, 38.

A BILL FOR AN ACT relating to dark fiber; to amend sections 18-419, 70-704, 70-1409, 75-132.01, 86-416, 86-574, and 86-575, Reissue Revised Statutes of Nebraska, and sections 70-625 and 86-577, Revised Statutes Cumulative Supplement, 2020; to authorize the licensing of dark fiber by any agency or political subdivision of the state as prescribed; to eliminate Public Service Commission jurisdiction relating to certain violations and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-578, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 461.** Introduced by Pansing Brooks, 28; Blood, 3; Linehan, 39; Sanders, 45.

A BILL FOR AN ACT relating to the human trafficking task force; to amend section 81-1430, Revised Statutes Cumulative Supplement, 2020; to require placement of human trafficking informational posters in casinos; and to repeal the original section.

**LEGISLATIVE BILL 462.** Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services.

**LEGISLATIVE BILL 463.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134, Reissue Revised Statutes of Nebraska; to change provisions relating to physical examinations of injured employees; and to repeal the original section.

**LEGISLATIVE BILL 464.** Introduced by Bostar, 29; Cavanaugh, J., 9; Day, 49; DeBoer, 10; McKinney, 11; Morfeld, 46; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent regarding behavioral health aid funding.

**LEGISLATIVE BILL 465.** Introduced by Bostar, 29; Cavanaugh, J., 9; Day, 49; DeBoer, 10; McKinney, 11; Morfeld, 46; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Behavioral Health Services Fund; to amend section 71-812, Reissue Revised Statutes of Nebraska; to authorize the use of funds for landlord risk mitigation as prescribed; to define and redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 466.** Introduced by Linehan, 39; Albrecht, 17; Blood, 3; Day, 49; McKinney, 11; Slama, 1; Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to require the proration of property taxes when real property is sold as prescribed.

**LEGISLATIVE BILL 467.** Introduced by Bostar, 29; McDonnell, 5.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2020; to adopt updated electrical standards; and to repeal the original section.

**LEGISLATIVE BILL 468.** Introduced by Erdman, 47; Friesen, 34; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Cumulative Supplement, 2020; to provide compensation to landowners for damages to property caused by game animals and game birds as prescribed; to provide duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 469.** Introduced by Erdman, 47; Friesen, 34; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Game and Parks Commission for wildlife conservation.

**LEGISLATIVE BILL 470.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform Powers of Appointment Act.

**LEGISLATIVE BILL 471.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to adult institutions; to amend section 83-4,114, Revised Statutes Cumulative Supplement, 2020; to extend the termination date of the long-term restrictive housing work group; and to repeal the original section.

**LEGISLATIVE BILL 472.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to law enforcement; to require a law enforcement officer to intervene when excessive force is used; to require law enforcement agencies to adopt policies on excessive force; to provide a duty for the Nebraska Commission on Law Enforcement and Criminal Justice; and to state intent.

**LEGISLATIVE BILL 473.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to special education; to amend section 79-1142, Revised Statutes Cumulative Supplement, 2020; to adopt the Extraordinary Increase in Special Education Cost Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 474.** Introduced by Wishart, 27; Bostar, 29; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Hansen, M., 26; Hunt, 8; McKinney, 11; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 77-2701.48, 77-2704.09, 77-27,132, and 77-4303, Reissue Revised Statutes of Nebraska, and sections 28-416 and 60-6,211.08, Revised Statutes Cumulative Supplement, 2020; to adopt the Medicinal Cannabis Act; to provide civil and criminal penalties; to create a fund; to change provisions relating to controlled substances, open containers, and taxation; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 475.** Introduced by Wishart, 27; Hansen, M., 26; Hunt, 8; Morfeld, 46.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend section 32-1405, Revised Statutes Cumulative Supplement, 2020; to require the Attorney General to issue an opinion with respect to whether an initiative measure contains more than one subject as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 476.** Introduced by Blood, 3; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Hansen, M., 26; Hunt, 8; Linehan, 39; Morfeld, 46; Murman, 38; Pansing Brooks, 28; Sanders, 45; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Stroke System of Care Act; to amend sections 71-4201 and 81-664, Reissue Revised Statutes of Nebraska; to provide for a quality improvement plan, registry, and data oversight process; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 477.** Introduced by Bostar, 29; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to initiative and referendum; to amend section 32-1405, Revised Statutes Cumulative Supplement, 2020; to require the Secretary of State to provide an advisory opinion on the object statement and text of a proposed measure as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 478.** Introduced by Blood, 3; Day, 49; Walz, 15.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 16-1020, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1501 and 84-1503, Revised Statutes Cumulative Supplement, 2020; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 479.** Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Cumulative Supplement, 2020; to change the membership of a committee as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 480.** Introduced by McKinney, 11; Cavanaugh, J., 9; Cavanaugh, M., 6; Hansen, M., 26.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2020; to change the minimum wage as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 481.** Introduced by McKinney, 11; Cavanaugh, J., 9; Cavanaugh, M., 6; Hansen, M., 26; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to marijuana; to amend sections 28-439, 43-292, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-1354, 60-6,211.08, and 71-5727, Revised Statutes Cumulative Supplement, 2020; to adopt the Marijuana Conviction Clean Slate Act; to decriminalize possession of marijuana; to change provisions relating to penalties for possession of a synthetic cannabinoid and drug paraphernalia; to define and redefine terms; to change provisions relating to termination of parental rights, visitation, custody, and other parenting matters; to prohibit possession of an open container of marijuana in a motor vehicle; to provide for the applicability of the Nebraska Clean Indoor Air Act; to remove marijuana from the marijuana and controlled substances tax; to rename a fund; to eliminate obsolete



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

**LEGISLATIVE BILL 482.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,101.02, Reissue Revised Statutes of Nebraska; to define a term; to prohibit the use of public resources made as a contribution by transfer to certain entities as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 483.** Introduced by Cavanaugh, J., 9.

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

**LEGISLATIVE BILL 484.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-204, 28-518, and 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-201, and 83-1,122.01, Revised Statutes Cumulative Supplement, 2020; to provide for a new felony classification; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 68-1724, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to child care assistance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 486.** Introduced by Day, 49; Blood, 3; Bostar, 29; Brandt, 32; Cavanaugh, J., 9; Cavanaugh, M., 6; Hansen, M., 26; Walz, 15.

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.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 24CA.** Introduced by Wishart, 27; Hansen, M., 26; Hunt, 8; Morfeld, 46.

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

Section 1. At the general election in November 2022 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 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one general subject which may include provisions that have a connection to the general subject of the measure. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 one-subject requirement for initiative measures.

For

Against.

**LEGISLATIVE RESOLUTION 25.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

WHEREAS, the One Hundredth Sixth Legislature, Second Session, passed Laws 2020, LB1144, creating the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature in response to deteriorating conditions at the Youth Rehabilitation and Treatment Center-Geneva and in response to the Department of Health and Human Services proposed business plan to reorganize the youth rehabilitation and treatment center model; and

WHEREAS, on March 13, 2020, Governor Pete Ricketts issued an emergency declaration in order to address the COVID-19 pandemic in Nebraska. As a result, the Legislature was recessed for a prolonged period from March 13, 2020, until July 20, 2020, and Legislative Bill 1144 was not

signed into law until August 11, 2020, giving the Youth Rehabilitation and Treatment Center Special Oversight Committee only a brief window of time to carry out its duties as set forth in Laws 2020, LB1144; and

WHEREAS, the Youth Rehabilitation and Treatment Center Special Oversight Committee toured the youth rehabilitation and treatment center facilities, received briefings from officials and stakeholders, and held a public hearing to study the quality of care and related issues at the youth rehabilitation and treatment centers; and

WHEREAS, the Youth Rehabilitation and Treatment Center Special Oversight Committee issued a report with its findings and recommendations to the Legislature on December 15, 2020, which included a recommendation to reappoint members to the committee and extend the committee until December 31, 2021; and

WHEREAS, the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature terminated on December 31, 2020; and

WHEREAS, continued legislative input and oversight over the youth rehabilitation and treatment centers is needed as the Department of Health and Human Services develops and implements the five-year operations plan as required by section 43-427; and

WHEREAS, the safety, quality of life, and right to a safe treatment environment for youth in the youth rehabilitation and treatment centers continues to be of the utmost concern to the Legislature.

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

1. That the Executive Board of the Legislative Council shall 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 no more than nine members of the Legislature appointed by the Executive Board. Members shall include the chairperson of the Health and Human Services Committee of the Legislature, two other 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, the chairperson of the Judiciary Committee of the Legislature, and one member of the Legislature from each legislative district in which a youth rehabilitation and treatment center is located. The Youth Rehabilitation and Treatment Center Special Oversight Committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board may provide the committee with legal counsel, a committee clerk, and other staff as required by the committee from existing legislative staff. The committee may hold hearings and request and receive progress reports from the Department of Health and Human Services regarding the youth rehabilitation and treatment centers. The committee may issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

2. The Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature may 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 conditions existing at the youth rehabilitation and treatment centers. 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, 2021.

3. The Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature shall terminate on December 31, 2021.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture  
Room 1524

Tuesday, January 26, 2021 1:30 p.m.

LB90

LB91

(Signed) Steve Halloran, Chairperson

Business and Labor  
Room 1524

Monday, January 25, 2021 9:30 a.m.

LB169

LB37

LB255

Monday, January 25, 2021 1:30 p.m.

LB260

LB298

LB249

(Signed) Ben Hansen, Chairperson

Education  
Room 1525

Monday, January 25, 2021 9:30 a.m.  
Early Childhood Education Report briefing per NE Statute 79-1103  
Note: Invited testimony only

LB137  
LB210

Monday, January 25, 2021 1:30 p.m.

LB135  
LB153  
LB323  
LB288  
LB287  
LB286  
LB289

(Signed) Lynne Walz, Chairperson

General Affairs  
Room 1510

Monday, January 25, 2021 9:30 a.m.

LB70  
LB75  
LB152  
LB312

(Signed) Tom Briese, Chairperson

Judiciary  
Room 1113

Wednesday, January 27, 2021 9:30 a.m.

LB45  
LB46  
LB268  
LB277

Wednesday, January 27, 2021 1:30 p.m.

LB128  
LB205  
LB246  
LB320  
LB358

(Signed) Steve Lathrop, Chairperson

Banking, Commerce and Insurance  
Room 1507

Monday, January 25, 2021 9:30 a.m.

LB373

LB21

LB22

Monday, January 25, 2021 1:30 p.m.

LB77

LB280

Tuesday, January 26, 2021 9:30 a.m.

LB297

LB363

LB66

Tuesday, January 26, 2021 1:30 p.m.

LB248

LB23

(Signed) Matt Williams, Chairperson

Transportation and Telecommunications  
Room 1113

Monday, January 25, 2021 9:30 a.m.

LB113

LB149

LB106

Monday, January 25, 2021 1:30 p.m.

LB174

LB78

LB302

(Signed) Curt Friesen, Chairperson

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

**Rules Committee Proposed Rule Change 1****Amend Rule 1, Sec. 1 and Rule 3, Sec. 2****Section 1. Officers to be Elected.** (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker  
Chairperson of Committee on Committees  
Chairperson of Executive Board  
Vice Chairperson of Executive Board  
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

*The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01. These six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the positions represent, subject to approval of the Legislature.*

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

**Rule 3**

**Sec. 2. Appointment of Committees.** (a) At the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 2, 3, 15, 16, 19, 21 through 29, 45, and 46; four from Districts Number 4 through 14, 18, 20, 31, 39, and 49; and four from Districts Number 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. These twelve members of the Committee on Committees shall be filled by a majority vote of all members of the respective caucus from which the positions represent, subject to approval of the Legislature.

(b) Immediately following chairmanship and Committee on Committees membership elections, the committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the committee for further action.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.



**Rules Committee Proposed Rule Change 2****Amend Rule 7, Sec. 2**

**Sec. 2. Voting, Electric Roll Call.** (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order, ~~unless the~~ The introducer of the motion or amendment under consideration ~~objects.~~ may object to the form of a roll call. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(e) Only senators physically in the legislative chamber may vote.

**Rules Committee Proposed Rule Change 3****Amend Rule 7, Sec. 1**

**Section 1. Meeting Time, Restrictions.** (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

*Const. Art. III, Sec. 10.*

(b) The order of business of the Legislature shall be as follows, except as otherwise provided by the Speaker.

- a. Prayer by the Chaplain
- b. Pledge of Allegiance
- ~~c. Roll call~~
- ~~d. e.~~ Call for correction of the Journal
- ~~e. d.~~ Petitions and memorials
- ~~f. e.~~ Notice of committee hearings and reports
- ~~g. f.~~ Bills on Final Reading
- ~~h. g.~~ Resolutions
- ~~i. h.~~ Introduction of bills and reading by title
- ~~j. i.~~ Consideration of bills on Select File
- ~~k. j.~~ Motions to reconsider
- ~~l. k.~~ Motions to advance bills from committee
- ~~m. l.~~ Other pending motions
- ~~n. m.~~ Unfinished business, including messages on President's desk
- ~~o. n.~~ Consideration of bills on General File
- ~~p. o.~~ Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing or special committee may introduce one or more bills.

*Introduction of bills. Rule 6, Section 1.*

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

Senator Linehan filed the following amendment to LB364:

AM5

1 1. On page 11, line 18 strike "may" and insert "shall".

Senator Linehan filed the following amendment to LB364:

AM6

1 1. On page 11, line 18 strike "may" and insert "shall".

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

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

Senator Pansing Brooks name added to LB20.

Senator Pahls name added to LB64.

Senator Blood name added to LB83.

Senator Hunt name added to LB83.

Senator Cavanaugh, M. name added to LB88.

Senator Hunt name added to LB171.

Senator Hunt name added to LB172.

Senator Hunt name added to LB258.

Senator Brewer name added to LB263.

Senator Hunt name added to LB264.

Senator Hunt name added to LB266.

Senator Hunt name added to LB311.

Senator Bostar name added to LB327.

Senator McKinney name added to LB335.

Senator Sanders name added to LB388.

Senator Brewer name added to LB388.

Senator Hansen, M. name added to LB394.

Senator Brewer name added to LB395.

Senator Hunt name added to LB396.

Senator Brewer name added to LB396.

Senator Brewer name added to LB408.

**ADJOURNMENT**

At 11:35 a.m., on a motion by Speaker Hilgers, the Legislature adjourned until the call of the Speaker.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINTH DAY - JANUARY 19, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 19, 2021

**PRAYER**

The prayer was offered by Senator Moser.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators M. Cavanaugh and Linehan who were excused; and Senators B. Hansen, M. Hansen, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**ANNOUNCEMENT(S)**

The Education Committee elected Senator Morfeld as Vice Chairperson.

**NOTICE OF COMMITTEE HEARING(S)**

Education  
Room 1525

Tuesday, January 26, 2021 1:30 p.m.

LB92

LB197

LB243

Tuesday, January 26, 2021 9:30 a.m.

Clay Smith - Nebraska Educational Telecommunications Commission

Marilyn B. Hadley - Nebraska Educational Telecommunications

Commission

Paul Turman - Nebraska Educational Telecommunications Commission

Mary Lauritzen - Coordinating Commission for Postsecondary Education  
Paul Von Behren - Coordinating Commission for Postsecondary Education

(Signed) Lynne Walz, Chairperson

Judiciary  
Room 1113

Thursday, January 28, 2021 9:30 a.m.

LB89  
LB203  
LB273  
LB354

Thursday, January 28, 2021 1:30 p.m.

LB201  
LB307  
LB308  
LB330  
LB357

Friday, January 29, 2021 9:30 a.m.

LB47  
LB48  
LB57  
LB155

Friday, January 29, 2021 1:30 p.m.

LB28  
LB88  
LB97  
LB245  
LR20CA

(Signed) Steve Lathrop, Chairperson

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 4, 6, 7, 8, 9, 12, 15, 16, and 17 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 4, 6, 7, 8, 9, 12, 15, 16, and 17.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 487.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to insurance; to amend section 44-793, Reissue Revised Statutes of Nebraska; to change mental health condition and serious mental illness coverage provisions; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, section 17; to change an appropriation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 489.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to state contracts for services; to amend section 73-510, Reissue Revised Statutes of Nebraska; to require a financial stability and service capability analysis for certain contracts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 490.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to Youth rehabilitation and treatment centers; to require a youth rehabilitation and treatment center to obtain a license.

**LEGISLATIVE BILL 491.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to children and families; to amend sections 43-2204, 43-4401, 43-4402, 43-4403, 43-4407, 68-1207, 68-1214, and 81-3135, Reissue Revised Statutes of Nebraska, and sections 43-4406 and 68-1212, Revised Statutes Cumulative Supplement, 2020; to change and eliminate provisions regarding lead agencies and a pilot project; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 43-4408, 43-4409, and 68-1213, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 492.** Introduced by Cavanaugh, M., 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.

**LEGISLATIVE BILL 493.** Introduced by Cavanaugh, M., 6.

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

**LEGISLATIVE BILL 494.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to direct the department to apply for grants to establish and maintain a health care insurance claims and payment information data base.

**LEGISLATIVE BILL 495.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to foster care; to amend section 43-4215, Reissue Revised Statutes of Nebraska; to state findings and intent; to require implementation of an increase in foster care reimbursement rates; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 496.** Introduced by Hilkemann, 4; Lathrop, 12.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4102, 29-4103, 29-4104, 29-4106, 29-4106.01, and 29-4109, Reissue Revised Statutes of Nebraska; to require collection of DNA samples from persons arrested for crimes of violence; to define a term; to provide for expungement; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 497.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1801, 81-1807, 81-1808, and 81-1815, Reissue Revised Statutes of Nebraska; to define terms; to provide for compensation for health care providers for costs incurred for examining or treating victims of sexual assault or domestic assault; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 498.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to broadband services; to require the Public Service Commission to implement a broadband service testing and mapping program as prescribed.

**LEGISLATIVE BILL 499.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to treatment and corrections; to require an annual report on active cases by the Department of Correctional Services, Office of Probation Administration, and Division of Parole Supervision.



**LEGISLATIVE BILL 500.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.01, 28-311.02, and 28-320.02, Reissue Revised Statutes of Nebraska, and section 28-919, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to terroristic threats, stalking and harassment, child enticement by means of an electronic communication device, tampering with a witness or informant, and jury tampering; to define terms; and to repeal the original sections.

**LEGISLATIVE BILL 501.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to real property; to adopt the Uniform Easement Relocation Act; and to provide severability.

**LEGISLATIVE BILL 502.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5705, 77-5723, 77-5727, 77-5731, and 77-5735, Reissue Revised Statutes of Nebraska, and sections 77-5725 and 77-5726, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change provisions relating to sales tax incentives; to harmonize provisions; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 503.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend sections 76-1011 and 76-1018, Reissue Revised Statutes of Nebraska; to authorize attorney's fees to be paid from trustee's sale proceeds for certain actions and judgments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 504.** Introduced by Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,108 and 60-4,109, Revised Statutes Cumulative Supplement, 2020; to change certain penalty provisions for the suspension, revocation, or impoundment of an operator's license; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Cavanaugh, J., 9; McKinney, 11.

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.

**SENATOR ARCH PRESIDING**

**LEGISLATIVE BILL 506.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to net metering; to amend section 70-2003, Reissue Revised Statutes of Nebraska; to change a requirement of a local distribution utility to provide net metering to additional customer-generators; and to repeal the original section.

**LEGISLATIVE BILL 507.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Ethanol Development Act; to amend section 66-1330, Reissue Revised Statutes of Nebraska; to prohibit the production of agricultural ethyl alcohol under certain circumstances as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 508.** Introduced by Bostelman, 23.

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, 2020; to provide motor vehicle tax exemptions for certain veterans and spouses as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 509.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the State Treasurer and treasury management; to amend sections 44-2839, 72-1250.01, 77-3,119, 77-2205, 77-27,139.04, 77-3523, 79-1044, 79-1047, 79-1051, 81-118, and 86-527, Reissue Revised Statutes of Nebraska, and sections 13-518, 39-2215, 54-603, 57-705, 60-396, 60-3,202, 77-2602, 77-4212, 79-1035, 82-331, 84-602, and 84-612, Revised Statutes Cumulative Supplement, 2020; to change how certain disbursements, reimbursements, remittances, and distributions are made; to change and eliminate duties of the State Treasurer; to rename a fund; to change provisions relating to warrants, the distribution of cigarette tax proceeds, unused property tax credits, and payments into the state treasury; 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, and 79-1034, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 510.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1014, Reissue Revised Statutes of Nebraska, and sections 45-1013 and 45-1024, Revised Statutes Cumulative Supplement, 2020; to change installment loan license renewal fees and provide for distribution; to change the rate of interest charged on installment loans; to harmonize

provisions; and to repeal the original sections.

**LEGISLATIVE BILL 511.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to tobacco; to amend sections 69-2705, 77-2601, and 77-2603, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to cigarette tax stamps; to provide for the use of hologram, barcode, or quick response code tax stamps; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to emergency response; to adopt the Critical Infrastructure Utility Worker Protection Act; and to declare an emergency.

**LEGISLATIVE BILL 513.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public power district boards; to amend sections 32-512, 70-610, and 70-619, Reissue Revised Statutes of Nebraska; to change duration of terms; to change qualifications for candidates and members of the board; and to repeal the original sections.

**LEGISLATIVE BILL 514.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to political parties; to amend sections 32-716 and 32-717, Reissue Revised Statutes of Nebraska; to change provisions relating to new political parties; to change filing and certification deadlines; and to repeal the original sections.

**LEGISLATIVE BILL 515.** Introduced by McKinney, 11.

A BILL FOR AN ACT relating to municipalities; to adopt the Municipal Police Oversight Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 516.** Introduced by McKinney, 11; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1735, Reissue Revised Statutes of Nebraska; to change provisions relating to self-sufficiency contracts and work activity requirements; and to repeal the original section.

**LEGISLATIVE BILL 517.** 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, and sections 60-484, 60-484.02, 60-484.04, 60-484.05, 60-486, 60-487, 60-4,114.01, 60-4,117, 60-4,118, 60-4,118.03, 60-4,118.05, 60-4,119, 60-4,120, 60-4,120.01, 60-4,120.02, 60-4,121, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,125, 60-4,126, and 60-4,144, Revised

Statutes Cumulative Supplement, 2020; to change provisions relating to the gender designated on drivers' licenses and state identification cards; to change gender-related language as prescribed; to provide a procedure for amendment of a birth certificate; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 518.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-267, Reissue Revised Statutes of Nebraska; to add conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; and to repeal the original section.

**LEGISLATIVE BILL 519.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public safety; to amend sections 25-21,271, 28-101, 28-416, 28-441, and 53-180.05, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to notice for petitions to change a person's name; to provide immunity for certain alcohol and controlled substances violations by witnesses and victims of sexual assaults and persons cooperating with law enforcement; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 520.** 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 521.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01 and 77-202.05, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for property tax exemptions; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-183, Reissue Revised Statutes of Nebraska; to change a motor vehicle identification inspection training provision; and to repeal the original section.

**LEGISLATIVE BILL 523.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to school funding; to amend sections 77-3442, 79-1098, 79-10,100, 79-10,101, 79-10,120, and 79-10,126, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain school taxes and special funds; to provide a termination

date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 524.** Introduced by Brandt, 32; Kolterman, 24; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Property Tax Incentive Act; to amend section 77-6703, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the calculation of tax credits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 525.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 47-902, 47-903, 47-904, 47-905, 47-907, 47-911, 47-914, and 47-915, Revised Statutes Cumulative Supplement, 2020; to provide duties and requirements for transitional housing facilities receiving state or county funding; to define terms; to provide for inspections; to provide the Office of Inspector General of the Nebraska Correctional System with authority to oversee the Division of Parole Supervision; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 526.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, and 81-12,163, Revised Statutes Cumulative Supplement, 2020; to change certain limitations on awards under the act; to state intent regarding appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 527.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 83-1225, Revised Statutes Cumulative Supplement, 2020; to change provisions related to transition services; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to law; to amend sections 38-316, 38-10,109, 38-2613, 38-2616, 38-3106, 72-232, 72-233, 72-234, 72-235, 76-2203.01, 77-2704.12, 79-202, 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1605, 79-2118, and 85-1609, Reissue Revised Statutes of Nebraska, and sections 1-116, 38-1813, 58-809, 77-1601.02, 77-27,119, 79-308, 79-611, 79-8,137.01, 79-1003, 79-1007.11, 79-1065.02, 79-1074, 79-1075, 79-1241.03, 79-2104.02, 79-2603, 79-2605, 79-2606, 85-505, 85-507, 85-1802, 85-2002, 85-2003, 85-2004, 85-2005, 85-2007, 85-2008, 85-2009, 85-2010, 85-2104, 85-2802, and 85-2803, Revised Statutes Cumulative Supplement, 2020; to update academic accreditation

terminology in state law; to change provisions relating to school lands; to change tax levy notice provisions; to eliminate certain obsolete school and school district provisions and terminology; to eliminate a form requirement; to eliminate provisions relating to an expired grant program; to eliminate obsolete bonded indebtedness requirements; to redefine terms and eliminate obsolete provisions under the Tax Equity and Educational Opportunities Support Act; to change state aid provisions for school districts and educational service units relating to boundary line changes and the timing of payments as prescribed; to eliminate certain county clerk and county board duties; to change certain learning community coordinating council reporting dates; to change certain diversity plan requirements; to change requirements under the Nebraska Reading Improvement Act as prescribed; to redefine a term relating to the Nebraska educational savings plan trust; to define and redefine terms and change provisions under the Community College Gap Assistance Program Act; to authorize verification of eligibility by the Commissioner of Education under the Access College Early Scholarship Program Act; to define a term, eliminate a term, and change provisions under the Meadowlark Act; to require hotline telephone numbers on student identification cards for middle school, high school, and postsecondary students as prescribed; to repeal a requirement relating to the residency of school land leasees; to repeal a requirement for the provision of student debt information to students; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-234.01, Reissue Revised Statutes of Nebraska, and section 85-9,140, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 529.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 79-8,132, 79-8,133, 79-8,135, 79-8,138, 79-8,139, 79-8,140, 79-1064, 79-1201.01, and 85-2101, Reissue Revised Statutes of Nebraska, and 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, 79-1003, 79-1054, 79-1104.02, 79-1337, 79-2503, 79-2505, 79-2506, 84-304, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the distribution of lottery funds used for education; to adopt the Behavioral Intervention Training and Teacher Support Act; to create funds; to establish a mental health training grant program; to change provisions relating to standard college admission tests; to adopt the College Credit Testing Fee Reduction Program Act; to define and redefine terms; to change provisions relating to an innovation grant program, the use of certain funds, and distance education incentives; to change provisions relating to the Expanded Learning Opportunity Grant Program Act; to provide duties for the Auditor of Public Accounts and the Coordinating Commission for Postsecondary Education; to change provisions relating to the Nebraska Opportunity Grant Fund and the Community College Gap Assistance Program Fund; to adopt the Career-Readiness and Dual-Credit Education Grant Program Act; to transfer and change provisions of the Excellence in Teaching Act; to eliminate obsolete provisions and a fund; to repeal the

Master Teacher Program Act, distance education equipment reimbursements, provisions relating to a study and to a statewide vision for education, and learning community transition aid; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal sections 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, 79-8,131, 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, 2020; and to declare an emergency.

**LEGISLATIVE BILL 530.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 60-569, Reissue Revised Statutes of Nebraska; to require certain policies issued by insurers to comply with federal minimum levels of financial responsibility for motor carriers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 531.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska Child Care Contribution Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 532.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to property; to amend sections 69-1302, 69-1310, and 69-1318, Reissue Revised Statutes of Nebraska, and sections 24-345, 25-2717, 69-1317, 76-1416, 79-956, 85-1816, 85-1817, and 85-2803, Revised Statutes Cumulative Supplement, 2020; to rename a property fund; to change provisions relating to the Uniform Disposition of Unclaimed Property Act and the School Employees Retirement Act; 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 533.** Introduced by Day, 49.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1201, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for public assistance; and to repeal the original section.

**LEGISLATIVE BILL 534.** Introduced by Day, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,121, Revised Statutes Cumulative Supplement, 2020; to provide for an operator's license to remain valid while serving as an officer of the foreign service of the United States; and to repeal the original section.

**LEGISLATIVE BILL 535.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to life insurance; to provide for notice to assignees of default and lapse and termination; to define a term; and to provide for applicability.

**LEGISLATIVE BILL 536.** Introduced by Aguilar, 35; Friesen, 34; Halloran, 33.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207.01, Reissue Revised Statutes of Nebraska, and section 2-1207, Revised Statutes Cumulative Supplement, 2020; to change distribution provisions for certain deductions from wagers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 537.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-251.01 and 43-253, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to juvenile detention; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 538.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 79-1035, Revised Statutes Cumulative Supplement, 2020; to adopt the Community Schools Act; to change the distribution of income from solar and wind agreements on school lands; and to repeal the original section.

**LEGISLATIVE BILL 539.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to railroads; to provide for a limit on the length of trains.

**LEGISLATIVE BILL 540.** 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 Cumulative Supplement, 2020; 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 541.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to foster care; to amend sections 43-4215



and 68-1210, Reissue Revised Statutes of Nebraska; to provide duties for the Division of Children and Family Services and the Division of Medicaid and Long-Term Care of the Department of Health and Human Services to implement services and reimbursement rates as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 542.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to highways; to amend sections 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, and 39-2704, Reissue Revised Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative Supplement, 2020; to authorize issuance of highway bonds under the Nebraska Highway Bond Act; to change provisions of the Build Nebraska Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 543.** Introduced by Brandt, 32; Brewer, 43; Dorn, 30; Friesen, 34; Gragert, 40; Murman, 38.

A BILL FOR AN ACT relating to trade practices; to adopt the Agricultural Equipment Right-To-Repair Act.

**LEGISLATIVE BILL 544.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 50-1209, 77-2711, 77-27,119, 77-27,144, 77-5905, and 84-602.03, Revised Statutes Cumulative Supplement, 2020; to adopt the Urban Redevelopment Act; to provide tax incentives as prescribed; to change provisions relating to refunds of local option sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 545.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to gaming; to amend sections 77-3004, 77-3005, and 77-3009, Reissue Revised Statutes of Nebraska, sections 9-1,101, 77-3007, 77-3011, 77-3442, and 79-1001, Revised Statutes Cumulative Supplement, 2020, sections 28-1101, 28-1105, 28-1113, and 77-3001, Reissue Revised Statutes of Nebraska, as amended by sections 8, 9, 10, and 12, respectively, Initiative Law 2020, No. 430, and section 3, Initiative Law 2020, No. 430; 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 correlate provisions with Laws 2019, LB538, section 2; to provide for excise taxes as prescribed; to change provisions relating to property tax levies; to change the Tax Equity and Educational Opportunities Support Act; to redefine a term under the Nebraska Racetrack Gaming Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 546.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to marijuana; to amend sections 28-439, 43-292, 77-2701.02, 77-2701.48, 77-2704.09, 77-27,132, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-476, 28-1354, 60-6,211.08, 71-5727, 81-2,239, and 81-2,263, Revised Statutes Cumulative Supplement, 2020; to adopt the Marijuana Control Act and Marijuana Conviction Clean Slate Act; to remove marijuana as a controlled substance under the Uniform Controlled Substances Act; to change provisions relating to penalties for possession of a synthetic cannabinoid and drug paraphernalia; to define, redefine, and eliminate terms; to change provisions relating to termination of parental rights, visitation, custody, and other parenting matters; to prohibit possession of an open container of marijuana in a motor vehicle; to provide for the applicability of the Nebraska Clean Indoor Air Act and the Nebraska Pure Food Act; to impose a higher sales and use tax rate on sales of marijuana; to provide for the distribution of tax revenue; to remove marijuana from the marijuana and controlled substances tax; to rename a fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to provide severability; and to outright repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 547.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 50-1209, 77-2711, 77-27,119, 77-27,144, 77-5905, and 84-602.03, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska Small Business Act; to provide tax incentives as prescribed; to change provisions relating to refunds of local option sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 548.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Racial Justice Act; to provide new grounds for postconviction relief and change provisions relating to postconviction acts; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 549.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to amend section 13-522, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Cumulative Supplement, 2020; to adopt the Aid to Municipalities Act; to create a fund; to harmonize provisions; to provide a duty for the Revisor of

Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 550.** 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, 2020; to change enrollment option limits and provisions for part-time enrollment; and to repeal the original sections.

**LEGISLATIVE BILL 551.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to law enforcement; to amend sections 48-147, 48-2709, 81-1403, 81-1407, 81-1412.02, and 81-1414, Reissue Revised Statutes of Nebraska, and sections 23-1701.01, 29-2264, 48-115, 48-126.01, 48-145, 81-1401, 81-1414.07, 81-1456, and 81-1457, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions relating to annual and initial training for law enforcement officers; to change membership of the Nebraska Police Standards Advisory Council; to provide for certification of persons certified as law enforcement officers in other states; to change provisions relating to law enforcement officer certification; to provide for policies and requirements for investigating law enforcement officer misconduct; to require law enforcement agencies to maintain records regarding officer discipline; to make certain records relating to law enforcement officers public; to create a public data base; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to prohibit chokeholds as prescribed; to require policies on excessive force and a duty to intervene; to require accreditation of law enforcement agencies; to create a fund; to eliminate provisions regarding law enforcement reserve forces; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1438, 81-1439, 81-1440, 81-1441, 81-1442, 81-1443, 81-1444, 81-1445, and 81-1446, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 552.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2020; to clarify definitions related to marijuana and related substances; to schedule nabiximols as a Schedule III controlled substance; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 553.** 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 554.** Introduced by Blood, 3; Day, 49; Pansing Brooks, 28.

A BILL FOR AN ACT relating to public health; to adopt the Licensed Professional Counselors Interstate Compact; and to provide a duty for the Health and Human Services Committee of the Legislature.

**LEGISLATIVE BILL 555.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Municipal Density and Missing Middle Housing Act; to amend section 19-5504, Revised Statutes Cumulative Supplement, 2020; to change the contents of a report relating to affordable housing as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 556.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2119, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to redevelopment contracts; and to repeal the original section.

**LEGISLATIVE BILL 557.** Introduced by Hansen, M., 26.

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 sections 81-1454, 84-712.03, and 84-712.05, Revised Statutes Cumulative Supplement, 2020; to provide that recordings from body-worn cameras of peace officers depicting the death of a person being apprehended or in custody are public records; to change public records provisions relating to residents, nonresidents, fees, and remedies; and to repeal the original sections.

**LEGISLATIVE BILL 558.** Introduced by Vargas, 7; Sanders, 45.

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

**LEGISLATIVE BILL 559.** Introduced by Vargas, 7; Hansen, M., 26.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-173.03, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to eliminate obsolete language; and to repeal the original section.

**LEGISLATIVE BILL 560.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to gaming; to amend sections 1, 3, 5, and 6, Initiative Law 2020, No. 430, and sections 2, 3, 5, and 7, Initiative Law

2020, No. 431; to change the name of the Nebraska Gaming Commission and the State Racing Commission; to define and redefine terms; to change provisions of the Nebraska Racetrack Gaming Act; to provide requirements for licensure; to provide powers and duties for the commission; to establish requirements for sports wagering; to prohibit certain activities; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 561.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to the State Racing Commission; to amend sections 2-1201.01, 2-1202, 2-1203.02, 2-1204, 2-1207.01, 2-1208.03, 2-1208.04, 2-1209, 2-1211, 2-1213, 2-1215, 2-1217, 2-1219, 2-1224, 2-1225, 2-1244, 2-1246, and 2-1247, Reissue Revised Statutes of Nebraska, sections 2-1201, 2-1203, 2-1207, 2-1208, 2-1216, 2-1221, and 2-1222, Revised Statutes Cumulative Supplement, 2020, and section 2-1203.01, Revised Statutes Cumulative Supplement, 2018, as amended by section 7, Initiative Law 2020, No. 430; to rename the State Racing Commission; to change the membership of the State Racing Commission; to provide regulatory authority of games of chance authorized under the Nebraska Racetrack Gaming Act; to change provisions relating to wagering on horseracing and penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 562.** Introduced by Erdman, 47; Halloran, 33; Lowe, 37; Sanders, 45.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-104, Reissue Revised Statutes of Nebraska; to provide for the relocation of commission headquarters as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 563.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 29-2269, Reissue Revised Statutes of Nebraska, and section 83-1,103, Revised Statutes Cumulative Supplement, 2020; to provide caseload limits for high-risk offenders supervised by probation officers and parole officers; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 564.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend section 85-1802, Revised Statutes Cumulative Supplement, 2020; to redefine qualified higher education expenses; and to repeal the original section.

**LEGISLATIVE BILL 565.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to education; to provide for a pilot program for youth initiated mentoring; to state intent related to funding; and to declare an emergency.

**LEGISLATIVE BILL 566.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to economic development; to adopt the Shovel-Ready Capital Recovery and Investment Act; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 567.** Introduced by Business and Labor Committee: Hansen, B., 16, Chairperson; Blood, 3; Gragert, 40; Halloran, 33; Hansen, M., 26.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-626, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the maximum annual amount of benefits; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 568.** Introduced by Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-709, 43-247, 43-252, 43-260.03, 43-260.05, 43-2404, 43-2404.03, 43-2405, 43-3504, 79-201, 79-207, 79-210, 79-267, 79-1601, and 79-2114, Reissue Revised Statutes of Nebraska, and sections 25-2912.01, 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04, 43-274, 43-276, 43-286, 43-2404.02, 79-209, and 79-2506, Revised Statutes Cumulative Supplement, 2020; to change the jurisdiction of juvenile courts as prescribed; to change provisions and terminology related to truancy; to eliminate obsolete language; to change provisions of the Community-based Juvenile Services Aid Program and the Commission Grant Program; to change a funding intent; to change provisions related to compulsory education; to transfer a duty; to clarify provisions; to add authority for rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 569.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to public health; to define terms; and to provide for the treatment of Lyme disease as prescribed.

**LEGISLATIVE BILL 570.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to case management lead agency model

pilot projects; to amend section 68-1213, Reissue Revised Statutes of Nebraska; to change an evaluation period; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 571.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-170, 54-171, and 54-1,122, Revised Statutes Cumulative Supplement, 2020; to define terms; to provide for backgrounder lot registration; to provide fees; to provide duties; to change registered feedlot requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-173, 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172, 54-179, 54-189, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change recorded livestock brand requirements; to change and provide fees as prescribed; to provide for electronic inspection of livestock; to provide duties; to provide penalties; to change registered feedlot provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 573.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to net metering; to amend section 70-2002, Reissue Revised Statutes of Nebraska; to change the definition of qualified facility; and to repeal the original section.

**LEGISLATIVE BILL 574.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-146, Revised Statutes Cumulative Supplement, 2020; to change identification inspection requirements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 575.** Introduced by Bostar, 29; Brandt, 32; Flood, 19.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact.

**LEGISLATIVE BILL 576.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the University of Nebraska; and to provide duties for the Cooperative Extension Service of the University of Nebraska.

**LEGISLATIVE BILL 577.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to elections; to amend sections 32-307, 32-308, 32-315, 32-1506, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 25-2221, 32-202, 32-312, 32-947, 32-1002, 60-484, 60-484.02, 60-4,144, and 62-301, Revised Statutes Cumulative Supplement, 2020; to establish Election Day as a holiday; to change provisions relating to holidays; to change provisions relating to early voting and provide for early voting to be postage-paid; to change provisions relating to automatic voter registration; 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 578.** Introduced by Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2020; to define a term; to provide a tax on manufacturers and wholesalers of ready-to-drink cocktails; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 579.** Introduced by Moser, 22.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1365, Reissue Revised Statutes of Nebraska, and sections 39-1365.01 and 39-1365.02, Revised Statutes Cumulative Supplement, 2020; to restate intent; to provide requirements for a report and a presentation by the Department of Transportation; to state intent regarding funding; and to repeal the original sections.

**LEGISLATIVE BILL 580.** Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend section 2, Initiative Law 2020, No. 430; to change provisions relating to the operation of games of chance; and to repeal the original section.

**LEGISLATIVE BILL 581.** Introduced by Hansen, B., 16; Brandt, 32; Clements, 2; Erdman, 47; Flood, 19; Geist, 25; Gragert, 40; Lowe, 37; Murman, 38; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to autocycles, motorcycles, and mopeds; to amend section 60-6,279, Revised Statutes Cumulative Supplement, 2020; to change helmet provisions; to require eye protection; and to repeal the original section.



**LEGISLATIVE BILL 582.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Clements, 2; Lindstrom, 18; Slama, 1; Stinner, 48.

A BILL FOR AN ACT relating to retirement; to amend sections 79-978, 79-980, 79-981, 79-982, 79-982.01, 79-982.02, 79-983, 79-984, 79-985, 79-987, 79-990, 79-991, 79-992, 79-992.02, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,115, and 79-9,117, Revised Statutes Cumulative Supplement, 2020; to change provisions of the Class V School Employees Retirement Act relating to administration of the retirement system as prescribed; to define and redefine terms; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 583.** Introduced by Murman, 38; Clements, 2; Dorn, 30; Gragert, 40; Hansen, B., 16; Kolterman, 24.

A BILL FOR AN ACT relating to prescriptions; to amend sections 28-414, 28-414.01, 38-101, 38-2870, and 38-2891, Revised Statutes Cumulative Supplement, 2020; 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 584.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to food; to amend section 81-2,270, Revised Statutes Cumulative Supplement, 2020; to adopt the Mobile Food Unit Act; to change provisions relating to fees; and to repeal the original section.

**LEGISLATIVE BILL 585.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for local public health departments as prescribed.

**LEGISLATIVE BILL 586.** Introduced by Clements, 2.

A BILL FOR AN ACT relating to city pensions; to amend sections 14-567 and 15-1017, Revised Statutes Cumulative Supplement, 2020; to require a report to the Legislature and the Governor relating to certain city police and firefighter defined benefit retirement plans as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 587.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to education; to adopt the Career Mentoring Grant Act.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 26CA.** Introduced by Lindstrom, 18.

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

Section 1. At the general election in November 2022, 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 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) The Legislature may authorize, regulate, and provide for the taxation of sports wagering within the State of Nebraska.

~~(5)~~(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.

~~(6)~~(5) This section shall not apply to any law which is enacted contemporaneously with the adoption of this subsection or at any time thereafter and which provides for the licensing, authorization, regulation, or taxation of all forms of games of chance when such games of chance are conducted by authorized gaming operators within a licensed racetrack enclosure.

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 sports wagering subject to taxation and regulation by the Legislature.

For

Against.

**LEGISLATIVE RESOLUTION 27CA.** Introduced by Hansen, M., 26.

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

Section 1. At the general election in November 2022 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 29:

III-29 (1). In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack upon the United States, or the imminent threat thereof, or resulting from a pandemic, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

(a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which, after an attack or during or after a

pandemic, may be or become unavailable or unable to carry on the powers and duties of such offices;

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor, during or after a war or enemy caused disaster occurring in the United States, or during or after a pandemic; and, with respect to any such emergency session, the suspension or temporary change of the provisions of this Constitution or of general law relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

(c) The selection and changing from time to time of a temporary state seat of government, of temporary county seats, and of temporary seats of government for other political subdivisions; to be used if made necessary by enemy attack, or imminent threat thereof, or if made necessary by a pandemic;

(d) The determination, selection, reproduction, preservation, and dispersal of public records necessary to the continuity of governmental operations in the event of enemy attack, or imminent threat thereof, or in the event of a pandemic; and

(e) Such other measures and procedures as may be necessary and proper for insuring the continuity of governmental operations in the event of enemy attack, or imminent threat thereof, or in the event of a pandemic.

(2). In the exercise of the powers hereinbefore conferred, the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that, in the judgment of the Legislature, so to do would be impracticable or would admit of undue delay.

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 legislative authority in emergencies resulting from a pandemic.

For

Against.

**LEGISLATIVE RESOLUTION 28.** Introduced by Hilkemann, 4.

WHEREAS, the Nebraska Unicameral Legislature, at various times and during various sessions and acting with the best of intentions, previously made applications to the United States Congress to call one or more conventions to propose amendments concerning specific subjects pursuant to Article V of the United States 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, no member of the current Legislature has had an opportunity to consider or take a position on the aforementioned resolutions, indeed may not even be aware of their contents; 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, any limitations or restrictions purportedly imposed by the states in requesting the convention notwithstanding, thereby creating imminent peril to the well-established rights of citizens and the duties of various levels of government; and

WHEREAS, the United States Constitution has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for over 200 years and found to be a sound document which protects the lives and liberties of the citizens of the United States; and

WHEREAS, there is no need for opening the United States Constitution to sweeping changes; and

WHEREAS, great danger might arise from changes to the United States Constitution, creating legal chaos in this nation and another two centuries of litigation over interpretation of its meaning.

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

1. That any and all resolutions previously passed by the Nebraska Unicameral Legislature petitioning Congress to call a federal constitutional convention are hereby rescinded and deemed null and void.

2. That any and all resolutions passed by the Nebraska Unicameral Legislature during or after the current legislative session that petition Congress to call a federal constitutional convention shall be automatically rescinded and deemed null and void if a convention is not called on or before the seventh anniversary of the date the last legislative vote is taken on such resolution.

**NOTICE OF COMMITTEE HEARING(S)**

Transportation and Telecommunications  
Room 1113

Tuesday, January 26, 2021 9:30 a.m.  
LB82  
LB339

Tuesday, January 26, 2021 1:30 p.m.  
LB126  
LB239  
LB240

(Signed) Curt Friesen, Chairperson

Urban Affairs  
Room 1510

Tuesday, January 26, 2021 9:30 a.m.

LB163  
LB162  
LB159

Tuesday, January 26, 2021 1:30 p.m.

LB25  
LB99  
LB44

(Signed) Justin Wayne, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, January 27, 2021 9:30 a.m.

LR1  
LB4

Wednesday, January 27, 2021 1:30 p.m.

LB83  
LB112

Thursday, January 28, 2021 9:30 a.m.

LB294  
LB213

Thursday, January 28, 2021 1:30 p.m.

LB43  
LB224

Friday, January 29, 2021 9:30 a.m.

LB368  
LB369

Friday, January 29, 2021 1:30 p.m.

LB35  
LB94  
LB93

(Signed) Tom Brewer, Chairperson

Nebraska Retirement Systems  
Room 1525

Wednesday, January 27, 2021 12:00 p.m.

LB17

Presentation of Actuarial Experience Study and Annual Valuation Reports  
pursuant to 84-1503

(Signed) Mark Kolterman, Chairperson

Natural Resources  
Room 1525

Wednesday, January 27, 2021 9:30 a.m.

LB190

LB191

Wednesday, January 27, 2021 1:30 p.m.

LB148

(Signed) Bruce Bostelman, Chairperson

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR25 was referred to the Reference  
Committee.

**ANNOUNCEMENT(S)**

The Transportation and Telecommunications Committee elected Senator  
Geist as Vice Chairperson.

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

Senator Hunt filed the following motion to LB232:

MO1

Withdraw bill.

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

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

Senator Wishart name added to LB4.

Senator Brandt name added to LB72.

Senator Brandt name added to LB83.

Senator Brewer name added to LB112.

Senator Kolterman name added to LB132.

Senator Brandt name added to LB173.

Senator Hunt name added to LB246.  
Senator Lowe name added to LB263.  
Senator Murman name added to LB263.  
Senator Brandt name added to LB263.  
Senator Vargas name added to LB298.  
Senator Hunt name added to LB298.  
Senator Aguilar name added to LB300.  
Senator Hughes name added to LB311.  
Senator Cavanaugh, J. name added to LB327.  
Senator Brewer name added to LB389.  
Senator Hunt name added to LB402.  
Senator Aguilar name added to LB404.  
Senator Hughes name added to LB415.  
Senator Brandt name added to LB417.  
Senator Hunt name added to LB419.

### **ADJOURNMENT**

At 11:36 a.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - JANUARY 20, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 20, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**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 M. Cavanaugh, M. Hansen, Hilkemann, and Linehan who were excused; and Senators Brewer, Briese, DeBoer, Flood, B. Hansen, Hunt, Morfeld, Pansing Brooks, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB379	Appropriations
LB380	Appropriations
LB381	Appropriations
LB382	Appropriations
LB383	Appropriations
LB384	Appropriations
LB385	Appropriations
LB386	Judiciary
LB387	Revenue
LB388	Transportation and Telecommunications
LB389	Education
LB390	Health and Human Services

LB391	Appropriations
LB392	Health and Human Services
LB393	Executive Board
LB394	Judiciary
LB395	Natural Resources
LB396	Education
LB397	Judiciary
LB398	Transportation and Telecommunications
LB399	Natural Resources
LB400	Health and Human Services
LB401	Health and Human Services
LB402	Judiciary
LB403	Judiciary
LB404	Judiciary
LB405	Urban Affairs
LB406	Natural Resources
LB407	Business and Labor
LB408	Revenue
LB409	Executive Board
LB410	Revenue
LB411	Health and Human Services
LB412	Revenue
LB413	Health and Human Services
LB414	Government, Military and Veterans Affairs
LB415	General Affairs
LB416	Health and Human Services
LB417	Judiciary
LB418	Health and Human Services
LB419	Judiciary
LB420	Business and Labor
LB421	Appropriations
LB422	Revenue
LB423	Urban Affairs
LB424	Government, Military and Veterans Affairs
LB425	Health and Human Services
LB426	Appropriations
LB427	Health and Human Services
LB428	Health and Human Services
LB429	Health and Human Services
LB430	Revenue
LB431	Revenue
LB432	Revenue
LB433	Revenue
LB434	Revenue
LB435	Government, Military and Veterans Affairs
LB436	Health and Human Services
LB437	Health and Human Services
LB438	Appropriations
LB439	Banking, Commerce and Insurance

LB440	Business and Labor
LB441	Business and Labor
LB442	Government, Military and Veterans Affairs
LB443	Government, Military and Veterans Affairs
LB444	Judiciary
LB445	Judiciary
LB446	Urban Affairs
LB447	Health and Human Services
LB448	Transportation and Telecommunications
LB449	Appropriations
LB450	Business and Labor
LB451	Business and Labor
LB452	Education
LB453	Judiciary
LB454	Revenue
LB455	Transportation and Telecommunications
LB456	Transportation and Telecommunications
LB457	Revenue
LB458	Judiciary
LB459	Revenue
LB460	Transportation and Telecommunications
LB461	Judiciary
LB462	Appropriations
LB463	Business and Labor
LB464	Appropriations
LB465	Appropriations
LB466	Revenue
LB467	Urban Affairs
LB468	Natural Resources
LB469	Appropriations
LB470	Judiciary
LB471	Judiciary
LB472	Judiciary
LB473	Education
LB474	Judiciary
LB475	Government, Military and Veterans Affairs
LB476	Health and Human Services
LB477	Government, Military and Veterans Affairs
LB478	Nebraska Retirement Systems
LB479	Revenue
LB480	Business and Labor
LB481	Judiciary
LB482	Government, Military and Veterans Affairs
LB483	Natural Resources
LB484	Judiciary
LB485	Health and Human Services
LB486	Transportation and Telecommunications
LR22CA	Revenue
LR24CA	Government, Military and Veterans Affairs

Andersen, Joshua N. - Nebraska Environmental Trust Board - Natural Resources

Christen, Rodney R. - Nebraska Environmental Trust Board - Natural Resources

Curry, Kendall (Ken) B. - Game and Parks Commission - Natural Resources

Hellbusch, Jim - Nebraska Environmental Trust Board - Natural Resources

(Signed) Dan Hughes, Chairperson  
Executive Board

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 588.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to capital construction; to amend sections 85-420, 85-426, and 86-594, Reissue Revised Statutes of Nebraska, and sections 85-419, 85-421, 85-422, 85-423, 85-424, and 85-425, Revised Statutes Cumulative Supplement, 2020; to rename and change provisions of the University of Nebraska Facilities Program of 2006 and the State College Facilities Program of 2006; to eliminate the University of Nebraska Facilities Program and the State College Facilities Program; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 589.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to natural resources; to amend section 46-715, Revised Statutes Cumulative Supplement, 2020; to change integrated management plan provisions relating to water augmentation projects for natural streams; and to repeal the original section.

**LEGISLATIVE BILL 590.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to elections; to amend sections 32-808 and 32-942, Reissue Revised Statutes of Nebraska; to change provisions relating to when ballots shall be ready for delivery for early voting; to change provisions relating to when a registered voter may appear in person to obtain a ballot prior to the day of election; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to water; to amend section 46-252, Reissue Revised Statutes of Nebraska; to require a permit for any natural resources district water augmentation project; and to repeal the original section.

**LEGISLATIVE BILL 592.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Automated Medication Systems Act; to amend sections 71-2449 and 71-2451, Reissue Revised Statutes of Nebraska; to provide for use of automated medication distribution machines as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to foreign-country money judgments; to adopt the Uniform Foreign-Country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act.

**LEGISLATIVE BILL 594.** Introduced by Slama, 1.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Workforce Crisis Act.

**LEGISLATIVE BILL 595.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.41, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, and 77-2711, Revised Statutes Cumulative Supplement, 2020; to provide a sales and use tax exemption for certain products used in the process of manufacturing ethyl alcohol; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 596.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-908, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska Higher Blend Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2020; to provide a tax credit for parents of stillborn children; and to repeal the original section.

**LEGISLATIVE BILL 598.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Department of Economic Development; to adopt the Small Business Stabilization Grant Program Act; and to declare an emergency.

**LEGISLATIVE BILL 599.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 76-902, Reissue Revised Statutes of Nebraska; to change an exemption from the documentary stamp tax; and to repeal the original section.

**LEGISLATIVE BILL 600.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to broadband; to amend sections 18-2603, 18-2609, 70-625.01, 70-701, and 70-704, Reissue Revised Statutes of Nebraska, and section 70-625, Revised Statutes Cumulative Supplement, 2020; to redefine terms and change a bond issuance provision under the Municipal Infrastructure Redevelopment Act; to change powers of public power districts and electric cooperatives as prescribed; to define terms; to state legislative findings and declarations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 601.** Introduced by McKinney, 11.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1456, Revised Statutes Cumulative Supplement, 2020; to require law enforcement agencies to maintain records regarding officer discipline; to make certain records relating to law enforcement officers public; to create a public data base; to provide a duty for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 602.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to define terms; to provide duties for insurers relating to aftermarket parts and total loss declarations; and to provide requirements for consumer care of a motor vehicle relating to aftermarket parts.

**LEGISLATIVE BILL 603.** Introduced by Aguilar, 35; Lathrop, 12.

A BILL FOR AN ACT relating to consumer protection; to adopt the Organized Consumer Product Theft Prevention Act.

**LEGISLATIVE BILL 604.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-123 and 86-134, Reissue Revised Statutes of Nebraska, and sections 86-101, 86-103, 86-124, and 86-324, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska Accelerated Broadband Deployment Grant Program Act; to change the Nebraska Telecommunications Regulation Act and the Nebraska Telecommunications Universal Service Fund Act as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 605.** Introduced by Wishart, 27; Geist, 25; Slama, 1.

A BILL FOR AN ACT relating to outdoor recreation and education; to create the Outdoor Recreation and Education Study Committee of the Legislature.

**LEGISLATIVE BILL 606.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to power districts; to amend section 70-407, Reissue Revised Statutes of Nebraska; to clarify provisions; and to repeal the original section.

**LEGISLATIVE BILL 607.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-770, Reissue Revised Statutes of Nebraska; to correct references to a federally defined term; and to repeal the original section.

**LEGISLATIVE BILL 608.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Revised Statutes Cumulative Supplement, 2020; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 609.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-133, Reissue Revised Statutes of Nebraska; to modernize language; and to repeal the original section.

**LEGISLATIVE BILL 610.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,162, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to improper issuance of a certificate of registration; and to repeal the original section.

**LEGISLATIVE BILL 611.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to property taxes; to amend section 77-201, Reissue Revised Statutes of Nebraska; to correct a reference to a defined term; and to repeal the original section.

**LEGISLATIVE BILL 612.** Introduced by Lathrop, 12.

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, 60-501, and 60-6,381, Revised Statutes Cumulative Supplement, 2020; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 613.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend section 77-5015, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings and decisions on appeals; and to repeal the original section.

**LEGISLATIVE BILL 614.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-1,110, 54-1,111, 54-1,115, and 54-1,119, Revised Statutes Cumulative Supplement, 2020; to eliminate registered feedlot provisions under the act; to harmonize provisions; to repeal the original sections; and to outright repeal section 54-188, Reissue Revised Statutes of Nebraska, and sections 54-1,120, 54-1,121, and 54-1,122, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 615.** Introduced by Erdman, 47.

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, and section 32-101, Revised Statutes Cumulative Supplement, 2020; to provide for election of commission members as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 616.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to abandoned motor vehicles; to amend sections 60-1902, 60-1903, and 60-1903.01, Reissue Revised Statutes of Nebraska; and section 60-1901, Revised Statutes Cumulative Supplement, 2020; to change the value requirement for vesting of title in a local authority or state agency; to change local authority and state agency notice requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 617.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-301, Reissue Revised Statutes of Nebraska; to change a provision relating to commission authority; and to repeal the original section.



**LEGISLATIVE BILL 618.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to game and parks; to amend section 37-438, Revised Statutes Cumulative Supplement, 2020; to define terms relating to annual and temporary park permits; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Sanders, 45.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Reissue Revised Statutes of Nebraska, and section 76-2320.02, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to provide minimum depth requirements for certain underground facility installations; and to repeal the original sections.

**LEGISLATIVE BILL 620.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-170, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to limit the use of restrictive housing and solitary confinement; and to repeal the original sections.

**LEGISLATIVE BILL 621.** Introduced by Friesen, 34; Slama, 1.

A BILL FOR AN ACT relating to social media; to adopt the Social Media Fairness Act.

**LEGISLATIVE BILL 622.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2020; to limit the growth of real property valuations as prescribed; to provide for adjustments to assessed values as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**SPEAKER HILGERS PRESIDING**

**SENATOR HUGHES PRESIDING**

**SENATOR SLAMA PRESIDING**

**LEGISLATIVE BILL 623.** Introduced by Vargas, 7; Day, 49.

A BILL FOR AN ACT relating to education; to amend sections 48-818.01, 79-101, 79-209, 79-10,110.02, and 79-1204, Revised Statutes Cumulative Supplement, 2020; to adopt the Remote Instruction Act; to change collective-bargaining requirements; to define and redefine terms; to provide duties for attendance officers and school districts; to change provisions

relating to tax levies as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 624.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 29-2204.02, 29-3803, 29-3804, 29-4014, 81-1850, 83-1,110, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, and sections 29-2204, 83-170, 83-1,109, 83-1,135, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2020; to provide for earned time credit reductions in the minimum terms of prisoners at the Department of Correctional Services; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 625.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1103, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 79-1104.02, Revised Statutes Cumulative Supplement, 2020; to impose a surtax on certain taxable income as prescribed; to provide for the use of the surtax proceeds; to change provisions relating to early childhood education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 626.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Child and Maternal Death Review Act; to amend sections 71-3407, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and sections 71-3405 and 71-3406, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change team and team review provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 627.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-512 and 70-611, Reissue Revised Statutes of Nebraska; to change provisions relating to qualified voters in certain public power district elections; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1124, Reissue Revised Statutes of Nebraska; to change provisions relating to faculty licenses; and to repeal the original section.

**LEGISLATIVE BILL 629.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to financial assistance related to COVID-19; to require a grant program to provide financial assistance to certain entities

affected by event cancellations; and to declare an emergency.

**LEGISLATIVE BILL 630.** Introduced by Bostar, 29; Blood, 3; Cavanaugh, J., 9; Day, 49; Hansen, M., 26; McKinney, 11; Morfeld, 46.

A BILL FOR AN ACT relating to schools; to provide for a pilot program to study commercial air filters in classrooms as prescribed.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services  
Room 1510

Wednesday, January 27, 2021 9:30 a.m.

LB401

LB296

LB374

LB476

Wednesday, January 27, 2021 1:30 p.m.

LB325

LB211

LB14

(Signed) John Arch, Chairperson

Transportation and Telecommunications  
Room 1113

Tuesday, January 26, 2021 9:30 a.m.

LB339 (cancel)

(Signed) Curt Friesen, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 631.** Introduced by Bostar, 29; Morfeld, 46.

A BILL FOR AN ACT relating to rental property; to define a term; to prohibit a county from prohibiting the use of property as a short-term rental as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 632.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1210.02, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Cumulative Supplement, 2020; to define terms; to create a subaccount within the Job

Training Cash Fund; to provide for an internship program; to provide duties for the department; and to repeal the original sections.

**LEGISLATIVE BILL 633.** Introduced by Vargas, 7.

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, 2020; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

**LEGISLATIVE BILL 634.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend section 81-2,147, Reissue Revised Statutes of Nebraska, and section 81-2,147.01, Revised Statutes Cumulative Supplement, 2020; to provide a civil cause of action relating to unsafe disposal of treated seed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 635.** Introduced by Cavanaugh, J., 9.

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, 2020; 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 636.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 14-603, 23-1808, 24-519, 25-1023, 25-10,101, 25-1544, 25-2730, 29-401, 29-428, 29-506, 29-901.02, 29-901.04, 29-901.06, 29-902.01, 29-903, 29-904, 29-908, 29-909, 29-1605, 29-1606, 29-1811, 29-2106, 29-2806, 29-2809, 33-117, 42-929, 43-255, 49-801, and 60-1307, Reissue Revised Statutes of Nebraska, and sections 28-311.09, 28-311.11, 29-422, 29-901, 29-901.01, 29-1201, and 43-253, Revised Statutes Cumulative Supplement, 2020; to eliminate cash bail, appearance bonds, and related provisions; to provide procedures, rules, and standards for release on a defendant's own recognizance or upon conditional release; to require appointment of counsel as prescribed; to change provisions relating to conditional release and pretrial release agencies; to eliminate and update obsolete and outdated language; to provide for rules; to provide duties for the Supreme Court; to define a term; to eliminate provisions relating to posting of bonds under the Nebraska Rules of the Road; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-901.03, 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 637.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to public health; to amend sections 23-174.10, 71-1623, 71-1631, 71-1632, and 71-1635, Reissue Revised Statutes of Nebraska, and sections 17-121 and 17-208, Revised Statutes Cumulative Supplement, 2020; to change and eliminate powers of certain cities and villages; to change provisions relating to the authority of certain local boards of health to control contagious diseases; to eliminate certain review and approval powers of the Department of Health and Human Services relating to rules and regulations of local boards of health; to eliminate certain local health director powers as prescribed; to provide county or district health departments with exclusive powers to control contagious or infectious disease; to eliminate boards of health for cities of the first class; to harmonize provisions; to repeal the original sections; and to outright repeal section 16-238, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 638.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Day, 49; Murman, 38; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-1007, Reissue Revised Statutes of Nebraska; to require a report on juveniles discharged from youth rehabilitation and treatment centers; and to repeal the original section.

**LEGISLATIVE BILL 639.** Introduced by Day, 49; Blood, 3.

A BILL FOR AN ACT relating to schools; to adopt the Seizure Safe Schools Act.

**LEGISLATIVE BILL 640.** Introduced by Day, 49; Blood, 3; Cavanaugh, J., 9.

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, 2020; to redefine terms; to provide for early childhood education aid; to provide a new allowance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 641.** Introduced by Day, 49; Blood, 3; Cavanaugh, J., 9; Vargas, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-8,106, Revised Statutes Cumulative Supplement, 2020; to change provisions

regarding salaries during an epidemic; and to repeal the original section.

**LEGISLATIVE BILL 642.** Introduced by Day, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.13 and 79-1018.01, Revised Statutes Cumulative Supplement, 2020; to state findings; to provide reimbursements for mental health expenditures; to state intent for appropriations; to change provisions relating to local system formula resources; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 643.** Introduced by Hansen, B., 16; Clements, 2; Erdman, 47; Lowe, 37; Murman, 38.

A BILL FOR AN ACT relating to fundamental rights; to protect an individual liberty right to accept or decline a vaccination under a mandatory directive.

**LEGISLATIVE BILL 644.** 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 sections 77-1601.02 and 77-3443, Revised Statutes Cumulative Supplement, 2020; to adopt the Property Tax Request Act; to change certain dates relating to tax levies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 645.** Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to public health; to provide for an enhanced penalty for violations of directed health measures committed by public officials involved in passing such measures.

**LEGISLATIVE BILL 646.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2020, LB1008, section 60; to change the maximum amount of certain scholarships; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 647.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-6,100, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to public buildings and when a vote of the electors is required; and to repeal the original section.

**LEGISLATIVE BILL 648.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to banking and finance; to adopt the

Transactions in Digital Assets Act.

**LEGISLATIVE BILL 649.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-115, Reissue Revised Statutes of Nebraska, and sections 8-101.02, 8-101.03, 8-102, 8-113, 8-148.09, 8-601, 8-602, 8-701, and 8-702, Revised Statutes Cumulative Supplement, 2020; to adopt the Nebraska Financial Innovation Act; to create digital asset depository institutions and provide for charter, operation, supervision, and regulation of such institutions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 650.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to carbon dioxide; to adopt the Nebraska Geologic Storage of Carbon Dioxide Act; to create funds; and to provide penalties.

**LEGISLATIVE BILL 651.** Introduced by Wayne, 13; McKinney, 11.

A BILL FOR AN ACT relating to students; to amend section 79-236, Reissue Revised Statutes of Nebraska; to provide a termination date for the enrollment option program; and to repeal the original section.

**LEGISLATIVE BILL 652.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Historically Underutilized Business Program Act; and to provide an operative date.

**LEGISLATIVE BILL 653.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2101.02, 18-2103, 18-2117.02, and 18-2119, Revised Statutes Cumulative Supplement, 2020; to define a term; to change provisions relating to the utilization of historically underutilized businesses, reporting requirements, and redevelopment contracts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 654.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public funds; to adopt the Public Entities Investment Trust Act.

**LEGISLATIVE BILL 655.** Introduced 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 656.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to amend section 86-594, Reissue Revised Statutes of Nebraska; to authorize retail or wholesale broadband services or Internet services by a municipality; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources  
Room 1525

Thursday, January 28, 2021 9:30 a.m.  
LB406  
LB336

Thursday, January 28, 2021 1:30 p.m.  
LB395  
LB223  
LB399

(Signed) Bruce Bostelman, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 657.** Introduced by Vargas, 7; Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to the Legislature; to state findings; to provide for racial impact statements for legislation; to provide powers and duties for the office of Legislative Research.

**LEGISLATIVE BILL 658.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-901, Revised Statutes Cumulative Supplement, 2020; to require a study and a report; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 659.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Legislature; to create the Workforce



Development Committee of the Legislature; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 660.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1373, Reissue Revised Statutes of Nebraska; to authorize collective bargaining on an administrative unit-wide basis as prescribed; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 661.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-115, 28-929, 28-929.01, 28-929.02, 28-930, 28-931, 28-934, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2020; to prohibit assault on a public transportation driver; to change and eliminate provisions and penalties relating to offenses involving assault on an officer, emergency responder, certain employees, or a health care professional; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Revised Statutes Cumulative Supplement, 2020.

**LEGISLATIVE BILL 662.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services.

**LEGISLATIVE BILL 663.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to mental health records; to amend sections 71-925 and 71-961, Reissue Revised Statutes of Nebraska, and section 83-109, Revised Statutes Cumulative Supplement, 2020; to provide for the release of certain information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide a duty for the commission; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 664.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Fund; to amend section 35-1206, Revised Statutes Cumulative Supplement, 2020; to change distributions from the fund as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 665.** Introduced by Business and Labor Committee: Hansen, B., 16, Chairperson; Blood, 3; Gragert, 40; Halloran, 33.

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

certain claims.

**LEGISLATIVE BILL 666.** Introduced by Business and Labor Committee: Hansen, B., 16, Chairperson; Blood, 3; Gragert, 40; Halloran, 33.

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 667.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to provide for confidentiality of and access to certain injury reports; and to repeal the original section.

**LEGISLATIVE BILL 668.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-104, Reissue Revised Statutes of Nebraska; to provide for the relocation of commission headquarters as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 669.** Introduced by Vargas, 7; Aguilar, 35; Blood, 3; Dorn, 30; Flood, 19; Hansen, B., 16; Lathrop, 12; Lindstrom, 18; McKinney, 11; Wayne, 13.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Veteran Promise Act.

**LEGISLATIVE BILL 670.** Introduced by Murman, 38; Aguilar, 35; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Flood, 19; Gragert, 40; Halloran, 33; Hansen, B., 16; Lowe, 37; Sanders, 45; Slama, 1.

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, 2020; to authorize the display of signs along roadways memorializing persons killed on Nebraska roadways as prescribed; to provide powers and duties for the Department of Transportation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Murman, 38; Dorn, 30; Erdman, 47; Flood, 19; Gragert, 40; Halloran, 33.

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

**LEGISLATIVE BILL 672.** Introduced by Murman, 38; Briese, 41; Dorn, 30; Erdman, 47; Friesen, 34; Halloran, 33.

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 673.** Introduced by Murman, 38; Aguilar, 35; Brewer, 43; Clements, 2; Dorn, 30; Erdman, 47; Flood, 19; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Lowe, 37; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 79-258, 79-2,144, 79-1001, 79-1022, 79-1022.02, and 79-1031.01, Revised Statutes Cumulative Supplement, 2020; to adopt the Education Behavioral Awareness and Support Act; to change the distribution of lottery funds; to add duties for the state school security director; to change the Tax Equity and Educational Opportunities Support Act; to distribute funds; to change the determination and certification dates relating to the distribution of aid and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 674.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Affordable Housing Tax Credit Act; to amend sections 77-2501, 77-2502, 77-2503, 77-2505, and 81-523, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to the allocation and use of tax credits; to provide for applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 675.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to adopt the Education Lobbyist Pay Transparency Act.

**LEGISLATIVE BILL 676.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to cigarette taxes; to amend section 77-2601, Revised Statutes Cumulative Supplement, 2020; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 677.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to social services; to amend sections 68-1206 and 68-1724, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to eligibility for transitional child care assistance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 678.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to pharmacy benefits; to amend sections 68-901 and 71-2484, Revised Statutes Cumulative Supplement, 2020; to adopt the Pharmacy Benefit Manager Regulation Act; to transfer provisions related to pharmacy benefits; to require an audit as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 679.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to require the Tax Commissioner to collect lodging taxes imposed by cities and villages.

**LEGISLATIVE BILL 680.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change the corporate income tax rate as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 681.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 68-1201, 85-1801, 85-1805, 85-1811, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 72-1239.01, 77-3,110, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, 85-1808, 85-1809, 85-1810, 85-1813, 85-1815, 85-1816, 85-1817, 85-2802, 85-2803, and 85-2804, Revised Statutes Cumulative Supplement, 2020; to provide additional tax benefits for Nebraska educational savings plan trust accounts; to restate intent; to change provisions relating to withdrawals; to include savings plans for elementary and secondary education in the Nebraska educational savings plan trust; to redefine terms; to transfer provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1101, 77-1102, 77-1110, 77-1115, and 77-1116, Reissue Revised Statutes of Nebraska; to change the New Markets Job Growth Investment Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 683.** 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 684.** Introduced by Clements, 2.

A BILL FOR AN ACT relating to labor; to amend section 79-873, Reissue Revised Statutes of Nebraska; to allow public school employees to join or terminate membership in a labor organization as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 29.** Introduced by Cavanaugh, M., 6.

WHEREAS, Saint Francis Ministries was awarded a five-year, 197 million dollar child welfare contract to serve abused and neglected children in the eastern service area of Douglas and Sarpy Counties by the Department of Health and Human Services; and

WHEREAS, under that contract Saint Francis Ministries has responsibility for approximately 2,500 children who are wards of the State of Nebraska or are in Nebraska families who are in need of services to keep their children safe and healthy; and

WHEREAS, Saint Francis Ministries has been accused in the State of Kansas of gross mismanagement of funds and the State of Kansas has charged the former Chief Executive Officer of Saint Francis Ministries, Robert Smith, with using company credit cards for inappropriate expenditures including personal travel, personal expenses, travel expenses of a friend, expenses for a business in El Salvador owned by his wife, and \$80,000 in tickets to the Chicago Cubs and hiding it from the Board of Directors; and

WHEREAS, Saint Francis Ministries has estimated a 27 million dollar operating loss for the first year of the contract and may be at risk of bankruptcy; and

WHEREAS, an evaluation from January through September of 2020 released by the Department of Health and Human Services indicated that more than half of Saint Francis Ministries caseworkers had caseloads above the limits set by state law and the contract requires them to meet those statutory limits, and Saint Francis Ministries has failed to provide timely documentation on placements and case plans and has failed to do proper background checks for workers; and

WHEREAS, Saint Francis Ministries and the Department of Health and Human Services failed to give in person updates on the contract and care of the children involved to the Health and Human Services Committee of the Legislature at the December 16, 2020, interim hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 Eastern Service Area Child Welfare Contract Special Investigative and 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 with at least one member representing the eastern service area, 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 with at least one member representing the eastern service area, 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 may provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff, including the Inspector General of Nebraska Child Welfare. The executive board may authorize the committee to hire outside legal counsel, consultants, and investigators as required by the committee. The committee may hold hearings and issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

2. The Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature is hereby authorized to study the quality of care and related staffing issues of the contractor and the contractor's interactions with families and children, foster families, Nebraska courts, and with the Department of Health and Human Services. The committee shall investigate placement and quality of care received by the children of the eastern service area through the contract services agreement with Saint Francis Ministries. The committee shall also study the Department of Health and Human Services and the Department of Administrative Services with respect to the award, implementation, and oversight of the contract. 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.

3. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 1, 2022.

Laid over.

**LEGISLATIVE RESOLUTION 30.** Introduced by Albrecht, 17.

WHEREAS, "Check with Schmit-Albin if you want to win" were the words used in a 2007 Lincoln Journal Star article describing the political power and influence of Julie Schmit-Albin; and

WHEREAS, Julie was one of ten children born to Irene "Rene Jo" and Loran Schmit. Loran served as a senator in the Nebraska Legislature from 1969 to 1993; and

WHEREAS, Julie grew up around the Capitol as a teenager and young woman, watching her dad as a senator. Julie always had a deep respect for public office; and

WHEREAS, in 1981, at the age of 24, Julie began advocating for the rights of the unborn while pregnant with her first child; and

WHEREAS, Julie started attending Lincoln Right to Life meetings in 1981 and went on to start the Nance County Right to Life when she moved to Fullerton with her husband, John; and

WHEREAS, Julie returned to Lincoln and became the executive director of Nebraska Right to Life in 1989, a position she held for more than 30 years; and

WHEREAS, throughout these years with Nebraska Right to Life, Julie was responsible for education and legislative and political outreach; and

WHEREAS, Julie successfully shepherded numerous significant pro-life bills through the process to be signed into law by Nebraska governors; and

WHEREAS, Julie also served on the Board of Directors of National Right to Life for 15 years; and

WHEREAS, Julie has been described as a woman who was fearfully respected during her career as a lobbyist and political advocate on behalf of the unborn; and

WHEREAS, Julie was never one to let a public official waffle on pro-life legislation, especially if the public official had received a public endorsement from Julie and the Nebraska Right to Life Political Action Committee; and

WHEREAS, Julie was a woman of keen knowledge, vast experience, and a far-reaching memory on pro-life policy; and

WHEREAS, Julie was also a woman of deep love, kindness, compassion, and prayer. She understood that pro-life advocacy includes reshaping the broader culture by transforming the hearts and minds of people, one-by-one, little-by-little, prayer-by-prayer; and

WHEREAS, Julie never failed to show her deepest appreciation for the committed work of pro-life volunteers across the state, always sensitive to their needs and a partner in their efforts; and

WHEREAS, Julie was also a loving, caring, and involved wife and mother to her children, John, Rachel, Molly, and Annie; and

WHEREAS, Julie Schmit-Albin was honored with the Gospel of Life award at the 2019 Bishops' Pro-Life Banquet and Conference.

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

1. That the Legislature honors Julie Schmit-Albin for her fierce advocacy on behalf of the unborn.
2. That a copy of this resolution be sent to the family of Julie Schmit-Albin.

Laid over.

**LEGISLATIVE RESOLUTION 31.** Introduced by Geist, 25.

WHEREAS, an omphalocele is a birth defect that occurs early in pregnancy in which the abdominal wall does not close properly and some or most of the abdominal organs protrude into the umbilical cord; and

WHEREAS, it is estimated that a small omphalocele occurs in about one out of every five thousand pregnancies and a large or giant omphalocele occurs in about one out of every ten thousand pregnancies; and

WHEREAS, an omphalocele may be isolated or may be associated with other defects or chromosomal abnormalities; and

WHEREAS, despite the challenges a baby born with an omphalocele may face, many survive and go on to live happy, healthy lives; and

WHEREAS, Mothers of Omphaloceles is a group of over four thousand parents from around the world that was created to provide hope and information to families with babies diagnosed with an omphalocele.

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

1. That the Legislature recognizes Mothers of Omphaloceles for the tireless efforts undertaken to advocate for children with omphalocele and raise awareness that an omphalocele is a treatable condition.

2. That the Legislature recognizes International Omphalocele Awareness Day celebrated annually on January 31 as part of Birth Defects Prevention Month.

3. That a copy of this resolution be sent to Mothers of Omphaloceles.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR29 was referred to the Reference Committee.

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

Revenue  
Room 1524

Wednesday, January 27, 2021 9:30 a.m.  
LR22CA

Wednesday, January 27, 2021 1:30 p.m.  
LB408

Thursday, January 28, 2021 9:30 a.m.  
LB69

Thursday, January 28, 2021 1:30 p.m.  
LB364

(Signed) Lou Ann Linehan, Chairperson



**PROPOSED RULE CHANGE(S)**

Senator Halloran filed the following proposed rule change:

**Amend Rule 1, Sec. 1 and Rule 3, Sec. 8****Rule 1**

**Section 1. Officers to be Elected.** (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by ~~secret ballot~~ viva voce the following officers:

Speaker

Chairperson of Committee on Committees

Chairperson of Executive Board

Vice Chairperson of Executive Board

6 Members of Executive Board (See footnote)

Before the ~~ballot~~ vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal. The officers so elected shall hold such office for a period of two years.

*The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50 401.01.*

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and

elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

### Rule 3

**Sec. 8. Chairperson, Vice Chairperson.** (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ viva voce on the floor of the Legislature. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board. All votes for chairperson of a special committee shall be viva voce. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson. All votes for chairperson of a special committee shall be viva voce. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Cavanaugh, J. name added to LB64.

Senator Brandt name added to LB135.

Senator Pahls name added to LB263.

Senator Gragert name added to LB389.

Senator Briese name added to LB581.

Senator Albrecht name added to LB581.

Senator McKinney name added to LB636.

**ADJOURNMENT**

At 11:32 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:30 a.m., Thursday, January 21, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**ELEVENTH DAY - JANUARY 21, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 21, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators M. Cavanaugh, B. Hansen, M. Hansen, Linehan, and Pansing Brooks who were excused until they arrive.

**SENATOR HUGHES PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

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

Thursday, January 28, 2021 9:30 a.m.  
LB101  
LB100  
LB437

Thursday, January 28, 2021 1:30 p.m.  
LB15  
LB416  
LB19

(Signed) John Arch, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 32.** Introduced by Geist, 25.

WHEREAS, the Lincoln East High School girls' cross country team won the 2020 Class A Girls State Cross Country Championship; and

WHEREAS, this victory marks the third straight Class A Girls State Cross Country Championship for Lincoln East High School; and

WHEREAS, Lincoln East Spartans' team members Izzy Apel, Kylie Muma, Peyton Svehla, Berlyn Schutz, and Jenna Muma displayed outstanding commitment and resolve this season and through many years of dedication to cross country running; and

WHEREAS, Head Coach Brian Kabourek provided the leadership necessary to cap this season with a state championship; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln East Spartans girls' cross country team for winning the 2020 Class A Girls State Cross Country Championship.

2. That a copy of this resolution be sent to Lincoln East High School and Head Coach Brian Kabourek.

Laid over.

**ANNOUNCEMENT(S)**

The General Affairs Committee elected Senator Lowe as Vice Chairperson.

The Health and Human Services Committee elected Senator Williams as Vice Chairperson.

**MOTION(S) - Withdraw LB232**

Senator Hunt offered her motion, [MO1](#), found on page 263, to withdraw LB232.

The Hunt motion to withdraw the bill prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**MOTION - Escort Chief Justice**

Senator Hilgers 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 Morfeld, Briese, Slama, J. Cavanaugh, and McKinney to serve on said committee.

## **STATE OF THE JUDICIARY**

### **I. Introduction**

Mr. President, Mr. Speaker, and Members of the Legislature. Thanks to all of you, particularly Speaker Hilgers, for inviting me to address you this morning. As always, it is an honor for me to report on the accomplishments of our Judicial Branch and to discuss our upcoming plans with you.

Although not with me in the Chamber today, my fellow justices are watching on livestream: Justice Lindsey Miller-Lerman of Omaha; Justice William Cassel of O'Neill; Justice Stephanie Stacy of Lincoln; Justice Jeff Funke of Nebraska City; Justice Jonathan Papik, also of Omaha; and Justice John Freudenberg of Rushville.

Today I will highlight the activities of Nebraska's Judicial Branch this past year, including our pandemic response, our access to justice initiatives, what's new with probation and problem-solving courts, and the Office of Public Guardian. Notwithstanding the current pandemic and other challenges, we have had many successes and accomplishments in 2020 and look forward to 2021.

### **II. The Constitution**

Article I, § 13 of our Constitution states that "[a]ll courts shall be open, and every person, for any injury done him or her . . . shall have a remedy by due course of law and justice administered without denial or delay."

This means that our courts must remain open, even when much of the rest of society is not. There is no exception—for a pandemic or otherwise—to the Nebraska Constitution's requirement of open courts. After all, crime does not stop during a pandemic, nor does child abuse, spouse abuse, fraud, or the myriad of other social issues that depend on our courts for resolution. Open courts are essential to the daily workings of our communities and our State, and we have strived to keep them safely open throughout the pandemic.

### **III. The Pandemic**

Over the past year, the COVID-19 pandemic has challenged all levels of our State's government, including the judiciary. For example, over half of our judicial branch family--more than 700 judges, clerks, and staff--were quarantined for at least 2 weeks. Because of our Constitution's dictate, and because of our courts' vital role in society, we have taken the measures necessary to remain open safely, providing uninterrupted access to justice. From Harrison to Falls City, and from Benkelman to Blair, justice is being administered without denial.

Emergency-preparedness planning began in 2019, when we hosted a national pandemic-planning session with the University of Nebraska Medical Center in Omaha. Having that opportunity to discuss with experts the potential for a pandemic allowed us to transition quickly when COVID-19 struck.

Soon after the federal government declared COVID-19 to be a public-health emergency, our Administrative Office of the Courts and Probation sprang into action. Each court and probation office in Nebraska created or updated an Emergency Preparedness Plan. The Administrative Office worked to refine policies and educate our workforce. Our human resources office conducted branch-wide webinars about telecommuting and COVID-19 leave policies.

So that we could continue court business, we acquired and distributed personal protective equipment and IT equipment for our personnel throughout the State. We worked collaboratively with counties to acquire Zoom accounts for our trial courts, allowing us to keep courts open, even if courthouses were closed.

Technological collaboration continues across the State. One example of such collaborative innovation is taking place in Dawson County. Commissioners and court staff there worked with Judge Jim Doyle to implement a pilot program of broadcasting court hearings on YouTube. Interested observers, including the news media, can watch these proceedings from the safety of their homes and offices without being exposed to the virus. Such technological innovation, which will be further touched on later in this speech, and such dedication is recognized and encouraged by the Nebraska Supreme Court.

Thank you to all of our judges and staff for their leadership and accomplishments in 2020. A list of our court family members who have been recognized for extraordinary efforts is included in the packet each of you received this morning.

Also, a special thank you to all of those institutions in this great State that have opened their doors to us to facilitate appropriately socially-distanced jury trials and other hearings. Many of our courthouses and courtrooms are too small to ensure adequate social distancing for jury selection and witness presentations. Schools and organizations such as the University of Nebraska-Kearney, Grand Island Central Community College, Tekamah-Herman High School, Niobrara Public Schools, and the Lincoln Masonic Lodge all stepped up by letting us use their large public spaces to safely resume jury trials.

And another special thank you to all Nebraskans who reported for jury duty and served on juries over the last year. Jury trials are a cornerstone of our democracy, and the right to a jury trial is enshrined in our Constitution. But jury service includes sacrifice, even when there is not a pandemic. We could not effectively protect the right to a jury trial without the service of Nebraskans when called. In Nebraska, almost no one refused to serve. Farmers and factory workers, doctors and ditch-diggers, baby boomers and millennials all showed up, proud and anxious to perform this duty.

Also deserving our thanks is Nebraska Educational Television. Many court proceedings were broadcast this past year by our partners at NET. We genuinely appreciate the NET management and staff who extended their services whenever requested and were willing to assist us to reach Nebraska citizens to fulfill our constitutional obligations. The work of NET was supplemented by our recently-adopted "cameras in the courtroom" initiatives, which allow commercial television and other news media to



record and broadcast trial court proceedings on news programs across the State.

I sum up my comments on the courts' response to the pandemic by quoting an editorial recently published in *The Daily Record* by retired Creighton law professor Richard Shugrue. Professor Shugrue observed that "Nebraska court leaders have been on top of this crisis since the earliest days of the calamity." He noted that our judges balanced the requirements of the State and federal constitutions to remain open, assuring the right of the press to cover court matters, the right of defendants in criminal cases to confront witnesses against them, and the right of defendants to a speedy trial.

Professor Shugrue concluded his editorial by saying, "Our courts have led the way in coming to grips with COVID-19. They deserve everyone's gratitude." I concur. Our judges and staff have shown remarkable leadership throughout the pandemic and will continue their outstanding efforts in 2021.

#### **IV. Information Technology**

As noted, technology has been key to our pandemic efforts over the past year and will continue to drive improvements this year. To ensure that our staff and the public are able to access the current status of court operations, we expanded our use of Facebook and Twitter. Additionally, we developed a podcast series entitled "Your Nebraska Judicial Branch," designed to share information about Judicial Branch projects. I invite each of you to listen to our podcasts on any of the major national hosts, including Apple and Google, or you can link to them through our website. Our Judicial Branch website remains the primary source for lawyers and the general public to find judicial branch information, including court orders and recent court news.

We would not have had the ability to rapidly respond to the pandemic if the courts had not built a strong technological foundation over the past decade. As we entered 2020, we were well-positioned to transition to distance operations because we had already begun to implement new courtroom technology and programming. Our online court payment system has enabled individuals to pay traffic tickets and other court fines without leaving their homes. Our online education system has allowed guardians, judges, lawyers, and court employees to continue updating their skills virtually.

Our eFiling system has allowed quarantined attorneys and judges to continue to work from their homes and offices. In 2020, attorneys eFiled a larger number of pleadings than in any previous year – over 1 million. Our eFiling system captured nearly \$5 million in court fees last year. Additionally, we collected approximately \$7.9 million in online citation payments, and \$11.6 million in online payments of judgments.

Last year, we also eliminated the use of paper checks to transfer money from our 186 different courts to the State Treasurer and State Child Support Disbursement Unit, saving the time and resources once required for check processing.

#### **V. Court Services**

In sum, again, technology has allowed us to continue operations throughout the year. The Supreme Court and Court of Appeals held online

oral arguments. As noted, trial courts held hearings virtually. Our new attorneys were sworn in with the online support of family and friends, new probation officers took their oaths of office across the State by Zoom and WebEx, and committee and commission meetings continued apace virtually.

#### **VI. Access to Justice**

I now turn to various initiatives that we have pioneered to promote access to justice, civic education, and public outreach. I begin with our outreach efforts to Nebraska's four recognized Native American Tribes.

In 2018, the Judicial Branch hosted a roundtable discussion in South Sioux City. Participants included representatives from the four Nebraska-based Tribes, our federal courts, the U.S. Attorney's Office, both Federal and State Departments of Health and Human Services, the Nebraska Department of Education, the Nebraska Commission on Indian Affairs, and other interested parties.

That meeting ultimately resulted in the formation of the Consortium of Tribal, State, and Federal Courts, currently co-chaired by District Court Judge Andrea Miller of Scotts Bluff County and Chief Judge Patrick Runge of the Winnebago Tribal Court. The Consortium is part of the Nebraska Supreme Court's Access to Justice Commission, designed to fulfill our State's motto to assure "equality before the law."

In early June of 2020, many Chief Justices across the nation addressed the civil unrest stemming from incidents of racial injustice. My message, directed to the public and to our court community, is available in the Supreme Court's Annual Report provided to each of you in the packet you received today.

No institution in this State plays a more pivotal role in ensuring equal access to justice than Nebraska's courts. There is no place in our court system for racial discrimination or inequality.

We have recently begun a Racial Equity Initiative through our Access to Justice Commission. This three-phase process is designed to engage court users and the public in determining equal access deficiencies in our courts.

In phase one, we surveyed court users in November and, based on those survey results, we are reviewing the barriers the marginalized populations in our State have said that they face in our courts. Phase two will involve focus-group sessions with community leaders across the State, and in phase three, we will host larger public-listening sessions, giving Nebraskans another opportunity to reflect on access and fairness within the justice system. The timing for phase two and phase three is dependent on the pandemic and our ability to hold sessions safely without jeopardizing the health of participants.

#### **VII. Language Access**

Another of our efforts to improve access to justice in Nebraska's courts is our language access program. While COVID-19 did not change our commitment to language access, it often affected the method by which interpreters could appear in court or probation settings.

The Language Access Program was quick to implement remote interpreting services by telephone and by using a variety of video platforms. Our interpreter coordinators offered guidance and test runs to assure seamless interpretation for Nebraska's court users with limited English

proficiency, as well as judges, attorneys, and jurors requiring interpreter services. As a percentage of population, the two counties with the greatest interpreter demand in 2020 were Colfax and Dawson Counties. Spanish remains the most frequently interpreted language in the Judicial Branch.

But during the last fiscal year, 47 different languages were interpreted in Nebraska's courts and probation offices. Those languages included:

- Albanian – spoken in southern Europe;
- Gujarati – a language spoken in India; and
- Yoruba - a language spoken in West Africa.

It has sometimes taken extraordinary efforts through our language access program to ensure interpreter availability for any court user needing services. For example, this year that effort included collaborating with the Mexican Consulate Office in Omaha and the School for the Deaf in Puebla, Mexico, to secure an interpreter for a deaf, non-verbal defendant. Through invaluable outreach efforts like this, we continue to make justice in Nebraska available to all.

### **VIII. Probation**

Every annual address I have given to you necessarily includes a report on probation. Probation officers serve every county in Nebraska and now number approximately 460.

No Judicial Branch program is more important to Nebraska taxpayers than our adult and juvenile probation services. Adult probation provides community corrections through assessment, supervision, case management, and behavioral-health services. In spite of the pandemic, last year probation supervised over 20,000 adults, including many on post-release supervision. Successful probationers and drug court graduates are gainfully employed so that they can rejoin their communities, support their families, and pay restitution and taxes.

Probation supervision costs nearly \$2,000 per person per year. Intense supervision by our Specialized Substance Abuse Supervision, which we call the SSAS program, served approximately 1,200 adults last year, costing approximately \$3,500 per person per year. Problem-solving courts cost approximately \$4,000 per person per year. The cost of incarceration is approximately \$41,000 per person per year.

Do the math. Probation is the taxpayers' friend.

During the pandemic, our probation programs successfully continued to supervise individuals within their communities. Operations were modified to provide for the health and well-being of probationers while still holding them accountable. A few examples of these modifications include holding meetings outdoors and shifting from group meetings at our reporting centers to hosting virtual meetings with clients. In addition, in 2020 probation replaced most traditional breath and urine tests with oral swabs and sweat patches. Please note that adult probation administers over 300,000 drug tests per year.

Other probation highlights from 2020 include opening our 17<sup>th</sup> reporting center in Fremont. The locations of our reporting centers is shown on a map in the appendix of the packet you received today, along with a map of the locations of our problem-solving courts.

Any listing of probation highlights must include recognition of decreasing recidivism rates. Our probation services, problem-solving courts, and post-release supervision emphasize addressing mental-health problems and substance addictions. This emphasis results in recidivism reduction. In Nebraska, the adult recidivism rate is currently an impressive 17%, down significantly from 2010.

#### **IX. Juvenile Justice**

Earlier I suggested that adult probation was the taxpayers' friend. Likewise, juvenile justice has been a cost-saving success. In 2012, this Legislature entrusted juvenile justice supervision to Nebraska's probation services. Since Fiscal Year 2017-2018, \$22 million has been saved and returned to Nebraska's general fund as a result of juvenile probation's work.

The number of detained youth has been reduced by 18% this past year, and the use of congregate non-treatment placements, such as group homes, decreased by 10% from Fiscal Year 2019 to 2020. And importantly, recidivism rates for juvenile probation have also improved over the years, from a high of 29% in 2010 to 24% in 2018, to its current rate of 19% in 2020.

#### **X. Problem-Solving Courts**

I have suggested twice in this message the close relationship of probation and our problem-solving courts. Earlier this month, an editorial appeared in the *Omaha World Herald* offering support for the development of our problem-solving courts, calling our efforts "one of the smartest steps Nebraska has taken over the past two decades." As the article notes, "The courts provide a unique combination of benefits to Nebraska by being humane, practical and cost-effective." In the court system, we wholeheartedly agree. However, as the editorial also notes, judicial resources are at capacity and more judges will be needed to aid these successful problem-solving courts.

Currently, there are 32 operating problem-solving courts in Nebraska under the authority of 46 judges. Problem-solving courts include Adult Drug and DUI Courts, Juvenile Drug Courts, Veterans Treatment Courts, Family Treatment Courts, Reentry Courts, Young Adult Courts, and the recently-approved Mental Health Court in Sarpy County.

#### **XI. Office of Public Guardian**

Before I conclude, I will briefly discuss the Office of Public Guardian (OPG). In 2015 you, the Nebraska Legislature, entrusted the judicial branch with oversight of that office. OPG provides court-supervised guardianship and conservatorship services to vulnerable adults who have no one else to assist them. Demand for the services of public guardians continues to increase as our State's population ages. The current public guardians cannot keep up with the demand. There is a statewide waiting list of cases for public guardian services.

The pandemic has been a great challenge for our public guardians during the past year. Our guardians have collaborated with state administrators, nursing home facilities, service providers, and health care staff to protect the lives of their wards. The OPG has over 100 wards in 40 different assisted living centers, nursing homes, and group homes across Nebraska. At the end of 2020, we had 58 wards with COVID-19 diagnoses.

Three wards died of COVID-19 last year, all of whom were nursing home residents.

Given these concerning numbers, staff at the OPG met, sometimes virtually, with every ward to discuss end-of-life wishes and create individualized pandemic medical treatment plans. The OPG continues to advocate for the expansion of testing and vaccinations and improved services for all of its wards, and improved standards for all institutional facilities for the aged and other vulnerable individuals.

### **XII. Conclusion**

When I stood before this legislative branch a year ago, none of us could have imagined the challenges 2020 would bring. Nebraska's constitutional requirement that "courts shall be open" has been the judiciary's guiding principle this past year. And our commitment to providing equal access to justice has not faltered. In communities throughout the State, courts have taken measures necessary to remain safely open and functioning. Innovative judges and court staff have led our way forward.

I am immensely proud of the judiciary's everyday heroes in our trial and appellate courts, in our probation offices, the Office of Public Guardian, and more. Our court family is essential in every sense of the word. Our courts are safely open, providing uninterrupted access to justice for all Nebraskans.

Again, thank you.

The committee escorted the Chief Justice from the Chamber.

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

Revenue  
Room 1524

Friday, January 29, 2021 9:30 a.m.  
LB6  
LB10

Friday, January 29, 2021 1:30 p.m.  
LB387

(Signed) Lou Ann Linehan, Chairperson

### **MOTION - Adopt Permanent Rules**

Senator Clements moved to adopt the permanent rules for the One Hundred Seventh Legislature, First Session and Second Session, and any special sessions held during the 2021- 2022 calendar years.

The Rules Committee offered the proposed rule change, Proposed Rule Change 1, found on page 230, to Rule 1, Sec. 1 and Rule 3, Sec. 2.

The Rules Committee's proposed rule change, Proposed Rule Change 1, to Rule 1, Sec. 1 and Rule 3, Sec. 2, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 2, found on page 233, to Rule 7, Sec. 2.

#### **SENATOR WILLIAMS PRESIDING**

Senator Hilgers offered the following amendment to Proposed Rule Change 2:

Amend Proposed Rule Change 2

Rule 7, Sec. 2

By reinstating the word "unless" and strike the words "may object" and reinstate the word "objects".

The Hilgers amendment was adopted with 46 ayes, 2 nays, and 1 present and not voting.

The Rules Committee's proposed rule change, Proposed Rule Change 2, to Rule 7, Sec. 2, was adopted with 49 ayes, 0 nays, and 0 not voting.

#### **SPEAKER HILGERS PRESIDING**

The Rules Committee offered the proposed rule change, Proposed Rule Change 3, found on page 234, to Rule 7, Sec. 1.

The Rules Committee's proposed rule change, Proposed Rule Change 3, to Rule 7, Sec. 1, was adopted with 47 ayes, 0 nays, and 2 present and not voting.

Senator Halloran offered his proposed rule change, found on page 289, to Rule 1, Sec. 1 and Rule 3, Sec 8.

Pending.

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

Senator Linehan filed the following motion to [LB678](#):

[MO2](#)

Withdraw bill.

Senator M. Hansen filed the following motion to [LB170](#):

[MO3](#)

Withdraw bill.

#### **RECESS**

At 12:03 p.m., on a motion by Senator Walz, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Hilkemann and Slama who were excused until they arrive.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR19 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR19.

**MOTION - Adopt Permanent Rules**

Senator Clements renewed his motion, found on page 259 and considered in this day's Journal, to adopt the permanent rules for the One Hundred Seventh Legislature, First Session and Second Session, and any special sessions held during the 2021-2022 calendar years.

Senator Halloran renewed his proposed rules change, found on page 289 and considered in today's Journal, to Rule 1, Sec. 1 and Rule 3, Sec. 8.

Senator Halloran moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

Senator Halloran requested a roll call vote, in reverse order, on his proposed rule change.

Voting in the affirmative, 19:

Albrecht	Briese	Groene	Lindstrom	Murman
Arch	Clements	Halloran	Linehan	Sanders
Bostelman	Erdman	Hansen, B.	Lowe	Slama
Brewer	Geist	Hilgers	Moser	

Voting in the negative, 30:

Aguilar	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilkemann	McDonnell	Vargas
Bostar	Dorn	Hughes	McKinney	Walz
Brandt	Flood	Hunt	Morfeld	Wayne
Cavanaugh, J.	Friesen	Kolterman	Pahls	Williams
Cavanaugh, M.	Gragert	Lathrop	Pansing Brooks	Wishart

The Halloran proposed rule change lost with 19 ayes, 30 nays, and 0 not voting.

The Chair declared the call raised.

Senator Wayne offered the following proposed rule change:

**Amend Rule 7, Sec. 10**

**Rule 7**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. For purposes of this rule, full and fair debate shall not mean less than eight hours on General File stage of consideration, not less than six hours on the Select File stage of consideration, and not less than two hours on the Final Reading stage of consideration. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in



order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

### **SENATOR HUGHES PRESIDING**

Senator Wayne withdrew his proposed rule change to Rule 7, Sec. 10.

The Clements motion to adopt permanent rules, as amended, prevailed with 45 ayes, 0 nays, 2 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 Blood name added to LB4.  
Senator Morfeld name added to LB8.  
Senator Blood name added to LB64.  
Senator Murman name added to LB75.  
Senator Lindstrom name added to LB76.  
Senator Day name added to LB313.  
Senator Cavanaugh, J. name added to LB335.  
Senator Blood name added to LB387.  
Senator Brandt name added to LB388.  
Senator Brandt name added to LB498.  
Senator Bostar name added to LB507.  
Senator Hunt name added to LB507.  
Senator Hansen, M. name added to LB517.  
Senator Hansen, M. name added to LB575.  
Senator Morfeld name added to LB581.  
Senator Hansen, B. name added to LB638.

### **VISITOR(S)**

The Doctor of the Day was Dr. Dave Hoelting from Pender.

### **ADJOURNMENT**

At 3:02 p.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 22, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 22, 2021

**PRAYER**

The prayer was offered by Senator Arch.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Aguilar, Groene, Lindstrom, and Lowe who were excused; and Senators Briese, M. Cavanaugh, DeBoer, Gragert, Hilkemann, Pansing Brooks, Slama, Vargas, and Wayne who were excused until they arrive.

**SENATOR WILLIAMS PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB487	Banking, Commerce and Insurance
LB488	Appropriations
LB489	Government, Military and Veterans Affairs
LB490	Health and Human Services
LB491	Health and Human Services
LB492	Judiciary
LB493	Appropriations
LB494	Health and Human Services
LB495	Health and Human Services
LB496	Judiciary

LB497	Judiciary
LB498	Transportation and Telecommunications
LB499	Judiciary
LB500	Judiciary
LB501	Judiciary
LB502	Revenue
LB503	Banking, Commerce and Insurance
LB504	Transportation and Telecommunications
LB505	Judiciary
LB506	Natural Resources
LB507	Natural Resources
LB508	Transportation and Telecommunications
LB509	Banking, Commerce and Insurance
LB510	Banking, Commerce and Insurance
LB511	General Affairs
LB512	Business and Labor
LB513	Natural Resources
LB514	Government, Military and Veterans Affairs
LB515	Urban Affairs
LB516	Health and Human Services
LB517	Judiciary
LB518	Education
LB519	Judiciary
LB520	Transportation and Telecommunications
LB521	Revenue
LB522	Transportation and Telecommunications
LB523	Education
LB524	Revenue
LB525	Judiciary
LB526	Appropriations
LB527	Education
LB528	Education
LB529	Education
LB530	Banking, Commerce and Insurance
LB531	Revenue
LB532	Banking, Commerce and Insurance
LB533	Health and Human Services
LB534	Transportation and Telecommunications
LB535	Banking, Commerce and Insurance
LB536	General Affairs
LB537	Judiciary
LB538	Education
LB539	Transportation and Telecommunications
LB540	Judiciary
LB541	Health and Human Services
LB542	Revenue
LB543	Judiciary
LB544	Revenue
LB545	General Affairs

LB546	Judiciary
LB547	Revenue
LB548	Judiciary
LB549	Urban Affairs
LB550	Education
LB551	Judiciary
LB552	Judiciary
LB553	Urban Affairs
LB554	Health and Human Services
LB555	Urban Affairs
LB556	Urban Affairs
LB557	Government, Military and Veterans Affairs
LB558	Education
LB559	Judiciary
LB560	General Affairs
LB561	General Affairs
LB562	Natural Resources
LB563	Judiciary
LB564	Revenue
LB565	Education
LB566	Appropriations
LB567	Business and Labor
LB568	Judiciary
LB569	Health and Human Services
LB570	Health and Human Services
LB571	Agriculture
LB572	Agriculture
LB573	Natural Resources
LB574	Transportation and Telecommunications
LB575	Transportation and Telecommunications
LB576	Appropriations
LB577	Government, Military and Veterans Affairs
LB578	General Affairs
LB579	Appropriations
LB580	General Affairs
LB581	Transportation and Telecommunications
LB582	Nebraska Retirement Systems
LB583	Health and Human Services
LB584	Agriculture
LB585	Appropriations
LB586	Nebraska Retirement Systems
LB587	Education
LB588	Appropriations
LB589	Natural Resources
LB590	Government, Military and Veterans Affairs
LB591	Natural Resources
LB592	Health and Human Services
LB593	Judiciary
LB594	Business and Labor

LB595	Revenue
LB596	Revenue
LB597	Revenue
LB598	Business and Labor
LB599	Revenue
LB600	Transportation and Telecommunications
LB601	Judiciary
LB602	Banking, Commerce and Insurance
LB603	Judiciary
LB604	Transportation and Telecommunications
LB605	Executive Board
LB606	Natural Resources
LB607	Education
LB608	General Affairs
LB609	Health and Human Services
LB610	Transportation and Telecommunications
LB611	Revenue
LB612	Banking, Commerce and Insurance
LB613	Revenue
LB614	Agriculture
LB615	Natural Resources
LB616	Transportation and Telecommunications
LB617	Natural Resources
LB618	Natural Resources
LB619	Transportation and Telecommunications
LB620	Judiciary
LB621	Judiciary
LB622	Revenue
LB623	Education
LB624	Judiciary
LB625	Revenue
LB626	Health and Human Services
LB627	Natural Resources
LB628	Health and Human Services
LB629	Appropriations
LB630	Education
LB631	Government, Military and Veterans Affairs
LB632	Business and Labor
LB633	Transportation and Telecommunications
LB634	Judiciary
LB635	Government, Military and Veterans Affairs
LB636	Judiciary
LB637	Health and Human Services
LB638	Judiciary
LB639	Education
LB640	Education
LB641	Education
LB642	Education
LB643	Health and Human Services

LB644 Revenue  
LB645 Health and Human Services  
LB646 Appropriations  
LB647 Urban Affairs  
LB648 Banking, Commerce and Insurance  
LB649 Banking, Commerce and Insurance  
LB650 Natural Resources  
LB651 Education  
LB652 Government, Military and Veterans Affairs  
LB653 Urban Affairs  
LB654 Banking, Commerce and Insurance  
LB655 Revenue  
LB656 Transportation and Telecommunications  
LB657 Executive Board  
LB658 Executive Board  
LB659 Executive Board  
LB660 Business and Labor  
LB661 Judiciary  
LB662 Appropriations  
LB663 Judiciary  
LB664 Government, Military and Veterans Affairs  
LB665 Business and Labor  
LB666 Business and Labor  
LB667 Business and Labor  
LB668 Natural Resources  
LB669 Education  
LB670 Transportation and Telecommunications  
LB671 Appropriations  
LB672 Revenue  
LB673 Education  
LB674 Revenue  
LB675 Education  
LB676 Revenue  
LB677 Health and Human Services  
LB678 Banking, Commerce and Insurance  
LB679 Revenue  
LB680 Revenue  
LB681 Revenue  
LB682 Revenue  
LB683 Natural Resources  
LB684 Business and Labor  
LR25 Executive Board  
LR26CA General Affairs  
LR27CA Government, Military and Veterans Affairs  
LR28 Executive Board  
LR29 Executive Board

(Signed) Dan Hughes, Chairperson  
Executive Board

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Brewer - LB409

**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 January 21, 2021, 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

Bromm Nielsen & Mines  
Renewable Fuels Nebraska  
Couture-Lovelady, Travis  
National Rifle Association  
Davis, Al  
Nebraska Chapter of the Sierra Club  
Johnston, Mark  
National Association of Mutual Insurance Companies (NAMIC)  
Kelley Plucker, LLC  
Lincoln Police Union  
Linehan, Katie  
American Federation for Children  
Mueller Robak  
Union Bank & Trust Company  
O'Hara Lindsay & Associates, Inc.  
Motorola Solutions, Inc.  
O'Neill, Thomas, Jr.  
Nebraska Telecommunications Association  
Plumadore, Genevieve  
Bristol Myers Squibb Co.  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
American Amusements Co.  
Rippe, David  
NetChoice



**MOTION(S) - Withdraw LB678**

Senator Linehan offered her motion, [MO2](#), found on page 302, to withdraw LB678.

The Linehan motion to withdraw the bill prevailed with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

**MOTION(S) - Withdraw LB170**

Senator M. Hansen offered his motion, [MO3](#), found on page 302, to withdraw LB170.

The M. Hansen motion to withdraw the bill prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

**SPEAKER HILGERS PRESIDING****NOTICE OF COMMITTEE HEARING(S)**

Natural Resources  
Room 1525

Friday, January 29, 2021 9:30 a.m.  
Thomas E. Riley - Department of Natural Resources  
Charles Hutchison - Nebraska Power Review Board  
Rick Kubat - Nebraska Natural Resources Commission  
Joseph L. Citta Jr - Nebraska Natural Resources Commission  
LeRoy W. Sievers - Nebraska Natural Resources Commission  
Scott Smathers - Nebraska Natural Resources Commission  
Henry R. Brandt - Nebraska Game and Parks Commission  
LB606  
LB617  
LB618

(Signed) Bruce Bostelman, Chairperson

Health and Human Services  
Room 1510

Friday, January 29, 2021 9:30 a.m.  
LB351  
LB306  
LB533

Friday, January 29, 2021 1:30 p.m.  
LB495  
LB541  
LB127

(Signed) John Arch, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Brandt  
Senator Dorn  
Senator Erdman (Chair)  
Senator Lowe  
Senator McDonnell  
Senator Stinner

Committee on Justice Reinvestment Oversight

Senator John Cavanaugh  
Senator Lathrop (Chair)  
Senator McKinney  
Senator Pansing Brooks  
Senator Wayne

Education Commission of the States

Senator Morfeld  
Senator Pahls  
Senator Walz

Homeland Security Policy Group

Senator McDonnell  
Senator Sanders

The Interstate Compact for Adult Supervision

Senator Machaela Cavanaugh

Long-term Restrictive Housing Work Group

Senator DeBoer

Performance Audit Committee

Senator Day  
Senator Friesen  
Senator Geist  
Speaker Hilgers  
Senator Hughes  
Senator McCollister  
Senator Stinner

Planning Committee

Senator Bostar  
Senator Clements

Senator DeBoer  
Senator Matt Hansen  
Speaker Hilgers  
Senator Hughes  
Senator Stinner  
Senator Vargas  
Senator Williams

Midwestern Higher Education Compact

Senator John Cavanaugh  
Senator Walz

Nebraska Information Technology Commission

Senator Geist

Rural Broadband Task Force

Senator Bostelman

State Council for Interstate Juvenile Supervision

Senator McKinney  
Senator Pansing Brooks

State-Tribal Relations Committee

Senator Albrecht (Chair)  
Senator Brewer  
Senator Gragert  
Senator Hilkemann  
Senator Hunt  
Senator McKinney (Vice Chair)  
Senator Wishart

Streamlined Sales and Use Tax System

Senator Friesen  
Senator McCollister

(Signed) Dan Hughes, Chairperson  
Legislative Council, Executive Board

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

Senator Wayne filed the following amendment to LB70:

AM15

1 1. On page 5, line 14, strike "The", show as stricken, and insert  
2 "Except for professional kickboxing or professional bare-knuckle boxing  
3 matches, the".

**ADJOURNMENT**

At 9:42 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, January 25, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTEENTH DAY - JANUARY 25, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 25, 2021

**PRAYER**

The prayer was offered by Senator Bostelman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Gragert.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Groene, Lowe, McKinney, and Pahls 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

Monday, February 1, 2021 9:30 a.m.  
LB327  
LB452  
LB675

Monday, February 1, 2021 1:30 p.m.  
Molly S. O'Holleran - Coordinating Commission for Postsecondary  
Education  
LB60

LB587  
LB641

Tuesday, February 2, 2021 9:30 a.m.

LB132  
LB3  
LB529

Tuesday, February 2, 2021 1:30 p.m.

LB607  
LB117  
LB528

(Signed) Lynne Walz, Chairperson

Transportation and Telecommunications  
Room 1113

Monday, February 1, 2021 9:30 a.m.

LB164  
LB226

Monday, February 1, 2021 1:30 p.m.

LB293  
LB619  
LB344

Tuesday, February 2, 2021 9:30 a.m.

LB343  
LB581

Tuesday, February 2, 2021 1:30 p.m.

LB574  
LB534  
LB448  
LB508  
LB616

(Signed) Curt Friesen, Chairperson

Banking, Commerce and Insurance  
Room 1507

Monday, February 1, 2021 9:30 a.m.

LB337  
LB487  
LB314

Monday, February 1, 2021 1:30 p.m.  
Kelly J. Lammers - Department of Banking and Finance  
LB509  
LB532

Tuesday, February 2, 2021 9:30 a.m.  
LB177  
LB234  
LB253

Tuesday, February 2, 2021 1:30 p.m.  
LB535  
LB503  
LB510

(Signed) Matt Williams, Chairperson

Agriculture  
Room 1524

Tuesday, February 2, 2021 9:30 a.m.  
John E. Walvoord - Beginning Farmer Board  
LR5  
LB584

Tuesday, February 2, 2021 1:30 p.m.  
LB235  
LB324

(Signed) Steve Halloran, Chairperson

General Affairs  
Room 1510

Monday, February 1, 2021 9:30 a.m.  
LB73  
LB371  
LB580  
LB536

Monday, February 1, 2021 1:30 p.m.  
LB545  
LB560  
LB561  
LR26CA  
LB608

(Signed) Tom Briese, Chairperson

Nebraska Retirement Systems  
Room 1525Tuesday, February 2, 2021 12:00 p.m.  
LB586

(Signed) Mark Kolterman, Chairperson

Government, Military and Veterans Affairs  
Room 1507Wednesday, February 3, 2021 9:30 a.m.  
LB283  
LB59  
LB275Wednesday, February 3, 2021 1:30 p.m.  
LB263  
LB250  
LB50Thursday, February 4, 2021 9:30 a.m.  
LB414  
LB242  
LB105Thursday, February 4, 2021 1:30 p.m.  
LB41  
LB267  
LB345  
LB303Friday, February 5, 2021 9:30 a.m.  
LB435  
LB285  
LB514Friday, February 5, 2021 1:30 p.m.  
LB362  
LB11

(Signed) Tom Brewer, Chairperson

Business and Labor  
Room 1524Monday, February 1, 2021 9:30 a.m.  
LB665  
LB666



LB567  
LB450  
LB598

Monday, February 1, 2021 1:30 p.m.

LB407  
LB256  
LB463  
LB122  
LB660

(Signed) Ben Hansen, Chairperson

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

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

Senator Dorn name added to LB8.  
Senator Hansen, M. name added to LB8.  
Senator Hansen, M. name added to LB11.  
Senator Hansen, M. name added to LB12.  
Senator Erdman name added to LB212.  
Senator Sanders name added to LB264.  
Senator Lindstrom name added to LB309.  
Senator Hunt name added to LB567.  
Senator Linehan name added to LB581.  
Senator Wayne name added to LB633.  
Senator Hansen, M. name added to LB657.  
Senator Hansen, M. name added to LB665.  
Senator Hunt name added to LB665.  
Senator Hansen, M. name added to LB666.  
Senator Hunt name added to LB666.  
Senator Briese name added to LR1.

**ADJOURNMENT**

At 9:15 a.m., on a motion by Senator Bostar, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTEENTH DAY - JANUARY 26, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 26, 2021

**PRAYER**

The prayer was offered by Senator Murman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Groene, B. Hansen, M. Hansen, Kolterman, Lowe, Pahls, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Urban Affairs  
Room 1510

Tuesday, February 2, 2021 9:30 a.m.  
LB228  
LB265  
LB405

Tuesday, February 2, 2021 1:30 p.m.  
LB515  
LB156  
LB332

(Signed) Justin Wayne, Chairperson

Judiciary  
Room 1113

Wednesday, February 3, 2021 9:30 a.m.

LB138  
LB151  
LB663

Wednesday, February 3, 2021 1:30 p.m.

LB51  
LB110  
LB216  
LB217  
LB472  
LB551  
LB601

Thursday, February 4, 2021 9:30 a.m.

LB348  
LB403  
LB470  
LB501  
LB593

Thursday, February 4, 2021 1:30 p.m.

LB196  
LB309  
LB394  
LB402  
LB419  
LB453

Friday, February 5, 2021 9:30 a.m.

LB7  
LB118  
LB372  
LB461  
LB497  
LB519

Friday, February 5, 2021 1:30 p.m.

LB445  
LB492  
LB537  
LB568  
LB638

(Signed) Steve Lathrop, Chairperson

Natural Resources  
Room 1525

Wednesday, February 3, 2021 1:30 p.m.  
LB513  
LB627

Wednesday, February 3, 2021 9:30 a.m.  
Jim Hellbusch - Nebraska Environmental Trust Board  
Mark Quandahl - Nebraska Environmental Trust Board  
Gregory Eugene Moen - Nebraska Power Review Board  
Thomas L. Knutson - Nebraska Natural Resources Commission  
LB507  
LB615

(Signed) Bruce Bostelman, Chairperson

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

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

Senator Wayne name added to LB152.  
Senator Halloran name added to LB236.  
Senator Hansen, M. name added to LB298.  
Senator Hansen, M. name added to LB358.

**ADJOURNMENT**

At 9:12 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTEENTH DAY - JANUARY 27, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 27, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator B. Hansen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Clements, Day, Dorn, Erdman, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators Bostar, M. Cavanaugh, 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

Wednesday, February 3, 2021 9:30 a.m.

LB143  
LB425  
LB427

Wednesday, February 3, 2021 1:30 p.m.

LB428  
LB429  
LB490

(Signed) John Arch, Chairperson

Natural Resources  
Room 1525

Thursday, February 4, 2021 9:30 a.m.  
Timothy E. Krause - Nebraska Natural Resources Commission  
LB562  
LB668

Thursday, February 4, 2021 1:30 p.m.  
Bradley B. Dunbar - Nebraska Natural Resources Commission  
Rodney R. Christen - Nebraska Environmental Trust Board  
LB305  
LB589

(Signed) Bruce Bostelman, Chairperson

Agriculture  
Room 1524

Tuesday, February 9, 2021 1:30 p.m.  
LB572  
LB571  
LB614

(Signed) Steve Halloran, Chairperson

Executive Board  
Room 1524

Wednesday, February 3, 2021 12:00 p.m.  
LB409

(Signed) Dan Hughes, Chairperson

Revenue  
Room 1524

Wednesday, February 3, 2021 9:30 a.m.  
LB422

Wednesday, February 3, 2021 1:30 p.m.  
LB133  
LR11CA

Thursday, February 4, 2021 9:30 a.m.  
LB38  
LB366  
LB531



Thursday, February 4, 2021 1:30 p.m.

LB74  
LB176  
LB194  
LB254

Friday, February 5, 2021 9:30 a.m.

LB272  
LB318  
LB346  
LB682

Friday, February 5, 2021 1:30 p.m.

LB182  
LB596  
LB597  
LB674

(Signed) Lou Ann Linehan, Chairperson

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

Senator Lindstrom filed the following motion to LB586:

MO4

Suspend the Rules, Rule 3, Section 14, to permit cancellation of a hearing by the Retirement Systems Committee.

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

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

Senator Wayne name added to LB44.  
Senator Wayne name added to LB99.  
Senator Groene name added to LB188.  
Senator Hansen, B. name added to LB237.  
Senator Hansen, M. name added to LB268.  
Senator Brewer name added to LB461.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 21.** Placed on General File.  
**LEGISLATIVE BILL 22.** Placed on General File.  
**LEGISLATIVE BILL 23.** Placed on General File.  
**LEGISLATIVE BILL 66.** Placed on General File.  
**LEGISLATIVE BILL 77.** Placed on General File.  
**LEGISLATIVE BILL 248.** Placed on General File.  
**LEGISLATIVE BILL 363.** Placed on General File.

**LEGISLATIVE BILL 373.** Placed on General File.

**LEGISLATIVE BILL 297.** Placed on General File with amendment.

[AM30](#)

- 1 1. On page 3, line 1, strike "advisor" and insert "adviser".
- 2 2. On page 4, line 6, after "requested" insert "transaction or".

(Signed) Matt Williams, Chairperson

**VISITOR(S)**

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

**ADJOURNMENT**

At 9:15 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTEENTH DAY - JANUARY 28, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 28, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Albrecht.

**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 Clements, Dorn, Geist, M. Hansen, Hilkeemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators J. Cavanaugh, and Pansing Brooks who were excused until they arrive.

**SPEAKER HILGERS PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
LB9          Urban Affairs (referred)

(Signed) Dan Hughes, Chairperson  
Executive Board

**EXECUTIVE BOARD REPORT**

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Redistricting Committee

Blood  
Briese  
Brewer  
Geist  
Lathrop  
Linehan  
Lowe  
Morfeld  
Wayne

(Signed) Dan Hughes, Chairperson  
Legislative Council, Executive Board

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee elected Senator Geist as Chairperson and Senator McCollister as Vice Chairperson.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services  
Room 1510

Thursday, February 4, 2021 9:30 a.m.  
LB645  
LB251

Thursday, February 4, 2021 1:30 p.m.  
LB569  
LB643  
LB447

Friday, February 5, 2021 9:30 a.m.  
LB413  
LB400

Friday, February 5, 2021 1:30 p.m.  
LB592  
LB252  
LB583

(Signed) John Arch, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 25.** Placed on General File.**LEGISLATIVE BILL 44.** Placed on General File.**LEGISLATIVE BILL 159.** Placed on General File.**LEGISLATIVE BILL 163.** Placed on General File with amendment.[AM9](#)

- 1 1. Strike sections 1, 202, 203, 204, and 206.
- 2 2. On page 93, line 25, strike "167" and insert "166".
- 3 3. On page 97, strike beginning with "The" in line 4 through line 19 and show as stricken.
- 5 4. Renumber the remaining sections and correct the repealer
- 6 accordingly.

(Signed) Justin Wayne, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 4.** Placed on General File with amendment.[AM21](#)

- 1 1. On page 2, line 3, strike "an enlisted", show as stricken, and
- 2 insert "a".

**LEGISLATIVE RESOLUTION 1.** Reported to the Legislature for further consideration.

(Signed) Tom Brewer, Chairperson

**MOTION(S) - Print in Journal**Senator Wayne filed the following motion to [LB656](#):[MO5](#)

Rerefer LB656 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator B. Hansen filed the following motion to [LB598](#):[MO6](#)

Suspend the Rules, Rule 3, Section 14, to permit cancellation of a hearing by the Business and Labor Committee.

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

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

Senator Hughes name added to LB581.

Senator Lindstrom name added to LR3CA.

**VISITOR(S)**

The Doctor of the Day was Dr. David J. Hoelting of Pender.

**ADJOURNMENT**

At 9:19 a.m., on a motion by Senator Day, the Legislature adjourned until 9:00 a.m., Friday, January 29, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTEENTH DAY - JANUARY 29, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 29, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Murman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Clements, Dorn, Erdman, Geist, Groene, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators Bostar, Briese, Day, Friesen, and B. Hansen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth 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 January 28, 2021, 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.  
 Voices for Children in Nebraska  
 Beasley, Daniel  
 Home School Legal Defense Association  
 Bydlak, Rebekah  
 Institute for Justice  
 Duncan, Drue  
 Pfizer Inc.  
 Gerloff, Jerianne  
 Pfizer Inc. (Withdrawn 01/24/2021)  
 Lautenbaugh, Scott  
 Stride, Inc.  
 Nordquist, Jeremiah  
 Nebraska Medicine  
 Peetz & Company  
 Nebraska Beef Producers  
 Spivey, Ashlei  
 I Be Black Girl  
 Zulkoski Weber LLC  
 Nebraska Beef Producers

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 33. Introduced by Arch, 14.

WHEREAS, William "Bill" Harrington, a resident of Papillion Manor in Papillion, Nebraska, first began his long and distinguished military service to the United States of America as a member of his high school's Army Reserve Officers' Training Corps program in Georgia; and

WHEREAS, Bill was a member of a Georgia National Guard unit sent by President Franklin D. Roosevelt to protect the coast of Georgia with antiaircraft artillery; and

WHEREAS, Bill was commissioned into the United States Army and assigned to the infantry on February 2, 1941, his 21st birthday; and

WHEREAS, Bill transferred to the United States Army Air Corps and became a navigator; and

WHEREAS, Bill was deployed to serve his country in World War II as a bombardier, flying over 50 missions throughout Europe in a B-24; and

WHEREAS, after the war while stationed in Ft. Worth, Texas, Bill was a member of the 11th Bomb Wing flying both in a B-36 and in a B-52; and

WHEREAS, Bill was stationed at Offutt Air Force Base in 1961 as the Director of Operation Training; and

WHEREAS, Bill retired as a Colonel in the Air Force in 1963; and

WHEREAS, William "Bill" Harrington reached 101 years of age on February 2, 2021.

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



1. That the Legislature wishes William "Bill" Harrington a happy 101st birthday and thanks him for his dedication and service to our country.
2. That a copy of this resolution be sent to William "Bill" Harrington.

Laid over.

### NOTICE OF COMMITTEE HEARING(S)

Appropriations  
Room 1525

Friday, February 5, 2021 9:30 a.m.

Budget bills scheduled at this time for official record purposes. Testimony on the overall budget is appropriate, however testimony on specific issues and/or agencies should be presented at the date scheduled for the relevant agency

LB379  
LB380  
LB381  
LB382  
LB383  
LB384  
LB385

Friday, February 5, 2021 1:30 p.m.

Agency 18 - Agriculture, Department of

Agency 18 - Agriculture, Department of

Note: Potato Board & Poultry/Egg

Agency 39 - Brand Committee, Nebraska

Agency 60 - Ethanol Board, Nebraska

Agency 56 - Wheat Board, Nebraska

Agency 61 - Dairy Industry Development Board, Nebraska

Agency 86 - Dry Bean Commission

Agency 88 - Corn Development, Utilization and Marketing Board

Agency 92 - Grain Sorghum Board, Nebraska

Agency 95 - Dry Pea & Lentil Commission

Agency 97 - Hemp Commission

Agency 45 - Barber Examiners, Board of

Agency 30 - Electrical Board, State

Agency 74 - Power Review Board, Nebraska

Agency 41 - State Real Estate Commission

Agency 53 - Real Property Appraiser Board

Agency 57 - Oil and Gas Conservation Commission, Nebraska

Agency 63 - Public Accountancy, Nebraska Board of

Agency 58 - Board of Engineers and Architects

Agency 59 - Board of Geologists

Agency 62 - Land Surveyors, State Board of Examiners for

Agency 66 - Abstracters Board of Examiners

Agency 73 - Landscape Architects, State Board of

(Signed) John Stinner, Chairperson

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

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

[AM63](#)

1 1. Strike the original sections and insert the following new  
 2 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.  
 17 (3) For projects described under subsection (2) of section 13-2914,  
 18 the governing body of the political subdivision may adopt a resolution  
 19 which provides for project payment on a set schedule over a period of  
 20 time that extends beyond the completion of construction.  
 21 Sec. 2. Section 13-2914, Revised Statutes Cumulative Supplement,  
 22 2020, is amended to read:  
 23 13-2914 (1) Except as specifically provided in subsection (2) of  
 24 this section, a political subdivision shall not use a design-build  
 25 contract or construction management at risk contract under the Political  
 26 Subdivisions Construction Alternatives Act for a project, in whole or in  
 27 part, for road, street, highway, water, wastewater, utility, or sewer  
 1 construction, except that a city of the metropolitan class may use a  
 2 design-build contract or construction management at risk contract for the  
 3 purpose of complying with state or federal requirements to control or  
 4 minimize overflows from combined sewers.  
 5 (2) A political subdivision may use a design-build contract or  
 6 construction management at risk contract under the Political Subdivisions  
 7 Construction Alternatives Act for a project, in whole or in part, to  
 8 repair, retrofit, reconstruct, or replace any bridge.  
 9 Sec. 3. Original section 13-2904, Reissue Revised Statutes of  
 10 Nebraska, and section 13-2914, Revised Statutes Cumulative Supplement,  
 11 2020, are repealed.

**MOTION - Suspend Rules**

Senator Lindstrom offered his motion, [MO4](#), found on page 329, to suspend the Rules, Rule 3, Section 14, to permit cancellation of a hearing by the Retirement Systems Committee, to LB586.

The Lindstrom motion to suspend the rules prevailed with 31 ayes, 0 nays, 2 present and not voting, and 16 excused and not voting.

**MOTION - Suspend Rules**

Senator B. Hansen offered his motion, [MO6](#), found on page 333, to suspend Rule 3, Section 14, to permit cancellation of a hearing by the Business and Labor Committee, to LB598.

The B. Hansen motion to suspend the rules prevailed with 32 ayes, 0 nays, 2 present and not voting, and 15 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 1.** Read. Considered.

LR1 was adopted with 33 ayes, 0 nays, 1 present and not voting, and 15 excused and not voting.

**SENATOR HUGHES PRESIDING****NOTICE OF COMMITTEE HEARING(S)**

Transportation and Telecommunications  
Room 1113

Monday, February 8, 2021 9:30 a.m.

LB388

LB456

Monday, February 8, 2021 1:30 p.m.

LB455

LB520

LB604

(Signed) Curt Friesen, Chairperson

Nebraska Retirement Systems  
Room 1525

Tuesday, February 2, 2021 12:00 p.m.

LB586 (cancel)

(Signed) Mark Kolterman, Chairperson

Business and Labor  
Room 1524

Monday, February 1, 2021 9:30 a.m.

LB598 (cancel)

(Signed) Ben Hansen, Chairperson

Executive Board  
Room 1525

Wednesday, February 10, 2021 12:00 p.m.  
LR29

(Signed) Dan Hughes, Chairperson

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

Senator Lathrop filed the following motion to LB55:

MO7

Withdraw bill.

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

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

Senator McCollister name added to LB4.

Senator Hansen, M. name added to LB4.

Senator McCollister name added to LB213.

Senator McCollister name added to LB263.

**VISITOR(S)**

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

**ADJOURNMENT**

At 9:28 a.m., on a motion by Senator J. Cavanaugh the Legislature adjourned until 9:00 a.m., Monday, February 1, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTEENTH DAY - FEBRUARY 1, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 1, 2021

**PRAYER**

The prayer was offered by Senator Arch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lathrop.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Clements, Dorn, Halloran, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators M. Cavanaugh, Day, Hunt, McKinney, Pansing Brooks, Wayne, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**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.

Marilyn B. Hadley - Nebraska Educational Telecommunications Commission  
Clay Smith - Nebraska Educational Telecommunications Commission  
Paul Turman - Nebraska Educational Telecommunications Commission

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, 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.

Mary Lauritzen - Coordinating Commission for Postsecondary Education  
Paul Von Behren - Coordinating Commission for Postsecondary Education

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications  
Room 1113

Tuesday, February 9, 2021 9:30 a.m.

LB460

LB600

LB498

(Signed) Curt Friesen, Chairperson

Education  
Room 1525

Monday, February 8, 2021 9:30 a.m.

Duane L. Kime - Board of Educational Lands and Funds

LB473

LR13CA

Monday, February 8, 2021 1:30 p.m.

LB623

LB558

LB389

Tuesday, February 9, 2021 9:30 a.m.

LB154

LB322

LB673

Tuesday, February 9, 2021 1:30 p.m.

Gene Kelly - Coordinating Commission for Postsecondary Education

LB198

LB136

LB518

LB642

(Signed) Lynne Walz, Chairperson

General Affairs  
Room 1510

Monday, February 8, 2021 9:30 a.m.

LB511  
LB72  
LB578  
LB80

Monday, February 8, 2021 1:30 p.m.

LB274  
LB295  
LB415  
LB311

(Signed) Tom Briese, Chairperson

Nebraska Retirement Systems  
Room 1525

Tuesday, February 9, 2021 12:00 p.m.

LB16  
LB24

(Signed) Mark Kolterman, Chairperson

Appropriations  
Room 1507

Monday, February 8, 2021 9:30 a.m.

Agency 24 - Motor Vehicles, Department of  
Agency 27 - Transportation, Department of  
Agency 40 - Motor Vehicle Licensing Board, Nebraska  
LB579

Monday, February 8, 2021 1:30 p.m.

Agency 16 - Revenue, Department of  
Agency 36 - Racing Commission, Nebraska State  
Agency 93 - Tax Equalization and Review Commission  
Agency - Nebraska Gaming Commission  
LB365  
LB629

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, February 10, 2021 9:30 a.m.

LB65  
LB482

Wednesday, February 10, 2021 1:30 p.m.

LR14  
LB195

Thursday, February 11, 2021 9:30 a.m.

LB631  
LB664  
LB261

Thursday, February 11, 2021 1:30 p.m.

Kate Sullivan - Nebraska Accountability and Disclosure Commission  
Erin Bond - State Personnel Board

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 288.** Placed on General File.

**LEGISLATIVE BILL 323.** Placed on General File with amendment.

[AM41](#)

1 1. Insert the following new section:

2 Sec. 4. Section 79-1007.20, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 79-1007.20 (1) School districts may apply to the department for a  
5 student growth adjustment, on a form prescribed by the department, on or  
6 before October 15 of the school fiscal year immediately preceding the  
7 school fiscal year for which aid is being calculated. Such form shall  
8 require an estimate of the average daily membership for the school fiscal  
9 year for which aid is being calculated, the estimated student growth  
10 calculated by subtracting the fall membership of the current school  
11 fiscal year from the estimated average daily membership for the school  
12 fiscal year for which aid is being calculated, and evidence supporting  
13 the estimates. On or before the immediately following December 1, the  
14 department shall approve the estimated student growth, approve a modified  
15 student growth, or deny the application based on the requirements of this  
16 section, the evidence submitted on the application, and any other  
17 information provided by the department. The state board shall establish  
18 procedures for appeal of decisions of the department to the state board  
19 for final determination.

20 (2) The student growth adjustment for each approved district shall  
21 equal the sum of the product of the school district's basic funding per  
22 formula student multiplied by the difference of the approved student  
23 growth minus the greater of twenty-five students or one percent of the  
24 fall membership for the school fiscal year immediately preceding the  
25 school fiscal year for which aid is being calculated plus the product of  
26 fifty percent of the school district's basic funding per formula student



27 multiplied by the greater of twenty-five students or one percent of the  
 1 fall membership for the school fiscal year immediately preceding the  
 2 school fiscal year for which aid is being calculated.  
 3 (3)(a) (3) The department shall calculate a student growth  
 4 adjustment correction for each district that received a student growth  
 5 adjustment for aid distributed in the most recently available complete  
 6 data year.  
 7 (b) Except as otherwise provided in subdivision (3)(c) of this  
 8 section, such student growth adjustment correction shall equal the  
 9 product of the difference of the actual student growth for such school  
 10 fiscal year minus the estimated student growth for such school fiscal  
 11 year used to calculate the student growth adjustment for such school  
 12 fiscal year multiplied by the school district's basic funding per formula  
 13 student used in the final calculation of aid pursuant to section 79-1065  
 14 for such school fiscal year, except that the absolute value of a negative  
 15 correction shall not exceed the original adjustment.  
 16 (c)(i) If a negative student growth adjustment correction determined  
 17 pursuant to subdivision (3)(b) of this section is based on a most  
 18 recently available complete data year that was a pandemic affected school  
 19 fiscal year, such student growth adjustment correction shall be delayed  
 20 and redetermined pursuant to subdivision (3)(c)(ii) of this section and  
 21 any student growth adjustment correction based on the most recently  
 22 available complete data year that immediately follows such pandemic  
 23 affected school fiscal year shall be determined pursuant to subdivision  
 24 (3)(c)(iii) of this section.  
 25 (ii) A student growth adjustment correction for a school district  
 26 that is delayed pursuant to this subdivision shall be redetermined for  
 27 the school fiscal year immediately following the original school fiscal  
 28 year for which aid was being calculated. Such student growth adjustment  
 29 correction shall equal the product of the difference of the average daily  
 30 membership of the school district for the school fiscal year immediately  
 31 following such pandemic affected school fiscal year, minus the fall  
 1 membership for the school fiscal year immediately preceding such pandemic  
 2 affected school fiscal year, and minus the estimated student growth used  
 3 to calculate the student growth adjustment for such pandemic affected  
 4 school fiscal year multiplied by the school district's basic funding per  
 5 formula student used in the final calculation of aid pursuant to section  
 6 79-1065 for such pandemic affected school fiscal year, except that the  
 7 absolute value of a negative student growth adjustment correction shall  
 8 not exceed the original student growth adjustment. This subdivision shall  
 9 only apply to the first pandemic affected school fiscal year for any  
 10 pandemic that spans more than one school fiscal year.  
 11 (iii) For any school district for which a student growth adjustment  
 12 correction is delayed and redetermined pursuant to subdivision (3)(c)(ii)  
 13 of this section based on a pandemic affected school fiscal year, any  
 14 student growth adjustment correction based on the school fiscal year that  
 15 immediately follows such pandemic affected school fiscal year shall be  
 16 determined pursuant to subdivision (3)(b) of this section, except that  
 17 the student growth adjustment correction determined pursuant to  
 18 subdivision (3)(c)(ii) of this section shall be subtracted from the  
 19 student growth adjustment correction determined pursuant to subdivision  
 20 (3)(b) of this section and the absolute value of any resulting net  
 21 negative student growth adjustment correction shall not exceed the  
 22 original student growth adjustment for the school fiscal year immediately  
 23 following the pandemic affected school fiscal year.  
 24 2. Renumber the remaining sections and correct the repealer  
 25 accordingly.

(Signed) Lynne Walz, Chairperson

**MOTION - Withdraw LB55**

Senator Lathrop offered his motion, [MO7](#), found on page 340, to withdraw LB55.

The Lathrop motion to withdraw the bill prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

**MOTION - Rerefer LB656**

Senator Wayne offered his motion, [MO5](#), found on page 333, to rerefer LB656 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne withdrew his motion to rerefer the bill.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR1.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor  
Room 1524

Monday, February 8, 2021 9:30 a.m.

LB451

LB420

LB598 (reschedule)

LB440

Monday, February 8, 2021 1:30 p.m.

LB684

LB171

LB290

LB258

(Signed) Ben Hansen, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB523	Revenue (rereferred)

(Signed) Dan Hughes, Chairperson  
Executive Board

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

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

Senator Hansen, M. name added to LB20.  
Senator Cavanaugh, M. name added to LB83.  
Senator Blood name added to LB256.  
Senator McCollister name added to LB298.  
Senator Brewer name added to LB508.  
Senator Lowe name added to LB650.

**VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

**ADJOURNMENT**

At 9:22 a.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINETEENTH DAY - FEBRUARY 2, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 2, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lindstrom.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Clements, Dorn, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators Day, Hunt, Wayne, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 106.** Placed on General File.

**LEGISLATIVE BILL 113.** Placed on General File.

**LEGISLATIVE BILL 149.** Placed on General File.

**LEGISLATIVE BILL 174.** Placed on General File.

**LEGISLATIVE BILL 302.** Placed on General File with amendment.

**AM49**

1 1. On page 3, lines 8, 11, 14, and 28, after "60-6,196" insert "or a  
2 city or village ordinance enacted in conformance with such section".

3 2. On page 3, line 9, after "60-6,196" insert "or a city or village

4 ordinance enacted in conformance with such section".

(Signed) Curt Friesen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Urban Affairs  
Room 1510

Tuesday, February 9, 2021 9:30 a.m.

LB9  
LB161  
LB218  
LB221

Tuesday, February 9, 2021 1:30 p.m.

LB467  
LB220  
LB553

(Signed) Justin Wayne, Chairperson

Judiciary  
Room 1113

Wednesday, February 10, 2021 9:30 a.m.

LB334  
LB335  
LB525

Wednesday, February 10, 2021 1:30 p.m.

LB444  
LB559  
LB620  
LB624

Thursday, February 11, 2021 9:30 a.m.

LB130  
LB269  
LB499  
LB563

Thursday, February 11, 2021 1:30 p.m.

LB119  
LB124  
LB150  
LB333  
LB352  
LB471

Thursday, February 11, 2021 1:30 p.m.

Rosalyn R. Cotton - Board of Parole  
Jeffrey Davis - Crime Victim's Reparations Committee

Ann E. Ames - Crime Victim's Reparations Committee  
Shawn Eatherton - Crime Victim's Reparations Committee

(Signed) Steve Lathrop, Chairperson

Transportation and Telecommunications  
Room 1113

Tuesday, February 9, 2021 1:30 p.m.

LB398  
LB338  
LB656

(Signed) Curt Friesen, Chairperson

Appropriations  
Room 1507

Tuesday, February 9, 2021 9:30 a.m.

Agency 23 - Labor, Department of  
Agency 37 - Workers' Compensation Court  
Agency 75 - Investment Council, Nebraska  
Agency 77 - Industrial Relations, Commission of  
Agency 85 - Public Employees Retirement Board, Nebraska  
LB438

Tuesday, February 9, 2021 1:30 p.m.

Agency 21 - State Fire Marshal  
Agency 31 - Military Department  
Agency 35 - Liquor Control Commission, Nebraska

(Signed) John Stinner, Chairperson

Natural Resources  
Room 1525

Wednesday, February 10, 2021 9:30 a.m.

LB591  
LB683

Wednesday, February 10, 2021 1:30 p.m.

Stanley A. Clouse - Nebraska Natural Resources Commission  
LB506  
LB573

(Signed) Bruce Bostelman, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 34.** Introduced by Slama, 1.

**PURPOSE:** The purpose of this resolution is to examine the structure and funding of the Nebraska Environmental Trust.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 30, 31, and 32 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 30, 31, and 32.

**UNANIMOUS CONSENT - Room Change**

Senator Hughes asked unanimous consent that the Executive Board conduct its hearing on Wednesday, February 3, 2021, in Room 1525 instead of Room 1524. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue  
Room 1524

Wednesday, February 10, 2021 9:30 a.m.

LB2

LB98

LB189

LB644

Wednesday, February 10, 2021 1:30 p.m.

LB63

LB79

LB165



Thursday, February 11, 2021 9:30 a.m.

LB454

LB466

Thursday, February 11, 2021 1:30 p.m.

LB214

LB222

LB313

LB412

(Signed) Lou Ann Linehan, Chairperson

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

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

Senator Slama name added to LB88.

Senator Blood name added to LB407.

Senator Hunt name added to LB407.

Senator Blood name added to LB463.

Senator Blood name added to LB660.

**ADJOURNMENT**

At 9:16 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTIETH DAY - FEBRUARY 3, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 3, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Linehan.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Briese, Day, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**ANNOUNCEMENT(S)**

The Redistricting Committee elected Senator Linehan as Chairperson and Senator Wayne as Vice Chairperson.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services  
Room 1510

Wednesday, February 10, 2021 9:30 a.m.

LB677

LB485

LB68

Wednesday, February 10, 2021 1:30 p.m.

LB86  
LB411  
LB238  
LB418

(Signed) John Arch, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 35.** Introduced by Kolterman, 24.

WHEREAS, Julya Metschke, a freshman student at Seward High School, co-chaired a T-shirt collection drive for the homeless and those in need as part of a Students Taking Action with Recognition project for Family, Career and Community Leaders of America; and

WHEREAS, Julya wanted to help others in the community and coordinated the project with other members of the Seward High School Family, Career and Community Leaders of America; and

WHEREAS, Julya collected T-shirts from students and community members by putting out donation boxes at her high school and the local civic center; and

WHEREAS, over 500 new and nearly new T-shirts were collected for the project; and

WHEREAS, the T-shirts were donated to the Living Water Rescue Mission in York, Nebraska, for those in need.

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

1. That the Legislature thanks and recognizes Julya Metschke for her hard work and dedication to helping others through her Students Taking Action with Recognition project for Family, Career and Community Leaders of America.
2. That a copy of this resolution be sent to Julya Metschke.

Laid over.

**LEGISLATIVE RESOLUTION 36.** Introduced by Kolterman, 24.

WHEREAS, Garrett Lloyd Miller, a member of Troop 241 of Stromsburg, has completed the requirements for the rank of Eagle Scout in 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, Garrett planned and constructed a dog park in Stromsburg's Buckley Park; and

WHEREAS, Garrett, 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; and

WHEREAS, Garrett is a senior at Cross County Community Schools in Stromsburg and intends to earn a welding certification from Southeast Community College in Lincoln.

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

1. That the Legislature congratulates Garrett Lloyd Miller on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Garrett Lloyd Miller.

Laid over.

**LEGISLATIVE RESOLUTION 37.** Introduced by Walz, 15; Erdman, 47; Gragert, 40; Hughes, 44; Kolterman, 24; Murman, 38; Pahls, 31; Stinner, 48.

WHEREAS, there are 1,700 locally elected Nebraska residents who currently volunteer their time to serve on local public school boards throughout the state, representing 244 school districts, seventeen educational service units, and 329,000 students; and

WHEREAS, members of various ages, races, and backgrounds represent one Nebraska, which encourages and strengthens school districts, communities, and the state by supporting great teaching and student achievement; and

WHEREAS, through leadership, innovation, and engagement, school board members are challenged to bring their communities to consensus on a vision for schools and use that vision to meet the current and future needs of our children; and

WHEREAS, the local public school board is a uniquely American institution that has made public schools flexible, responsible, and accountable to the needs of our communities, our state, and our nation, while furthering the American ideal of representative government; and

WHEREAS, school board members serve first and foremost as trustees for our children; and

WHEREAS, all Nebraskans should recognize and acknowledge the significant contributions made by our locally elected school board members who work to ensure the delivery of quality education for our children.

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

1. That the Legislature appreciates the hard work of school board members across the state.
2. That the Legislature encourages Nebraskans to acknowledge and thank school board members for their work and dedication.

Laid over.

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

Senator Hunt filed the following amendment to LB250:  
AM43 is available in the Bill Room.

**ANNOUNCEMENT(S)**

The Legislature's Planning Committee elected Senator Vargas as Chairperson and Senator DeBoer as Vice Chairperson.

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

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

Senator Cavanaugh, M. name added to LB44.  
Senator Cavanaugh, J. name added to LB376.  
Senator Hansen, B. name added to LB387.  
Senator Briese name added to LB388.  
Senator Slama name added to LB461.  
Senator Brewer name added to LB486.  
Senator Cavanaugh, M. name added to LB534.

**VISITOR(S)**

The Doctor of the Day was Dr. Hans Dethlefs of La Vista.

**ADJOURNMENT**

At 9:20 a.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIRST DAY - FEBRUARY 4, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 4, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer, Day, and Hilkekmann who were excused; and Senators Blood, Bostar, Briese, M. Cavanaugh, B. Hansen, M. Hansen, McDonnell, Vargas, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services  
Room 1510

Thursday, February 11, 2021 9:30 a.m.  
LB202  
LB262

Thursday, February 11, 2021 1:30 p.m.  
LB609  
LB436  
LB390

(Signed) John Arch, Chairperson

Natural Resources  
Room 1525

Thursday, February 11, 2021 9:30 a.m.  
Joshua N. Andersen - Nebraska Environmental Trust Board  
LB650  
LB468

Thursday, February 11, 2021 1:30 p.m.  
Kendall (Ken) B. Curry - Game and Parks Commission  
LB483  
LB266

(Signed) Bruce Bostelman, Chairperson

Judiciary  
Room 1113

Wednesday, February 17, 2021 9:30 a.m.  
LB56  
LB109  
LB271  
LB500

Wednesday, February 17, 2021 1:30 p.m.  
LB32  
LB33  
LB34  
LB114  
LB484  
LB505

Thursday, February 18, 2021 9:30 a.m.  
LB52  
LB54  
LB71  
LB139

Thursday, February 18, 2021 1:30 p.m.  
LB53  
LB160  
LB259  
LB326

Friday, February 19, 2021 9:30 a.m.  
LB278  
LB301  
LB552



Friday, February 19, 2021 1:30 p.m.

LB481  
LB546  
LR2CA

Wednesday, February 24, 2021 9:30 a.m.

LB186  
LB206  
LB315  
LB661

Wednesday, February 24, 2021 1:30 p.m.

LB104  
LB111  
LB187  
LB229  
LB319  
LB360

Thursday, February 25, 2021 9:30 a.m.

LB543  
LB603  
LB621

Thursday, February 25, 2021 1:30 p.m.

LB102  
LB316  
LB355  
LB386  
LB548

Friday, February 26, 2021 9:30 a.m.

LB167  
LB282  
LB517

Friday, February 26, 2021 1:30 p.m.

LB120  
LB230  
LB231  
LB321

Wednesday, March 3, 2021 09:30 a.m.

LB13  
LB85  
LB244

Wednesday, March 3, 2021 1:30 p.m.

LB116  
LB173  
LB300  
LB404  
LB417

Thursday, March 4, 2021 9:30 a.m.

LB49  
LB58  
LB95  
LB331  
LB540

Thursday, March 4, 2021 1:30 p.m.

LB157  
LB204  
LB496  
LB636  
LB458

Wednesday, March 10, 2021 1:30 p.m.

LB474  
LB31  
LB397  
LB634

Thursday, March 11, 2021 1:30 p.m.

LB199  
LB227  
LB370

Friday, March 12, 2021 9:30 a.m.

LB276

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 148.** Placed on General File with amendment.

**AM28**

- 1 1. On page 3, line 7, strike "both" and after "water" insert "and wastewater".
- 3 2. On page 46, line 27, strike "director" and insert "Director of Public Health of the Department of Health and Human Services".
- 5 3. On page 56, line 29, strike "1" and insert "31".

(Signed) Bruce Bostelman, 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.

Kelly J. Lammers - Director - Department of Banking and Finance

Aye: 8. Aguilar, Bostar, Flood, Lindstrom, McCollister, Pahls, Slama, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Matt Williams, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 177.** Placed on General File.  
**LEGISLATIVE BILL 253.** Placed on General File.  
**LEGISLATIVE BILL 503.** Placed on General File.  
**LEGISLATIVE BILL 509.** Placed on General File.  
**LEGISLATIVE BILL 510.** Placed on General File.  
**LEGISLATIVE BILL 532.** Placed on General File.

**LEGISLATIVE BILL 337.** Placed on General File with amendment.

[AM112](#)

1 1. On page 2, after line 20 insert the following new subdivision:  
2 "~~(4) Pharmaceutical sample means a unit of a prescription drug that~~  
3 ~~is not intended to be sold and is intended to promote the sale of the~~  
4 ~~drug~~"; in line 21 strike "(4)" and insert "(5)"; and in line 27 strike  
5 "(5)" and insert "(6)".  
6 2. On page 3, line 2, strike "(6)" and insert "(7)".  
7 3. On page 4, line 24, after the period insert "Nothing in the Step-  
8 Therapy Reform Act shall prohibit the distribution of a pharmaceutical  
9 sample, except that the pharmaceutical sample may not be used to meet the  
10 requirements of this subdivision.".

**LEGISLATIVE BILL 234.** Indefinitely postponed.

(Signed) Matt Williams, Chairperson

**MOTION(S) - Confirmation Report(s)**

Senator Morfeld moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 341:

Nebraska Educational Telecommunications Commission  
Marilyn B. Hadley  
Clay Smith  
Paul Turman

Voting in the affirmative, 32:

Albrecht	Erdman	Hughes	McKinney	Stinner
Bostelman	Flood	Hunt	Morfeld	Wayne
Brandt	Friesen	Kolterman	Moser	Williams
Cavanaugh, J.	Geist	Lathrop	Murman	Wishart
Clements	Gragert	Linehan	Pahls	
DeBoer	Halloran	Lowe	Pansing Brooks	
Dorn	Hilgers	McCollister	Sanders	

Voting in the negative, 0.

Present and not voting, 5:

Aguilar	Arch	Groene	Lindstrom	Slama
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Excused and not voting, 12:

Blood	Briese	Hansen, B.	McDonnell
Bostar	Cavanaugh, M.	Hansen, M.	Vargas
Brewer	Day	Hilkemann	Walz

The appointments were confirmed with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

Senator Morfeld moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 342:

Coordinating Commission for Postsecondary Education

Mary Lauritzen

Paul Von Behren

Voting in the affirmative, 29:

Albrecht	Dorn	Hilgers	McCollister	Sanders
Bostelman	Erdman	Hughes	McKinney	Stinner
Brandt	Flood	Hunt	Moser	Wayne
Cavanaugh, J.	Friesen	Kolterman	Murman	Williams
Clements	Geist	Lathrop	Pahls	Wishart
DeBoer	Gragert	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Aguilar	Groene	Lindstrom	Morfeld
Arch	Halloran	Lowe	Slama

Excused and not voting, 12:

Blood	Briese	Hansen, B.	McDonnell
Bostar	Cavanaugh, M.	Hansen, M.	Vargas
Brewer	Day	Hilkemann	Walz

The appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

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

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

Senator Pansing Brooks name added to LB51.

Senator Hunt name added to LB59.

Senator Hansen, M. name added to LB156.

Senator Lowe name added to LB188.

Senator Hansen, M. name added to LB275.

Senator Lindstrom name added to LB643.

Senator Halloran name added to LB675.

**WITHDRAW - Cointroducer(s)**

Senator McCollister name withdrawn from LB263.

**VISITOR(S)**

The Doctor of the Day was Dr. Steven M. Williams from Omaha.

**ADJOURNMENT**

At 9:19 a.m., on a motion by Senator Sanders, the Legislature adjourned until 9:00 a.m., Friday, February 5, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 5, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 5, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator McDonnell.

**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, Day, and Moser who were excused; and Senators B. Hansen, Hunt, McCollister, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications  
Room 1113

Tuesday, February 16, 2021 1:30 p.m.  
LB610  
LB339 (reschedule)  
LB670

(Signed) Curt Friesen, 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.

John E. Walvoord - Beginning Farmer Board

Aye: 8. Brandt, Brewer, Cavanaugh, J., Gragert, Groene, Halloran, Hansen, B., Lathrop. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, 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 February 4, 2021, 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

Chandler, Thomas  
Aircraft Owners and Pilots Association (AOPA)  
Eynon-Kokrda, Elizabeth  
Teacher's College - Columbia University  
Gottschalk, Kristen  
Nebraska Rural Electric Association (Withdrawn 01/29/2021)  
Houghton Bradford Whitted PC, LLO  
Burlington Capital  
Jensen Rogert Associates, Inc.  
ABATE of Nebraska, Inc.  
Kelley Plucker, LLC  
Omaha Exposition and Racing, Inc.  
Mueller Robak  
LKQ Corporation  
Nebraska Council of School Administrators  
Nowka & Edwards  
Grand Island Northwest Public Schools (Withdrawn 01/29/2021)  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
American Institute of Architects, Nebraska Chapter



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 38.** Introduced by Kolterman, 24.

WHEREAS, Charles "Chuck" Matzke is a Seward native and long-time member of the Seward Rotary Club; and

WHEREAS, Chuck reached his 50 year anniversary of membership with the Seward Rotary Club on February 1, 2021; and

WHEREAS, Chuck is the first member of the Seward Rotary Club to achieve 50 years of continuous membership to the club; and

WHEREAS, Chuck first joined the Seward Rotary Club on February 1, 1971, after being nominated and sponsored by Tom Wake, Jr., while both were working at Jones Bank in Seward; and

WHEREAS, Chuck has held almost every office in the Seward Rotary Club, including president of the club from 1978 to 1979; and

WHEREAS, Chuck has lived up to the Rotary motto of "Service Above Self" and continues to assist with club activities including the Dictionary Project. Chuck and his wife Jan travel the county handing out free Webster dictionaries to area third graders on behalf of the Rotary; and

WHEREAS, Chuck and Jan have been involved with numerous other community and civic causes over the years, taking an active role in organizations such as the Seward Chamber of Commerce, Seward Memorial Library, Seward National Guard Museum, Seward Magazine Club, Seward United Methodist Church, and the Seward Tree Board among others; and

WHEREAS, Chuck was honored by the Seward Rotary Club with mementos to commemorate his 50th anniversary of membership at a celebration on February 10, 2021.

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

1. That the Legislature congratulates Charles "Chuck" Matzke on his 50 year anniversary of membership to the Seward Rotary Club and thanks him for his service to his community.

2. That a copy of this resolution be sent to Charles "Chuck" Matzke.

Laid over.

**ANNOUNCEMENT**

Senator Kolterman announced the birthday of Senator Williams.

**SPEAKER HILGERS PRESIDING****UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Pahls name added to LB4.

Senator Aguilar name added to LB4.  
Senator Clements name added to LB4.  
Senator Slama name added to LB4.  
Senator Walz name added to LB4.  
Senator Dorn name added to LB4.  
Senator Bostar name added to LB4.  
Senator Halloran name added to LB4.  
Senator Blood name added to LB41.  
Senator Blood name added to LB242.  
Senator Sanders name added to LB250.  
Senator Slama name added to LB387.  
Senator Lathrop name added to LB486.  
Senator Clements name added to LR3CA.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Doug Dunning of Omaha.

#### **ADJOURNMENT**

At 9:17 a.m., on a motion by Senator Flood, the Legislature adjourned until 9:00 a.m., Monday, February 8, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-THIRD DAY - FEBRUARY 8, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 8, 2021

**PRAYER**

The prayer was offered by Senator Murman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Moser.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer, Day, Flood, Groene, Hughes, McCollister, and Slama who were excused; and Senators Bostar, M. Cavanaugh, Dorn, B. Hansen, M. Hansen, Hunt, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Education  
Room 1525

Tuesday, February 16, 2021 1:30 p.m.

LB359

LB527

LB538

(Signed) Lynne Walz, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, February 17, 2021 9:30 a.m.  
LB76

Wednesday, February 17, 2021 1:30 p.m.  
LR3CA

Thursday, February 18, 2021 9:30 a.m.  
LB590  
LB125  
LB635

Thursday, February 18, 2021 1:30 p.m.  
LR24CA  
LB475  
LB477

Friday, February 19, 2021 9:30 a.m.  
LB652

Friday, February 19, 2021 1:30 p.m.  
LB179

(Signed) Tom Brewer, Chairperson

Nebraska Retirement Systems  
Room 1525

Tuesday, February 16, 2021 12:00 p.m.  
LB586 (reschedule)

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 35.** Placed on General File.

**LEGISLATIVE BILL 93.** Placed on General File.

**LEGISLATIVE BILL 94.** Placed on General File.

**LEGISLATIVE BILL 368.** Placed on General File with amendment.

[AM66](#)

- 1 1. On page 2, strike beginning with the colon in line 17 through
- 2 "Assess" in line 18 and insert "assess"; in lines 21, 23, 26, and 29
- 3 strike "subdivision" and insert "subsection"; and in line 31 strike ";
- 4 and" and insert an underscored period.
- 5 2. On page 3, strike lines 1 and 2.

**LEGISLATIVE BILL 369.** Placed on General File with amendment.

[AM67](#)

1 1. On page 3, line 13, after the semicolon insert "and"; strike  
2 lines 14 through 16; and in line 17 strike "(c)" and insert "(b)".

(Signed) Tom Brewer, Chairperson

## ATTORNEY GENERAL'S OPINION

### Opinion 21-001

**SUBJECT:** Whether Initiative Measure 430, which permits the operation of "games of chance" only by authorized gaming operators within licensed racetrack enclosures "[n]otwithstanding any other provision of law," removes the authorization to conduct other forms of gaming which have been previously permitted (LB 580).

**REQUESTED BY:** Senator Mike Moser  
Nebraska Legislature

**WRITTEN BY:** Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

### INTRODUCTION

In November, Nebraska voters approved three initiative measures related to expanded gambling. Initiative Measure 429 amended Neb. Const. art. III, § 24, by adding a new subsection (5) permitting legislative authorization "of all forms of games of chance when such games of chance are conducted by authorized gaming operators within a licensed racetrack enclosure." Initiative Measure 430 enacted a statute (known as the "Nebraska Racetrack Gaming Act" or "NRGA") permitting the operation of games of chance by authorized gaming operators within licensed racetrack enclosures. Initiative Measure 431 enacted a statute providing for the taxation of revenue generated by authorized gaming operators conducting games of chance at licensed racetrack locations, and the distribution of those tax revenues.

Section 2 of the NRGA provides that, "[n]otwithstanding any other provision of law, . . . the operation of games of chance is permitted only by authorized gaming operators within licensed racetrack enclosures." You have requested our opinion as to whether "the word 'only' in [this section] supersede[s] prior gambling legislation and in doing so remove[s] the authorization for other forms of gambling the conduct of which was previously lawfully authorized?" If we conclude this section has such effect, you ask how this impacts existing statutory exclusions from criminal liability for persons and entities continuing to conduct those forms of gambling. To address these concerns, you have introduced LB 580, which

proposes to remove the word "only" from section 2 of the NRG. You further ask whether "removing the word 'only' make[s] table games permissible at other locations beyond 'licensed race track enclosures?'"

### ANALYSIS

#### A. Relevant constitutional and statutory provisions.

Neb. Const. art. III, § 24(1) provides:

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. (emphasis added).

In *State ex rel. McNally v. Evnen*, 307 Neb. 103, 948 N.W.2d 463 (2020) ["*McNally*"], the Nebraska Supreme Court found that submission of Initiative Measures 429, 430, and 431 did not violate the "single subject" requirement in Neb. Const. art. III, § 2. Discussing the history of the enactment of exceptions to the constitutional prohibition against "any game of chance or any lottery or gift enterprise," a plurality of the Court stated:

Article III, § 24, of the Nebraska Constitution, which the Constitutional Initiative proposes to amend, begins: "[e]xcept as provided in this section, the Legislature shall not authorize any game of chance or any lottery ...." (Emphasis supplied.) This is an invitation to authorize expanded gambling by way of exceptions and, indeed, that has occurred. Both the people (through initiative) and the Legislature (by authorization) have accepted the invitation in art. III, § 24(1), to expand gambling. See art. III, § 24(2) through (4). Art. III, § 24, has been amended to include exceptions which permit, inter alia, wagering on horses at racetracks and, separately, lotteries. The proposed Constitutional Initiative exception accepts the constitutional offer to expand gambling and would permit games of chance at racetracks. *Id.* at 122-23, 948 N.W.2d at 479 (plurality opinion).

In his concurring opinion, Justice Cassel similarly described Initiative Measure 429 as follows:

The primary purpose of the proposal is to provide another exception to the basic prohibition of games of chance, lotteries, and gift enterprises under article III, § 24(1). The detail of "where" is naturally and necessarily related to the "what." Expansion of gaming presumes some location. The racetrack limitation merely specifies the place. 307 Neb. at 135, 948 N.W.2d at 486 (Cassel, J., concurring).

As noted in *McNally*, exceptions to the general prohibition against legislation authorizing "any game of chance or any lottery or gift enterprise"

have been made over the years by amendments to art. III, § 24, approved by the voters. One of those amendments, approved in 1968, allowed the Legislature to enact laws to authorize and regulate "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." Neb. Const. art. III, § 24 (Cum. Supp. 1969). Another amendment, approved in 1992, permitted the Legislature to authorize a state lottery. Neb. Const. art. III, § 24(3) (Supp. 1993).<sup>1</sup> Subsection (2) of art. III, § 24, which reflects these amendments, currently provides:

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.

Consistent with these amendments, the Legislature has enacted laws authorizing the various forms of gaming permitted by the exceptions for the state lottery and "other lotteries, raffles, and gift enterprises" conducted for specified purposes. *See* Nebraska Pickle Card Lottery Act, Neb. Rev. Stat. §§ 9-301 to 9-356 (2012 and Cum. Supp. 2020); Nebraska Lottery and Raffle Act, Neb. Rev. Stat. §§ 9-401 to 9-437 (2012 and Cum. Supp. 2020); Nebraska Small Lottery and Raffle Act, Neb. Rev. Stat. §§ 9-501 to 9-513 (2012); Nebraska County and City Lottery Act, Neb. Rev. Stat. §§ 9-601 to 9-653 (2012 and Cum. Supp. 2020); Gift Enterprises, Neb. Rev. Stat. § 9-701 (Cum. Supp. 2020); and the State Lottery Act, Neb. Rev. Stat. §§ 9-801 to 9-841 (2012 and Cum. Supp. 2020).<sup>2</sup> Prior to enactment of the NRG, Neb. Rev. Stat. § 28-1113 (2016), part of the criminal statutes prohibiting gambling activities in Article 11 of Chapter 28, provided:

Nothing in this article shall be construed to:

(1) Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings; or

(2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701.

**B. The Constitution distinguishes games of chance from other forms of gaming.**

Subsection (1) of art. III, § 24, prohibits "any game of chance or any

lottery or gift enterprise" unless an exception is allowed in that section of the Constitution. As noted, exceptions have been carved out for parimutuel wagering on horse races, bingo conducted by qualified nonprofit associations, the state lottery, and lotteries, raffles and gift enterprises conducted for specified purposes. Initiative 429 added a new exception allowing games of chance when conducted by authorized gaming operators at licensed racetracks.

In Op. Att'y Gen. No. 95085 (Nov. 17, 1995), this office considered whether slot machines or other electronic gaming devices could be authorized as "lotteries" if operated for community betterment purposes. Recognizing that "games of chance" and "lotteries" both share the common elements of prize, chance, and consideration, we concluded that, if the term "lottery" in the Constitution was "construed to authorize any scheme involving the elements of prize, chance, and consideration, the prohibition against 'games of chance' would be rendered meaningless." *Id.* at 22. Thus, we concluded that, "in order to give effect to the separate recognition of 'games of chance' and 'lotteries' under art. III, § 24, the term 'games of chance' must be interpreted as a broad prohibition against gambling activities, and the term 'lotteries,' under the exception allowing such for community betterment purposes, must be interpreted in a narrower sense, as involving schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing." *Id.* at 23.

"It is a fundamental principle of constitutional interpretation that each and every clause within a constitution has been inserted for a useful purpose." *Banks v. Heineman*, 286 Neb. 390, 398, 837 N.W.2d 70, 77-78 (2013). A constitutional provision "must be construed as a whole, and no part will be rejected as meaningless or surplusage, if such can be avoided." *State ex rel. State Ry. Comm'n v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 207 (1949). By using both the terms "game of chance" and "lottery" in art. III, § 24, the Constitution necessarily distinguishes these two forms of gaming. The terms "game of chance" and "lottery" in art. III, § 24, must be given separate and distinct meanings in order to give effect to both, and to avoid a construction rendering one of such terms as meaningless or surplusage.

**C. The forms of gaming previously authorized under the specific exceptions in art. III, § 24, are distinct from the broad "games of chance" permitted by the passage of Initiative Measure 429.**

As noted above, the forms of gaming the Legislature has authorized under exceptions in art. III, § 24, include parimutuel wagering on horse races, bingo, lotteries (including a state lottery), raffles, and gift enterprises. There was no exception permitting legislative authorization of any "game of chance" prior to adoption of Initiative Measure 429.

The statutes authorizing these forms of gaming reflect their distinction from the broad term "games of chance." In particular, the various statutes



pertaining to permissible "lotteries" are limited to schemes involving some form of tickets where winners are either predetermined or selected by random drawing. *See, e.g.*, Neb. Rev. Stat. §§ 9-312 and 315 (2012); Neb. Rev. Stat. § 9-411(1) (2012); Neb. Rev. Stat. § 9-507(1) (2012); Neb. Rev. Stat. § 9-607(1)(c)(i) (2012)<sup>3</sup>; Neb. Rev. Stat. § 9-803(4) (2012).

The Nebraska Supreme Court has recognized the distinction drawn by the Constitution between keno, a form of lottery authorized under the Nebraska County and City Lottery Act, and "games of chance." In *Stewart v. Advanced Gaming Technologies, Inc.*, 272 Neb. 471, 723 N.W.2d 65 (2006) ["*Stewart*"], the Court held a video keno initiative did not violate the resubmission clause in Neb. Const. art. III, § 2, because it proposed to amend statutes authorizing a lottery and was thus different from a prior measure proposing to allow games of chance at casinos. The Court noted the constitutional distinction between "games of chance" and "lotteries":

In deciding the resubmission issue, it is important to note that a distinction is made in article III, § 24, between a "game of chance" and a "lottery." In paragraph (1) of article III, § 24, "game of chance" and "lottery" are referred to as distinct activities that are generally prohibited. However, paragraphs (2) and (3) provide that a "lottery" may be authorized under certain conditions and with certain requirements. Lotteries have been authorized by the Legislature pursuant to certain statutes, including the Nebraska City and County Lottery Act [sic]. Keno in its traditional paper form has been authorized as a form of "lottery" under the Nebraska City and County Lottery Act [sic]. See § 9-607(1)(c)(ii). Whereas Initiative 417 proposed a constitutional amendment to permit the authorization of enactments by initiative permitting "games of chance" and Initiative 420 proposed a statutory amendment to authorize certain "games of chance," the Video Keno Initiative proposes to amend the statutory term "lottery" to authorize an additional method of playing keno. The Video Keno Initiative therefore has a fundamental theme of amending the types of legally authorized "lotteries," whereas the 2004 initiatives had a fundamental theme of expanding the types of constitutionally authorized "games of chance."

272 Neb. at 482, 723 N.W.2d at 74-75.<sup>4</sup>

Consistent with *Stewart*, and our 1995 opinion, "lotteries" authorized by art. III, § 24, are not "games of chance" for purposes of art. III, § 24. The same would apply to the other exceptions authorizing gaming in the form of parimutuel wagering on horse races, bingo, raffles, and gift enterprises.

**D. Initiative Measure 429 did not alter the exceptions in art. III, 24, allowing forms of gaming other than "games of chance."**

Initiative Measure 429 amended Neb. Const. art. III, § 24, by adding a new subsection (5) permitting legislative authorization "of all forms of games of chance when such games of chance are conducted by authorized

gaming operators within a licensed racetrack enclosure." The initiative did not alter or amend any of the language in art. III, § 24, permitting the Legislature to allow gaming in the form of parimutuel wagering on horse races, bingo, lotteries, raffles, and gift enterprises. As these are distinct forms of gaming for purposes of art. III, § 24, the authorization of "games of chance" at licensed racetracks under Initiative Measure 429 did not affect the constitutional authorization for these other forms of gaming or limit their conduct to racetracks.

**E. Initiative Measure 430 applies only to "games of chance" conducted by authorized operators at licensed racetracks as allowed by Initiative Measure 429.**

The NRGAs, enacted by Initiative Measure 430, implements the constitutional amendment in Initiative Measure 429 by authorizing games of chance at licensed racetracks. Section 2 of the Initiative Measure 430 does so by providing:

Notwithstanding any other provision of law, and to the full extent permitted by the Constitution of Nebraska, including amendments to the Constitution of Nebraska adopted contemporaneously with the enactment of the Nebraska Racetrack Gaming Act, the operation of games of chance is permitted only by authorized operators within licensed racetrack enclosures as provided in the act.

For purposes of the NRGAs, "[g]ame of chance means any game which has the elements of chance, prize, and consideration, including any wager on a slot machine, table game, counter game, or card game." Initiative Measure 430, § 3(3). "Game of chance does not include any game the operation of which is prohibited at a casino by federal law." *Id.*

Your initial question is whether the word "only" in § 2 of the NRGAs "supersede[s] prior gambling legislation and in doing so remove[s] the authorization for other forms of gambling the conduct of which was previously lawfully authorized?" You express concern that, by permitting "games of chance" to be conducted "only" by authorized operators at licensed racetracks, "[n]otwithstanding any other provision of law", the NRGAs takes away the prior authorization for gaming such as "the Nebraska State Lottery, City and County Lotteries, Pickle Card[s], Bingo, and business promotions."

In construing a statute, effect must be given to its purpose and intent "as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense." *Piska v. Nebraska Dep't of Social Services*, 252 Neb. 589, 594, 567 N.W.2d 544, 547 (1997). If possible, a statute should be construed to avoid "absurd, unconscionable, or unjust results." *In re Estate of Eickmeyer*, 262 Neb. 17, 22, 628 N.W.2d 246, 250 (2001).

Initiative Measure 429 created a specific exception allowing "games of

chance" when conducted by authorized gaming operators within licensed racetrack enclosures. Initiative Measure 430 properly recognizes that the constitutional amendment allows "games of chance" to be conducted "only" by authorized operators within licensed racetrack enclosures. The plain meaning of Initiative Measure 430, § 2, is that, "[n]otwithstanding any other provision of law," "games of chance" are permitted only when conducted by authorized gaming operators within licensed racetrack enclosures. The Constitution has long distinguished between "games of chance" and other forms of gaming, such as parimutuel wagering on horse races, the state lottery, bingo, lotteries, raffles, and gift enterprises. Those other forms of gaming have been authorized under separate exceptions in art. III, § 24, none of which were altered by the passage of Initiative Measure 429. Construing Initiative Measure 430, § 2, to impact forms of gaming previously allowed under different exceptions in art. III, § 24, is inconsistent with the limited authorization of "games of chance" at licensed racetrack enclosures under the initiative measures, and would lead to an absurd and unjust result.

Further, examination of the NRGGA in its entirety reveals no intent to affect the conduct of other forms of gaming. Sections 8 to 10 amended several criminal statutes relating to gambling which exclude from their operation activities under "the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701" [Gift Enterprises]. The amendments add activities under "the Nebraska Racetrack Gaming Act" to the list of gaming excluded from the criminal statutes. Section 8(1) (Definition of advancing gambling activity); Section 8(4) (Definition of engaging in gambling); Section 9 (Possession of gambling records). Also, "game of chance" is added to the list of permissible activities when conducted under the NRGGA. Section 8(4)(d) (Definition of engaging in gambling); Section 8(5) (Definition of gambling device). Further, Section 10 retains the language in Neb. Rev. Stat. § 28-1113 providing:

Nothing in this article shall be construed to:

- (1) Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings;
- (2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701.

Section 10 adds a new subsection (3) stating the article also does not

[a]pply to or prohibit the operation of games of chance, whether using a gambling device or otherwise, by authorized gaming operators within licensed racetrack enclosures or the participation or playing of such games of chance, whether participated in or played using a gambling device or otherwise, by individuals twenty-one years of age or older within licensed racetrack enclosures as provided in the Nebraska Racetrack Gaming Act.

Statutes relating to the same subject matter are construed together "so as to maintain a consistent and sensible scheme." *Japp v. Papio-Missouri River Natural Resources Dist.*, 271 Neb. 968, 973, 716 N.W.2d 707, 711 (2006). Construing the related provisions of the NRGAs together, the initiative recognizes the distinction between its authorization of "games of chance" permitted only when conducted by authorized operators within licensed racetrack enclosures, and the other forms of gaming authorized under separate exceptions in art. III, 24, which the Legislature has permitted by statute.

Moreover, "[r]epeals by implication are not favored." *State v. Thompson*, 294 Neb. 197, 202, 881 N.W.2d 609, 613 (2016). "A statute will not be considered repealed by implication unless the repugnancy between the new provision and the former statute is plain and unavoidable." *Id.* "In determining whether the new enactment is repugnant, we look at the new enactment for any indication of an evident legislative intent to repeal the former statute." *Id.* Construing Measure 430 to remove the statutory authority to conduct other forms of gaming previously permitted would, in effect, amount to a repeal of those statutes by implication. Such a construction is unwarranted, as Measure 430 does not indicate an intent to affect any existing law permitting forms of gaming previously authorized.

In sum, nothing indicates Initiative Measure 430 was intended to impact or restrict the conduct of these other forms of gaming previously permitted under separate constitutional authority. We therefore conclude the measure does not "supersede" or "remove" authorization to conduct other lawful forms of gaming including parimutuel wagering on horse races, bingo, the state lottery, and lotteries, raffles, or gift enterprises. Having concluded that Initiative Measure 430 does not have such effect, we need not address your second question asking how this impacts existing statutory exclusions from criminal liability for persons and entities continuing to conduct those forms of gambling. The simple answer is it has no effect. In fact, as noted above, those exclusions are retained in Initiative Measure 430.

Finally, you ask whether LB 580, which proposes to remove the word "only" from Section 2 of Initiative 430, would make "table games permissible at other locations beyond 'licensed race track enclosures'"?

While you do not define "table games," the term is commonly associated with games of chance such as blackjack, craps, and roulette. Removing the word "only" from Section 2 would not authorize table games, or any other

games of chance, at locations other than licensed racetrack enclosures. The measure would then provide "the operation of games of chance is permitted by authorized gaming operators within licensed racetrack enclosures." Even if the word "only" is removed, games of chance could still only be operated at licensed racetracks.

Again, Initiative Measure 429 authorizes only legislation permitting games of chance when "conducted by authorized gaming operators within a licensed racetrack enclosure." *McNally* confirms that Initiative Measure 430 requires games of chance allowed by Initiative Measure 429 be conducted by authorized operators within a licensed racetrack enclosure. 307 Neb. at 127, 948 N.W.2d at 482 ("[A]mong the features of that regulatory scheme is limiting operation of such games to racetrack enclosures.") (plurality opinion). Thus, legislation attempting to authorize games of chance at other locations is not permitted under this constitutional amendment. Initiative Measure 430 is consistent with this limitation.

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

07-1381-29

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<sup>1</sup>In addition, parimutuel wagering on horse races when conducted within licensed racetrack enclosures was approved in 1934. Neb. Const. art. III, § 24 (Comp. Stat. 1934). A 1958 amendment approved allowing laws providing for the licensing and regulation of bingo games conducted by nonprofit associations in existence for five years. Neb. Const. art. III, § 24 (Cum. Supp. 1959). In 1988, an amendment was approved which authorized parimutuel wagering on the results of horse races "wherever run either within or outside of the state . . ." Neb. Const. art. III, § 24 (Supp. 1989).

<sup>2</sup>The Legislature has also acted to permit wagering on horse races (including intrastate and interstate simulcast wagering) and the conduct of bingo. *See* Neb. Rev. Stat. §§ 2-1201 to 2-1222 (2012 and Cum. Supp. 2020); Nebraska Bingo Act, Neb. Rev. Stat. §§ 9-201 to 9-266 (2012 and Cum. Supp. 2020).

<sup>3</sup>The Nebraska County and City Lottery Act also permits a keno lottery "in which a player selects up to twenty numbers from a total of eighty numbers on a paper ticket and a computer, other electronic selection device, or electrically operated blower machine which is not player-activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers on the paper ticket selected by the players with the numbers

randomly selected by the computer, other electronic selection device, or electrically operated blower machine." Neb. Rev. Stat. § 9-607(1)(c)(ii) (2012).

<sup>4</sup>The Court declined to consider a claim that the Video Keno Initiative could not be enacted by statute and would require an amendment to the Nebraska Constitution because the proposed authorization of video keno would violate Neb. Const. art. III, § 24. This claim was found to be "a substantive constitutional challenge that [was] not justiciable unless and until the voters approve[d] the Video Keno Initiative." 272 Neb. at 488, 723 N.W.2d at 78. The initiative was not approved by the voters. Nebraska Blue Book 2018-19 at 257. This office has opined that legislative attempts to authorize video or electronic forms of keno violate art. III, § 24, as such gaming is a prohibited "game of chance," not a permissible "lottery" for community betterment purposes. Op. Att'y Gen. No. 97013 (Feb. 13, 1997); Op. Att'y Gen. No. 96007 (Jan. 22, 1996).

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

Senator Brandt filed the following amendment to LB600:

##### AM148

- 1 1. On page 5, line 15, strike "as permitted by law and" and insert
- 2 "pursuant to sections 86-574 to 86-578 and,".
- 3 2. On page 8, line 23, strike the new matter and reinstate the
- 4 stricken matter.

Senator Kolterman filed the following amendment to LB16:

##### AM135

- 1 1. On page 6, strike lines 25 through 31 and insert the following
- 2 new subsection:
- 3 "(10) Beginning on July 1, 2023, or as soon thereafter as
- 4 administratively possible, and on July 1 or as soon thereafter as
- 5 administratively possible of each year thereafter, the State Treasurer
- 6 shall transfer from the General Fund to the Nebraska Retirement Fund for
- 7 Judges an amount equal to five percent of the total annual compensation
- 8 of all members of the retirement system. For purposes of this subsection,
- 9 total annual compensation is based on the total member compensation
- 10 reported in the most recent actuarial valuation report for the retirement
- 11 system prepared pursuant to section 84-1503."
- 12 2. On page 7, strike lines 1 and 2.

#### ANNOUNCEMENT(S)

Priority designation(s) received:

Sanders - LB389

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 39.** Introduced by Cavanaugh, M., 6.

WHEREAS, Amanda Gorman of Los Angeles, California, became the first Los Angeles Youth Poet Laureate in 2014 and the first National Youth Poet Laureate of the United States in 2017; and

WHEREAS, she is the youngest known poet to present at a presidential inauguration; and

WHEREAS, Amanda Gorman recited her original poem, "The Hill We Climb", at the fifty-ninth presidential inauguration on January 20, 2021; and

WHEREAS, her poem is a call for unity and reconciliation in the American public; and

WHEREAS, she derived inspiration for her poem after studying great American leaders, including Frederick Douglass, Abraham Lincoln, and Martin Luther King, Jr.; and

WHEREAS, she overcame a speech impediment to become a performing poet laureate and orator.

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

1. That the Nebraska Unicameral Legislature congratulates Amanda Gorman for overcoming many challenges, achieving historic success, and presenting her poetry at the inauguration of the forty-sixth President of the United States, Joseph R. Biden, Jr.

2. That a copy of this resolution be delivered to Amanda Gorman.

Laid over.

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

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

Senator Morfeld name added to LB4.

Senator Hilkemann name added to LB4.

Senator Brandt name added to LB4.

Senator Murman name added to LB4.

Senator Moser name added to LB4.

Senator Lindstrom name added to LB4.

Senator Albrecht name added to LB4.

Senator Cavanaugh, M. name added to LB4.

Senator Williams name added to LB4.

Senator Vargas name added to LB4.

Senator Hunt name added to LB11.

Senator Geist name added to LB461.

Senator Moser name added to LB542.

Senator Murman name added to LB595.

Senator Murman name added to LB596.

**VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

**ADJOURNMENT**

At 9:23 a.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Tuesday, February 9, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FOURTH DAY - FEBRUARY 9, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 9, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Murman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Lindstrom and McCollister who were excused; and Senators Bostar, M. Cavanaugh, Groene, B. Hansen, Hunt, McKinney, Pahls, Slama, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Banking, Commerce and Insurance  
Room 1507

Tuesday, February 16, 2021 1:30 p.m.

LB439

LB530

LB612

LB602

(Signed) Matt Williams, Chairperson

Appropriations  
Room 1524

Tuesday, February 16, 2021 1:30 p.m.

LB576

LB646

LB671

LB588

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

Urban Affairs  
Room 1510

Tuesday, February 16, 2021 1:30 p.m.

LB168

LB96

LB81

(Signed) Justin Wayne, Chairperson

Executive Board  
Room 1525

Wednesday, February 17, 2021 12:00 p.m.

LB107

LR18CA

Thursday, February 18, 2021 12:00 p.m.

LB658

LB659

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services**LEGISLATIVE BILL 100.** Placed on General File.**LEGISLATIVE BILL 101.** Placed on General File.**LEGISLATIVE BILL 351.** Placed on General File.**LEGISLATIVE BILL 476.** Placed on General File.**LEGISLATIVE BILL 533.** Placed on General File.

**LEGISLATIVE BILL 401.** Placed on General File with amendment.

[AM59](#)

1 1. On page 2, line 14, strike the new matter, strike "Hastings" and  
2 show as stricken, and strike the second comma and show as stricken.

(Signed) John Arch, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 4 present  
and not voting, and 11 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue  
Room 1524

Wednesday, February 17, 2021 9:30 a.m.

LB292  
LB367  
LB524  
LB613

Wednesday, February 17, 2021 1:30 p.m.

LB291  
LB521  
LB611  
LB622

Thursday, February 18, 2021 9:30 a.m.

LB310  
LB377  
LB40

Thursday, February 18, 2021 1:30 p.m.

LB502  
LB544  
LB547

Friday, February 19, 2021 9:30 a.m.

LB39  
LB181  
LB479

Friday, February 19, 2021 1:30 p.m.

LB175  
LB178  
LB233  
LB350

Wednesday, February 24, 2021 9:30 a.m.

LB115

LB457

Wednesday, February 24, 2021 1:30 p.m.

LB26

LB595

LB672

Thursday, February 25, 2021 9:30 a.m.

LB64

LB237

LB410

Thursday, February 25, 2021 1:30 p.m.

LB299

LB347

LB625

LB680

Friday, February 26, 2021 9:30 a.m.

LB18

LB84

Friday, February 26, 2021 1:30 p.m.

LB134

LB523

(Signed) Lou Ann Linehan, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 40.** Introduced by McDonnell, 5.

WHEREAS, Harold A. Schaitberger began his firefighting career on August 1, 1966, at the age of twenty; and

WHEREAS, in 1970, Mr. Schaitberger started the organizing campaign that led to the establishment of the International Association of Fire Fighters (IAFF) Local 2068 in Fairfax County, Virginia; and

WHEREAS, in 1976, Mr. Schaitberger began his twenty-four-year tenure as the legislative and political director to help build the political and lobbying program for the IAFF; and

WHEREAS, Mr. Schaitberger was elected General President of the IAFF in 2000 and was reelected an additional four times, for a total of twenty years as leader of the IAFF; and

WHEREAS, under the leadership of Mr. Schaitberger, the IAFF significantly expanded research into how cancer is killing fire fighters and developed protocols to reduce fire fighter exposure to deadly toxins, created

the Wellness-Fitness Initiative and the Candidate Physical Ability Test, and provided assistance to the families of fire fighters who died as a result of the terrorist attacks on September 11, 2001; and

WHEREAS, the IAFF Center of Excellence for Behavioral Health Treatment and Recovery provides life-changing and life-saving treatment to fire fighters, including dozens from Nebraska; and

WHEREAS, the work of Mr. Schaitberger and the IAFF resulted in the passage of the federal Staffing for Adequate Fire and Emergency Response grant program, which has provided jobs for more than fifteen thousand fire fighters across the country, and the Assistance to Firefighters Grant program, which has provided billions of dollars for equipment, turnouts, self-contained breathing apparatuses, personal protective equipment, and training to departments across the nation; and

WHEREAS, the IAFF Disaster Relief Fund directly assisted Nebraska members following the catastrophic flooding in 2011 and 2020; and

WHEREAS, Mr. Schaitberger led the IAFF to create programs which promote diversity and welcome everyone into the association; and

WHEREAS, three hundred twenty thousand members of the International Association of Fire Fighters across North America, including one thousand three hundred members from Nebraska, have seen their safety, strength, and quality of life significantly improved under the leadership of Harold A. Schaitberger.

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

1. That the Legislature recognizes General President Harold A. Schaitberger for his leadership of the International Association of Fire Fighters and fifty-five-year career.
2. That a copy of this resolution be sent to Harold A. Schaitberger.

Laid over.

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

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

Senator Arch name added to LB4.

Senator Lathrop name added to LB4.

Senator Pansing Brooks name added to LB4.

Senator DeBoer name added to LB4.

Senator Flood name added to LB4.

Senator McDonnell name added to LB4.

Senator Williams name added to LB40.

Senator Briese name added to LB188.

Senator Murman name added to LB252.

Senator McDonnell name added to LB300.

Senator Aguilar name added to LB364.

Senator Hunt name added to LB451.

Senator Hunt name added to LB598.

**VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

**ADJOURNMENT**

At 9:19 a.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIFTH DAY - FEBRUARY 10, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 10, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Sanders.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Dorn and Hilkemann who were excused; and Senators M. Hansen, Hunt, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 37.** Placed on General File.

**LEGISLATIVE BILL 169.** Placed on General File.

**LEGISLATIVE BILL 255.** Placed on General File.

(Signed) Ben Hansen, 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.

Molly S. O'Holleran - Coordinating Commission for Postsecondary Education

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lynne Walz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**Urban Affairs  
Room 1510

Tuesday, February 23, 2021 9:30 a.m.

LB647

LB446

LB131

Tuesday, February 23, 2021 1:30 p.m.

LB555

LB556

LB653

Tuesday, March 2, 2021 1:30 p.m.

LB423

LB549

LB219

(Signed) Justin Wayne, Chairperson

Health and Human Services  
Room 1510

Thursday, February 18, 2021 9:30 a.m.

LB570

LB491

Thursday, February 18, 2021 1:30 p.m.

LB129

LB376

LB67

(Signed) John Arch, Chairperson



Appropriations  
Room 1525

Wednesday, February 17, 2021 9:30 a.m.

Agency 82 - Commission for the Deaf and Hard of Hearing  
Agency 81 - Commission for the Blind and Visually Impaired  
Agency 67 - Equal Opportunity Commission  
Agency 68 - Latino-American Commission  
Agency 70 - Foster Care Review Board, State  
Agency 76 - Indian Commission, Nebraska  
Agency 90 - African American Affairs Commission

Wednesday, February 17, 2021 1:30 p.m.

Agency 19 - Banking, Department of  
Agency 22 - Insurance, Department of  
Agency 87 - Accountability and Disclosure Commission  
Agency 65 - Administrative Services, Department of

Thursday, February 18, 2021 9:30 a.m.

LB192  
LB193  
LB304  
LB341  
Agency 11 - Attorney General  
Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

Thursday, February 18, 2021 1:30 p.m.

LB353  
Agency 5 - Supreme Court  
Agency 15 - Parole, Nebraska Board of  
Agency 46 - Correctional Services, Department of  
Agency 94 - Public Advocacy, Commission on  
Agency 64 - State Patrol, Nebraska

Friday, February 19, 2021 9:30 a.m.

LB103  
LB140  
LB488  
Agency 7 - Governor  
Agency 8 - Lieutenant Governor  
Agency 9 - Secretary of State  
Agency 10 - Auditor of Public Accounts  
Agency 12 - State Treasurer  
Agency 14 - Public Service Commission  
Agency 3 - Legislative Council

Friday, February 19, 2021 1:30 p.m.  
 Agency 69 - Arts Council, Nebraska  
 Agency 13 - Education, Department of  
 LB141  
 LB142  
 LB264  
 LB342  
 LB361

(Signed) John Stinner, Chairperson

Health and Human Services  
 Room 1510

Wednesday, February 17, 2021 9:30 a.m.  
 LB108  
 LB121  
 LB356

Wednesday, February 17, 2021 1:30 p.m.  
 LB554  
 LB628

(Signed) John Arch, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 41.** Introduced by Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

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 the United States 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 federal Servicemen's Readjustment Act of 1944, otherwise known as the GI Bill, and

WHEREAS, The Nebraska American Legion has over 29,000 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 and 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, 2021, marks the 102nd Anniversary of the founding of the American Legion.

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

1. That the Legislature congratulates the American Legion on reaching its 102nd anniversary.

2. That a copy of this resolution be sent to the American Legion Posts of Nebraska.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 288.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

### NOTICE OF COMMITTEE HEARING(S)

Banking, Commerce and Insurance  
Room 1507

Tuesday, February 23, 2021 9:30 a.m.

LB648

LB649

LB654

Monday, March 1, 2021 1:30 p.m.

LB20

LB30

Tuesday, March 2, 2021 1:30 p.m.

LB270

LB375

(Signed) Matt Williams, Chairperson

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

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

Senator Groene name added to LB4.

Senator Erdman name added to LB4.

Senator Hansen, B. name added to LB4.

Senator Albrecht name added to LB40.

Senator Blood name added to LB390.

**VISITOR(S)**

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

**ADJOURNMENT**

At 9:18 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 11, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 11, 2021

**PRAYER**

The prayer was offered by Senator Aguilar.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Slama.

**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 Dorn, Hilkemann, Lindstrom, and Stinner who were excused; and Senators B. Hansen, Hunt, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 407.** Placed on General File.

(Signed) Ben Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 90.** Placed on General File.

**LEGISLATIVE BILL 91.** Placed on General File with amendment.**AM96**

- 1 1. On page 2, line 9, strike the new matter and reinstate the  
 2 stricken matter.  
 3 2. On page 4, strike lines 12 through 15 and insert the following  
 4 new subdivisions:  
 5 "(19) Native plant species means any grass, sedge, rush, or forb  
 6 indigenous to North America prior to European settlement;  
 7 (20) Nonnative plant species means any grass, sedge, rush, or forb  
 8 not indigenous to North America prior to European settlement;".  
 9 3. On page 9, strike beginning with "or" in line 24 through  
 10 "ischaemum)" in line 25.  
 11 4. On page 16, strike lines 19 through 31, show the old matter as  
 12 stricken, and insert the following new subdivisions:  
 13 "(a)(i) Of a native plant species unless a test required by section  
 14 81-2,147.02 to determine the percentage of germination or a test to  
 15 determine the percentage of viability as indicated by a tetrazolium (TZ)  
 16 test has been completed within a twelve-month period, exclusive of the  
 17 calendar month in which the test was completed, immediately prior to  
 18 sale. Seeds packaged in hermetically sealed containers under the  
 19 conditions established in rules and regulations may be sold for a period  
 20 of thirty-six months after the last day of the month that the seeds were  
 21 tested prior to packaging. If the seeds in hermetically sealed containers  
 22 are sold more than thirty-six months after the last day of the month in  
 23 which they were tested prior to packaging, they shall have been retested  
 24 for germination or retested for viability as indicated by a tetrazolium  
 25 (TZ) test within a nine-month period, exclusive of the calendar month in  
 26 which the retest was completed, immediately prior to their sale; and  
 27 (ii) Of a nonnative plant species unless a test required by section  
 1 81-2,147.02 to determine the percentage of germination completed".  
 2 5. On page 17, lines 1 through 3, 15, and 16, strike the new matter.  
 3 6. On page 20, strike beginning with "described" in line 24 through  
 4 "the" in line 25, show the old matter as stricken, and insert "for which  
 5 a".

**LEGISLATIVE RESOLUTION 5.** Reported to the Legislature for further consideration with the following amendment:**AM197**

- 1 1. Strike the first RESOLVED paragraph and insert the following new  
 2 paragraph:  
 3 1. That the Legislature acknowledges the report, findings, and  
 4 recommendations that the Healthy Soils Task Force submitted to the  
 5 Governor and the Agriculture Committee of the Legislature.

(Signed) Steve Halloran, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education  
 Room 1525

Tuesday, February 23, 2021 9:30 a.m.

LB5

LB669

LB281

Tuesday, February 23, 2021 1:30 p.m.

LB550  
LB651  
LB396

Monday, March 1, 2021 9:30 a.m.

LR21CA  
LB378  
LB640

Monday, March 1, 2021 1:30 p.m.

LB630  
LB565  
LB200  
LB639

Tuesday, March 2, 2021 1:30 p.m.

LB62  
LB36  
LB87

(Signed) Lynne Walz, Chairperson

Health and Human Services  
Room 1510

Friday, February 19, 2021 9:30 a.m.

LB637  
LB494  
LB328

Friday, February 19, 2021 1:30 p.m.

LB516  
LB626  
LB183

(Signed) John Arch, Chairperson

Transportation and Telecommunications  
Room 1113

Tuesday, February 23, 2021 9:30 a.m.

LB522  
LB633  
LB504

Tuesday, February 23, 2021 1:30 p.m.

LB317  
LB166  
LB215

Monday, March 1, 2021 9:30 a.m.

LB486  
LB539

Monday, March 1, 2021 1:30 p.m.

LB575  
LB12

(Signed) Curt Friesen, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 10, 2021, 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

Baxter, Todd  
Charter Communications, Inc.  
D'Angelo, Nicholas  
Eaton Corporation  
Ebeler Rolf, Erin  
Associated General Contractors - Nebraska Building Chapter  
Ehlert, Tim  
Amazon.com Services LLC  
Ferris, Jay  
Nebraska Farm Bureau Federation  
Holmes, Amy  
Women's Center for Advancement (Withdrawn 02/10/2021)  
Husch Blackwell Strategies  
City of Ralston  
Mueller Robak  
Nature Conservancy, The  
Neilan Strategy Group  
Cavanaugh & Associates, P.C., L.L.O.  
Swanson, Ian  
Nebraska Farm Bureau Federation  
Zulkoski Weber LLC  
Nebraska Humane Society



**REPORTS**

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

**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 363:

Department of Banking and Finance  
Kelly J. Lammers, Director

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Gragert	McCollister	Pansing Brooks
Albrecht	Cavanaugh, M.	Halloran	McDonnell	Sanders
Arch	Clements	Hansen, M.	McKinney	Slama
Blood	Day	Hilgers	Morfeld	Walz
Bostar	Flood	Kolterman	Moser	Williams
Bostelman	Friesen	Linehan	Murman	Wishart
Brandt	Geist	Lowe	Pahls	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	DeBoer	Groene	Lathrop
Briese	Erdman	Hughes	

Excused and not voting, 8:

Dorn	Hilkemann	Lindstrom	Vargas
Hansen, B.	Hunt	Stinner	Wayne

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**SPEAKER HILGERS PRESIDING**

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 368:

Beginning Farmer Board  
John E. Walvoord

Voting in the affirmative, 37:

Aguilar	Cavanaugh, J.	Gragert	McCollister	Sanders
Albrecht	Cavanaugh, M.	Halloran	McDonnell	Slama
Arch	Clements	Hansen, M.	McKinney	Walz
Blood	Day	Hilgers	Morfeld	Williams
Bostar	Erdman	Kolterman	Moser	Wishart
Bostelman	Flood	Lathrop	Murman	
Brandt	Friesen	Linehan	Pahls	
Brewer	Geist	Low	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 3:

Briese	DeBoer	Groene
--------	--------	--------

Excused and not voting, 9:

Dorn	Hilkemann	Hunt	Stinner	Wayne
Hansen, B.	Hughes	Lindstrom	Vargas	

The appointment was confirmed with 37 ayes, 0 nays, 3 present and not voting, and 9 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 392:

Coordinating Commission for Postsecondary Education  
Molly S. O'Holleran

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	McDonnell	Sanders
Albrecht	Cavanaugh, M.	Hilgers	McKinney	Slama
Arch	Clements	Kolterman	Morfeld	Walz
Blood	Day	Lathrop	Moser	Williams
Bostar	Flood	Linehan	Murman	Wishart
Bostelman	Friesen	Low	Pahls	
Brandt	Geist	McCollister	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	DeBoer	Groene	Hansen, M.
Briese	Erdman	Halloran	

Excused and not voting, 9:

Dorn           Hilkemann    Hunt           Stinner       Wayne  
Hansen, B.   Hughes       Lindstrom     Vargas

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 33, 35, 36, and 37 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 33, 35, 36, and 37.

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

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

Senator Groene name added to LB364.  
Senator McDonnell name added to LB537.  
Senator Groene name added to LB675.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Douglas States from Lincoln.

#### **ADJOURNMENT**

At 9:22 a.m., on a motion by Senator McKinney, the Legislature adjourned until 9:00 a.m., Tuesday, February 16, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SEVENTH DAY - FEBRUARY 16, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 16, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Stinner.

**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 Dorn and Lindstrom who were excused; and Senators J. Cavanaugh, M. Cavanaugh, Flood, Friesen, Hunt, Vargas, and Wayne 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 1.** Placed on Select File.  
**LEGISLATIVE BILL 288.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 92.** Placed on General File.

(Signed) Lynne Walz, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 8, 2021

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

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

Contingent upon your approval, the following individuals are being  
appointed to the State Board of Health:

Donald Ostdiek, PT, 2105 South 87th Avenue, Omaha, NE 68124  
David J. Reese, 1830 Devoe Drive, Lincoln, NE 68506  
Colton Palmer, PMHNP, 1524 South 126 Street, Omaha, NE 68144

Contingent upon your approval, the following individual is being  
reappointed to the State Board of Health:

Joel R. Bessmer, M.D., 9461 Jackson Circle, Omaha, NE 68114

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 10, 2021

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

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

Contingent upon your approval, the following individual is being appointed

to the Nebraska State Fair Board:

Tom S. Dinsdale, 1919 Lamar Avenue, Grand Island, NE 68803

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 21.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 22.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 23.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 66.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 77.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 363.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 373.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

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

**LEGISLATIVE BILL 44.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 7 nays, 4 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 159.** 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.

**LEGISLATIVE BILL 163.** Title read. Considered.

#### **SPEAKER HILGERS PRESIDING**

Committee [AM9](#), found on page 333, was offered.

The committee amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 4.** Title read. Considered.

Committee [AM21](#), found on page 333, was offered.

The committee amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 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 323.** Title read. Considered.

Committee [AM41](#), found on page 344, was offered.

The committee amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.



Advanced to Enrollment and Review Initial with 29 ayes, 5 nays, 12 present and not voting, and 3 excused and not voting.

**ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 16, 2021, summarizing the recommended appropriations for the following biennium.

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

Wednesday, February 24, 2021 9:30 a.m.  
LB158  
LR10CA

Wednesday, February 24, 2021 1:30 p.m.  
LB188  
LB236

Thursday, February 25, 2021 9:30 a.m.  
LB557  
LB443

Thursday, February 25, 2021 1:30 p.m.  
LB257

Friday, February 26, 2021 9:30 a.m.  
LB284  
LR27CA

Friday, February 26, 2021 1:30 p.m.  
LB424

(Signed) Tom Brewer, Chairperson

Nebraska Retirement Systems  
Room 1507

Tuesday, February 23, 2021 4:00 p.m.  
LB144  
LB145  
LB146  
LB147  
LB582

Room 1525

Tuesday, March 2, 2021 12:00 p.m.  
LB478

Wednesday, March 3, 2021 12:00 p.m.  
LB184  
LB209

Keith Olson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

Appropriations  
Room 1507

Tuesday, February 23, 2021 1:30 p.m.  
Agency 32 - Educational Lands and Funds, Board of  
Agency 34 - Library Commission, Nebraska  
Agency 47 - Educational Telecommunications Commission, Nebraska

(Signed) John Stinner, Chairperson

#### **COMMITTEE REPORT(S)**

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.

Kate Sullivan - Nebraska Accountability and Disclosure Commission

Aye: 8. Blood, Brewer, Halloran, Hansen, M., Hunt, Lowe, McCollister, Sanders. Nay: 0. Absent: 0. 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.

Erin Bond - State Personnel Board

Aye: 8. Blood, Brewer, Halloran, Hansen, M., Hunt, Lowe, McCollister, Sanders. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**

## Judiciary

**LEGISLATIVE BILL 48.** Placed on General File.

**LEGISLATIVE BILL 57.** Placed on General File.

**LEGISLATIVE BILL 97.** Placed on General File.

**LEGISLATIVE RESOLUTION 20CA.** Placed on General File.

**LEGISLATIVE BILL 47.** Placed on General File with amendment.

[AM64](#)

1 1. On page 4, line 22, after "law" insert an underscored period; and

2 strike lines 23 and 24.

3 2. On page 6, line 18, strike "shall be joined" and insert "who is a

4 legal parent may join".

**LEGISLATIVE BILL 155.** Placed on General File with amendment.

[AM69](#)

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

2 sections:

3 Section 1. Section 43-1401, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-1401 For purposes of sections 43-1401 to 43-1418:

6 (1) Except as provided in subsection (2) of section 43-1411, child

7 means ~~Child shall mean~~ a child under the age of eighteen years born out

8 of wedlock;

9 (2) Child born out of wedlock means shall mean a child whose parents

10 were not married to each other at the time of its birth, except that a

11 child shall not be considered as born out of wedlock if its parents were

12 married at the time of its conception but divorced at the time of its

13 birth. The definition of legitimacy or illegitimacy for other purposes

14 shall not be affected by the provisions of such sections; and

15 (3) Support includes shall include reasonable education.

16 Sec. 2. Section 43-1411, Revised Statutes Cumulative Supplement,

17 2020, is amended to read:

18 43-1411 (1) A civil proceeding to establish the paternity of a child

19 may be instituted, in the court of the district where the child is

20 domiciled or found or, for cases under the Uniform Interstate Family

21 Support Act, where the alleged father is domiciled, by (a) the mother or

22 the alleged father of such child, either during pregnancy or within four

23 years after the child's birth, unless (i) a valid consent or

24 relinquishment has been made pursuant to sections 43-104.08 to 43-104.25

25 or section 43-105 for purposes of adoption or (ii) a county court or

26 separate juvenile court has jurisdiction over the custody of the child or

27 jurisdiction over an adoption matter with respect to such child pursuant

1 to sections 43-101 to 43-116 or (b) the guardian or next friend of such

2 child or the state, either during pregnancy or within eighteen years

3 after the child's birth. Summons shall issue and be served as in other

4 civil proceedings, except that such summons may be directed to the

5 sheriff of any county in the state and may be served in any county.

6 (2)(a) (2) Notwithstanding any other provision of law, a person

7 claiming to be the biological father of a child over which the juvenile

8 court already has jurisdiction may file a complaint to intervene in such

9 juvenile proceeding to institute an action to establish the paternity of

10 the child. The complaint to intervene shall be accompanied by an

11 affidavit under oath that the affiant believes he is the biological

12 father of the juvenile. No filing fee shall be charged for filing the

13 complaint and affidavit.

14 (b) Upon filing of the complaint and affidavit, the juvenile court  
 15 may shall enter an order pursuant to section 43-1414 to require genetic  
 16 testing and to require the juvenile to be made available for genetic  
 17 testing. The costs of genetic testing shall be paid by the intervenor,  
 18 the county, or the state at the discretion of the juvenile court. This  
 19 subsection does not authorize intervention by a person whose parental  
 20 rights to such child have been terminated by the order of any court of  
 21 competent jurisdiction.

22 (c) In determining whether to order genetic testing or establish  
 23 paternity pursuant to this subsection, the juvenile court may consider:

24 (i) The child's age;

25 (ii) The relationship between the child and any presumptive parent;

26 (iii) The relationship between the child and any parent whose rights  
 27 have been established by acknowledgment or court finding;

28 (iv) The relationship between the child and the intervenor;

29 (v) Whether the child could benefit or be harmed by establishing the  
 30 intervenor's paternity; and

31 (vi) Any other factor the juvenile court, in its discretion, deems  
 1 relevant.

2 (d) For purposes of this subsection, child means a person under the  
 3 age of eighteen years, regardless of whether the person was born out of  
 4 wedlock.

5 Sec. 3. Original section 43-1401, Reissue Revised Statutes of  
 6 Nebraska, and section 43-1411, Revised Statutes Cumulative Supplement,  
 7 2020, are repealed.

### **LEGISLATIVE BILL 245.** Placed on General File with amendment.

#### AM166

1 1. Insert the following new section:

2 Sec. 31. Section 43-166, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 43-166 (1) The adoptive parent or parents and the parent or parents  
 5 relinquishing a child for adoption may enter into a written agreement to  
 6 permit continuing communication and contact after the placement of an  
 7 adoptee between the adoptive parent or parents and the relinquishing  
 8 parent or parents in private or agency adoptions for adoptees not in the  
 9 custody of the Department of Health and Human Services as provided under  
 10 this section.

11 ~~(2)(a) In private adoptions, a parent or parents who relinquish a~~  
 12 ~~child for adoption shall be provided legal counsel of their choice~~  
 13 ~~independent from that of the adoptive parent or parents at the expense of~~  
 14 ~~the adoptive parent or parents prior to the execution of a written~~  
 15 ~~relinquishment and consent to adoption, or a communication and contact~~  
 16 ~~agreement under this section, unless specifically waived in writing.~~

17 ~~(b) In private and agency adoptions, a parent or parents~~  
 18 ~~contemplating relinquishment of a child for adoption shall be offered, at~~  
 19 ~~the expense of the adoptive parent or parents or the agency, at least~~  
 20 ~~three hours of professional counseling prior to executing a written~~  
 21 ~~relinquishment of parental rights or written consent to adoption. Such~~  
 22 ~~relinquishment or consent shall state whether the relinquishing parent or~~  
 23 ~~parents received or declined counseling.~~

24 ~~(2) (3) The terms of a communication and contact agreement entered~~  
 25 ~~into under this section may include provisions for (a) future contact or~~  
 26 ~~communication between the relinquishing parent or parents and the adoptee~~  
 27 ~~or the adoptive parent or parents, or both, (b) sharing information about~~  
 1 ~~the adoptee, or (c) other matters related to communication or contact~~  
 2 ~~agreed to by the parties.~~

3 ~~(3) (4) If the adoptee is fourteen years of age or older at the time~~  
 4 ~~of placement, a communication and contact agreement under this section~~

5 shall not be valid unless consented to in writing by the adoptee.

6 ~~(4) (5)~~ A court may approve a communication and contact agreement  
7 entered into under this section by incorporating such agreement by  
8 reference and indicating the court's approval of such agreement in the  
9 decree of adoption. Enforceability of a communication and contact  
10 agreement is not contingent on court approval or its incorporation into  
11 the decree of adoption.

12 ~~(5) (6)~~ Neither the existence of, nor the failure of any party to  
13 comply with the terms of, a communication and contact agreement entered  
14 into under this section shall be grounds for (a) setting aside an  
15 adoption decree, (b) revoking a written relinquishment of parental rights  
16 or written consent to adoption, (c) challenging the adoption on the basis  
17 of duress or coercion, or (d) challenging the adoption on the basis that  
18 the agreement retains some aspect of parental rights by the relinquishing  
19 parent or parents.

20 ~~(6) (7)~~ A communication and contact agreement entered into under  
21 this section may be enforced by a civil action. A court in which such  
22 civil action is filed may enforce, modify, or terminate a communication  
23 and contact agreement entered into under this section if the court finds  
24 that (a) enforcing, modifying, or terminating the communication and  
25 contact agreement is necessary to serve the best interests of the  
26 adoptee, (b) the party seeking to enforce, modify, or terminate the  
27 communication and contact agreement participated in, or attempted to  
28 participate in, mediation in good faith or participated in other  
29 appropriate dispute resolution proceedings in good faith to resolve the  
30 dispute prior to filing the petition, and (c) when seeking to modify or  
31 terminate the agreement, a material change in circumstances has arisen  
1 since the parties entered into the communication and contact agreement  
2 that justifies modifying or terminating the agreement.

3 ~~(7) (8)~~ If the adoption was through an agency, the agency which  
4 accepted the relinquishment from the relinquishing parent or parents  
5 shall be invited to participate in any mediation or other appropriate  
6 dispute resolution proceedings as provided in subsection ~~(6) (7)~~ of this  
7 section.

8 ~~(8) (9)~~ With any communication and contact agreement entered into  
9 under this section, the following shall appear on the communication and  
10 contact agreement: No adoption shall be set aside due to the failure of  
11 the adoptive parent or parents or the relinquishing parent or parents to  
12 follow the terms of this agreement or a later order modifying or  
13 terminating this agreement. Disagreement between the parties or a  
14 subsequent civil action brought to enforce, modify, or terminate this  
15 agreement shall not affect the validity of the adoption and shall not  
16 serve as a basis for orders affecting the custody of the child. The court  
17 shall not act on a petition to enforce, modify, or terminate this  
18 agreement unless the petitioner has participated in, or attempted to  
19 participate in, mediation in good faith or participated in other  
20 appropriate dispute resolution proceedings in good faith to resolve the  
21 dispute prior to filing the petition.

22 ~~(9) (10)~~ The court shall not award monetary damages as a result of  
23 the filing of a civil action pursuant to subsection ~~(6) (7)~~ of this  
24 section.

25 2. On page 7, after line 8, insert the following new subsection:

26 "(9)(a) In private adoptions not involving relinquishment of a child  
27 to the state or to a licensed child placement agency, a parent or parents  
28 who relinquish a child for adoption shall be provided legal counsel of  
29 their choice independent from that of the adoptive parent or parents.  
30 Such counsel shall be provided at the expense of the adoptive parent or  
31 parents prior to the execution of a written relinquishment and consent to  
1 adoption or execution of a communication and contact agreement under  
2 section 43-166, unless specifically waived in writing.

3 (b) In private adoptions and adoptions involving relinquishment of a  
 4 child to a licensed child placement agency other than the state, a parent  
 5 or parents contemplating relinquishment of a child for adoption shall be  
 6 offered, at the expense of the adoptive parent or parents or the agency,  
 7 at least three hours of professional counseling prior to executing a  
 8 written relinquishment of parental rights or written consent to adoption.  
 9 Such relinquishment or consent shall state whether the relinquishing  
 10 parent or parents received or declined counseling."  
 11 3. On page 11, line 16, after "days" insert "after the later"; and  
 12 strike beginning with "filing" in line 16 through "Custody" in line 17,  
 13 show the old matter as stricken, and insert "birth of the child or the  
 14 objecting father's receipt of notice under sections 43-104.12 to  
 15 43-104.14".  
 16 4. On page 21, line 15, after the second "the" insert "county court  
 17 or juvenile" and after "court" insert "having jurisdiction".  
 18 5. Renumber the remaining sections and correct the repealer  
 19 accordingly.

**LEGISLATIVE BILL 453.** Placed on General File with amendment.

[AM198](#)

1 1. On page 2, line 7; and page 3, line 26, after "adopted" insert  
 2 "on or before January 1, 2021,".

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 41.** Placed on General File.  
**LEGISLATIVE BILL 59.** Placed on General File.  
**LEGISLATIVE BILL 65.** Placed on General File.  
**LEGISLATIVE BILL 105.** Placed on General File.  
**LEGISLATIVE BILL 224.** Placed on General File.  
**LEGISLATIVE BILL 283.** Placed on General File.  
**LEGISLATIVE BILL 414.** Placed on General File.  
**LEGISLATIVE BILL 514.** Placed on General File.

(Signed) Tom Brewer, Chairperson

Judiciary

**LEGISLATIVE BILL 203.** Placed on General File.  
**LEGISLATIVE BILL 461.** Placed on General File.  
**LEGISLATIVE BILL 354.** Placed on General File.

**LEGISLATIVE BILL 372.** Placed on General File with amendment.

[AM108](#)

1 1. On page 2, line 29, after the comma insert "child abuse,".

**LEGISLATIVE BILL 497.** Placed on General File with amendment.

[AM132](#)

1 1. On page 2, after line 4, insert the following new subdivision:  
 2 "(1) Child abuse means an offense under section 28-707.;" in line 5  
 3 strike "(1)", show as stricken, and insert "(2)"; in line 7 strike "(2)",

4 show as stricken, and insert "(3)"; in line 8 strike "(3)", show as  
 5 stricken, and insert "(4)"; in line 11, strike "(4)" and insert "(5)"; in  
 6 line 12, strike "(5)" and insert "(6)"; in line 14 strike "(6)" and  
 7 insert "(7)"; in line 20, strike "(7)" and insert "(8)"; in line 21,  
 8 strike "(8)" and insert "(9)"; in line 24, strike "(9)" and insert  
 9 "(10)"; and in line 25, strike "(10)" and insert "(11)".  
 10 2. On page 3, line 12, after "may" insert ", with the permission of  
 11 the victim,"; in line 14 strike "or domestic violence" and insert "1  
 12 domestic assault, or child abuse"; and in line 22 strike "or domestic  
 13 assault" and insert ", domestic assault, or child abuse".  
 14 3. On page 4, line 20, strike "or" and insert an underscored comma;  
 15 and in line 21 after "assault" insert ", or child abuse".

(Signed) Steve Lathrop, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB183:

#### AM163

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 Sexual Assault Emergency Care Act.  
 5 Sec. 2. For purposes of the Sexual Assault Emergency Care Act:  
 6 (1) Department means the Department of Health and Human Services;  
 7 (2) Director means the Director of Public Health of the Division of  
 8 Public Health or the director's designee;  
 9 (3) Emergency care for a sexual assault survivor means a medical  
 10 examination, procedure, or service provided by a hospital to a sexual  
 11 assault survivor following a sexual assault;  
 12 (4) Emergency contraception means a drug approved by the federal  
 13 Food and Drug Administration that prevents pregnancy after sexual  
 14 intercourse;  
 15 (5) Hospital means a hospital licensed under the Health Care  
 16 Facility Licensure Act;  
 17 (6) Medically and factually accurate and objective means verified or  
 18 supported by the weight of research conducted in compliance with accepted  
 19 scientific methods and standards, the currently accepted professional  
 20 standards of care and established protocols for medical care following  
 21 sexual assault as established in section 29-4311, and recognized as  
 22 accurate and objective by leading professional organizations and agencies  
 23 with relevant expertise in the field of obstetrics and gynecology;  
 24 (7) Sexual assault means any sexual assault that involves sexual  
 25 penetration as set forth in section 28-318 or substantially similar  
 26 conduct; and  
 27 (8) Sexual assault survivor means an individual who is a victim of  
 1 sexual assault and who reports such sexual assault to a hospital,  
 2 including anonymous reporting pursuant to section 28-902.  
 3 Sec. 3. (1) A hospital which provides emergency care for a sexual  
 4 assault survivor shall:  
 5 (a) Provide the sexual assault survivor with medically and factually  
 6 accurate and objective written and oral information about emergency  
 7 contraception;  
 8 (b) Provide the sexual assault survivor with written and oral  
 9 information in a language the sexual assault survivor understands about  
 10 the option to receive emergency contraception at the hospital; and  
 11 (c) Dispense a complete course of emergency contraception, in  
 12 accordance with the currently accepted professional standards of care and  
 13 established protocols for sexual assault forensic medical examinations,

14 to the sexual assault survivor who accepts or requests it.  
15 (2) A hospital which provides emergency care for a sexual assault  
16 survivor shall provide training for all personnel involved in such care  
17 regarding the provision of medically and factually accurate and objective  
18 information about emergency contraception.  
19 (3) A hospital which provides emergency care for a sexual assault  
20 survivor shall ensure compliance with the Sexual Assault Emergency Care  
21 Act and shall develop policies and procedures, as necessary, to ensure  
22 compliance with the act in the case of moral or religious objections by  
23 individual health care providers.  
24 Sec. 4. (1) Any complaint regarding compliance with the Sexual  
25 Assault Emergency Care Act may be filed with the department.  
26 (2)(a) The department shall review complaints received regarding  
27 failure of a hospital to provide services in compliance with the Sexual  
28 Assault Emergency Care Act to determine the action to be taken to satisfy  
29 the complaint. In making a determination as to whether or not to conduct  
30 an investigation, the department may consider factors such as:  
31 (i) Whether the complaint pertains to a matter within the authority  
1 of the department to enforce;  
2 (ii) Whether the circumstances indicate that a complaint is made in  
3 good faith and is not malicious, frivolous, or vexatious;  
4 (iii) Whether the complaint is timely or has been delayed too long  
5 to justify present evaluation of its merit;  
6 (iv) Whether the complainant may be a necessary witness if action is  
7 taken and is willing to identify himself or herself and come forward to  
8 testify if action is taken; or  
9 (v) Whether the information provided or within the knowledge of the  
10 complainant is sufficient to provide a reasonable basis to believe that a  
11 violation has occurred or to secure necessary evidence from other  
12 sources.  
13 (b) A complaint submitted to the department shall be confidential. A  
14 person submitting a complaint shall be immune from criminal or civil  
15 liability of any nature, whether direct or derivative, for submitting a  
16 complaint or for disclosure of documents, records, or other information  
17 to the department.  
18 (3) The department shall retain all complaints it receives regarding  
19 failure of a hospital to provide services in compliance with the Sexual  
20 Assault Emergency Care Act. The department shall provide a report  
21 electronically to the Legislature by December 1 of every even-numbered  
22 year that includes, but is not limited to, the annual number of  
23 complaints, the nature of the complaint, and the hospitals for which  
24 those complaints were made. The report shall also include the  
25 determination of the department's investigation and any disciplinary  
26 action or penalties applied. The report shall not include any personal  
27 health or identifying information.  
28 (4)(a) If the department determines after investigation of a  
29 complaint that a hospital has failed to provide services in compliance  
30 with the Sexual Assault Emergency Care Act, the department shall send to  
31 the hospital, by certified mail to the last address shown on the records  
1 of the department, a notice setting forth the determination, the  
2 particular reasons for the determination, including a specific  
3 description of the nature of the violation and the statute violated, and  
4 the type of disciplinary action which is pending, which may include the  
5 penalties described in subsection (5) of this section. Within fifteen  
6 days after service of the notice, the hospital shall notify the  
7 department in writing that the hospital (i) desires to contest the notice  
8 and request an informal conference with a representative of the  
9 department in person or by other means at the request of the hospital,  
10 (ii) desires to contest the notice and request an informal conference  
11 with a representative of a peer review organization with which the



12 department has contracted, (iii) desires to contest the notice and  
13 request a hearing, or (iv) does not contest the notice. If the department  
14 does not receive such notification within such fifteen-day period, the  
15 action of the department shall be final.

16 (b) If an informal conference is requested pursuant to subdivision  
17 (a)(i) or (ii) of this subsection, the director shall assign to conduct  
18 the informal conference, respectively, a representative of the department  
19 other than the individual who did the investigation upon which the notice  
20 is based or a representative of a peer review organization. The  
21 representative shall hold an informal conference with the hospital within  
22 thirty days after the department's receipt of such request. Within twenty  
23 working days after the conclusion of the conference, the representative  
24 shall report in writing to the department the representative's conclusion  
25 regarding whether to affirm, modify, or dismiss the notice and the  
26 specific reasons for the conclusion and shall provide a copy of the  
27 report to the director and the hospital.

28 (c) Within ten working days after receiving a report under  
29 subdivision (b) of this subsection, the department shall consider such  
30 report and affirm, modify, or dismiss the notice and shall state the  
31 specific reasons for such decision, including, if applicable, the  
1 specific reasons for not adopting the conclusion of the representative as  
2 contained in such report. The department shall provide the hospital with  
3 a copy of such decision by certified mail to the last address shown in  
4 the records of the department. If the hospital desires to contest an  
5 affirmed or modified notice, the hospital shall notify the director in  
6 writing within five working days after receiving such decision that the  
7 hospital requests a hearing.

8 (d) If a hospital successfully demonstrates during an informal  
9 conference or a hearing that the deficiencies should not have been cited  
10 in the notice, (i) the deficiencies shall be removed from the notice and  
11 the deficiency statement and (ii) any sanction imposed solely as a result  
12 of those cited deficiencies shall be rescinded.

13 (e)(i) If the hospital requests a hearing under subdivision (a)(iii)  
14 of this subdivision, the department shall hold a hearing and give the  
15 hospital the right to present such evidence as may be proper. On the  
16 basis of such evidence, the director shall affirm, modify, or set aside  
17 the determination. A copy of such decision setting forth the findings of  
18 facts and the particular reasons upon which the decision is based shall  
19 be sent by either registered or certified mail to the hospital. The  
20 decision shall become final thirty days after the copy is mailed unless  
21 the hospital, within such thirty-day period, appeals the decision under  
22 subdivision (f) of this subsection.

23 (ii) The procedure governing hearings authorized by this section  
24 shall be in accordance with rules and regulations adopted and promulgated  
25 by the department. A full and complete record shall be kept of all  
26 proceedings. Witnesses may be subpoenaed by either party and shall be  
27 allowed fees at a rate prescribed by rule and regulation.

28 (f) Any party to a decision of the department under the Sexual  
29 Assault Emergency Care Act may appeal such decision. The appeal shall be  
30 in accordance with the Administrative Procedure Act.

31 (5) The department shall:

1 (a) For the first substantiated complaint:  
2 (i) Issue a written warning to the hospital stating that it has  
3 failed to provide services in compliance with the Sexual Assault  
4 Emergency Care Act; and  
5 (ii) Require the hospital to correct the deficiency that led to the  
6 complaint; and  
7 (b) For the second and subsequent substantiated complaints, impose a  
8 fine of one thousand dollars on the hospital:  
9 (i) Per sexual assault survivor who the department finds to have

10 been denied medically and factually accurate and objective written and  
 11 oral information about emergency contraception or who the department  
 12 finds has not been offered emergency contraception in violation of  
 13 subsection (1) of section 3 of this act; or  
 14 (ii) Per month from the date of the complaint alleging noncompliance  
 15 until the hospital provides training in compliance with subsection (2) of  
 16 section 3 of this act.  
 17 Sec. 5. 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.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 106A.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 106.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 113.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 149.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 174.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 302.** Title read. Considered.

Committee [AM49](#), found on page 349, was offered.

The committee amendment 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, 5 present

and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 148.** Title read. Considered.

Committee [AM28](#), found on page 362, was offered.

The committee 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 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 253.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 503.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 532.** 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.

### COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 83.** Placed on General File with amendment.

[AM127](#)

1 1. Insert the following new section:

2 Sec. 14. No motion, resolution, rule, regulation, ordinance, or  
 3 formal action made, adopted, passed, or taken at a meeting as defined in  
 4 section 84-1409 of a public body as defined in such section shall be  
 5 invalidated because such motion, resolution, rule, regulation, ordinance,  
 6 or formal action was made, adopted, passed, or taken at a meeting or  
 7 meetings on or after March 17, 2020, and on or before April 30, 2021,  
 8 pursuant to a Governor's Executive Order which waived certain  
 9 requirements of the Open Meetings Act.

10 2. On page 10, after line 30, insert the following new subdivisions:

11 "(xi) A metropolitan utilities district;

12 (xii) A regional metropolitan transit authority;" and in line 31

13 strike "(xi)" and insert "(xiii)".

14 3. On page 11, line 1, strike "(xii)" and insert "(xiv)"; in line 11

15 after the comma insert "with at least one member of the entity holding

16 such meeting, or his or her designee, present at each site;"; in line 12

17 strike the underscored comma and insert an underscored semicolon; and in

18 line 16 strike "for" and insert "being considered at".

19 4. On page 16, line 16, strike "as defined in section 81-829.39" and

20 after "declared" insert "by the Governor"; and in line 17 after "Act"

21 insert "as defined in section 81-829.39".

22 5. On page 17, line 29, after "person" insert "unless the address  
 23 requirement is waived to protect the security of the individual".  
 24 6. Renumber the remaining sections accordingly.

(Signed) Tom Brewer, Chairperson

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 42. Introduced by Hilkemann, 4.

WHEREAS, Phyllis Hegstrom has been a member of the Home Instead Senior Care team since 2000, representing the company with dignity and honesty; and

WHEREAS, during this time, Phyllis served in various roles with the company, including Vice President of Human Resources, Secretary of Industry Affairs, and Director of Government Affairs; and

WHEREAS, Phyllis influenced public policy and public opinion by advocating for senior citizens in state, federal, and international forums; and

WHEREAS, Phyllis was a participant in the United Nations Open-Ended Working Group on Ageing and in the development of a potential U.N. Convention for the Rights of Older Persons; and

WHEREAS, Phyllis set a standard for informed public service for twenty years while personifying the ideals of Home Instead Senior Care; and

WHEREAS, Phyllis continues that service on the Home Care Association of America legislative committee, the Home Instead Foundation of Canada board of directors, and the Canadian Franchise Association advocacy council.

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

1. That the Legislature recognizes Phyllis Hegstrom for her career at Home Instead Senior Care and her advocacy for senior citizens.
2. That a copy of this resolution be sent to Phyllis Hegstrom.

Laid over.

### AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to LB113:

#### AM226

1 1. On page 4, line 7; page 5, line 28; page 7, line 29; page 11,  
 2 line 8; page 13, line 23; page 16, line 17; page 28, line 2; page 30,  
 3 line 12; page 32, line 28; page 35, line 6; page 37, line 26; page 40,  
 4 line 15; page 43, line 9; page 45, line 28; page 48, line 1; page 50,  
 5 line 16; page 53, line 1; page 55, line 16; and page 58, line 3, after  
 6 the underscored period insert "The fee shall be remitted to the State  
 7 Treasurer for credit to the Department of Motor Vehicles Cash Fund.".

**ANNOUNCEMENT(S)**

The Government, Military and Veterans Affairs Committee elected Senator M. Hansen as Vice Chairperson.

The Building Maintenance Committee elected Senator Lowe as Vice Chairperson.

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

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

Senator Geist name added to LB4.  
Senator Wayne name added to LB4.  
Senator Day name added to LB4.  
Senator Cavanaugh, J. name added to LB4.  
Senator Stinner name added to LB4.  
Senator Kolterman name added to LB4.  
Senator Morfeld name added to LB12.  
Senator Hansen, M. name added to LB83.  
Senator Albrecht name added to LB250.  
Senator Hansen, M. name added to LB414.  
Senator Morfeld name added to LB575.

**VISITOR(S)**

The Doctor of the Day was Dr. Erika Rothgeb of Omaha.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-EIGHTH DAY - FEBRUARY 17, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 17, 2021

**PRAYER**

The prayer was offered by Senator Hilkemann.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer and Lindstrom who were excused; and Senators B. Hansen, Hunt, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 242.** Placed on General File with amendment.

**AM233**

1 1. Strike the original sections and insert the following new  
2 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.

17 (3) For projects described under subsection (2) of section 13-2914,  
 18 the governing body of the political subdivision may adopt a resolution  
 19 which provides for project payment on a set schedule over a period of  
 20 time that extends beyond the completion of construction.

21 Sec. 2. Section 13-2914, Revised Statutes Cumulative Supplement,  
 22 2020, is amended to read:

23 13-2914 (1) Except as specifically provided in subsection (2) of  
 24 this section, a political subdivision shall not use a design-build  
 25 contract or construction management at risk contract under the Political  
 26 Subdivisions Construction Alternatives Act for a project, in whole or in  
 27 part, for road, street, highway, water, wastewater, utility, or sewer  
 1 construction, except that a city of the metropolitan class may use a  
 2 design-build contract or construction management at risk contract for the  
 3 purpose of complying with state or federal requirements to control or  
 4 minimize overflows from combined sewers.

5 (2) A political subdivision may use a design-build contract or  
 6 construction management at risk contract under the Political Subdivisions  
 7 Construction Alternatives Act for a project, in whole or in part, to  
 8 repair, retrofit, reconstruct, or replace any bridge.

9 Sec. 3. Original section 13-2904, Reissue Revised Statutes of  
 10 Nebraska, and section 13-2914, Revised Statutes Cumulative Supplement,  
 11 2020, are repealed.

**LEGISLATIVE BILL 250.** Placed on General File with amendment.  
[AM232](#) is available in the Bill Room.

(Signed) Matt Hansen, Vice Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 78.** Placed on General File.

**LEGISLATIVE BILL 343.** Placed on General File.

**LEGISLATIVE BILL 616.** Placed on General File with amendment.

[AM107](#)

1 1. On page 3, line 1; and page 5, line 19, strike "or" and insert  
 2 "and".

(Signed) Curt Friesen, Chairperson

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

Wednesday, February 24, 2021 1:30 p.m.

LB392



Wednesday, February 24, 2021 9:30 a.m.  
Russell Crotty - State Board of Health  
Timothy A. Tesmer - State Board of Health  
Michael Kotopka - State Board of Health  
Mark R. Patefield - State Board of Health  
Dan Vehle - State Board of Health  
Robert (Bud) Synhorst - State Board of Health  
Joshua Dale Sevier - Commission for the Deaf and Hard of Hearing

(Signed) John Arch, Chairperson

Appropriations  
Room 1525

Wednesday, February 24, 2021 9:30 a.m.  
Agency 28 - Veterans' Affairs, Department of  
Agency 25 - Health and Human Services  
Note: (Devison of Development Disabilities, Children and Family  
Services, Behavioral Health)

Wednesday, February 24, 2021 1:30 p.m.  
LB464  
LB465  
LB493  
LB225

Thursday, February 25, 2021 9:30 a.m.  
Agency 25 - Health and Human Services  
Note: (Operations, Medicaid and Long Term Care, Public Health)

Thursday, February 25, 2021 1:30 p.m.  
LB426  
LB185  
LB585  
LB662  
LB421  
LB340  
LB462

Friday, February 26, 2021 9:30 a.m.  
Agency 29 - Natural Resources, Department of  
Agency 52 - State Fair Board  
Agency 84 - Environmental Quality, Department of  
Agency 33 - Game and Parks Commission  
LB449  
LB469

Friday, February 26, 2021 1:30 p.m.  
Agency 54 - Historical Society, Nebraska State  
Agency 72 - Economic Development, Department of  
Agency 91 - Nebraska Tourism Commission  
LB27  
LB279  
LB391  
LB42  
LB208  
LB566  
LB526

(Signed) John Stinner, Chairperson

Executive Board  
Room 1525

Wednesday, February 24, 2021 12:00 p.m.  
LB605  
LB123  
LB247

Thursday, February 25, 2021 12:00 p.m.  
LB212  
LR25  
LR28

Room 1524

Monday, March 1, 2021 12:00 p.m.  
LB393  
LB657

(Signed) Dan Hughes, Chairperson

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bessmer, Joel R. - State Board of Health - Health and Human Services  
Dinsdale, Tom S. - Nebraska State Fair Board - Agriculture  
Ostdiek, Donald - State Board of Health - Health and Human Services  
Palmer, Colton - State Board of Health - Health and Human Services  
Reese, David J. - State Board of Health - Health and Human Services

(Signed) Dan Hughes, Chairperson  
Executive Board

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

Senator J. Cavanaugh filed the following amendment to [LB484](#):  
[AM205](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 28-518, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 28-518 (1) Theft constitutes a Class IIA felony when the value of  
6 the thing involved is ~~ten five~~ thousand dollars or more.  
7 (2) Theft constitutes a Class III felony when the value of the thing  
8 involved is five thousand dollars or more but less than ten thousand  
9 dollars.  
10 (3) (2) Theft constitutes a Class IV felony when the value of the  
11 thing involved is one thousand five hundred dollars or more but less than  
12 five thousand dollars.  
13 (4) (3) Theft constitutes a Class I misdemeanor when the value of  
14 the thing involved is more than five hundred dollars but less than one  
15 thousand five hundred dollars.  
16 (5) (4) Theft constitutes a Class II misdemeanor when the value of  
17 the thing involved is five hundred dollars or less.  
18 (6) (5) For any second or subsequent conviction under subsection (4)  
19 (3) of this section, any person so offending shall be guilty of a Class  
20 IV felony.  
21 (7) (6) For any second conviction under subsection (5) (4) of this  
22 section, any person so offending shall be guilty of a Class I  
23 misdemeanor, and for any third or subsequent conviction under subsection  
24 (5) (4) of this section, the person so offending shall be guilty of a  
25 Class IV felony.  
26 (8) (7) Amounts taken pursuant to one scheme or course of conduct  
27 from one or more persons may be aggregated in the indictment or  
1 information in determining the classification of the offense, except that  
2 amounts may not be aggregated into more than one offense.  
3 (9) (8) In any prosecution for theft under sections 28-509 to  
4 28-518, value shall be an essential element of the offense that must be  
5 proved beyond a reasonable doubt.  
6 Sec. 2. Original section 28-518, Reissue Revised Statutes of  
7 Nebraska, is repealed.

Senator J. Cavanaugh filed the following amendment to [LB504](#):  
[AM175](#)

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 60-4,108, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:  
4 60-4,108 (1) It shall be unlawful for any person to operate a motor  
5 vehicle during any period that he or she is subject to a court order not  
6 to operate any motor vehicle for any purpose or during any period that  
7 his or her operator's license has been revoked or impounded pursuant to  
8 conviction or convictions for violation of any law or laws of this state,  
9 by an order of any court, or by an administrative order of the director.  
10 Except as otherwise provided by subsection (3) of this section or by  
11 other law, any person so offending shall (a) for a first such offense, be  
12 guilty of a Class II misdemeanor, and the court may shall, as a part of  
13 the judgment of conviction, order such person not to operate any motor  
14 vehicle for any purpose for a period of one year from the date ordered by  
15 the court and also order the operator's license of such person to be  
16 revoked for a like period, ~~unless the person was placed on probation,~~  
17 ~~then revocation may be ordered at the court's discretion,~~ (b) for a  
18 second or third such offense, be guilty of a Class II misdemeanor, and

19 the court ~~may shall~~, as a part of the judgment of conviction, order such  
20 person not to operate any motor vehicle for any purpose for a period of  
21 two years from the date ordered by the court and also order the  
22 operator's license of such person to be revoked for a like period, and  
23 (c) for a fourth or subsequent such offense, be guilty of a Class I  
24 misdemeanor, and the court ~~may shall~~, as a part of the judgment of  
25 conviction, order such person not to operate any motor vehicle for any  
26 purpose for a period of two years from the date ordered by the court and  
27 also order the operator's license of such person to be revoked for a like  
1 period. Such orders of the court shall be administered upon sentencing,  
2 upon final judgment of any appeal or review, or upon the date that any  
3 probation is revoked.

4 (2) It shall be unlawful for any person to operate a motor vehicle  
5 (a) during any period that his or her operator's license has been  
6 suspended, (b) after a period of revocation but before issuance of a new  
7 license, or (c) after a period of impoundment but before the return of  
8 the license. Except as provided in subsection (3) of this section, any  
9 person so offending shall (i) for a first offense, be guilty of a Class V  
10 III misdemeanor, (ii) for a second or third such offense, be guilty of a  
11 Class IV misdemeanor, and the court may, as a part of the judgment of  
12 conviction, order such person not to operate any motor vehicle for any  
13 purpose for a period of six months from the date ordered by the court and  
14 also order the operator's license of such person to be revoked for a like  
15 period, except that if the person at the time of sentencing shows proof  
16 of reinstatement of his or her suspended operator's license, proof of  
17 issuance of a new license, or proof of return of the impounded license,  
18 the person shall only be fined in an amount not to exceed one hundred  
19 dollars, and (iii) for a fourth or subsequent such offense, be guilty of  
20 a Class III misdemeanor, and the court may, as a part of the judgment of  
21 conviction, order such person not to operate any motor vehicle for any  
22 purpose for a period of one year from the date ordered by the court and  
23 also order the operator's license of such person to be revoked for a like  
24 period, except that if the person at the time of sentencing shows proof  
25 of reinstatement of his or her suspended operator's license, proof of  
26 issuance of a new license, or proof of return of the impounded license,  
27 the person shall only be fined in an amount not to exceed one hundred  
28 dollars. Such orders of the court shall be administered upon sentencing,  
29 upon final judgment of any appeal or review, or upon the date that any  
30 probation is revoked and the court may, as a part of the judgment of  
31 conviction, order such person not to operate any motor vehicle for any  
1 purpose for a period of one year from the date ordered by the court,  
2 except that if the person at the time of sentencing shows proof of  
3 reinstatement of his or her suspended operator's license, proof of  
4 issuance of a new license, or proof of return of the impounded license,  
5 the person shall only be fined in an amount not to exceed one hundred  
6 dollars. If the court orders the person not to operate a motor vehicle  
7 for a period of ~~six months~~ one year from the date ordered by the court,  
8 the court shall also order the operator's license of such person to be  
9 revoked for a like period. Such orders of the court shall be administered  
10 upon sentencing, upon final judgment of any appeal or review, or upon the  
11 date that any probation is revoked.  
12 (3) If a juvenile whose operator's license or permit has been  
13 impounded by a juvenile court operates a motor vehicle during any period  
14 that he or she is subject to the court order not to operate any motor  
15 vehicle or after a period of impoundment but before return of the license  
16 or permit, such violation shall be handled in the juvenile court and not  
17 as a violation of this section.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 43.** Introduced by Stinner, 48.

WHEREAS, Starr Lehl of Gering, Nebraska, was awarded the 2020 Rising Star Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Rising Star Award to a member in business for five years or less who shows a passion for Western Nebraska and demonstrates leadership in economic initiatives throughout the community; and

WHEREAS, Starr has been an enterprising leader for the cities of Gering and Scottsbluff as the economic development director in Scottsbluff and founder of Community Connections, which sponsors events for newcomers to the community; and

WHEREAS, Starr worked for the Department of Economic Development from 2003 to 2017, serving as the western field service representative under Governors Mike Johanns, Dave Heineman, and Pete Ricketts; and

WHEREAS, Starr has contributed to the tourism industry since 2017 through her appointment to the Nebraska Tourism Commission as representative for District 11; and

WHEREAS, Starr served her community as a member of the Gering City Council from 1992 to 1998 and then as the Mayor of Gering from 1998 to 2006.

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

1. That the Legislature congratulates Starr Lehl on receiving the 2020 Rising Star Award from the Scottsbluff/Gering United Chamber of Commerce and thanks her for her leadership and service in Western Nebraska.

2. That a copy of this resolution be sent to Starr Lehl.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Stinner, 48.

WHEREAS, the Panhandle Public Health District of Scottsbluff was awarded the 2020 Distinguished Service Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Distinguished Service Award to a member who demonstrated dedication to, and passion for, Western Nebraska with service that went above and beyond the call of duty and displayed a visionary quality for the community; and

WHEREAS, the Panhandle Public Health District, under the leadership of Director Kim Engel, contributed to the community by implementing contact tracing in the Nebraska Panhandle for COVID-19 patients, providing education on the need for personal protective equipment in public, and

creating a dashboard to ensure communication between health officials and citizens of the community; and

WHEREAS, during the COVID-19 pandemic, citizens of the Nebraska Panhandle are experiencing life as normal as possible in schools, businesses, churches, hospitals, and other areas, due in part to the Panhandle Public Health District.

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

1. That the Legislature congratulates the Panhandle Public Health District on receiving the 2020 Distinguished Service Award from the Scottsbluff/Gering United Chamber of Commerce, recognizes the accomplishments of the Panhandle Public Health District in protecting the community, and thanks the employees of the Panhandle Public Health District for their service and leadership.

2. That copies of this resolution be sent to the Panhandle Public Health District and Director Kim Engel.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Stinner, 48.

WHEREAS, Billy Estes of Scottsbluff, Nebraska, was awarded the 2020 Visionary Super Star Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Visionary Super Star Award to a member who has been in business six years or more, shows a passion for Western Nebraska, and demonstrates creativity in business; and

WHEREAS, Billy worked his way up from a movie projectionist in 2001 to earn his position as executive director of the Midwest Theater of Scottsbluff in 2013; and

WHEREAS, Billy contributed to agriculture in Nebraska by founding BE Farms in 2016; and

WHEREAS, citizens of Western Nebraska benefited from the instrumental role Billy played in creating the Midwest SkyView Drive-In Theater, which provided an opportunity for people to enjoy going to the movies during the COVID-19 pandemic.

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

1. That the Legislature congratulates Billy Estes on receiving the 2020 Visionary Super Star Award and recognizes his accomplishments as a visionary entrepreneur.

2. That a copy of this resolution be sent to Billy Estes.

Laid over.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 40 and 41 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 40 and 41.

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Title read. Considered.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue  
Room 1524

Wednesday, March 3, 2021 9:30 a.m.

LB180

LB431

LB542

Wednesday, March 3, 2021 1:30 p.m.

LB434

LB459

LB655

Thursday, March 4, 2021 9:30 a.m.

LB564

LB681

LB599

Thursday, March 4, 2021 1:30 p.m.

LB329

LB430

LB432

LB433

LB676

LB679

(Signed) Lou Ann Linehan, Chairperson

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

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

Senator Hughes name added to LB4.

**VISITOR(S)**

The Doctor of the Day was Dr. Kip Anderson of Columbus.

**ADJOURNMENT**

At 9:24 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-NINTH DAY - FEBRUARY 18, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 18, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator B. Hansen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Bostelman who was excused; and Senators Bostar, Hunt, Lindstrom, McCollister, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**COMMUNICATION**

Received communication to Senator John Arch 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 appointment of the following to the Nebraska Stem Cell Research Advisory Committee:

Dr. David Owens

**COMMUNICATION**

Received communication to Senator John Arch 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. Dennis Roop

**MESSAGE(S) FROM THE GOVERNOR**

February 11, 2021

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Transportation:

John Selmer, 328 Lafayette Avenue, Story City, IA 50248

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)**  
Health and Human Services  
Room 1510

Thursday, February 25, 2021 9:30 a.m.  
Diane Schutt - Commission for the Deaf and Hard of Hearing  
David J. Hansen - Nebraska Child Abuse Prevention Fund Board

(Signed) John Arch, Chairperson

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 660.** Placed on General File with amendment.

[AM120](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-1373, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 81-1373 (1) For the purpose of implementing the state employees'  
6 right to organize for the purpose of collective bargaining, there are  
7 hereby created twelve bargaining units for all state agencies except the  
8 University of Nebraska, the Nebraska state colleges, and other  
9 constitutional offices. The units shall consist of state employees whose  
10 job classifications are occupationally and functionally related and who  
11 share a community of interest. The bargaining units shall be:  
12 (a) Maintenance, Trades, and Technical, which unit is composed of  
13 generally recognized blue collar and technical classes, including highway  
14 maintenance workers, carpenters, plumbers, electricians, print shop  
15 workers, auto mechanics, engineering aides and associates, and similar  
16 classes;  
17 (b) Administrative Support, which unit is composed of clerical and  
18 administrative nonprofessional classes, including typists, secretaries,  
19 accounting clerks, computer operators, office service personnel, and  
20 similar classes;  
21 (c) Health and Human Care Nonprofessional, which unit is composed of  
22 institutional care classes, including nursing aides, psychiatric aides,  
23 therapy aides, and similar classes;  
24 (d) Social Services and Counseling, which unit is composed of  
25 generally professional-level workers providing services and benefits to  
26 eligible persons. Classes shall include job service personnel, income  
27 maintenance personnel, social workers, counselors, and similar classes;  
28 (e) Administrative Professional, which unit is composed of  
29 professional employees with general business responsibilities, including  
30 accountants, buyers, personnel specialists, data processing personnel,  
31 and similar classes;  
32 (f) Protective Service, which unit is composed of institutional  
33 security personnel, including correctional officers, building security  
34 guards, and similar classes;  
35 (g) Law Enforcement, which unit is composed of employees holding  
36 powers of arrest, including Nebraska State Patrol officers and sergeants,  
37 conservation officers, fire marshal personnel, and similar classes.  
38 Sergeants, investigators, and patrol officers employed by the Nebraska  
39 State Patrol as authorized in section 81-2004 shall be presumed to have a  
40 community of interest with each other and shall be included in this  
41 bargaining unit notwithstanding any other provision of law which may  
42 allow for the contrary;  
43 (h) Health and Human Care Professional, which unit is composed of  
44 community health, nutrition, and health service professional employees,  
45 including nurses, doctors, psychologists, pharmacists, dietitians,  
46 licensed therapists, and similar classes;  
47 (i) Examining, Inspection, and Licensing, which unit is composed of  
48 employees empowered to review certain public and business activities,  
49 including driver-licensing personnel, revenue agents, bank and insurance  
50 examiners who remain in the State Personnel System under sections 8-105  
51 and 44-119, various public health and protection inspectors, and similar  
52 classes;  
53 (j) Engineering, Science, and Resources, which unit is composed of  
54 specialized professional scientific occupations, including civil and  
55 other engineers, architects, chemists, geologists and surveyors, and  
56 similar classes;  
57 (k) Teachers, which unit is composed of employees required to be  
58 licensed or certified as a teacher; and  
59 (l) Supervisory, which unit is composed of employees who are  
60 supervisors as defined in section 48-801.  
61 All employees who are excluded from bargaining units pursuant to the  
62 Industrial Relations Act, all employees of the personnel division of the  
63 Department of Administrative Services, and all employees of the Division  
64 of Employee Relations of the Department of Administrative Services shall

7 be excluded from any bargaining unit of state employees.  
 8 (2) Any employee organization, including one which represents other  
 9 state employees, may be certified or recognized as provided in the  
 10 Industrial Relations Act as the exclusive collective-bargaining agent for  
 11 a supervisory unit, except that such unit shall not have full collective-  
 12 bargaining rights but shall be afforded only meet-and-confer rights.  
 13 (3)(a) (3) It is the intent of the Legislature that the professional  
 14 staff employee classifications, including the managerial-professional and  
 15 managerial employee classification, classifications and the office and  
 16 service staff employee classification, classifications be grouped in  
 17 broad occupational units for the University of Nebraska and the Nebraska  
 18 state colleges established on a university-wide or college-system-wide  
 19 basis, including all campuses within the system.  
 20 (b) Any unit entirely composed of supervisory employees of the  
 21 University of Nebraska or the Nebraska state colleges shall be afforded  
 22 only meet-and-confer rights.  
 23 (c) Any bargaining unit seeking to represent an academic-  
 24 administrative staff employee classification consisting of faculty,  
 25 including adjunct faculty, of the University of Nebraska or of any  
 26 administrative unit of the university may organize and seek recognition  
 27 or certification by the commission on an administrative unit-wide basis  
 28 as otherwise determined pursuant to the Industrial Relations Act.  
 29 (d) The bargaining units for academic, faculty, and teaching  
 30 employees of the ~~University of Nebraska and the Nebraska state colleges~~  
 31 shall continue as they existed on April 9, 1987, ~~plus the addition of~~  
 1 ~~Kearney State College~~, and any adjustments thereto or new units therefor  
 2 shall continue to be determined pursuant to the Industrial Relations Act.  
 3 (4) Other constitutional offices shall continue to subscribe to the  
 4 procedures for unit determination in the Industrial Relations Act, except  
 5 that the commission is further directed to determine the bargaining units  
 6 in such manner as to (a) reduce the effect of overfragmentation of  
 7 bargaining units on the efficiency of administration and operations of  
 8 the constitutional office and (b) be consistent with the administrative  
 9 structure of the constitutional office. Any unit entirely composed of  
 10 supervisory employees of a constitutional office shall be afforded only  
 11 meet-and-confer rights.  
 12 Sec. 2. This act becomes operative on August 1, 2021.  
 13 Sec. 3. Original section 81-1373, Reissue Revised Statutes of  
 14 Nebraska, is repealed.  
 15 Sec. 4. Since an emergency exists, this act takes effect when  
 16 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 99.** Placed on General File.  
**LEGISLATIVE BILL 161.** Placed on General File.  
**LEGISLATIVE BILL 265.** Placed on General File.  
**LEGISLATIVE BILL 405.** Placed on General File.

**LEGISLATIVE BILL 9.** Placed on General File with amendment.

[AM231](#)

1 1. On page 2, strike lines 8 through 13 and insert the following new  
 2 subdivision:  
 3 "(2) In counties in which at least three cities of the first class  
 4 are located, lands, lots, tracts, streets, or highways shall be deemed  
 5 contiguous although property owned by the federal government lies between

6 the same and the corporate limits, so long as the lands, lots, tracts,  
 7 streets, or highways sought to be annexed are adjacent to or contiguous  
 8 with the property owned by the federal government. The annexation of any  
 9 lands, lots, tracts, streets, or highways described in this subdivision  
 10 shall not result in any change in the service area of any electric  
 11 utility without the express agreement of the electric utility serving the  
 12 area comprising such annexed lands, lots, tracts, streets, or highways at  
 13 the time of annexation, except that at such time following the annexation  
 14 of the lands, lots, tracts, streets, or highways as the city lawfully  
 15 annexes sufficient intervening area so as to directly connect the lands,  
 16 lots, tracts, streets, or highways to the primary area of the city, such  
 17 lands, lots, tracts, streets, or highways shall, solely for the purposes  
 18 of section 70-1008, be treated as if they had been annexed by the city on  
 19 the date upon which the intervening area had been formally annexed."

**LEGISLATIVE BILL 156.** Placed on General File with amendment.  
[AM223](#) is available in the Bill Room.

**LEGISLATIVE BILL 162.** Placed on General File with amendment.  
[AM153](#)

1 1. On page 4, line 26, after "city" insert "of the first class, city  
 2 of the second class,".  
 3 2. On page 5, line 3, strike ", by a majority vote of its members."  
 4 and insert "adopt an ordinance by a majority vote of its members to"; in  
 5 line 5 strike "order" and insert "ordinance"; in lines 6 and 19 after  
 6 "deeds" insert "and of the election commissioner or county clerk"; in  
 7 line 7 after "city" insert "of any class"; in line 9 strike "a proposed  
 8 resolution" and insert "notice"; in line 11 strike "resolution" and  
 9 insert "notice"; in line 12 strike ". The notice" and insert "and"; in  
 10 line 13 strike "resolution" and insert "ordinance ordering such property  
 11 to be detached"; in line 16 strike "resolution" and insert "ordinance";  
 12 and in line 18 strike "adopted resolution" and insert "ordinance".

**LEGISLATIVE BILL 332.** Placed on General File with amendment.  
[AM118](#)

1 1. Strike section 5.  
 2 2. On page 2, strike beginning with the second "election" in line 17  
 3 through "situated" in line 18 and insert "city council of".  
 4 3. Renumber the remaining section and correct the repealer  
 5 accordingly.

(Signed) Justin Wayne, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 487.** Placed on General File with amendment.  
[AM160](#)

1 1. On page 2, lines 12, 14 and 15, and 27, strike "or  
 2 telemonitoring".

(Signed) Matt Williams, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 38 and 39 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 38 and 39.

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 113A.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 46.** Introduced by Gragert, 40.

WHEREAS, Wausa Public Schools received a 2021 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, Wausa Public Schools demonstrates high educational standards and provides all students the opportunity to learn through the arts; and

WHEREAS, Wausa 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Wausa Public Schools for receiving a 2021 NebraskARTS Award.
2. That a copy of this resolution be sent to Wausa Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 47.** Introduced by Sanders, 45; McKinney, 11.

WHEREAS, Robert Holts of Bellevue was a dedicated serviceman and public servant; and

WHEREAS, Robert Holts attended Kellom Elementary School and Omaha Central High School; and

WHEREAS, Robert Holts enlisted in the United States Armed Services in 1942 and served until 1946; and

WHEREAS, Robert Holts was a member of the prestigious Tuskegee Airmen; and

WHEREAS, the courage and service of the Tuskegee Airmen led in part to the desegregation of the U.S. Armed Forces in 1948; and

WHEREAS, in 2007, the Tuskegee Airmen were awarded the Congressional Gold Medal and their Nebraska counterparts were inducted into the Nebraska Aviation Hall of Fame; and

WHEREAS, President Obama stated, "My career in public service was made possible by the path heroes like the Tuskegee Airmen trail-blazed"; and

WHEREAS, Robert Holts was a member of the Alfonza W. Davis Chapter of the Tuskegee Airmen, Inc.; and

WHEREAS, Robert Holts was also inducted into the Omaha Central High School Hall of Fame; and

WHEREAS, Robert Holts retired to Omaha after nearly 40 years of public service in the U.S. Postal Service; and

WHEREAS, Robert Holts later resided in Bellevue for many years; and

WHEREAS, before his passing, Robert Holts was Nebraska's last surviving member of the Tuskegee Airmen; and

WHEREAS, Robert Holts passed away on Friday, February 12, at the age of 96.

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

1. That the Legislature recognizes Robert Holts' service to our nation and his part in advancing the cause of equality in the United States.

2. That the Legislature offers its condolences to the family of Robert Holts.

3. That copies of this resolution be sent to the family of Robert Holts and the Alfonza W. Davis Chapter of the Tuskegee Airmen, Inc.

Laid over.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Owens, David - Stem Cell Research Advisory Committee - Health and Human Services

Roop, Dennis - Stem Cell Research Advisory Committee - Health and Human Services

Selmer, John - Director - Nebraska Department of Transportation - Transportation and Telecommunication

(Signed) Dan Hughes, Chairperson  
Executive Board

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

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

Senator Lowe name added to LB141.

Senator Kolterman name added to LB542.

Senator Kolterman name added to LB579.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 9:25 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTIETH DAY - FEBRUARY 19, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 19, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Wayne.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Gragert, Groene, and Moser who were excused; and Senators Day, M. Hansen, and Vargas who were excused until they arrive.

**SENATOR HUGHES PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 251.** Placed on General File.

**LEGISLATIVE BILL 252.** Placed on General File.

**LEGISLATIVE BILL 14.** Placed on General File with amendment.

**AM1**

1 1. On page 7, line 12, after "U.S.C." insert "Chapters".

2 2. On page 11, line 24, strike "licensing board" and insert

3 "Commission".

4 3. On page 11, strike beginning with "speech-" in line 29 through

5 "pathology" in line 30 and insert "audiology".

- 6 4. On page 16, line 29, after the comma insert "the member state  
7 may".
- 8 5. On page 17, line 2, strike "Take" and insert "The member state  
9 may take"; and in line 3 strike "home state follows its" and insert  
10 "member state follows the member state's".
- 11 6. On page 23, strike beginning with "be" in line 22 through  
12 "liability" in line 23 and insert "have no greater liability than a state  
13 employee would have under the same or similar circumstances"; in line 25  
14 after "error" insert an underscored comma; and in line 29 after "any"  
15 insert "such".

**LEGISLATIVE BILL 143.** Placed on General File with amendment.

AM105

- 1 1. On page 5, lines 24 through 30, strike the new matter and insert  
2 "Within twenty-four hours after court approval of the emergency placement  
3 change, the department, association, or individual shall provide notice  
4 of the placement change to all interested parties, including all of the  
5 child's siblings that are known to the department, and, if the child is  
6 of school age, the school where the child is enrolled and the new school  
7 where the child will be enrolled.".

**LEGISLATIVE BILL 400.** Placed on General File with amendment.

AM200

- 1 1. On page 2, strike line 15, and insert "of individual behavioral  
2 health services for an established patient, when appropriate, or crisis  
3 management and intervention for an established patient as allowed by  
4 federal law; and".
- 5 2. On page 5, strike line 7, and insert "individual behavioral  
6 health services for an established patient, when appropriate, or crisis  
7 management and intervention for an established patient as allowed by  
8 federal law".

(Signed) John Arch, Chairperson

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

Senator Stinner filed the following amendment to LB141:

AM260

- 1 1. On page 2, strike beginning with the comma in line 2 through the  
2 comma in line 3 and insert "to the Nebraska Arts Council, for Program  
3 323".

Senator Kolterman filed the following amendment to LB145:

AM219

- 1 1. Strike the original sections and insert the following new  
2 sections:
- 3 Section 1. Section 79-978.01, Revised Statutes Cumulative  
4 Supplement, 2020, is amended to read:  
5 79-978.01 Sections 79-978 to 79-9,123 and section 3 of this act  
6 shall be known and may be cited as the Class V School Employees  
7 Retirement Act.
- 8 Sec. 2. Section 79-987, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:  
10 79-987 (1) Beginning January 1, 2022, it shall be the duty of the  
11 Auditor of Public Accounts to make an annual audit of the condition of  
12 the retirement system. The auditor shall report such audit electronically  
13 no later than each XXXX to the board of trustees, the Nebraska Retirement

14 Systems Committee of the Legislature, and the Clerk of the Legislature  
 15 until January 1, 2025. Beginning January 1, 2025, the auditor shall  
 16 report such audit electronically no later than each XXXX to the Public  
 17 Employees Retirement Board and the Clerk of the Legislature. The cost of  
 18 the annual audits shall be paid from funds of the retirement system. The  
 19 Nebraska Retirement Systems Committee of the Legislature may request that  
 20 the Auditor of Public Accounts or the auditor's designee present the  
 21 findings of the annual report at a public hearing. An annual audit of the  
 22 affairs of the retirement system shall be conducted in each fiscal year.  
 23 At the option of the board of trustees, such audit may be conducted by a  
 24 certified public accountant or the Auditor of Public Accounts. The costs  
 25 of such audit shall be paid from funds of the retirement system. A copy  
 26 of such audit shall be filed with the Auditor of Public Accounts.

27 (2) Each audit year an annual financial audit of the investments of  
 1 the retirement system shall be conducted. At the option of the council,  
 2 such audit may be conducted by a certified public accountant or the  
 3 Auditor of Public Accounts. The costs of such audit shall be paid from  
 4 funds of the retirement system. A copy of such audit shall be filed with  
 5 the board of trustees and the Auditor of Public Accounts.  
 6 (3)(a) (3) Beginning May 1, 2017, and until May 1, 2018, if such  
 7 retirement plan is a defined benefit plan, the board of trustees shall  
 8 cause to be prepared an annual report and the administrator shall file  
 9 the same with the Public Employees Retirement Board and submit to the  
 10 members of the Nebraska Retirement Systems Committee of the Legislature a  
 11 copy of such report. Beginning May 1, 2018, and until July 1, 2021, the  
 12 board of trustees shall cause to be prepared an annual report and the  
 13 administrator shall file the same with the Auditor of Public Accounts and  
 14 submit to the members of the Nebraska Retirement Systems Committee of the  
 15 Legislature a copy of such report. The report submitted to the committee  
 16 and the Auditor of Public Accounts shall be submitted electronically. The  
 17 report shall consist of a full actuarial analysis of each such retirement  
 18 plan established pursuant to section 79-979. The analysis shall be  
 19 prepared by an independent private organization or public entity  
 20 employing actuaries who are members of the American Academy of Actuaries  
 21 and meet the academy's qualification standards to render a statement of  
 22 actuarial opinion, and which organization or entity has demonstrated  
 23 expertise to perform this type of analysis and is unrelated to any  
 24 organization offering investment advice or which provides investment  
 25 management services to the retirement plan. The report shall be presented  
 26 to the Nebraska Retirement Systems Committee of the Legislature at a  
 27 public hearing.

28 (b) Beginning July 1, 2021, the board of trustees shall file with  
 29 the Auditor of Public Accounts an electronic copy of the annual actuarial  
 30 investigation of the retirement system prepared pursuant to section  
 31 79-984 and submit electronically a copy of such investigation to the  
 1 Nebraska Retirement Systems Committee of the Legislature.

2 (4) Each school district with a retirement system under the Class V  
 3 School Employees Retirement Act shall comply with the reporting and  
 4 filing requirements set forth in section 13-2402.

5 Sec. 3. (1) The Legislature finds that following completion and  
 6 submission of the work plan by the Public Employees Retirement Board  
 7 pursuant to section 79-9.121, additional issues have emerged related to  
 8 transfer of the management of the Class V School Employees Retirement  
 9 System to the Public Employees Retirement Board. Further examination and  
 10 evaluation are necessary and shall be completed by the entities described  
 11 in this section. Such additional examination and evaluation shall  
 12 include, but not be limited to:

13 (a) Completion of a compliance audit of the retirement system as  
 14 described in this section;

15 (b) Completion of the audits of the retirement system by the Auditor

16 of Public Accounts pursuant to subsection (1) of section 79-987; and  
 17 (c) Identification and examination of issues by the Public Employees  
 18 Retirement Board as described in subsection (8) of this section.  
 19 (2) The board of trustees shall obtain a compliance audit of the  
 20 retirement system to be completed no later than November 15, 2021. The  
 21 compliance audit shall be in addition to the annual audit conducted by  
 22 the Auditor of Public Accounts pursuant to subsection (1) of section  
 23 79-987.  
 24 (3) The compliance audit shall include an examination of records,  
 25 files, and any other documents or resources of the retirement system and  
 26 an evaluation of all policies and procedures of the retirement system,  
 27 the school district, the board of education, and the board of trustees  
 28 related to the administration and operation of the retirement system to  
 29 determine compliance with all state and federal laws. The compliance  
 30 audit shall also include, but not be limited to, an examination and  
 31 evaluation of:  
 1 (a) Eligibility and enrollment to ensure eligible individuals are  
 2 properly and timely enrolled in the plan;  
 3 (b) Contributions, compensation, service hours, and other records to  
 4 ensure that members are making the correct contributions, that only  
 5 eligible compensation and eligible service hours are reported at the time  
 6 and in the manner specified in plan documents, and that only the  
 7 authorized interest or interest credits are being recorded;  
 8 (c) Termination of employment to ensure that only terminated members  
 9 are taking distributions from the plan at the time and in the manner  
 10 specified in the plan documents;  
 11 (d) Reemployment after retirement to ensure that retirees who  
 12 reemploy have complied with plan documents;  
 13 (e) Benefit calculations and benefit payments to ensure that the  
 14 correct benefits are calculated for members and paid on a timely basis;  
 15 and  
 16 (f) Disability retirements to ensure:  
 17 (i) The determination of the member's disability status and any  
 18 accrual of additional disability benefits due to deferred distribution of  
 19 such benefits are conducted in accordance with the act; and  
 20 (ii) The amount of the disability retirement benefits is correctly  
 21 calculated for members and paid on a timely basis.  
 22 (4) The examination of each of the issues listed in subsection (3)  
 23 of this section shall also include, but not be limited to, a review of:  
 24 (a) The plan documents and training that the retirement system has  
 25 provided to the employees to ensure proper compliance with the procedures  
 26 and processes;  
 27 (b) Oversight practices or processes used by the board of trustees  
 28 and administrator of the retirement system to identify whether the  
 29 employer properly followed the plan documents; and  
 30 (c) Practices and processes used by the board of trustees and  
 31 administrator of the retirement system to correct any errors made.  
 1 (5) The board of trustees, board of education, school district, and  
 2 retirement system shall provide:  
 3 (a) The compliance auditors with the documents identified in this  
 4 section and access to personnel who perform or have knowledge of duties  
 5 related to the practices, procedures, operations, and administration of  
 6 the retirement system to facilitate timely completion of the compliance  
 7 audit; and  
 8 (b) The Auditor of Public Accounts with documents and access to  
 9 personnel as requested by the auditor to facilitate timely completion of  
 10 the audit required by subsection (1) of section 79-987.  
 11 (6) Expenses related to obtaining the compliance audit and the audit  
 12 conducted by the Auditor of Public Accounts described in subsection (1)  
 13 of section 79-987 shall be charged to the retirement system.

14 (7) The board of trustees shall submit an electronic copy of the  
15 compliance audit report to the Clerk of the Legislature, the board of  
16 education, the Nebraska Retirement Systems Committee of the Legislature,  
17 the Governor, and the Public Employees Retirement Board no later than  
18 November 1, 2021. The compliance audit report shall be presented to the  
19 Nebraska Retirement Systems Committee of the Legislature at a public  
20 hearing.

21 (8)(a) The Public Employees Retirement Board shall identify and  
22 examine additional issues which have emerged since the completion of the  
23 work plan conducted pursuant to section 79-9,121. Such identification and  
24 examination shall include, but are not limited to, issues related to the  
25 transition and transfer of management of the Class V School Employees  
26 Retirement System to the Public Employees Retirement Board and the  
27 board's duties to administer such retirement system pursuant to section  
28 84-1503 in a manner which will maintain the transferred retirement system  
29 plan's status as a qualified plan and address any concerns in meeting the  
30 Public Employees Retirement Board's fiduciary duties and responsibilities  
31 pursuant to section 84-1503.02.

1 (b) The Public Employees Retirement Board may retain the services of  
2 consultants, if necessary, to carry out its responsibilities under this  
3 subsection.

4 (c) The Public Employees Retirement Board shall timely respond to  
5 any written communications from the Nebraska Retirement Systems Committee  
6 of the Legislature regarding its ongoing examinations under this  
7 subsection and advise the committee if additional areas of examination  
8 related to the transfer of management as required under this section  
9 should be addressed.

10 (d) The Public Employees Retirement Board may bill the employer of  
11 any Class V school employees retirement system established under the  
12 Class V School Employees Retirement Act on a quarterly basis as provided  
13 in section 79-9,123 for all services and related expenses incurred in  
14 carrying out its responsibilities under this section.

15 Sec. 4. Section 79-9,122, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:  
17 79-9,122 (1) The Class V School Employees Retirement System  
18 Management Work Plan Fund is created. The purpose of the fund is to  
19 transfer funds as specified in this section. The fund shall consist of  
20 the amounts transferred from the employer of any Class V school employees  
21 retirement system established under the Class V School Employees  
22 Retirement Act and which existed on January 1, 2019, for all work  
23 performed by the Public Employees Retirement Board for services and  
24 related expenses in completion of the work described in section 79-9,121  
25 and section 3 of this act. The fund shall be administered by the Nebraska  
26 Public Employees Retirement Systems. Any money in the fund available for  
27 investment shall be invested by the state investment officer pursuant to  
28 the Nebraska Capital Expansion Act and the Nebraska State Funds  
29 Investment Act.

30 (2) The employer of any Class V school employees retirement system  
31 established under the Class V School Employees Retirement Act and which  
1 existed on January 1, 2019, shall remit the payment described in  
2 subsection (3) of section 79-9,121 and section 3 of this act to the State  
3 Treasurer for credit to the Class V School Employees Retirement System  
4 Management Work Plan Fund for all work performed by the Public Employees  
5 Retirement Board for services and related expenses in completion of the  
6 work plan and for additional identification and examination of issues as  
7 required under section 3 of this act.

8 Sec. 5. Section 79-9,123, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:  
10 79-9,123 (1) The administrator and board of trustees of any Class V  
11 school employees retirement system established under the Class V School

12 Employees Retirement Act and which existed on January 1, 2019, may  
 13 quarterly bill the employer of such Class V school employees retirement  
 14 system for all work performed and expenses incurred by the administrator,  
 15 staff, and any consultants of the Class V school employees retirement  
 16 system in response to requests for records, documents, data, or other  
 17 information from the Nebraska Public Employees Retirement Systems or the  
 18 Public Employees Retirement Board in completion of the work plan  
 19 described in section 79-9,121.

20 (2) The Public Employees Retirement Board may bill the employer of  
 21 the Class V school employees retirement system on a quarterly basis for  
 22 all work performed and expenses incurred pursuant to section 3 of this  
 23 act.

24 (3) The employer of the Class V school employees retirement system  
 25 described in this section Such employer shall remit payment within forty-  
 26 five calendar days after receipt of each quarterly bill to such Class V  
 27 school employees retirement system received pursuant to this section.

28 Sec. 6. Original sections 79-978.01, 79-987, 79-9,122, and  
 29 79-9,123, Revised Statutes Cumulative Supplement, 2020, are repealed.

30 Sec. 7. Since an emergency exists, this act takes effect when  
 31 passed and approved according to law.

Senator Kolterman filed the following amendment to [LB582](#):  
[AM229](#) is available in the Bill Room.

Senator Williams filed the following amendment to [LB66](#):  
[AM263](#)

1 1. Insert the following new section:  
 2 Sec. 13. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

Senator Brandt filed the following amendment to [LB543](#):  
[AM284](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 6 of this act shall be known and may be  
 4 cited as the Agricultural Equipment Right-To-Repair Act.  
 5 Sec. 2. For purposes of the Agricultural Right-To-Repair Act:  
 6 (1) Authorized repair provider means an individual or business who  
 7 is affiliated with an original equipment manufacturer and who has an  
 8 arrangement with the original equipment manufacturer, for a definite or  
 9 indefinite period, under which the original equipment manufacturer grants  
 10 to the individual or business a license to use a trade name, service  
 11 mark, or other proprietary identifier for the purposes of offering the  
 12 services of diagnosis, maintenance, or repair of electronics-enabled  
 13 agricultural equipment under the name of the original equipment  
 14 manufacturer, or other arrangement with the original equipment  
 15 manufacturer to offer such services on behalf of the original equipment  
 16 manufacturer. An original equipment manufacturer who offers the services  
 17 of diagnosis, maintenance, or repair of its own electronics-enabled  
 18 agricultural equipment, and who does not have an arrangement described in  
 19 this subsection with an affiliated individual or business, shall be  
 20 considered an authorized repair provider with respect to such equipment;  
 21 (2) Electronics-enabled agricultural equipment or equipment means  
 22 any product, part of a product, or attachment to a product, when sold or  
 23 leased for use in farming, ranching, or other agriculture, that depends  
 24 for its functioning, in whole or in part, on digital electronics embedded  
 25 in or attached to it. The term includes, but is not limited to, a  
 26 tractor, trailer, combine, tillage, planting, irrigation, or cultivating

27 implement, baler, unmanned aircraft system, or off-road vehicle.  
1 Electronics-enabled agricultural equipment or equipment does not include  
2 motor vehicles, and does not include consumer electronic devices,  
3 including wireless communication devices and computers;  
4 (3) Documentation means any manual, diagram, reporting output,  
5 service code description, schematic, product guides, product service  
6 demonstrations, training seminars, clinics, fleet management information,  
7 connected support, mobile applications, on-board diagnostics via  
8 diagnostics port or wireless interface, or other guidance or information  
9 on service, parts, operation, safety, electronic field diagnostic service  
10 tools, or training for use in effecting the services of diagnosis,  
11 maintenance, or repair of electronics-enabled agricultural equipment;  
12 (4) Embedded software means any programmable instructions provided  
13 on firmware delivered with electronics-enabled agricultural equipment, or  
14 with a part for such equipment, for purposes of equipment operation,  
15 including all relevant patches and fixes made by the manufacturer of such  
16 equipment or part for such purposes;  
17 (5)(a) Fair and reasonable terms for obtaining a part, a tool,  
18 documentation, or software means at fair and reasonable costs and terms  
19 that do not impair the contracts and agreements between authorized repair  
20 providers affiliated with the original equipment manufacturer. Fair and  
21 reasonable terms shall prohibit an original equipment manufacturer and  
22 its authorized repair providers from imposing additional cost or burden  
23 not reasonably necessary or designed to be an impediment on the  
24 independent repair provider or equipment owner.  
25 (b) For software tools, fair and reasonable terms also means without  
26 requiring authorization or Internet access, or imposing impediments to  
27 access or use, in the course of effecting the diagnosis, maintenance, or  
28 repair and enabling full functionality of electronics-enabled  
29 agricultural equipment, in a manner that impairs the efficient and cost-  
30 effective performance of any of those activities unless authorization is  
31 required to prevent access to source code or infringement of intellectual  
1 property in software or hardware that is owned and licensed to the  
2 original equipment manufacturer by a third party and subject to terms of  
3 use;  
4 (6) Firmware means a software program or set of instructions  
5 programmed on electronics-enabled agricultural equipment, or on a part  
6 for such equipment, to allow the equipment or part to communicate within  
7 itself or with other computer hardware;  
8 (7) Independent repair provider means an individual or business  
9 operating in this state, who does not have an arrangement described in  
10 subdivision (1) of this section with an original equipment manufacturer,  
11 and who is not affiliated with any individual or business who has such an  
12 arrangement, and who is engaged in the services of diagnosis,  
13 maintenance, or repair of electronics-enabled agricultural equipment,  
14 except that an original equipment manufacturer or, with respect to that  
15 original equipment manufacturer, an individual or business who has such  
16 an arrangement with that original equipment manufacturer, or who is  
17 affiliated with an individual or business who has such an arrangement  
18 with that original equipment manufacturer, shall be considered an  
19 independent repair provider for purposes of those instances in which it  
20 engages in the services of diagnosis, maintenance, or repair of  
21 electronics-enabled agricultural equipment that is not manufactured by or  
22 sold under the name of that original equipment manufacturer;  
23 (8) Motor vehicle means a vehicle that is designed for transporting  
24 persons or property on a street or highway and is certified by the  
25 manufacturer under all applicable federal safety and emissions standards  
26 and requirements for distribution and sale in the United States;  
27 (9) Original equipment manufacturer means a business engaged in the  
28 business of selling, leasing, or otherwise supplying new electronics-

29 enabled agricultural equipment manufactured by or on behalf of itself, to  
30 any individual or business;

31 (10) Owner means an individual or business that owns or leases  
1 electronics-enabled agricultural equipment purchased or used in this  
2 state;

3 (11) Part means any replacement part, either new or used, made  
4 available by an original equipment manufacturer for purposes of effecting  
5 the services of maintenance or repair of electronics-enabled agricultural  
6 equipment manufactured by or on behalf of, sold or otherwise supplied by  
7 the original equipment manufacturer;

8 (12) Repair means to maintain, diagnose, and repair machinery that  
9 results in the machine being returned to its original specifications.

10 Repair does not include performing any activities that result in the  
11 machine being modified outside of the original equipment manufacturer  
12 specifications. Specifically, repair does not include the ability to:

13 (a) Reset an immobilizer system or security-related electronic  
14 modules;

15 (b) Reprogram any electronic processing units or engine control  
16 units and parameters;

17 (c) Change any equipment or engine settings that negatively affect  
18 emissions or safety compliance; and

19 (d) Download or access the source code of any proprietary embedded  
20 software or code;

21 (13) Tools means any software program, hardware implement, product  
22 service demonstrations, training, seminars, clinics, on-board diagnostics  
23 via diagnostics port or wireless interface, electronic field diagnostic  
24 service tools and training on how to use them, or other apparatus used  
25 for diagnosis, maintenance, or repair of electronics-enabled agricultural  
26 equipment, including software or other mechanisms that provision,  
27 program, or pair a new part, calibrate functionality, or perform any  
28 other function required to bring the product back to specifications; and

29 (14) Trade secret has the same meaning as in section 87-502.

30 Sec. 3. For electronics-enabled agricultural equipment, and parts  
31 for such equipment, sold or used in this state, an original equipment  
1 manufacturer shall make available, for purposes of diagnosis,  
2 maintenance, or repair of such equipment, to any independent repair  
3 provider, or to the owner of electronics-enabled agricultural equipment  
4 manufactured by or on behalf of, or sold or otherwise supplied by, the  
5 original equipment manufacturer, on fair and reasonable terms,  
6 documentation, parts, and tools, inclusive of any updates to information  
7 or embedded software. Nothing in this subsection requires an original  
8 equipment manufacturer to make available documentation, parts, and tools  
9 if such documentation, parts, and tools are no longer available to the  
10 original equipment manufacturer.

11 Sec. 4. Violation of the Agricultural Right-To-Repair Act is an  
12 unlawful practice under the Uniform Deceptive Trade Practices Act. All  
13 remedies, penalties, and authority granted to the Attorney General by the  
14 Uniform Deceptive Trade Practices Act shall be available to the Attorney  
15 General for the enforcement of the Agricultural Right-To-Repair Act.

16 Sec. 5. (1) Nothing in the Agricultural Right-To-Repair Act shall  
17 be construed to require an original equipment manufacturer to divulge a  
18 trade secret to an owner or an independent service provider except as  
19 necessary to provide documentation, parts, and tools on fair and  
20 reasonable terms.

21 (2) No provision in the Agricultural Right-To-Repair Act shall be  
22 construed to alter the terms of any arrangement described in subdivision

23 (1) of section 2 of this act in force between an authorized repair  
24 provider and an original equipment manufacturer, including, but not  
25 limited to, the performance or provision of warranty or recall repair  
26 work by an authorized repair provider on behalf of an original equipment



27 manufacturer pursuant to such arrangement, except that any provision in  
 28 such terms that purports to waive, avoid, restrict, or limit the original  
 29 equipment manufacturer's obligations to comply with the act shall be void  
 30 and unenforceable.  
 31 Sec. 6. The Agricultural Right-To-Repair Act applies with respect  
 1 to equipment sold or in use on or after the effective date of this act.

### NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Friday, February 26, 2021 9:30 a.m.

Anthony (Tony) R. Green - Division of Developmental Disabilities-Health  
and Human Services

Kevin Bagley - Division of Medicaid and Long Term Care-Department of  
Health and Human Services

(Signed) John Arch, Chairperson

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 21.** Placed on Select File.

**LEGISLATIVE BILL 22.** Placed on Select File with amendment.

#### [ER4](#)

1 1. On page 1, line 6, strike "define and redefine terms" and insert  
 2 "provide, change, and eliminate definitions".  
 3 2. On page 2, line 24; and page 3, line 28, strike "director" and  
 4 insert "Director of Insurance".  
 5 3. On page 4, line 22, after "annuities" insert an underscored  
 6 comma; and in line 31 after the semicolon insert "and".  
 7 4. On page 9, line 12; and page 10, lines 25 and 29, strike the  
 8 period and insert an underscored semicolon.  
 9 5. On page 12, line 10, strike the period, show as stricken, and  
 10 insert "; and".  
 11 6. On page 17, line 11, after "the" insert "federal".  
 12 7. On page 19, line 15, after the first comma insert "an".

**LEGISLATIVE BILL 23.** Placed on Select File with amendment.

#### [ER2](#)

1 1. On page 1, line 1, strike "real property" and insert "the Real  
 2 Property Appraiser Act"; and strike beginning with "and" in line 5  
 3 through "Act" in line 6 and insert "disciplinary provisions, and scope of  
 4 practice under the act".

**LEGISLATIVE BILL 66.** Placed on Select File.

**LEGISLATIVE BILL 77.** Placed on Select File.

(Signed) Terrell McKinney, 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 February 18, 2021, 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

Hrdlicka, Joseph  
Genentech, Inc.  
Kelley Plucker, LLC  
Coalition of Ignition Interlock Manufacturers  
Kissel Kohout ES Associates, LLC  
Exodus.io  
Lato, Kari  
Bristol Myers Squibb Co.  
Smoyer, Brent  
Professional Background Screening Association  
Trevino Jr., Fernando  
Lyft, Inc.  
Urdahl, Michael B.  
Pinpoint Holdings, Inc.  
Yates, Leighton  
Alliance for Automotive Innovation  
Zulkoski Weber LLC  
Novo Nordisk Inc.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor  
Room 1524

Monday, March 1, 2021 9:30 a.m.  
LB172  
LB207  
LB441  
LB480

Monday, March 1, 2021 1:30 p.m.  
LB512  
LB594  
LB632  
LB667  
LB241

(Signed) Ben Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 48.** Introduced by Bostelman, 23.

WHEREAS, the Legislature has long recognized that it is in the best interest of the public to maintain low-cost, reliable electric service; and

WHEREAS, the State of Nebraska and other states experienced extreme cold temperatures during February of 2021; and

WHEREAS, those temperatures caused greater energy needs throughout Nebraska and surrounding states; and

WHEREAS, public power districts serving Nebraska residents participate in the Southwest Power Pool, which is a regional transmission organization; and

WHEREAS, the increased energy needs across the region served by the Southwest Power Pool caused public power districts in Nebraska to receive requests to load shed or reduce electricity usage; and

WHEREAS, residents throughout the state experienced power outages as a result of the responses from the public power districts to those requests; and

WHEREAS, it is imperative that the Legislature act on behalf of the residents of Nebraska to understand the circumstances and practices surrounding the power outages.

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

1. That the Legislature recognizes the need for an understanding of the reasons for and circumstances surrounding the interruptions in electricity to residents in the state.

2. That the Natural Resources Committee of the Legislature provide a report of its findings of the reasons for and circumstances surrounding the power outages experienced by Nebraskans.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR48 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR Committee**

LR48 Natural Resources

(Signed) Dan Hughes, Chairperson  
Executive Board

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

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

Senator Hansen, B. name added to LB188.  
Senator Cavanaugh, J. name added to LB298.

**VISITOR(S)**

The Doctor of the Day was Dr. Patrick Hotovy from York.

**ADJOURNMENT**

At 9:24 a.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIRST DAY - FEBRUARY 23, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 23, 2021

**PRAYER**

The prayer was offered by Senator Dorn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Williams.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, M. Cavanaugh, B. Hansen, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 248.** Placed on Select File with amendment.

[ER3](#)

1 1. On page 1, line 1, after "the" insert "Nebraska".

**LEGISLATIVE BILL 363.** Placed on Select File with amendment.

[ER8](#)

1 1. On page 1, line 14, after the semicolon insert "to define a  
2 term;"; in line 16 strike "and" and after the second "Act" insert ", the  
3 Credit Union Act, and the Uniform Commercial Code"; and strike line 17.

**LEGISLATIVE BILL 373.** Placed on Select File.

**LEGISLATIVE BILL 25.** Placed on Select File.

**LEGISLATIVE BILL 44.** Placed on Select File.

**LEGISLATIVE BILL 159.** Placed on Select File with amendment.

[ER6](#)

1 1. On page 1, strike beginning with "provide" in line 4 through  
2 "form" in line 5 and insert "change provisions relating to printing and  
3 publishing ordinances".

**LEGISLATIVE BILL 163.** Placed on Select File with amendment.

[ER1](#)

1 1. On page 2, line 4, after "18-2807," insert "and" and strike the  
2 last "and"; in line 5 strike "77-3,119," and "13-518,"; in line 8 after  
3 "18-2717," insert "and" and strike "and 77-2602,"; and strike beginning  
4 with "eliminate" in line 13 through line 19 and insert "harmonize  
5 provisions; and to repeal the original sections."  
6 2. On page 16, line 31, strike "utilities", show as stricken, and  
7 insert "utility".  
8 3. On page 34, line 11; and page 41, line 26, strike "shall become",  
9 show as stricken, and insert "becomes".  
10 4. On page 35, line 5, strike "acquiring", show as stricken, and  
11 insert "acquisition".  
12 5. On page 37, line 23; and page 39, line 6, strike "petition", show  
13 as stricken, and insert "complaint".  
14 6. On page 60, line 13, strike "shall constitute", show as stricken,  
15 and insert "constitutes".  
16 7. On page 80, line 27, strike the underscored comma.  
17 8. On page 88, line 11, strike the underscored comma.  
18 9. On page 89, line 24, strike "holder" and insert "holder's".  
19 10. On page 92, lines 12, 14 and 15, and 18, strike the new matter  
20 and insert "the act".  
21 11. On page 93, line 18, strike the comma and show as stricken.  
22 12. On page 94, line 14, strike "167" and insert "166".  
23 13. On page 126, line 28, after "18-2807," insert "and" and strike  
24 the last "and"; in line 29 strike "77-3,119," and "13-518,"; and in line  
25 31 after the last comma insert "and".  
26 14. On page 127, line 1, strike "and 77-2602,".

**LEGISLATIVE BILL 4.** Placed on Select File with amendment.

[ER7](#)

1 1. On page 2, line 5, after "States" insert an underscored comma.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 507.** Placed on General File with amendment.

[AM256](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section  
6 4 of this act and the State Park System Construction Alternatives Act

7 shall be known and may be cited as the Game Law.

8 Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 37-448 (1) Subject to rules and regulations adopted and promulgated  
11 by the commission, the secretary of the commission may designate, by  
12 order, special deer, antelope, and elk depredation seasons or extensions  
13 of existing deer hunting seasons. The secretary may designate a  
14 depredation season or an extension of an existing deer hunting season  
15 whenever he or she determines that deer, antelope, or elk are causing  
16 excessive property damage. The secretary shall specify the number of  
17 permits to be issued, the species, sex, and number or quota of animals  
18 deer allowed to be taken, the bag limit for such species ~~including deer~~  
19 ~~for donation in accordance with the deer donation program established~~  
20 ~~pursuant to sections 37-1501 to 37-1510~~, the beginning and ending dates  
21 for the depredation season or hunting season extension, shooting hours,  
22 the length of the depredation season or hunting season extension, and the  
23 geographic area in which hunting will be permitted. The Hunting during a  
24 special depredation season or hunting season extension shall be limited  
25 to residents, and the rules and regulations shall allow use of any weapon  
26 permissible for use during the regular deer, antelope, or elk season.

27 (2) The depredation season may commence not less than five days  
1 after the first public announcement that the depredation season has been  
2 established. Permits shall be issued in an impartial manner at a location  
3 determined by the secretary. The commission shall, pursuant to section  
4 37-327, establish and charge a fee of not more than twenty-five dollars  
5 for a resident special depredation season permit and a fee of not more  
6 than seventy-five dollars for a nonresident special depredation season  
7 permit. The commission shall use the income from the sale of special  
8 depredation season permits for abatement of damage caused by deer. The  
9 commission shall, pursuant to section 37-327, establish and charge a fee  
10 of not more than ten dollars for a landowner special depredation season  
11 permit also provide for an unlimited number of free permits for the  
12 taking of antlerless deer and antelope for upon request to any person  
13 owning or operating at least twenty acres of farm or ranch land within  
14 the geographic area in which hunting will be permitted and to any member  
15 of the immediate family of any such person as defined in subdivision (2)  
16 (a) of section 37-455, and for the taking of elk for any person owning or  
17 operating at least eighty acres of farm or ranch land within the  
18 geographic area in which hunting will be permitted and to any member of  
19 the immediate family of such person as defined in subdivision (2)(a) of  
20 section 37-455. A special depredation season free permit shall be valid  
21 only within such area and only during the designated deer depredation  
22 season. The commission shall use the income from the sale of special  
23 depredation season permits for abatement of damage caused by deer,  
24 antelope, and elk. Receipt of a depredation season permit shall not in  
25 any way affect a person's eligibility for a regular season permit issued  
26 under section 37-447, 37-449, 37-450, or 37-455.

27 Sec. 3. Section 37-456, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 37-456 The issuance of limited antelope permits pursuant to section  
30 37-455 in any management unit shall not exceed seventy-five ~~fifty~~ percent  
31 of the regular permits authorized for such antelope management unit. The  
1 issuance of limited elk permits pursuant to section 37-455 in any  
2 management unit shall not exceed seventy-five ~~fifty~~ percent of the  
3 regular permits authorized for such elk management unit.

4 Sec. 4. (1) The commission may issue one free-earned landowner elk  
5 permit for the taking of either sex of elk to any person owning or  
6 leasing at least eighty acres of farm or ranch land used for agricultural  
7 purposes, or to any member of the immediate family of such person as  
8 defined in subdivision (2)(a) of section 37-455, when the qualifying

9 number of antlerless elk have been harvested on such land by hunters with  
 10 a permit issued under section 37-448 or 37-450. Such permit shall be  
 11 limited to hunting on the lands owned or leased by the qualifying  
 12 landowner. Receipt of a free-earned landowner elk permit shall not in any  
 13 way affect a person's eligibility for a permit issued under section  
 14 37-450 or 37-455.

15 (2) The commission shall adopt and promulgate rules and regulations  
 16 prescribing procedures, forms, and requirements for documentation by  
 17 landowners or lessees as described in subsection (1) of this section to  
 18 annually report antlerless elk harvested on their property for  
 19 eligibility, and the number of antlerless elk required to be harvested on  
 20 such property to qualify for a free-earned landowner elk permit. The  
 21 number of antlerless elk harvested to qualify shall accumulate each year  
 22 until such time as a free-earned landowner elk permit is awarded.

23 Sec. 5. Section 46-102, Revised Statutes Cumulative Supplement,  
 24 2020, is amended to read:

25 46-102 (1) For purposes of the Irrigation District Act:

26 (a) Elector means:

27 (i) For any irrigation district or proposed irrigation district not  
 28 described in subdivision (1)(a)(ii) of this section, any resident of the  
 29 State of Nebraska who:

30 (A) Ow~~n~~s ; -owning not less than fifteen acres of land within any  
 31 such district;

1 (B) Is ; -or who is an entryman of government land, within any such  
 2 irrigation district or proposed irrigation district; ; or

3 (C) Holds any resident of the State of Nebraska holding a leasehold  
 4 estate in not less than forty acres of state land within any such  
 5 irrigation district for a period of not less than five years from the  
 6 date at which such elector seeks to exercise the elective franchise; and

7 (ii) For any irrigation district or proposed irrigation district  
 8 which borders another state and comprises less than two thousand acres  
 9 and in which one-half or more of the landowners, leaseholders, or  
 10 entrymen of government lands are not residents of the State of Nebraska,  
 11 any person who:

12 (A) Ow~~n~~s not less than fifteen acres of land within any such  
 13 district;

14 (B) Is an entryman of government land within any such district; or

15 (C) Holds a leasehold estate in not less than forty acres of state  
 16 land within any such district for a period of not less than five years  
 17 from the date at which such elector seeks to exercise the elective  
 18 franchise; and

19 (b) Residence means (i) that place in which a person is actually  
 20 domiciled, which is the residence of an individual or family, with which  
 21 a person has a settled connection for the determination of his or her  
 22 civil status or other legal purposes because it is actually or legally  
 23 his or her permanent and principal home, and to which, whenever he or she  
 24 is absent, he or she has the intention of returning, or (ii) the place  
 25 where a person has his or her family domiciled even if he or she does  
 26 business in another place.

27 (2) Status as an elector, including residency, shall be established  
 28 as provided by this section and section 46-110.

29 (3) (2) If an elector resides outside of the irrigation district,  
 30 the elector shall be considered an elector in the division of the  
 31 irrigation district in which his or her land is situated or, if the  
 1 elector is the owner of land in more than one division of the irrigation  
 2 district, the elector shall be considered an elector in the division of  
 3 the district in which the majority of his or her land is situated.

4 (4) (3) In the case of land owned or leased by joint tenants, each  
 5 joint tenant who is a resident of the State of Nebraska is an elector and  
 6 entitled to vote if the total acreage owned or leased per joint tenant is



7 equal to or exceeds the minimum acreage requirements of subsection (1) of  
8 this section.

9 ~~(5) (4)~~ In the case of land owned or leased by tenants in common,  
10 each tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
11 entitled to vote if the total acreage owned or leased per tenant is equal  
12 to or exceeds the minimum acreage requirements of subsection (1) of this  
13 section.

14 ~~(6) (5)~~ In the case of land owned or leased by a corporation,  
15 limited liability company, limited liability partnership, joint venture,  
16 or other legal entity which meets the minimum acreage requirements of  
17 subsection (1) of this section, the entity shall designate a shareholder,  
18 member, or partner of the entity ~~who is a resident of the State of~~  
19 ~~Nebraska~~ to act as the elector on behalf of the entity. The entity shall  
20 identify its elector-designee in writing to the secretary of the board of  
21 directors of the irrigation district not less than thirty days prior to  
22 an irrigation district election.

23 ~~(7) (6)~~ In the case of land owned or leased under a life tenancy,  
24 each remainderman ~~who is a resident of the State of Nebraska~~ is an  
25 elector and entitled to vote if the total acreage owned or leased per  
26 remainderman is equal to or exceeds the minimum acreage requirements of  
27 subsection (1) of this section.

28 ~~(8) (7)~~ In the case of land held by a buyer in possession pursuant  
29 to a land-purchase contract when the total acreage under the land-  
30 purchase contract meets the minimum acreage requirements of subsection  
31 (1) of this section and the buyer in possession ~~is a resident of the~~  
1 ~~State of Nebraska~~ and is responsible for paying the real property taxes  
2 and the irrigation fees and assessments, the buyer in possession is the  
3 elector.

4 ~~(9) (8)~~ In the case of land owned or leased by a trust which meets  
5 the minimum acreage requirements of subsection (1) of this section, the  
6 trustee shall designate a trustor, beneficiary, or trustee of the trust  
7 ~~who is a resident of the State of Nebraska~~ to act as the elector on  
8 behalf of the trust. The trust shall identify its elector-designee in  
9 writing to the secretary of the board of directors not less than thirty  
10 days prior to an irrigation district election.

11 ~~(10) (9)~~ In the case of a pending estate of a deceased elector  
12 involving land which meets the minimum acreage requirements of subsection  
13 (1) of this section, the duly appointed personal representative of the  
14 estate ~~who is a resident of the State of Nebraska~~ shall act as the  
15 elector on behalf of the estate.

16 ~~(11) (10)~~ Prior to formation of an irrigation district, if two or  
17 more persons claim conflicting rights to vote on the same acreage, the  
18 election commissioner or county clerk shall determine the party entitled  
19 to vote. In such cases, the determination of the election commissioner or  
20 county clerk shall be conclusive. After formation of an irrigation  
21 district, if two or more persons claim conflicting rights to vote on the  
22 same acreage or any other conflict arises regarding the qualification of  
23 an elector, the secretary of the board of directors of the irrigation  
24 district shall determine the party entitled to vote. The secretary's  
25 determination shall be conclusive. If a claim involves the secretary of  
26 the board, the board of election for the affected irrigation district  
27 precinct shall determine the party entitled to vote. In such cases, the  
28 determination of the board of election shall be conclusive.

29 Sec. 6. Section 61-222, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:

31 61-222 (1) The Water Sustainability Fund is created in the  
1 Department of Natural Resources. The fund shall be used in accordance  
2 with the provisions established in sections 2-1506 to 2-1513 Laws 2014,  
3 LB1098, and for costs directly related to the administration of the fund.  
4 The Legislature shall not appropriate or transfer money from the fund for

5 any other purpose, except that transfers may be made from the fund as  
6 provided in subsections (4), (5), and (6) of this section.

7 (2) The fund shall consist of money transferred to the fund by the  
8 Legislature, other funds as appropriated by the Legislature, and money  
9 donated as gifts, bequests, or other contributions from public or private  
10 entities. Funds made available by any department or agency of the United  
11 States may also be credited to the fund if so directed by such department  
12 or agency. Any money in the fund available for investment shall be  
13 invested by the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act. Investment  
15 earnings from investment of money in the fund shall be credited to the  
16 fund.

17 (3) It is the intent of the Legislature that twenty-one million  
18 dollars be transferred from the General Fund to the Water Sustainability  
19 Fund in fiscal year 2014-15 and that eleven million dollars be  
20 transferred from the General Fund to the Water Sustainability Fund each  
21 fiscal year beginning in fiscal year 2015-16. It is the intent of the  
22 Legislature that three million dollars be transferred annually from the  
23 Water Sustainability Fund to the Nebraska Resources Development Fund in  
24 FY2015-16 and in FY2016-17.

25 (4) The State Treasurer shall transfer one hundred seventy-five  
26 thousand dollars from the Water Sustainability Fund to the Department of  
27 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
28 in such amounts as directed by the budget administrator of the budget  
29 division of the Department of Administrative Services.

30 (5) The State Treasurer shall transfer four hundred twenty-five  
31 thousand dollars from the Water Sustainability Fund to the Department of  
1 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
2 in such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 (6) The State Treasurer shall transfer five hundred thousand dollars  
5 from the Water Sustainability Fund to the General Fund on or before June  
6 30, 2021, on such dates and in such amounts as directed by the budget  
7 administrator of the budget division of the Department of Administrative  
8 Services.

9 Sec. 7. Section 66-1330, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall  
12 be known and may be cited as the Ethanol Development Act.

13 Sec. 8. The use of treated seed corn in the production of  
14 agricultural ethyl alcohol shall be prohibited if such use results in the  
15 generation of a byproduct that is deemed unsafe for livestock consumption  
16 or land application.

17 Sec. 9. Sections 1, 2, 3, 4, 5, 6, and 10 of this act become  
18 operative three calendar months after the adjournment of this legislative  
19 session. The other sections of this act become operative on their  
20 effective date.

21 Sec. 10. Original sections 37-448 and 37-456, Reissue Revised  
22 Statutes of Nebraska, and sections 37-201, 46-102, and 61-222, Revised  
23 Statutes Cumulative Supplement, 2020, are repealed.

24 Sec. 11. Original section 66-1330, Reissue Revised Statutes of  
25 Nebraska, is repealed.

26 Sec. 12. Since an emergency exists, this act takes effect when  
27 passed and approved according to law.

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 243.** Placed on General File.**LEGISLATIVE BILL 587.** Placed on General File with amendment.[AM217](#)

- 1 1. Strike original section 5.
- 2 2. On page 2, line 1 strike "6" and insert "5".
- 3 3. Renumber the remaining section accordingly.

(Signed) Lynne Walz, 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.

Thomas E. Riley - Director - Department of Natural Resources

Aye: 6. Aguilar, Bostelman, Cavanaugh, J., Gragert, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 2. Groene, Wayne.

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.

Charles Hutchison - Nebraska Power Review Board  
Gregory Eugene Moen - Nebraska Power Review Board

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

(Signed) Bruce Bostelman, Chairperson

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.

Gene Kelly - Coordinating Commission for Postsecondary Education

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lynne Walz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture  
Room 1524

Tuesday, March 2, 2021 1:30 p.m.  
Tom S. Dinsdale - Nebraska State Fair Board

(Signed) Steve Halloran, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, March 3, 2021 9:30 a.m.  
LB442

Wednesday, March 3, 2021 1:30 p.m.  
LB349  
LB29  
LB577

Thursday, March 4, 2021 9:30 a.m.  
LB8

Thursday, March 4, 2021 1:30 p.m.  
LB489  
LB61

(Signed) Tom Brewer, Chairperson

Natural Resources  
Room 1525

Wednesday, March 3, 2021 1:30 p.m.  
LR48

Note: Closed Testifiers

(Signed) Bruce Bostelman, Chairperson

Health and Human Services  
Room 1510

Wednesday, March 3, 2021 10:30 a.m.  
Dennis Roop - Stem Cell Research Advisory Committee

Wednesday, March 3, 2021 1:30 p.m.  
David Owens - Stem Cell Research Advisory Committee

(Signed) John Arch, Chairperson

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

Senator Kolterman filed the following amendment to [LB147](#):

[AM295](#)

1 1. On page 70, line 27, after "participant" insert "who is a  
2 teacher".

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Blood - LB14

**SELECT FILE**

**LEGISLATIVE BILL 1.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 288.** Considered.

Pending.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 38.** Placed on General File.

**LEGISLATIVE BILL 6.** Indefinitely postponed.

**LEGISLATIVE BILL 10.** Indefinitely postponed.

**LEGISLATIVE BILL 74.** Indefinitely postponed.

**LEGISLATIVE BILL 318.** Indefinitely postponed.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Wayne filed the following motion to [LB373](#):

[MO8](#)

Recommit to the Banking, Commerce and Insurance Committee.

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

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

Senator Halloran name added to LB40.

Senator Hunt name added to LB154.

Senator Hunt name added to LB158.  
Senator Erdman name added to LB188.  
Senator Hunt name added to LB217.  
Senator Hunt name added to LB278.  
Senator Hunt name added to LB332.  
Senator Kolterman name added to LB594.  
Senator Halloran name added to LB613.  
Senator Hunt name added to LB652.  
Senator Cavanaugh, J. name added to LR2CA.  
Senator Hunt name added to LR2CA.  
Senator Hunt name added to LR18CA.  
Senator Wayne name added to LR47.

#### **ANNOUNCEMENT**

Senator Arch announced the Health and Human Services Committee will hold executive sessions on Thursday, February 25, 2021 and Friday, February 26, 2021 following their morning hearings in Room 1510.

#### **ANNOUNCEMENT**

Senator Hughes announced the birthday of Senator Flood.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

#### **ADJOURNMENT**

At 9:25 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SECOND DAY - FEBRUARY 24, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 24, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Aguilar.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Bostar, Hunt, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first 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.

Stanley A. Clouse - Nebraska Natural Resources Commission  
Bradley B. Dunbar - Nebraska Natural Resources Commission  
Thomas L. Knutson - Nebraska Natural Resources Commission  
Scott Smathers - Nebraska Natural Resources Commission

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

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.

Joseph L. Citta Jr. - Nebraska Natural Resources Commission  
 Timothy E. Krause - Nebraska Natural Resources Commission  
 Rick Kubat - Nebraska Natural Resources Commission  
 LeRoy W. Sievers - Nebraska Natural Resources Commission

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 323.** Placed on Select File with amendment.

[ER15](#)

1 1. On page 1, line 2; and page 25, line 28, after "79-1007.12"  
 2 insert ", 79-1007.20,".  
 3 2. On page 1, line 6, strike "define" and insert "provide for"; and  
 4 in line 8 after the semicolon insert "to change provisions relating to  
 5 student growth adjustments;".

**LEGISLATIVE BILL 106.** Placed on Select File with amendment.

[ER5](#)

1 1. On page 1, line 3, after the semicolon insert "to add a certified  
 2 abstract fee and provide for the distribution of fee revenue;"; and  
 3 strike beginning with "to" in line 5 through the first semicolon in line  
 4 6.

**LEGISLATIVE BILL 113.** Placed on Select File with amendment.

[ER9](#)

1 1. On page 1, line 12, after the semicolon insert "to change  
 2 apportionable vehicle fees and the distribution of fee revenue;"; strike  
 3 beginning with "to" in line 15 through "revenue;" in line 16; and in line  
 4 18 after the first semicolon insert "to eliminate a fee; to eliminate  
 5 obsolete provisions;".

**LEGISLATIVE BILL 149.** Placed on Select File with amendment.

[ER11](#)

1 1. On page 1, strike beginning with "provide" in line 8 through line  
 2 9; and in line 11 after the semicolon insert "to eliminate obsolete  
 3 provisions;".  
 4 2. On page 4, line 14, strike "to", show as stricken, and insert  
 5 "through".  
 6 3. On page 6, line 13, after "agency" insert an underscored comma;  
 7 and in line 14 strike "of" and insert "or".



**LEGISLATIVE BILL 174.** Placed on Select File with amendment.

[ER10](#)

1 1. On page 1, strike beginning with the first "to" in line 15  
2 through the first semicolon in line 17 and insert "to change provisions  
3 relating to the Nebraska Rules of the Road regarding accident reports,  
4 roundabouts, and snowmobiles;".

**LEGISLATIVE BILL 302.** Placed on Select File with amendment.

[ER13](#)

1 1. On page 1, line 4, after "revocation" insert "and reinstatement".

**LEGISLATIVE BILL 148.** Placed on Select File with amendment.

[ER12](#)

1 1. On page 3, line 20, strike "the Department of".  
2 2. On page 37, line 29, strike "application, for" and insert  
3 "application for".  
4 3. On page 60, line 30, strike "71-4635", show as stricken, and  
5 insert "31 of this act".

**LEGISLATIVE BILL 253.** Placed on Select File.

**LEGISLATIVE BILL 503.** Placed on Select File with amendment.

[ER14](#)

1 1. On page 1, strike beginning with "authorize" in line 3 through  
2 "judgments" in line 4 and insert "require payment of attorney's fees by  
3 an objecting party as prescribed; to change trustee's sale provisions  
4 relating to the priority and distribution of proceeds".

**LEGISLATIVE BILL 532.** Placed on Select File with amendment.

[ER16](#)

1 1. On page 1, strike lines 5 through 8 and insert "to rename a fund;  
2 to change provisions relating to abandoned and unclaimed property under  
3 the Uniform Disposition of Unclaimed Property Act, the Uniform  
4 Residential Landlord and Tenant Act, and the School Employees Retirement  
5 Act; to provide powers and duties for the State Treasurer; to provide for  
6 immunity; to harmonize".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 152.** Placed on General File.

**LEGISLATIVE BILL 415.** Placed on General File.

**LEGISLATIVE BILL 70.** Placed on General File with amendment.

[AM276](#)

1 1. On page 5, line 14, strike "The", show as stricken, and insert  
2 "Except for professional kickboxing or professional bare-knuckle boxing  
3 matches, the".

**LEGISLATIVE BILL 312.** Placed on General File with amendment.

[AM277](#)

1 1. On page 2, strike beginning with "It" in line 14 through the  
 2 period in line 20, show the old matter as stricken, and insert "Any  
 3 number of the following individuals, not less than five, may form and  
 4 organize a cemetery association: (a) A resident of the county in which  
 5 the cemetery association is to be formed, (b) an owner of a lot within  
 6 the cemetery for which the cemetery association is formed, and (c) any  
 7 family member, including, but not limited to, a parent, spouse, sibling,  
 8 child, or grandchild, of an individual buried in such cemetery. Cemetery  
 9 association members shall elect at least three members to serve as  
 10 trustees and one member to serve as clerk, who shall continue to serve in  
 11 office at the pleasure of the association.".

(Signed) Tom Briese, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Senator Wayne offered the following motion:

[MO9](#)

Indefinitely postpone bill.

Senator Wayne withdrew his motion to indefinitely postpone.

Pending.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 344.** Placed on General File with amendment.

[AM83](#)

1 1. On page 2, lines 14 and 18, strike "and"; in line 15 after  
 2 "excavators" insert ", and (d) two representatives of locators"; and in  
 3 line 19 after "subsection" insert ", and one of the two initial  
 4 representatives of locators described in subdivision (d) of this  
 5 subsection".

(Signed) Curt Friesen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 218.** Placed on General File with amendment.

[AM133](#)

1 1. Insert the following new sections:  
 2 Sec. 4. Section 71-6403, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 71-6403 (1) There is hereby created the state building code. The  
 5 Legislature hereby adopts by reference:  
 6 (a) The International Building Code (IBC), ~~chapter 13 of the 2018~~  
 7 ~~edition, and all but such chapter of the 2018 edition except section~~  
 8 101.4.3 and chapter 29, published by the International Code Council,  
 9 except that (i) section 305.2.3 applies to a facility having twelve or  
 10 fewer children and (ii) section 310.4.1 applies to a care facility for  
 11 twelve or fewer persons;

12 (b) The International Residential Code (IRC), ~~chapter 11 of the 2018~~  
13 ~~edition, and all but such chapter of the 2018 edition except section R313~~  
14 ~~and chapters 25 through 33, published by the International Code Council;~~  
15 ~~and~~  
16 (c) The International Existing Building Code, 2018 edition ~~except~~  
17 ~~section 809, published by the International Code Council; and -~~  
18 (d) The Uniform Plumbing Code, 2018 edition, designated by the  
19 American National Standards Institute as an American National Standard.  
20 (2) The codes adopted by reference in subsection (1) of this section  
21 and the minimum standards for radon resistant new construction adopted  
22 under section 76-3504 shall constitute the state building code except as  
23 amended pursuant to the Building Construction Act or as otherwise  
24 authorized by state law.  
25 Sec. 5. Section 71-6406, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:  
27 71-6406 (1)(a) Any county, city, or village may enact, administer,  
1 or enforce a local building or construction code if or as long as such  
2 county, city, or village:  
3 (i) Adopts the state building code; or  
4 (ii) Adopts a building or construction code that conforms generally  
5 with the state building code.  
6 (b) If a county, city, or village does not adopt a code as  
7 authorized under subdivision (a) of this subsection within two years  
8 after an update to the state building code, the state building code shall  
9 apply in the county, city, or village, except that such code shall not  
10 apply to construction on a farm or for farm purposes.  
11 (2) A local building or construction code shall be deemed to conform  
12 generally with the state building code if it:  
13 (a) Adopts a special or differing building standard by amending,  
14 modifying, or deleting any portion of the state building code in order to  
15 reduce unnecessary costs of construction, increase safety, durability, or  
16 efficiency, establish best building or construction practices within the  
17 county, city, or village, or address special local conditions within the  
18 county, city, or village;  
19 (b) Adopts any supplement, new edition, appendix, or component or  
20 combination of components of the state building code;  
21 (c) Adopts section 305 or 310 of the 2018 edition of the  
22 International Building Code without the exceptions described in  
23 subdivision (1)(a) of section 71-6403, section 101.4.3 or any portion of  
24 chapter 29 of the 2018 edition of the International Building Code, or  
25 section R313 or any portion of chapters 25 through 33 of the 2018 edition  
26 of the International Residential Code, or section 809 of the 2018 edition  
27 of the International Existing Building Code;  
28 (d) Adopts a plumbing code, an electrical code, a fire prevention  
29 code, or any other standard code as authorized under section 14-419,  
30 15-905, 18-132, or 23-172;  
31 (e) Adopts a local energy code as authorized under section 81-1618;  
1 or  
2 (f) Adopts minimum standards for radon resistant new construction  
3 which meet the minimum standards adopted under section 76-3504.  
4 (3) A local building or construction code shall not be deemed to  
5 conform generally with the state building code if it:  
6 (a) Includes a prior edition of any component or combination of  
7 components of the state building code; or  
8 (b) Does not include minimum standards for radon resistant new  
9 construction that meet the minimum standards adopted under section  
10 76-3504.  
11 (4) A county, city, or village shall notify the State Energy Office  
12 if it amends or modifies its local building or construction code in such  
13 a way as to delete any portion of (a) chapter 13 of the 2018 edition of  
14 the International Building Code or (b) chapter 11 of the 2018 edition of  
15 the International Residential Code. The notification shall be made within

16 thirty days after the adoption of such amendment or modification.  
 17 (5) A county, city, or village shall not adopt or enforce a local  
 18 building or construction code other than as provided by this section.  
 19 (6) A county, city, or village which adopts or enforces a local  
 20 building or construction code under this section shall regularly update  
 21 its code. For purposes of this section, a code shall be deemed to be  
 22 regularly updated if the most recently enacted state building code or a  
 23 code that conforms generally with the state building code is adopted by  
 24 the county, city, or village within two years after an update to the  
 25 state building code.  
 26 (7) A county, city, or village may adopt amendments for the proper  
 27 administration and enforcement of its local building or construction code  
 28 including organization of enforcement, qualifications of staff members,  
 29 examination of plans, inspections, appeals, permits, and fees. Any  
 30 amendment adopted pursuant to this section shall be published separately  
 31 from the local building or construction code.  
 1 (8) A county, city, or village which adopts one or more standard  
 2 codes as part of its local building or construction code under this  
 3 section shall keep at least one copy of each adopted code, or portion  
 4 thereof, for use and examination by the public in the office of the clerk  
 5 of the county, city, or village prior to the adoption of the code and as  
 6 long as such code is in effect.  
 7 (9) Notwithstanding the provisions of the Building Construction Act,  
 8 a public building of any political subdivision shall be built in  
 9 accordance with the applicable local building or construction code. Fees,  
 10 if any, for services which monitor a builder's application of codes shall  
 11 be negotiable between the political subdivisions involved, but such fees  
 12 shall not exceed the actual expenses incurred by the county, city, or  
 13 village doing the monitoring.  
 14 2. Renumber the remaining section and correct the repealer  
 15 accordingly.

(Signed) Justin Wayne, Chairperson

#### ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, February 25, 2021, following their afternoon hearings in Room 1507.

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

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

Senator Sanders name added to LB5.  
 Senator Slama name added to LB167.  
 Senator Slama name added to LB188.  
 Senator Halloran name added to LB300.  
 Senator Day name added to LB396.  
 Senator Vargas name added to LB415.  
 Senator McDonnell name added to LB474.  
 Senator Cavanaugh, J. name added to LB474.  
 Senator Gragert name added to LB512.

**WITHDRAW - Cointroducer(s)**

Senator Albrecht name withdrawn from LB250.

**VISITOR(S)**

The Doctor of the Day was Dr. Michelle Sell of Columbus.

**ADJOURNMENT**

At 9:24 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 25, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 25, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator J. Cavanaugh.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Briese, M. Cavanaugh, and B. Hansen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 324.** Placed on General File with amendment.

**AM150**

1 1. Strike original section 10 and insert the following new section:  
2 Sec. 10. (1) The acquisition of meat from livestock by an informed  
3 end consumer shall not constitute the sale of meat products in

4 contravention of the Nebraska Meat and Poultry Inspection Law and shall  
5 not be prohibited if all of the following conditions are met:  
6 (a) The meat is made available pursuant to an animal share and is:  
7 (i) Received by or on behalf of an owner of an animal share; and  
8 (ii) Obtained from the particular livestock subject to the animal  
9 share;  
10 (b) Ownership of the particular livestock is established by contract  
11 prior to slaughter;  
12 (c) The name and address of each individual with an ownership  
13 interest in the particular livestock is presented to the processor prior  
14 to slaughter; and  
15 (d) Information describing the standards used by the farm or ranch  
16 with respect to livestock health and in the processing of meat from the  
17 livestock is provided to the informed end consumer by the farmer or  
18 rancher.  
19 (2) A farmer or rancher that sells an animal share shall:  
20 (a) Be a resident of the State of Nebraska; and  
21 (b) Maintain a record of each animal share sold under this section.  
22 (3) No person who obtains meat in accordance with this section shall  
23 sell, donate, or commercially redistribute the meat in any way. No farmer  
24 or rancher shall publish any statement that implies the department's  
25 approval or endorsement of meat made available pursuant to an animal  
26 share. The requirement for a license under section 54-1904 or for  
27 inspection under the Nebraska Meat and Poultry Inspection Law shall not  
1 apply to the sale of meat products pursuant to this section.  
2 2. On page 23, line 25, after "program" insert "contingent on funds  
3 being made available for such purpose".

(Signed) Steve Halloran, Chairperson

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

Tuesday, March 9, 2021 12:30 p.m.  
YRTC Five-Year Plan Briefing

(Signed) John Arch, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 49.** Introduced by Wayne, 13.

WHEREAS, Nebraskans receive natural gas service from a wide variety of utility providers; and

WHEREAS, the State of Nebraska and other states experienced extreme cold temperatures during February of 2021; and

WHEREAS, these temperatures caused greater natural gas needs throughout Nebraska and surrounding states; and

WHEREAS, some natural gas utilities in Nebraska serve customers in multiple states across the region; and

WHEREAS, the greater demand for energy across the region caused natural gas shortages and increases in natural gas prices; and



WHEREAS, it is imperative that the Legislature understand the effect of the extreme cold temperatures during February of 2021 on natural gas service in Nebraska.

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

1. That the Legislature recognizes the need for an understanding of the reasons for and circumstances surrounding the natural gas shortages.

2. That the Urban Affairs Committee of the Legislature provide a report of its findings of the reasons for and circumstances surrounding the natural gas shortages.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR49 was referred to the Reference Committee.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 42, 43, 44, 45, 46, and 47 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 42, 43, 44, 45, 46, and 47.

#### **SENATOR HUGHES PRESIDING**

#### **SELECT FILE**

**LEGISLATIVE BILL 288.** Considered.

Pending.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 126.** Indefinitely postponed.

**LEGISLATIVE BILL 239.** Indefinitely postponed.

**LEGISLATIVE BILL 240.** Indefinitely postponed.

**LEGISLATIVE BILL 448.** Indefinitely postponed.

**LEGISLATIVE BILL 574.** Indefinitely postponed.

**LEGISLATIVE BILL 656.** Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

## Revenue

**LEGISLATIVE BILL 387.** Placed on General File with amendment.

[AM291](#)

1 1. On page 9, line 23, after the period insert "The term includes  
 2 retirement benefits described in this subdivision that are reported to  
 3 the individual on either:  
 4 (i) An Internal Revenue Service Form 1099-R received from the United  
 5 States Department of Defense; or  
 6 (ii) An Internal Revenue Service Form 1099-R received from the  
 7 United States Office of Personnel Management.".

(Signed) Lou Ann Linehan, Chairperson

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

Senator Hunt filed the following amendment to [LB517](#):

[AM333](#)

1 1. Strike original section 26 and insert the following new section:  
 2 Sec. 26. Section 71-604.01, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 71-604.01 Upon receipt of (1) a notarized affidavit from a licensed  
 5 the physician, surgeon, or mental health professional stating that  
 6 performed sex reassignment surgery on an individual born in this state  
 7 wishes to change such individual's sex designation and (2) if a name  
 8 change is desired on the new certificate, a certified copy of an order of  
 9 a court of competent jurisdiction changing the name of such individual  
 10 person, the department shall prepare a new certificate of birth in the  
 11 new sex and name, as applicable, and sex of such individual person in  
 12 substantially the same form as that used for other live births. The  
 13 evidence from which the new certificate of birth is prepared and the  
 14 original certificate of birth shall be available for inspection only upon  
 15 the order of a court of competent jurisdiction.

Senator Wayne filed the following amendment to [LB489](#):

[AM337](#)

1 1. Strike the original sections and insert the following new  
 2 section:  
 3 Section 1. No state official or state employee of any state agency,  
 4 except an employee of the Legislative Council, shall testify at a public  
 5 hearing before the Legislature on any issue in any capacity other than  
 6 neutral unless such official or employee is on unpaid leave from state  
 7 employment for the duration of such public hearing.

Senator Wayne filed the following amendment to [LB163](#):

[AM334](#)

1 1. On page 29, line 3; and page 71, line 11, strike "therefrom",  
 2 show as stricken, and insert "from such bonds".  
 3 2. On page 31, line 21, strike "call", show as stricken, and insert  
 4 "provide".  
 5 3. On page 33, line 31, strike "and amendments thereof", show as  
 6 stricken, and insert "as such sections existed on January 1, 2021".  
 7 4. On page 37, line 13, after the second comma insert "and", and in  
 8 line 15 strike "and (5) asking", show as stricken, and insert "and  
 9 ask".  
 10 5. On page 42, line 27, strike "let", show as stricken, and insert

11 "awarded".  
 12 6. On page 58, reinstate the stricken matter beginning with the  
 13 second "and" in line 17 through "Agency" in line 18.  
 14 7. On page 59, line 20, strike "after April 29, 1967," and show as  
 15 stricken.  
 16 8. On page 62, lines 27 and 28, strike "husband and wife", show as  
 17 stricken, and insert "spouses".  
 18 9. On page 69, line 15, strike "thereof", show as stricken, and  
 19 insert "of such bonds".  
 20 10. On page 70, line 26, strike "shall mean and include, but not  
 21 be", show as stricken, and insert "means and includes, but is not".  
 22 11. On page 77, line 15, strike "the same", show as stricken, and  
 23 insert "such lots and parcels".  
 24 12. On page 83, line 30, strike "same", show as stricken, and insert  
 25 "community antenna television service".  
 26 13. On page 91, line 18, strike "any of the provisions of" and show  
 27 as stricken; in line 19 strike "of" and show as stricken; and in line 23  
 1 strike the underscored comma.

Senator Linehan filed the following amendment to LB323:

AM248

1 1. On page 15, lines 16 and 20, after "or" insert ", for  
 2 calculations based on school fiscal year 2019-20,".

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

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

Senator Pahls name added to LB26.  
 Senator Pahls name added to LB40.  
 Senator Pahls name added to LB178.  
 Senator Hansen, B. name added to LB236.  
 Senator McCollister name added to LB247.  
 Senator Vargas name added to LB485.  
 Senator Wayne name added to LB489.  
 Senator McCollister name added to LB605.  
 Senator Slama name added to LB661.

**VISITOR(S)**

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

**ADJOURNMENT**

At 9:29 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Friday, February 26, 2021.

Patrick J. O'Donnell  
 Clerk of the Legislature



**THIRTY-FOURTH DAY - FEBRUARY 26, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 26, 2021

**PRAYER**

The prayer was offered by Senator Bostelman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Day.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Moser and Pansing Brooks who were excused; and Senators Bostar, B. Hansen, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third 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.

Kendall (Ken) B. Curry - Game and Parks Commission

Aye: 8. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser, Wayne. 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.

Rodney R. Christen - Nebraska Environmental Trust Board

Aye: 5. Aguilar, Bostelman, Gragert, Groene, Moser. Nay: 3. Cavanaugh, J., Hughes, Wayne. 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.

Henry R. Brandt - Nebraska Game and Parks Commission

Aye: 5. Aguilar, Bostelman, Gragert, Groene, Moser. Nay: 3. Cavanaugh, J., Hughes, Wayne. 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.

Jim Hellbusch - Nebraska Environmental Trust Board

Aye: 5. Aguilar, Bostelman, Gragert, Groene, Moser. Nay: 3. Cavanaugh, J., Hughes, Wayne. 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.

Mark Quandahl - Nebraska Environmental Trust Board

Aye: 6. Aguilar, Bostelman, Gragert, Groene, Hughes, Moser. Nay: 2. Cavanaugh, J., Wayne. 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.

Joshua N. Andersen - Nebraska Environmental Trust Board

Aye: 8. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

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

Senator J. Cavanaugh filed the following amendment to LB507:  
AM323

(Amendments to Standing Committee amendments, AM256)

1 1. On page 8, line 13, after "of" insert "any" and strike "corn".

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 25, 2021, 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

Bromm Nielsen & Mines  
Douglas County West Community Schools  
Springfield Platteview Community Schools  
Dillon, John  
Home Depot, The  
Jensen Rogert Associates, Inc.  
Molina Healthcare, Inc.  
McNally, John  
Nebraska Public Power District

**REPORTS**

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

**SENATOR HUGHES PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 106A.** Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 113A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 631.** Placed on General File.

(Signed) Tom Brewer, Chairperson

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

Senator Hunt filed the following amendment to LB231:

AM358

1 1. On page 6, line 2, strike "or religious counselor" and strike the  
2 second "or"; and in line 3 strike "religious".

Senator Flood filed the following amendment to LB39:

AM373

1 1. Insert the following new sections:

2 Section 1. Section 13-2709, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 13-2709 (1) The department shall submit, as part of the department's  
5 annual status report under section 81-1201.11, the following information  
6 regarding the Civic and Community Center Financing Act:

7 (a) Information documenting the grants conditionally approved for  
8 funding by the Legislature in the following fiscal year;

9 (b) Reasons why a full application was not sent to any municipality  
10 seeking assistance under the act;

11 (c) The amount of sales tax revenue generated for the fund pursuant  
12 to subsection (6) of section 13-2610 ~~and subsection (9) of section~~  
13 ~~13-3108~~, the total amount of grants applied for under the act, the year-  
14 end fund balance, the amount of the year-end fund balance which has not  
15 been committed to funding grants under the act, and, if all available  
16 funds have not been committed to funding grants under the act, an  
17 explanation of the reasons why all such funds have not been so committed;

18 (d) The amount of appropriated funds actually expended by the  
19 department for the year;  
20 (e) The department's current budget for administration of the act  
21 and the department's planned use and distribution of funds, including  
22 details on the amount of funds to be expended on grants and the amount of  
23 funds to be expended by the department for administrative purposes; and  
24 (f) Grant summaries, including the applicant municipality, project  
25 description, grant amount requested, amount and type of matching funds,  
26 and reasons for approval or denial based on evaluation criteria from  
27 section 13-2707 or 13-2707.01 for every application seeking assistance  
1 under the act.

2 (2) If the amount of the year-end fund balance which has not been  
3 committed to funding grants under the act as reported under subdivision  
4 (1)(c) of this section, excluding any amount required to be transferred  
5 under subsection (3) of section 13-2704, is more than one million  
6 dollars, the department shall notify the State Treasurer of the amount in  
7 excess of one million dollars. The State Treasurer shall transfer the  
8 amount in excess of one million dollars from the Civic and Community  
9 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

10 (3) The Political Subdivision Recapture Cash Fund is created and  
11 shall consist of money transferred under subsection (2) of this section.  
12 Any money in the Political Subdivision Recapture Cash 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. By October 1 of each year, the State Treasurer shall  
16 distribute the money in the Political Subdivision Recapture Cash Fund to  
17 the political subdivisions which have an application for state assistance  
18 for an eligible facility or an eligible sports arena facility approved  
19 under the Convention Center Facility Financing Assistance Act or the  
20 Sports Arena Facility Financing Assistance Act. Each political  
21 subdivision shall receive a proportionate share of the amount to be  
22 distributed under this subsection, and such proportionate share shall be  
23 based on the amount of sales tax revenue generated for the Civic and  
24 Community Center Financing Fund during the most recently completed fiscal  
25 year by the political subdivision's facility. The Tax Commissioner shall  
26 supply the State Treasurer with any information needed to make the  
27 distributions required in this subsection.

28 Sec. 7. Section 13-3108, Revised Statutes Cumulative Supplement,  
29 2020, is amended to read:

30 13-3108 (1) The Sports Arena Facility Support Fund is created. Any  
31 money in the fund available for investment shall be invested by the state  
1 investment officer pursuant to the Nebraska Capital Expansion Act and the  
2 Nebraska State Funds Investment Act.

3 (2)(a) Upon receiving the certification described in subsection (3)  
4 of section 13-3107, the State Treasurer shall transfer the amount  
5 certified to the fund.

6 (b) Upon receiving the quarterly certification described in  
7 subsection (4) of section 13-3107, the State Treasurer shall transfer the  
8 amount certified to the fund.

9 (3)(a) It is the intent of the Legislature to appropriate from the  
10 fund money to be distributed as provided in subsections (4) and (5) of  
11 this section to any political subdivision for which an application for  
12 state assistance under the Sports Arena Facility Financing Assistance Act  
13 has been approved an amount not to exceed seventy percent of the (i)  
14 state sales tax revenue collected by retailers doing business at eligible  
15 sports arena facilities on sales at such facilities, (ii) state sales tax  
16 revenue collected on primary and secondary box office sales of admissions  
17 to such facilities, and (iii) new state sales tax revenue collected by  
18 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to  
19 the program area.

20 (b) The amount to be appropriated for distribution as state  
21 assistance to a political subdivision under this subsection for any one  
22 year after the tenth year shall not exceed the highest such amount  
23 appropriated under subdivision (3)(a) of this section during any one year  
24 of the first ten years of such appropriation. If seventy percent of the  
25 state sales tax revenue as described in subdivision (3)(a) of this  
26 section exceeds the amount to be appropriated under this subdivision,  
27 such excess funds shall be transferred to the General Fund.

28 (4) The amount certified under subsection (3) of section 13-3107  
29 shall be distributed as state assistance on or before April 15, 2014.

30 (5) Beginning in 2014, quarterly distributions and associated  
31 transfers of state assistance shall be made. Such quarterly distributions  
1 and transfers shall be based on the certifications provided under  
2 subsection (4) of section 13-3107 and shall occur within fifteen days  
3 after receipt of such certification.

4 (6) The total amount of state assistance approved for an eligible  
5 sports arena facility shall neither (a) exceed fifty million dollars nor  
6 (b) be paid out for more than twenty years after the issuance of the  
7 first bond for the sports arena facility.

8 (7) State assistance to the political subdivision shall no longer be  
9 available upon the retirement of the bonds issued to acquire, construct,  
10 improve, or equip the facility or any subsequent bonds that refunded the  
11 original issue or when state assistance reaches the amount determined  
12 under subsection (6) of this section, whichever comes first.

13 (8) State assistance shall not be used for an operating subsidy or  
14 other ancillary facility.

15 (9) The thirty percent of state sales tax revenue remaining after  
16 the appropriation and transfer in subsection (3) of this section shall be  
17 appropriated by the Legislature and transferred quarterly to the Support  
18 the Arts Cash Fund beginning in 2014 to the Civic and Community Center  
19 Financing Fund.

20 (10) Except as provided in subsection (11) of this section for a  
21 city of the primary class, any municipality that has applied for and  
22 received a grant of assistance under the Civic and Community Center  
23 Financing Act shall not receive state assistance under the Sports Arena  
24 Facility Financing Assistance Act for the same project for which the  
25 grant was awarded under the Civic and Community Center Financing Act.

26 (11) A city of the primary class shall not be eligible to receive a  
27 grant of assistance from the Civic and Community Center Financing Act if  
28 the city has applied for and received a grant of assistance under the  
29 Sports Arena Facility Financing Assistance Act.

30 Sec. 8. Section 82-313, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 82-313 (1) The Nebraska Arts Council may:

2 (a) Hold public and private hearings;

3 (b) Enter into contracts, within the limit of funds available  
4 therefor, with individuals, organizations, and institutions for services  
5 furthering the educational objectives of the council's programs;

6 (c) Enter into contracts, within the limit of funds available  
7 therefor, with local and regional associations for cooperative endeavors  
8 furthering the educational objectives of the council's programs;

9 (d) Accept gifts, contributions, and bequests of unrestricted funds  
10 from individuals, foundations, corporations, and other organizations or  
11 institutions for the purpose of furthering the educational objectives of  
12 the council's programs;

13 (e) Distribute funds appropriated by the Legislature to any  
14 organization which has been designated as the state affiliate of the  
15 National Endowment for the Humanities for the period covered by the  
16 appropriation;

17 (f) Make and sign any agreements and do and perform any acts that  
18 may be necessary to carry out the purposes of sections 82-309 to 82-316;

19 (g) Enter into contracts, make and sign any agreements, and perform  
20 any acts that may be necessary to stabilize funding for the arts and  
21 humanities and to carry out the intent of sections 82-330 to 82-333;

22 (h) Prepare a plan that would permit, to the extent that funds are  
23 available, the establishment of a competitive grant program to award a  
24 grant to any creative district that is certified pursuant to the plan  
25 adopted by the Legislature under subdivision (5) of section 82-312 and  
26 that meets the criteria for the competitive grant, including eligibility  
27 criteria, application and appeal processes, conditions on receipt of a  
28 grant, and consequences of failure to meet the conditions. For any grants  
29 to be awarded from funds transferred to the Support the Arts Cash Fund  
30 pursuant to subsection (9) of section 13-3108, the following requirements  
31 shall apply: ; and

1 (i) Grant funding shall go to creative districts that have a ten-  
2 year plan for integration of the arts intended to catalyze economic and  
3 workforce development initiatives in a city of the first class;

4 (ii) Priority in grant funding shall go to any creative district  
5 that demonstrates that its project includes the partnership of a city  
6 convention and visitors bureau or county convention and visitors bureau  
7 located within the creative district;

8 (iii) The grant may fund capital assets, video projection mapping,  
9 and intangible video or audio artistic expression presentations;

10 (iv) The grant shall not fund ongoing operational and personnel

11 expenses of a political subdivision or nonprofit corporation, live  
 12 performances involving humans, promotional or marketing efforts of the  
 13 creative district, legal expenses, lobbying expenses, planning expenses,  
 14 architectural expenses, or engineering expenses;  
 15 (v) Grant funding shall not go to any city of the first class that  
 16 is receiving state assistance under the Sports Arena Facility Financing  
 17 Assistance Act; and  
 18 (vi) Any grant awarded must be at least equal to one million five  
 19 hundred thousand dollars; and  
 20 (i) Adopt and promulgate rules and regulations to carry out its  
 21 powers and duties.  
 22 (2) The council may request from any department, division, board,  
 23 bureau, commission, or agency of the state such assistance and data as  
 24 will enable it properly to carry out its powers and duties.  
 25 Sec. 9. Section 82-334, Revised Statutes Cumulative Supplement,  
 26 2020, is amended to read:  
 27 82-334 (1) The Support the Arts Cash Fund is created. The fund shall  
 28 consist of all money credited to the fund pursuant to section 60-3,252  
 29 and all money transferred to the fund pursuant to section 13-3108. The  
 30 Nebraska Arts Council shall administer and distribute the Support the  
 31 Arts Cash Fund. The fund shall be expended by the Nebraska Arts Council  
 1 to provide aid to communities that designate a focus area of the city for  
 2 arts and cultural development, to provide money for ~~the a~~ competitive  
 3 grant program ~~described in subdivision (1)(h) of section 82-313 that~~  
 4 ~~awards a grant to any creative district that meets the criteria for the~~  
 5 ~~competitive grant, if such program exists, and to defray costs directly~~  
 6 ~~related to the administration of the fund. All money transferred to the~~  
 7 ~~fund pursuant to section 13-3108 shall be used for the competitive grant~~  
 8 ~~program described in subdivision (1)(h) of section 82-313.~~  
 9 (2) Any money in the fund available for investment shall be invested  
 10 by the state investment officer pursuant to the Nebraska Capital  
 11 Expansion Act and the Nebraska State Funds Investment Act.  
 12 2. Renumber the remaining sections and correct the repealer  
 13 accordingly.

Senator Bostelman filed the following amendment to [LB148](#):  
[AM332](#) is available in the Bill Room.

Senator Bostelman filed the following amendment to [LB398](#):  
[AM339](#)

1 1. On page 2, line 5; and page 4, line 8 and lines 14 and 15, strike  
 2 "one hundred" and insert "twenty".  
 3 2. On page 5, line 29, after "86-1101" insert "(1)"; and in line 30  
 4 strike "(1)", show as stricken, and insert "(a)".  
 5 3. On page 6, line 1, strike "(2)", show as stricken, and insert  
 6 "(b)"; in line 5 before "It" insert "(2)"; and after line 14 insert the  
 7 following new subsection:  
 8 "(3) Until January 1, 2023, the changes made to this section by this  
 9 legislative bill shall not be construed to affect, abrogate, or alter any  
 10 commitments by the Public Service Commission made prior to the effective  
 11 date of this act to provide ongoing high-cost support from the Nebraska  
 12 Telecommunications Universal Service Fund to telecommunications companies  
 13 that have deployed infrastructure capable of providing broadband service  
 14 at a minimum download speed of twenty-five megabits per second and a  
 15 minimum upload speed of three megabits per second."  
 16 4. On page 7, lines 20 and 26; and page 8, lines 1 and 24, strike  
 17 "services", show as stricken, and insert "service".  
 18 5. On page 8, after line 29, insert the following new subsection:  
 19 "(7) Until January 1, 2023, the changes made to this section by this

20 legislative bill shall not be construed to affect, abrogate, or alter any  
 21 commitments by the Public Service Commission made prior to the effective  
 22 date of this act to provide ongoing high-cost support from the Nebraska  
 23 Telecommunications Universal Service Fund to telecommunications companies  
 24 that have deployed infrastructure capable of providing broadband service  
 25 at a minimum download speed of twenty-five megabits per second and a  
 26 minimum upload speed of three megabits per second."

Senator Albrecht filed the following amendment to [LB113](#):  
[AM353](#)

1 1. On page 4, line 7; page 5, line 28; page 7, line 29; page 11,  
 2 line 8; page 13, line 23; page 16, line 17; page 28, line 2; page 30,  
 3 line 12; page 32, line 28; page 35, line 6; page 37, line 26; page 40,  
 4 line 15; page 43, line 9; page 45, line 28; page 48, line 1; page 50,  
 5 line 16; page 53, line 1; page 55, line 16; and page 58, line 3, after  
 6 the underscored period insert "The department shall remit the fee to the  
 7 State Treasurer for credit to the Department of Motor Vehicles Cash  
 8 Fund.".

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
 LR49        Urban Affairs

(Signed) Dan Hughes, Chairperson  
 Executive Board

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

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

Senator Erdman name added to LB173.  
 Senator Lindstrom name added to LB188.  
 Senator McDonnell name added to LB236.  
 Senator Bostar name added to LB299.  
 Senator Kolterman name added to LB306.

#### WITHDRAW - Cointroducer(s)

Senator M. Cavanaugh name withdrawn from LB489.

#### VISITOR(S)

The Doctor of the Day was Dr. Jordan Moncrief of Kearney.

**ADJOURNMENT**

At 9:18 a.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Monday, March 1, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIFTH DAY - MARCH 1, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 1, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer and Groene who were excused; and Senators Bostar, Stinner, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 436.** Placed on General File.

(Signed) John Arch, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 275.** Placed on General File with amendment.

**[AM187](#)**

1 I. Insert the following new section:

2 Sec. 4. (1) The Semiquincentennial Commission Fund is created. Such

3 fund shall consist of money appropriated by the Legislature and gifts,

4 grants, or donations from any source, including federal, state, public,

5 and private sources.

6 (2) The Semiquincentennial Commission Fund shall be utilized for the  
7 purpose of administering the Semiquincentennial Commission and executing  
8 commemorative activities and implementing educational activities, events,  
9 and celebrations related to the Semiquincentennial of the United States.

10 (3) Money received by the Semiquincentennial Commission shall be  
11 remitted to the State Treasurer for credit to the Semiquincentennial  
12 Commission Fund. Any money in the Semiquincentennial Commission Fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16 (4)(a) The State Treasurer shall transfer the unobligated balance in  
17 the Semiquincentennial Commission Fund to the Historical Society Fund on  
18 June 1, 2027.

19 (b) The Semiquincentennial Commission Fund terminates on June 30,  
20 2027, and the State Treasurer shall transfer any money in the fund on  
21 such date to the Historical Society Fund.

22 2. On page 2, after line 8 insert the following new subdivision:

23 "(a) The director of the Nebraska State Historical Society or the  
24 designee of the director, who shall serve as the chairperson;"; in line 9  
25 strike "(a)" and insert "(b)"; in line 11 strike "(b)" and insert "(c)";  
26 in line 13 strike "(c)" and insert "(d)"; and in lines 20, 23, and 26  
27 strike "three" and insert "five".

1 3. On page 3, strike beginning with the comma in line 1 through  
2 "2021" in line 2; strike beginning with the comma in line 3 through  
3 "2021" in line 4; strike beginning with the comma in line 5 through  
4 "2021" in line 6; strike lines 17 and 18; in line 19 strike "(3)" and  
5 insert "(2)"; strike lines 20 and 21 and insert the following new  
6 subdivision:

7 "(3) Members shall receive no compensation for the performance of  
8 their duties as members of the commission, except that such members shall  
9 receive reimbursement for expenses as provided in sections 81-1174 to  
10 81-1177."; in line 22 strike "(5)" and insert "(4)"; in line 22 strike  
11 both commas and after "personnel" insert "and"; and in line 23 strike  
12 "receive, expend, and allocate gifts, grants, and donations." and insert  
13 "shall remit any gifts, grants, or donations to the State Treasurer for  
14 credit to the Semiquincentennial Commission Fund.".

15 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 664.** Placed on General File with amendment.

AM303

1 1. On page 2, line 10, strike "and"; and strike lines 11 through 15

2 and insert the following new subdivisions:

3 "(b) Each village or city of the second class that is a member of a  
4 mutual finance organization which qualifies for assistance under section  
5 35-1205 shall receive ten thousand dollars; and

6 (c) Each rural or suburban fire protection district which qualifies  
7 for assistance under section 32-1205 shall receive ten thousand dollars,  
8 regardless of whether such district is a member in a mutual finance  
9 organization which qualifies for assistance under section 32-1205."

(Signed) Tom Brewer, 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.

David J. Hansen - Nebraska Child Abuse Prevention Fund Board  
Diane Schutt - Commission for the Deaf and Hard of Hearing  
Joshua Dale Sevier - Commission for the Deaf and Hard of Hearing

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Arch, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Education - LB528  
Education - LB529

**MESSAGE(S) FROM THE GOVERNOR**

February 23, 2021

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

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

Contingent upon your approval, the following individual is being reappointed to the Coordinating Commission for Postsecondary Education:

William "Scott" Wilson, 9406 Clubhouse Circle, Plattsmouth, NE 68048

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 25, 2021

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

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

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Johnie Jason Girmus, 1372 Ithaca Road, Ithaca, NE 68033  
Aaron L. Jazyuka, 2420 South 43 Street Omaha, NE 68103  
Martin Kasl, 6700 Ridge Point Road, Lincoln, NE 68512  
Gerald Whitlock, 2710 John Street, Papillion, NE 68133

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 25, 2021

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

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

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Judge Thomas E. Zimmerman, County Court - Third Judicial District,  
575 S. 10th Street, Lincoln, NE 68508

Also, contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

Pamela E. Lancaster, 2809 Apache Road, 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

February 25, 2021

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

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

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Valerie Hitz, 3550 W. Mill Road, Raymond, NE 68428

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 25, 2021

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

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

Contingent upon your approval, the following individuals are being reappointed to the Board of Trustees of the Nebraska State Colleges:

Marjean C. Terrell, 4412 436th Trail, Hay Springs, NE 69345  
Jess D. Zeiss, 1517 S. 109th Street, Omaha, NE 68144

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

### **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.

### **COMMITTEE REPORT(S)** General Affairs

**LEGISLATIVE BILL 371.** Placed on General File.

**LEGISLATIVE BILL 75.** Placed on General File with amendment.

#### [AM341](#)

- 1 1. Strike original section 2.
- 2 2. On page 2, line 26, after the period insert "At the same time
- 3 notice is first published, the county board shall provide notice of such
- 4 hearing to the Nebraska Library Commission and the regional library
- 5 system for the region in which the township library is located.".
- 6 3. On page 4, line 13, strike "sections 23-299 and 51-201" and
- 7 insert "section 23-299"; and in line 14 strike "are" and insert "is".
- 8 4. Renumber the remaining section accordingly.

(Signed) Tom Briese, Chairperson

### **NOTICE OF COMMITTEE HEARING(S)** Urban Affairs Room 1510

Tuesday, March 9, 2021 3:00 p.m.

LR49

Note: Invited Testimonies Only

(Signed) Justin Wayne, Chairperson

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

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

Senator Wayne name added to LB40.  
Senator Groene name added to LB156.  
Senator Groene name added to LB299.  
Senator McDonnell name added to LB664.

**ANNOUNCEMENT**

Senator Arch announced the Health and Human Services Committee will hold an executive session Wednesday, March 3, 2021, at 1:45 p.m., in Room 1510.

**VISITOR(S)**

The Doctor of the Day was Dr. George Voigtlander of Pawnee City.

**ADJOURNMENT**

At 9:27 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SIXTH DAY - MARCH 2, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 2, 2021

**PRAYER**

The prayer was offered by Senator Moser.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Hughes.

**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 Bostar, Briese, M. Hansen, Hunt, Stinner, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 86.** Placed on General File with amendment.

[AM212](#)

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 3, line 29, after the period insert "In the process of  
5 registration, the credential holder shall provide the department with the  
6 credential holder's credential number under the Uniform Credentialing  
7 Act, federal Drug Enforcement Administration number, and National  
8 Provider Identifier issued by the Centers for Medicare and Medicaid  
9 Services of the United States Department of Health and Human Services and  
10 any other information required by the Nebraska Department of Health and  
11 Human Services. The department shall design the system of registration to

12 include, but not be limited to, the following information provided by the  
 13 credential holder:

14 (a) Identification of credential by type; and

15 (b) Identification of clinical specialty, if applicable.

**LEGISLATIVE BILL 583.** Placed on General File with amendment.

**AM116**

1 1. On page 2, lines 7 and 8; and page 5, lines 24 and 25, strike the  
 2 new matter and insert "Beginning January 1, 2022, all such prescriptions  
 3 shall be subject to section 4 of this act, except that all such  
 4 prescriptions issued by a practitioner who is a dentist shall be subject  
 5 to section 4 of this act beginning January 1, 2024.".  
 6 2. On page 8, line 29, after "(3)" insert "or (6)".  
 7 3. On page 9, strike beginning with "The" in line 5 through line 9;  
 8 strike beginning with the comma in line 14 through "Services" in line 19;  
 9 in line 20 strike "(d)" and insert "(c)"; in line 22 strike "(e)" and  
 10 insert "(d)"; in line 26 strike "(f)" and insert "(c)"; and in line 29  
 11 strike "(g)" and insert "(f)".  
 12 4. On page 10, line 1, strike "(h)" and insert "(g)"; in line 2  
 13 strike "(i)" and insert "(h)"; in line 8 strike "(j)" and insert "(i)";  
 14 after line 16 insert the following new subsection:  
 15 "(6) A dentist shall not be subject to this section until January 1,  
 16 2024."; and in line 21 after "act" insert ", except that all such  
 17 prescriptions issued by a practitioner who is a dentist shall be subject  
 18 to section 4 of this act beginning January 1, 2024.".

(Signed) John Arch, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Girmus, Johnie Jason - Boiler Safety Code Advisory Board - Business and  
 Labor  
 Hitz, Valerie - Commission for the Deaf and Hard of Hearing - Health and  
 Human Services  
 Jazyuka, Aaron L. - Boiler Safety Code Advisory Board - Business and  
 Labor  
 Kasl, Martin - Boiler Safety Code Advisory Board - Business and Labor  
 Lancaster, Pamela E. - Public Employees Retirement Board - Nebraska  
 Retirement Systems  
 Terrell, Marjean C. - Board of Trustees of the Nebraska State Colleges -  
 Education  
 Whitlock, Gerald - Boiler Safety Code Advisory Board - Business and  
 Labor  
 Wilson, William "Scott" - Coordinating Commission for Postsecondary  
 Education - Education  
 Zeiss, Jess D. - Board of Trustees of the Nebraska State Colleges -  
 Education  
 Zimmerman, Thomas E. - Public Employees Retirement Board - Nebraska  
 Retirement Systems



(Signed) Dan Hughes, Chairperson  
Executive Board

### CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator M. Hansen has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 106A.** Placed on Select File.

**LEGISLATIVE BILL 113A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

#### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 389.** Placed on General File.

**LEGISLATIVE BILL 197.** Placed on General File with amendment.

#### [AM51](#)

1 1. On page 4, strike lines 11 through 14 and insert the following  
2 new subdivision:  
3 "(10) Such student is qualified for a national service educational  
4 award or summer of service educational award from the National Service  
5 Trust pursuant to 42 U.S.C. 12602, as such section existed on January 1,  
6 2021.".

**LEGISLATIVE BILL 210.** Placed on General File with amendment.

#### [AM357](#)

1 1. On page 2, line 21, strike "the participation of any student  
2 from" and insert "any student who is a resident of the school district  
3 pursuant to subsection (1) or (2) of section 79-215 and who is enrolled  
4 in"; in line 23 after "requirements" insert "to participate"; in line 24  
5 after "79-2,126" insert ", including, but not limited to, interschool  
6 competitions."; in line 25 strike "students enrolled in the" and insert  
7 "a student enrolled in a"; and in line 28 strike "students" and insert "a  
8 student".  
9 2. On page 3, strike beginning with "shall" in line 1 through the  
10 underscored comma in line 3 and insert "(a) shall require any student  
11 participating in extracurricular activities pursuant to this subsection  
12 to be enrolled in no more and no less than ten credit hours offered by  
13 the school district in any semester, including coursework that is  
14 directly related to team practice for an extracurricular activity in  
15 which such student is participating or is planning to participate, (b)";  
16 in line 5 after "and" insert "(c)"; and in line 10 strike "section" and  
17 insert "subsection".

(Signed) Lynne Walz, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 297.** Title read. Considered.

Committee [AM30](#), found on page 330, was offered.

The committee amendment was adopted with 40 ayes, 0 nays, 4 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.

**LEGISLATIVE BILL 177.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 509.** Title read. Considered.

Senator Lathrop offered the following amendment:

[FA2](#)

Strike line 16 on page 27.

Senator Lathrop withdrew his amendment.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 510.** Title read. Considered.

Senator Wayne offered the following motion:

[MO10](#)

Recommit to the Banking Commerce and Insurance Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 11:

Albrecht	Cavanaugh, M.	Lathrop	Vargas
Bostar	Hansen, M.	McDonnell	Wayne
Cavanaugh, J.	Hunt	McKinney	

Voting in the negative, 28:

Aguilar	Dorn	Halloran	Lindstrom	Pahls
Arch	Erdman	Hansen, B.	Linehan	Sanders
Bostelman	Flood	Hilgers	Lowe	Slama
Brandt	Geist	Hilkemann	McCollister	Williams
Brewer	Gragert	Hughes	Moser	
Clements	Groene	Kolterman	Murman	

Present and not voting, 8:

Blood	DeBoer	Morfeld	Walz
Day	Friesen	Pansing Brooks	Wishart

Excused and not voting, 2:

Briese	Stinner
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The Wayne motion failed with 11 ayes, 28 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following motion:

[MO11](#)

Indefinitely postpone.

**SENATOR HUGHES PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Wayne withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 337.** Title read. Considered.

Committee [AM112](#), found on page 363, 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.

**LEGISLATIVE BILL 35.** Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 93.** Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 21.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 23.** [ER2](#), found on page 449, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 77.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 248.** [ER3](#), found on page 453, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 363.** [ER8](#), found on page 453, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 373.** Senator Wayne offered his motion, [MO8](#), found on page 461, to recommit to the Banking, Commerce and Insurance Committee.

Senator Wayne withdrew his motion to recommit to committee.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 25.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 44.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 50.** Introduced by Hughes, 44.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Alec Langan wrestled for the McCook Senior High School wrestling team as coached by Nick Umscheid; and

WHEREAS, Alec won the Class B, 220-pound state championship match during the 2021 Nebraska State Wrestling Tournament; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Alec Langan on winning the 220-pound division at the 2021 Class B State Wrestling Championship.

2. That copies of this resolution be sent to McCook Senior High School and Alec Langan.

Laid over.

**LEGISLATIVE RESOLUTION 51.** Introduced by Hughes, 44.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Brandon Knoles wrestled for the Perkins County High School wrestling team; and

WHEREAS, Brandon won the Class D, 220-pound state championship match; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brandon Knoles on winning the 220-pound division at the 2021 Class D State Wrestling Championship.

2. That copies of this resolution be sent to Perkins County High School and Brandon Knoles.

Laid over.

**LEGISLATIVE RESOLUTION 52.** Introduced by Aguilar, 35.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Brody Arrants wrestled for the Grand Island Senior High School wrestling team coached by Joey Morrison; and

WHEREAS, Brody won the Class A 145-pound state championship match; and

WHEREAS, Brody's championship win, scoring 28 points, was instrumental in Grand Island's 126.5 point third place team finish; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth our state.

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

1. That the Legislature congratulates Brody Arrants on winning the 145-pound division at the 2021 Class A State Wrestling Championship.

2. That copies of this resolution be sent to Grand Island Senior High School, Coach Joey Morrison, and Brody Arrants.

Laid over.

**LEGISLATIVE RESOLUTION 53.** Introduced by Briese, 41; Gragert, 40.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, the Plainview High School wrestling team won the 2021 Class D State Wrestling Championship team title with 110.5 points; and

WHEREAS, the Plainview Pirates championship team was led by two individual 2021 Class D State Wrestling Champions, senior Eli Lanham for his second state title in the 106-pound division and junior Scout Ashburn in the 120-pound division; and

WHEREAS, this is the third straight year that the Plainview Pirates wrestling team has won the Class D State Wrestling Championship team title; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the entire Plainview High School Wrestling team on winning its Class D State Wrestling Team Championship for the third straight year.

2. That the Legislature congratulates Eli Lanham and Scout Ashburn on their individual state championship titles.

3. That copies of this resolution be sent to Plainview High School, Coach Dean Boyer, Coach Chad Schumacher, Eli Lanham, and Scout Ashburn.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue  
Room 1524

Tuesday, March 9, 2021 1:30 p.m.

AM 373

Note: Amendment to LB39

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 178.** Placed on General File with amendment.

[AM387](#)

1 1. On page 3, line 27, after the semicolon insert "and"; and strike  
2 beginning with "from" in line 28 through line 31 and insert "on and after  
3 July 1, 2022: 50.00 percent."

**LEGISLATIVE BILL 408.** Placed on General File with amendment.

[AM371](#)

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 Property Tax Request Act.  
5 Sec. 2. For purposes of the Property Tax Request Act:  
6 (1) Approved bonds means bonds that are issued by a political  
7 subdivision after the question of issuing such bonds has been approved by  
8 the voters of such political subdivision;  
9 (2) Political subdivision means any county, city, village, school  
10 district, learning community, sanitary and improvement district, natural  
11 resources district, educational service unit, or community college;  
12 (3) Property tax request means the total amount of property taxes  
13 requested to be raised for a political subdivision through the levy  
14 imposed pursuant to section 77-1601; and  
15 (4) Real growth value means the increase in real property valuation  
16 due to (a) improvements to real property as a result of new construction  
17 and additions to existing buildings, (b) any other improvements to real  
18 property which increase the value of such property, and (c) annexation of  
19 property by the political subdivision.  
20 Sec. 3. Section 77-1601.02, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:  
22 ~~77-1601.02 (1) If the annual assessment of property would result in~~  
23 ~~an increase in the total property taxes levied by a political subdivision~~  
24 ~~county, municipality, school district, learning community, sanitary and~~  
25 ~~improvement district, natural resources district, educational service~~  
26 ~~unit, or community college, as determined using the previous year's rate~~  
27 ~~of levy, such political subdivision's property tax request for the~~  
1 ~~current year shall be no more than its property tax request in the prior~~  
2 ~~year, and the political subdivision's rate of levy for the current year~~  
3 ~~shall be decreased accordingly when such rate is set by the county board~~  
4 ~~of equalization pursuant to section 77-1601. The governing body of the~~  
5 ~~political subdivision shall pass a resolution or ordinance to set the~~  
6 ~~amount of its property tax request after holding the public hearing~~  
7 ~~required in subsection (3) of this section. If the governing body of a~~  
8 ~~political subdivision seeks to set its property tax request at an amount~~

9 that exceeds its property tax request in the prior year, it may do so, to  
 10 the extent allowed under section 4 of this act, after holding the public  
 11 hearing required in subsection (3) of this section and by passing a  
 12 resolution or ordinance that complies with subsection (4) of this  
 13 section.

14 (2) If the annual assessment of property would result in no change  
 15 or a decrease in the total property taxes levied by a political  
 16 subdivision county, municipality, school district, learning community,  
 17 sanitary and improvement district, natural resources district,  
 18 educational service unit, or community college, as determined using the  
 19 previous year's rate of levy, such political subdivision's property tax  
 20 request for the current year shall be no more than its property tax  
 21 request in the prior year, and the political subdivision's rate of levy  
 22 for the current year shall be adjusted accordingly when such rate is set  
 23 by the county board of equalization pursuant to section 77-1601. The  
 24 governing body of the political subdivision shall pass a resolution or  
 25 ordinance to set the amount of its property tax request after holding the  
 26 public hearing required in subsection (3) of this section. If the  
 27 governing body of a political subdivision seeks to set its property tax  
 28 request at an amount that exceeds its property tax request in the prior  
 29 year, it may do so, to the extent allowed under section 4 of this act,  
 30 after holding the public hearing required in subsection (3) of this  
 31 section and by passing a resolution or ordinance that complies with  
 1 subsection (4) of this section.

2 (3) The resolution or ordinance required under this section shall  
 3 only be passed after a special public hearing called for such purpose is  
 4 held and after notice is published in a newspaper of general circulation  
 5 in the area of the political subdivision at least four calendar days  
 6 prior to the hearing. For purposes of such notice, the four calendar days  
 7 shall include the day of publication but not the day of hearing. If the  
 8 political subdivision's total operating budget, not including reserves,  
 9 does not exceed ten thousand dollars per year or twenty thousand dollars  
 10 per biennial period, the notice may be posted at the governing body's  
 11 principal headquarters. The hearing notice shall contain the following  
 12 information: The certified taxable valuation under section 13-509 for the  
 13 prior year, the certified taxable valuation under section 13-509 for the  
 14 current year, and the percentage increase or decrease in such valuations  
 15 from the prior year to the current year; the dollar amount of the prior  
 16 year's tax request and the property tax rate that was necessary to fund  
 17 that tax request; the property tax rate that would be necessary to fund  
 18 last year's tax request if applied to the current year's valuation; the  
 19 proposed dollar amount of the tax request for the current year and the  
 20 property tax rate that will be necessary to fund that tax request; the  
 21 percentage increase or decrease in the property tax rate from the prior  
 22 year to the current year; and the percentage increase or decrease in the  
 23 total operating budget from the prior year to the current year.

24 (4) Any resolution or ordinance setting a political subdivision's  
 25 property tax request at an amount that exceeds the political  
 26 subdivision's property tax request in the prior year shall include, but  
 27 not be limited to, the following information:

28 (a) The name of the political subdivision;

29 (b) The amount of the property tax request;

30 (c) The following statements:

31 (i) The total assessed value of property differs from last year's  
 1 total assessed value by ..... percent;

2 (ii) The tax rate which would levy the same amount of property taxes  
 3 as last year, when multiplied by the new total assessed value of  
 4 property, would be \$..... per \$100 of assessed value;

5 (iii) The (name of political subdivision) proposes to adopt a  
 6 property tax request that will cause its tax rate to be \$..... per \$100



7 of assessed value; and

8 (iv) Based on the proposed property tax request and changes in other  
9 revenue, the total operating budget of (name of political subdivision)  
10 will exceed last year's by ..... percent; and

11 (d) The record vote of the governing body in passing such resolution  
12 or ordinance.

13 (5) Any resolution or ordinance setting a property tax request under  
14 this section shall be certified and forwarded to the county clerk on or  
15 before October 13 of the year for which the tax request is to apply.

16 (6) Any levy which is not in compliance with the Property Tax  
17 Request Act ~~this section~~ and section 77-1601 shall be construed as an  
18 unauthorized levy under section 77-1606.

19 Sec. 4. (1) Except as otherwise provided in this section, a

20 political subdivision's property tax request for any year shall not  
21 exceed its request authority. A political subdivision's request authority  
22 for any year shall be equal to such political subdivision's property tax  
23 request from the prior year multiplied by one hundred three percent.

24 (2) A political subdivision may, by majority vote of its governing  
25 body, exceed the limit provided in subsection (1) of this section for no  
26 more than two consecutive years, in which case the political  
27 subdivision's property tax request shall be reduced in subsequent years  
28 to ensure the increase in the property tax request does not exceed nine  
29 percent over a three-year period. Such three-year period shall be  
30 measured using the year in which the political subdivision exceeds such  
31 limit as the first year of the period. If the political subdivision votes  
1 to exceed the limit for two consecutive years, the three-year period  
2 shall be measured twice using each of the two consecutive years as the  
3 first year of the applicable three-year period.

4 (3) A political subdivision may exceed the limit provided in  
5 subsection (1) of this section by an amount approved by a majority of  
6 registered voters voting on the issue in a primary, general, or special  
7 election at which the issue is placed before the registered voters. The  
8 governing body of the political subdivision shall call for the submission  
9 of the issue to the voters by passing a resolution, by majority vote of  
10 the governing body, calling for exceeding the limit and delivering a copy  
11 of the resolution to the county clerk or election commissioner of every  
12 county which contains all or part of the political subdivision. The  
13 resolution shall include the amount which would be requested in excess of  
14 the limit provided in subsection (1) of this section. Any resolution  
15 calling for a special election shall be filed with the county clerk or  
16 election commissioner no later than thirty days prior to the date of the  
17 election, and the time of publication and providing a copy of the notice  
18 of election required in section 32-802 shall be no later than twenty days  
19 prior to the election. The county clerk or election commissioner shall  
20 place the issue on the ballot at an election as called for in the  
21 resolution which is at least thirty days after receipt of the resolution.  
22 The election shall be held pursuant to the Election Act. If a majority of  
23 the votes cast upon the ballot question are in favor of allowing the  
24 political subdivision to exceed the limit in subsection (1) of this  
25 section, the political subdivision shall be authorized to do so. If a  
26 majority of those voting on the ballot question do not vote to allow the  
27 political subdivision to exceed such limit, the political subdivision  
28 shall not be authorized to do so.

29 (4) The limit in subsection (1) of this section shall not apply to  
30 that portion of a political subdivision's property tax request that is  
31 needed to pay the principal and interest on approved bonds.

1 (5) The limit in subsection (1) of this section shall not apply to  
2 that portion of a political subdivision's property tax request that will  
3 be derived from the real growth value for the political subdivision.

4 (6) A political subdivision may choose not to increase its property

5 tax request by the full amount allowed by the political subdivision's  
6 request authority calculated under subsection (1) of this section. In  
7 such cases, the political subdivision may carry forward one-half of the  
8 unused request authority to future years as carryover request authority.  
9 Such carryover request authority may then be used in later years to  
10 increase the political subdivision's property tax request above the  
11 amount calculated under subsection (1) of this section.  
12 (7) The limit in subsection (1) of this section shall apply to  
13 property tax requests set in 2022 through 2027. For property tax requests  
14 set in 2028 and thereafter, such limit shall no longer apply.  
15 Sec. 5. Section 13-506, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:  
17 13-506 (1) Each governing body shall each year or biennial period  
18 conduct a public hearing on its proposed budget statement. Such hearing  
19 shall be held separately from any regularly scheduled meeting of the  
20 governing body and shall not be limited by time. Notice of place and time  
21 of such hearing, together with a summary of the proposed budget  
22 statement, shall be published at least four calendar days prior to the  
23 date set for hearing in a newspaper of general circulation within the  
24 governing body's jurisdiction. For purposes of such notice, the four  
25 calendar days shall include the day of publication but not the day of  
26 hearing. When the total operating budget, not including reserves, does  
27 not exceed ten thousand dollars per year or twenty thousand dollars per  
28 biennial period, the proposed budget summary may be posted at the  
29 governing body's principal headquarters. At such hearing, the governing  
30 body shall make at least three copies of the proposed budget statement  
31 available to the public and shall make a presentation outlining key  
1 provisions of the proposed budget statement, including, but not limited  
2 to, a comparison with the prior year's budget. For any political  
3 subdivision that is subject to the Property Tax Request Act, the  
4 presentation shall also include information showing that the political  
5 subdivision is in compliance with the Property Tax Request Act. Any  
6 member of the public desiring to speak on the proposed budget statement  
7 shall be allowed to address the governing body at the hearing and shall  
8 be given a reasonable amount of time to do so. After such hearing, the  
9 proposed budget statement shall be adopted, or amended and adopted as  
10 amended, and a written record shall be kept of such hearing. The amount  
11 to be received from personal and real property taxation shall be  
12 certified to the levying board after the proposed budget statement is  
13 adopted or is amended and adopted as amended. If the levying board  
14 represents more than one county, a member or a representative of the  
15 governing board shall, upon the written request of any represented  
16 county, appear and present its budget at the hearing of the requesting  
17 county. The certification of the amount to be received from personal and  
18 real property taxation shall specify separately (a) the amount to be  
19 applied to the payment of principal or interest on bonds issued by the  
20 governing body and (b) the amount to be received for all other purposes.  
21 If the adopted budget statement reflects a change from that shown in the  
22 published proposed budget statement, a summary of such changes shall be  
23 published within twenty calendar days after its adoption in the manner  
24 provided in this section, but without provision for hearing, setting  
25 forth the items changed and the reasons for such changes.  
26 (2) Upon approval by the governing body, the budget shall be filed  
27 with the auditor. The auditor may review the budget for errors in  
28 mathematics, improper accounting, and noncompliance with the Nebraska  
29 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
30 errors, he or she shall immediately notify the governing body of such  
31 errors. The governing body shall correct any such error as provided in  
1 section 13-511. Warrants for the payment of expenditures provided in the  
2 budget adopted under this section shall be valid notwithstanding any

3 errors or noncompliance for which the auditor has notified the governing  
4 body.

5 Sec. 6. Section 77-1601, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 77-1601 (1) The county board of equalization shall each year, on or  
8 before October 15, levy the necessary taxes for the current year if  
9 within the limit of the law. The levy shall include an amount for  
10 operation of all functions of county government and shall also include  
11 all levies necessary to fund tax requests certified under the Property  
12 Tax Request Act section 77-1601.02 that are authorized as provided in  
13 sections 77-3442 to 77-3444.

14 (2) On or before November 5, the county board of equalization upon  
15 its own motion may act to correct a clerical error which has resulted in  
16 the calculation of an incorrect levy by any political subdivision entity  
17 otherwise authorized to certify a tax request under the Property Tax  
18 Request Act section 77-1601.02. The county board of equalization shall  
19 hold a public hearing to determine what adjustment to the levy is proper,  
20 legal, or necessary. Notice shall be provided to the governing body of  
21 each political subdivision affected by the error. Notice of the hearing  
22 as required by section 84-1411 shall include the following: (a) The time  
23 and place of the hearing, (b) the dollar amount at issue, and (c) a  
24 statement setting forth the nature of the error.

25 (3) Upon the conclusion of the hearing, the county board of  
26 equalization shall issue a corrected levy if it determines that an error  
27 was made in the original levy which warrants correction. The county board  
28 of equalization shall then order (a) the county assessor, county clerk,  
29 and county treasurer to revise assessment books, unit valuation ledgers,  
30 tax statements, and any other tax records to reflect the correction made  
31 and (b) the recertification of the information provided to the Property  
1 Tax Administrator pursuant to section 77-1613.01.

2 Sec. 7. Section 77-1776, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-1776 Any political subdivision which has received proceeds from a  
5 levy imposed on all taxable property within an entire county which is in  
6 excess of that requested by the political subdivision under the Property  
7 Tax Request Act section 77-1601.02 as a result of a clerical error or  
8 mistake shall, in the fiscal year following receipt, return the excess  
9 tax collections, net of the collection fee, to the county. By July 31 of  
10 the fiscal year following the receipt of any excess tax collections, the  
11 county treasurer shall certify to the political subdivision the amount to  
12 be returned. Such excess tax collections shall be restricted funds in the  
13 budget of the county that receives the funds under section 13-518.

14 Sec. 8. This act becomes operative on January 1, 2022.

15 Sec. 9. Original sections 77-1601 and 77-1776, Reissue Revised  
16 Statutes of Nebraska, and sections 13-506 and 77-1601.02, Revised  
17 Statutes Cumulative Supplement, 2020, are repealed.

## **LEGISLATIVE BILL 682.** Placed on General File with amendment.

### AM195

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

3 Section 1. Section 77-1101, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-1101 Sections 77-1101 to 77-1119 and sections 2, 5, 6, and 10 of  
6 this act shall be known and may be cited as the New Markets Job Growth  
7 Investment Act.

8 Sec. 2. The purposes of the New Markets Job Growth Investment Act  
9 are to:

10 (1) Provide access to capital to small businesses that are not  
11 otherwise able to receive affordable financing;

12 (2) Attract investment dollars from the New Markets Tax Credit  
13 Program of the United States Department of the Treasury; and  
14 (3) Ensure Nebraska small businesses have access to capital to  
15 retain and add jobs.  
16 Sec. 3. Section 77-1102, Reissue Revised Statutes of Nebraska, is  
17 amended to read:  
18 77-1102 For purposes of the New Markets Job Growth Investment Act,  
19 the definitions in sections 77-1103 to 77-1112 and sections 5 and 6 of  
20 this act apply.  
21 Sec. 4. Section 77-1110, Reissue Revised Statutes of Nebraska, is  
22 amended to read:  
23 77-1110 (1) Qualified equity investment means any equity investment  
24 in, or long-term debt security issued by, a qualified community  
25 development entity that:  
26 (a) Is acquired after January 1, 2012, at its original issuance  
27 solely in exchange for cash;  
1 (b) Has at least eighty-five percent, or one hundred percent with  
2 respect to the 2021 allocation, of its cash purchase price used by the  
3 issuer to make qualified low-income community investments in qualified  
4 active low-income community businesses located in this state by the first  
5 anniversary of the initial credit allowance date;  
6 (c) Is designated by the issuer as a qualified equity investment  
7 and, with respect to awards of the 2021 allocation pursuant to subsection  
8 (6) of section 77-1116, is designated by the issuer as a qualified equity  
9 investment under section 45D of the Internal Revenue Code of 1986, as  
10 amended; and  
11 (d) Is certified by the Tax Commissioner as not exceeding the  
12 limitation contained in section 77-1115.  
13 (2) The term includes any qualified equity investment that does not  
14 meet the requirements of subdivision (1)(a) of this section if such  
15 investment was a qualified equity investment in the hands of a prior  
16 holder.  
17 Sec. 5. 2021 allocation means a monetary amount of qualified equity  
18 investments to be awarded by the Tax Commissioner after the 2021 federal  
19 notice under the New Markets Job Growth Investment Act that results in a  
20 maximum tax credit utilization in any fiscal year of no more than fifteen  
21 million dollars of new tax credits.  
22 Sec. 6. 2021 federal notice means the announcement by the Community  
23 Development Financial Institutions Fund of the United States Department  
24 of the Treasury of allocation awards under a notice of funding  
25 availability that was published in the Federal Register in September  
26 2020.  
27 Sec. 7. Section 77-1115, Reissue Revised Statutes of Nebraska, is  
28 amended to read:  
29 77-1115 The Tax Commissioner shall limit the monetary amount of  
30 qualified equity investments permitted under the New Markets Job Growth  
31 Investment Act to a level necessary to limit tax credit utilization in  
1 any fiscal year at no more than fifteen million dollars of new tax  
2 credits, exclusive of tax credits acquired with respect to qualified  
3 equity investments issued under the 2021 allocation. Such limitation on  
4 qualified equity investments shall be based on the anticipated  
5 utilization of credits without regard to the potential for taxpayers to  
6 carry forward tax credits to later tax years.  
7 Sec. 8. Section 77-1116, Reissue Revised Statutes of Nebraska, is  
8 amended to read:  
9 77-1116 (1) A qualified community development entity that seeks to  
10 have an equity investment or long-term debt security designated as a  
11 qualified equity investment and eligible for tax credits under the New  
12 Markets Job Growth Investment Act shall apply to the Tax Commissioner.  
13 There shall be no new applications for such designation filed under this

14 section after December 31, ~~2020~~ 2022. The Tax Commissioner shall begin  
15 accepting applications with respect to the 2021 allocation not less than  
16 thirty days or more than forty-five days after the 2021 federal notice.

17 (2) The qualified community development entity shall submit an  
18 application on a form that the Tax Commissioner provides that includes:

19 (a) Evidence of the entity's certification as a qualified community  
20 development entity, including evidence of the service area of the entity  
21 that includes this state;

22 (b) A copy of the allocation agreement executed by the entity, or  
23 its controlling entity, and the Community Development Financial  
24 Institutions Fund referred to in section 77-1109;

25 (c) A certificate executed by an executive officer of the entity  
26 attesting that the allocation agreement remains in effect and has not  
27 been revoked or canceled by the Community Development Financial  
28 Institutions Fund referred to in section 77-1109;

29 (d) A description of the proposed amount, structure, and purchaser  
30 of the equity investment or long-term debt security;

31 (e) Identifying information for any taxpayer eligible to utilize tax  
1 credits earned as a result of the issuance of the qualified equity  
2 investment;

3 (f) Information regarding the proposed use of proceeds from the  
4 issuance of the qualified equity investment; ~~and~~

5 (g) A nonrefundable application fee of five thousand dollars; ~~and~~ -

6 (h) With respect to applications for the 2021 allocation, the amount  
7 of qualified equity investment authority the applicant agrees to

8 designate as a federal qualified equity investment under section 45D of  
9 the Internal Revenue Code of 1986, as amended, including a copy of the  
10 screen shot from the Community Development Financial Institutions Fund's  
11 Allocation Tracking System of the applicant's remaining federal qualified  
12 equity investment authority.

13 (3) Within thirty days after receipt of a completed application  
14 containing the information necessary for the Tax Commissioner to certify  
15 a potential qualified equity investment, including the payment of the  
16 application fee, the Tax Commissioner shall grant or deny the application  
17 in full or in part. If the Tax Commissioner denies any part of the  
18 application, the Tax Commissioner shall inform the qualified community  
19 development entity of the grounds for the denial. If the qualified  
20 community development entity provides any additional information required  
21 by the Tax Commissioner or otherwise completes its application within  
22 fifteen days after the notice of denial, the application shall be  
23 considered completed as of the original date of submission. If the  
24 qualified community development entity fails to provide the information  
25 or complete its application within the fifteen-day period, the  
26 application remains denied and must be resubmitted in full with a new  
27 submission date.

28 (4) If the application is deemed complete, the Tax Commissioner  
29 shall certify the proposed equity investment or long-term debt security  
30 as a qualified equity investment that is eligible for tax credits,  
31 subject to the limitations contained in section 77-1115. The Tax  
1 Commissioner shall provide written notice of the certification to the  
2 qualified community development entity. The notice shall include the  
3 names of those taxpayers who are eligible to utilize the credits and  
4 their respective credit amounts. If the names of the taxpayers who are  
5 eligible to utilize the credits change due to a transfer of a qualified  
6 equity investment or a change in an allocation pursuant to section  
7 77-1114, the qualified community development entity shall notify the Tax  
8 Commissioner of such change.

9 (5) Except as provided in subsection (6) of this section, the The  
10 Tax Commissioner shall certify qualified equity investments in the order  
11 applications are received. Applications received on the same day shall be

12 deemed to have been received simultaneously. For applications received on  
13 the same day and deemed complete, the Tax Commissioner shall certify,  
14 consistent with remaining tax credit capacity, qualified equity  
15 investments in proportionate percentages based upon the ratio of the  
16 amount of qualified equity investment requested in an application to the  
17 total amount of qualified equity investments requested in all  
18 applications received on the same day.

19 (6) With respect to applications for the 2021 allocation, the Tax  
20 Commissioner shall certify applications by applicants that agree to  
21 designate qualified equity investments as federal qualified equity  
22 investments in accordance with subdivision (1)(h) of this section in  
23 proportionate percentages based upon the ratio of the amount of qualified  
24 equity investments requested in an application to be designated as  
25 federal qualified equity investments to the total amount of qualified  
26 equity investments to be designated as federal qualified equity  
27 investments requested in all applications received on the same day.

28 (7) (6) Once the Tax Commissioner has certified qualified equity  
29 investments that, on a cumulative basis, are eligible for the maximum  
30 limitation contained in section 77-1115 or the maximum amount of  
31 qualified equity investments authorized pursuant to the 2021 allocation,

1 the Tax Commissioner may not certify any more qualified equity  
2 investments for that fiscal year. If a pending request cannot be fully  
3 certified, the Tax Commissioner shall certify the portion that may be  
4 certified unless the qualified community development entity elects to  
5 withdraw its request rather than receive partial credit.

6 (8) (7) Within thirty days after receiving notice of certification,  
7 the qualified community development entity shall issue the qualified  
8 equity investment and receive cash in the amount of the certified amount  
9 and, with respect to the 2021 allocation, designate the required amount  
10 of qualified equity investment authority as a federal qualified equity  
11 investment. The qualified community development entity shall provide the  
12 Tax Commissioner with evidence of the receipt of the cash investment  
13 within ten business days after receipt and, with respect to the 2021  
14 allocation, provide evidence that the required amount of qualified equity  
15 investment authority was designated as a federal qualified equity  
16 investment. If the qualified community development entity does not

17 receive the cash investment and issue the qualified equity investment  
18 within thirty days after receipt of the certification notice and, with  
19 respect to the 2021 allocation, make the required federal qualified  
20 equity investment designation, the certification shall lapse and the  
21 entity may not issue the qualified equity investment without reapplying  
22 to the Tax Commissioner for certification. A certification that lapses  
23 reverts back to the Tax Commissioner and may be reissued only in  
24 accordance with the application process outlined in this section.

25 Sec. 9. Section 77-1117, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 77-1117 The Tax Commissioner shall recapture, from the taxpayer that  
28 claimed the credit on a return, the tax credit allowed under the New  
29 Markets Job Growth Investment Act if:

30 (1) Any amount of the federal tax credit available with respect to a  
31 qualified equity investment that is eligible for a tax credit under this  
1 section is recaptured under section 45D of the Internal Revenue Code of  
2 1986, as amended. In such case the state's recapture shall be  
3 proportionate to the federal recapture with respect to such qualified  
4 equity investment;

5 (2) The issuer redeems or makes principal repayment with respect to  
6 a qualified equity investment prior to the seventh credit allowance date.  
7 In such case recapture shall be proportionate to the amount of the  
8 redemption or repayment with respect to such qualified equity investment;  
9 or

10 (3) The issuer fails to invest and satisfy the requirements of  
 11 subdivision (1)(b) of section 77-1110 and maintain such level of  
 12 investment in qualified low-income community investments in Nebraska  
 13 until the last credit allowance date for the qualified equity investment.  
 14 For purposes of this section, an investment shall be considered held by  
 15 an issuer even if the investment has been sold or repaid if the issuer  
 16 reinvests an amount equal to the capital returned to or recovered by the  
 17 issuer from the original investment, exclusive of any profits realized,  
 18 in another qualified low-income community investment within twelve months  
 19 of the receipt of such capital. With respect to the 2021 allocation,  
 20 amounts received periodically by a qualified community development entity  
 21 shall be treated as maintained in qualified low-income community  
 22 investments if the amounts are reinvested in one or more qualified low-  
 23 income community investments by the end of the following calendar year.  
 24 An issuer shall not be required to reinvest capital returned from  
 25 qualified low-income community investments after the sixth credit  
 26 allowance date, the proceeds of which were used to make the qualified  
 27 low-income community investment, and the qualified low-income community  
 28 investment shall be considered held by the issuer through the seventh  
 29 credit allowance date.

30 Sec. 10. (1) A qualified community development entity that has  
 31 received an allocation of qualified equity investment authority pursuant  
 1 to the 2021 allocation shall submit an annual report to the Tax  
 2 Commissioner on or before the last day of February following the second  
 3 through seventh credit allowance dates. The annual report shall provide  
 4 documentation as to the qualified community development entity's  
 5 qualified low-income community investments and include all of the  
 6 following:  
 7 (a) A bank statement evidencing each qualified low-income community  
 8 investment;  
 9 (b) The name, location, and industry of each qualified active low-  
 10 income community business receiving a qualified low-income community  
 11 investment; and  
 12 (c) The number of jobs created or retained as a result of each  
 13 qualified low-income community investment.  
 14 (2) The Tax Commissioner shall electronically submit a report to the  
 15 Legislature on or before April 1, 2022, and on or before each April 1  
 16 thereafter through April 1, 2028, with respect to the 2021 allocation.  
 17 The report shall include all of the following:  
 18 (a) The name and number of all of the qualified community  
 19 development entities approved to participate in the 2021 allocation;  
 20 (b) The amount of qualified low-income community investments made by  
 21 the qualified community development entities;  
 22 (c) The location of each qualified active low-income community  
 23 business; and  
 24 (d) The number of jobs created or retained as a result of each  
 25 qualified low-income community investment.

26 Sec. 11. Original sections 77-1101, 77-1102, 77-1110, 77-1115,  
 27 77-1116, and 77-1117, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 166.** Placed on General File with amendment.

[AM389](#)

1 1. On page 12, line 5, after "cycle" insert "that begins in 2023".  
 2 2. On page 13, line 11, after the period insert "Beginning on an  
 3 implementation date designated by the director on or before January 1,

4 2023, if delivery of the plates and registration certificate is made by  
 5 the department to the applicant, the department may charge a postage and  
 6 handling fee in an amount not more than necessary to recover the cost of  
 7 postage and handling for the specific items mailed to the registrant. The  
 8 department shall remit the fee to the State Treasurer for credit to the  
 9 Department of Motor Vehicles Cash Fund."

**LEGISLATIVE BILL 317.** Placed on General File with amendment.

**AM398**

1 1. On page 12, line 3, strike "2025" and insert "2023".  
 2 2. On page 13, line 7, after the period insert "Beginning on an  
 3 implementation date designated by the director on or before January 1,  
 4 2023, if delivery of the plates and registration certificate is made by  
 5 the department to the applicant, the department may charge a postage and  
 6 handling fee in an amount not more than necessary to recover the cost of  
 7 postage and handling for the specific items mailed to the registrant. The  
 8 department shall remit the fee to the State Treasurer for credit to the  
 9 Department of Motor Vehicles Cash Fund."

(Signed) Curt Friesen, Chairperson

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

Senator B. Hansen filed the following amendment to LB106:

**AM429**

1 1. On page 3, line 30, strike "(8)" and insert "(8)(a)" and after  
 2 the last underscored comma insert "until June 30, 2032.".  
 3 2. On page 4, after line 5, insert the following new subdivision:  
 4 "(b) Beginning on June 30, 2032, for any record provided pursuant to  
 5 subsection (1) of this section, the requester shall be required to pay,  
 6 in addition to the fee prescribed in such subsection, a fee of fifty  
 7 cents, which shall be credited to the Department of Motor Vehicles Cash  
 8 Fund."; and in line 17 after "(3)" insert "The Department of Motor  
 9 Vehicles shall report to the Legislature by September 1 of each even-  
 10 numbered year through the year 2030 on the progress the department has  
 11 made on the new operator's license services system. The report shall  
 12 include an estimated cost for completion, the operating systems under  
 13 consideration, and the expected time the new operator's license services  
 14 system will become fully operational. The report shall be made  
 15 electronically.  
 16 (4)".

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Nebraska Retirement Systems - LB147

Nebraska Retirement Systems - LB17

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

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

Senator Day name added to LB40.



Senator Blood name added to LB61.  
Senator Hunt name added to LB207.  
Senator Slama name added to LB306.  
Senator Blood name added to LB306.  
Senator Groene name added to LB486.  
Senator Aguilar name added to LB581.  
Senator Linehan name added to LB639.  
Senator Sanders name added to LB639.  
Senator Brewer name added to LR21CA.

**VISITOR(S)**

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - MARCH 3, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 3, 2021

**PRAYER**

The prayer was offered by Senator Aguilar.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Pahls.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, Briese, Day, Hunt, Linehan, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 81.** Placed on General File.

**LEGISLATIVE BILL 555.** Placed on General File.

**LEGISLATIVE BILL 556.** Placed on General File.

**LEGISLATIVE BILL 423.** Placed on General File with amendment.

**AM433**

1 1. Strike original section 3 and insert the following new section:

2 Sec. 3. At the time of registration pursuant to section 2 of this

3 act, a home inspector shall:

4 (1) Pay a registration fee to the Secretary of State. The Secretary

5 of State shall set such registration fee in an amount sufficient to

6 defray the administrative costs of registration but not to exceed three

7 hundred dollars. The Secretary of State shall remit such registration fee

8 to the State Treasurer for credit to the Secretary of State Cash Fund;

9 and  
 10 (2) Provide to the Secretary of State a certificate of insurance  
 11 evidencing coverage in an amount of not less than two hundred fifty  
 12 thousand dollars for general liability.  
 13 2. On page 2, line 20, strike "and"; in line 22 strike the period  
 14 and insert "; and"; and after line 22 insert the following new  
 15 subdivision:  
 16 "(4) Any national certification relating to home inspection  
 17 currently held by the home inspector."

**LEGISLATIVE BILL 446.** Placed on General File with amendment.

AM86

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 58-201, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 58-201 Sections 58-201 to 58-272 and section 2 of this act shall be  
 6 known and may be cited as the Nebraska Investment Finance Authority Act.  
 7 Sec. 2. (1) The Legislature finds that:  
 8 (a) In order to support Nebraskans and their families, promote  
 9 thriving communities, and encourage economic development, the state  
 10 should support the continued development of all varieties of housing;  
 11 (b) As recommended in the Blueprint Nebraska Public Report dated  
 12 July 2019, it is the long-term goal of the state to improve investments  
 13 in housing by promoting coordination, collaboration, and housing  
 14 intelligence and strengthening housing incentives and funding options;  
 15 and  
 16 (c) The creation and maintenance of a centralized resource to  
 17 aggregate and analyze relevant community and housing data in a  
 18 comprehensive, sustainable, and collaborative manner is a beneficial and  
 19 necessary step in reaching the goals of the state.  
 20 (2) In furtherance of the goals described in subsection (1) of this  
 21 section, the authority shall:  
 22 (a) Implement and maintain, or cause to be implemented and  
 23 maintained, a comprehensive, sustainable, and collaborative system  
 24 designed to provide coordinated data on current housing metrics and on  
 25 state and federal funding sources and incentives available to develop,  
 26 rehabilitate, and maintain housing stock across the state;  
 27 (b) Provide data and analysis regarding the current housing capacity  
 1 across the state to guide policymakers' decisions and resource allocation  
 2 to improve access to housing; and  
 3 (c) Support developers, communities, and others in understanding the  
 4 availability of public incentives and investments related to housing.  
 5 (3) The authority may employ such personnel as deemed necessary to  
 6 carry out this section.  
 7 (4) On or before July 1, 2023, and on or before July 1 of every odd-  
 8 numbered year thereafter, the authority shall electronically submit a  
 9 report to the Urban Affairs Committee of the Legislature and the Banking,  
 10 Commerce and Insurance Committee of the Legislature. The report shall  
 11 provide a summary of the existing status of housing stock across the  
 12 state and shall set specific areas of recommended focus for housing  
 13 investment or resource allocation to promote alignment of resources with  
 14 need and demand in the housing market.  
 15 Sec. 3. Original section 58-201, Reissue Revised Statutes of  
 16 Nebraska, is repealed.

**LEGISLATIVE BILL 467.** Placed on General File with amendment.

AM136

1 1. On page 2, line 16, strike "2020" and insert "2021".

(Signed) Justin Wayne, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Williams - LB322

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources  
Room 1524

Wednesday, March 10, 2021 1:30 p.m.

Randy L. Gard - Nebraska Ethanol Board

(Signed) Bruce Bostelman, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 159.** [ER6](#), found on page 454, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4.** [ER7](#), found on page 454, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 149.** [ER11](#), found on page 464, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 174.** [ER10](#), found on page 465, was adopted.

Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 302.** [ER13](#), found on page 465, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 253.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 532.** [ER16](#), found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 70A.** 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 70, One Hundred Seventh Legislature, First Session, 2021.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Arch - LB400

**ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Tuesday, March 9, 2021, at 10:00 a.m., in Room 1524.

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

Senator M. Cavanaugh filed the following amendment to LB503:

FA3

Strike section 1 on page 2, lines 1 through 14.

Senator Wayne filed the following amendment to LB329:

AM411

1 1. Insert the following new section:

2 Sec. 3. Section 77-2716, Revised Statutes Cumulative Supplement,

3 2020, is 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) For taxable years beginning or deemed to begin on or after  
30 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
31 federal adjusted gross income shall be reduced, to the extent included in  
1 the adjusted gross income of an individual, by the amount of any  
2 contribution made by the individual's employer into an account under the  
3 Nebraska educational savings plan trust owned by the individual, not to  
4 exceed five thousand dollars per married filing separate return or ten  
5 thousand dollars for any other return.

6 (d) Federal adjusted gross income or, for corporations and  
7 fiduciaries, federal taxable income shall be increased by:

8 (i) The amount resulting from the cancellation of a participation  
9 agreement refunded to the taxpayer as a participant in the Nebraska  
10 educational savings plan trust to the extent previously deducted under  
11 subdivision (8)(b) of this section; and

12 (ii) The amount of any withdrawals by the owner of an account  
13 established under the achieving a better life experience program as  
14 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the  
15 extent previously deducted under subdivision (8)(b) of this section.

16 (9)(a) For income tax returns filed after September 10, 2001, for  
17 taxable years beginning or deemed to begin before January 1, 2006, under  
18 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
19 income or, for corporations and fiduciaries, federal taxable income shall  
20 be increased by eighty-five percent of any amount of any federal bonus  
21 depreciation received under the federal Job Creation and Worker  
22 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
23 under section 168(k) or section 1400L of the Internal Revenue Code of



24 1986, as amended, for assets placed in service after September 10, 2001,  
25 and before December 31, 2005.

26 (b) For a partnership, limited liability company, cooperative,  
27 including any cooperative exempt from income taxes under section 521 of  
28 the Internal Revenue Code of 1986, as amended, limited cooperative  
29 association, subchapter S corporation, or joint venture, the increase  
30 shall be distributed to the partners, members, shareholders, patrons, or  
31 beneficiaries in the same manner as income is distributed for use against  
1 their income tax liabilities.

2 (c) For a corporation with a unitary business having activity both  
3 inside and outside the state, the increase shall be apportioned to  
4 Nebraska in the same manner as income is apportioned to the state by  
5 section 77-2734.05.

6 (d) The amount of bonus depreciation added to federal adjusted gross  
7 income or, for corporations and fiduciaries, federal taxable income by  
8 this subsection shall be subtracted in a later taxable year. Twenty  
9 percent of the total amount of bonus depreciation added back by this  
10 subsection for tax years beginning or deemed to begin before January 1,  
11 2003, under the Internal Revenue Code of 1986, as amended, may be  
12 subtracted in the first taxable year beginning or deemed to begin on or  
13 after January 1, 2005, under the Internal Revenue Code of 1986, as  
14 amended, and twenty percent in each of the next four following taxable  
15 years. Twenty percent of the total amount of bonus depreciation added  
16 back by this subsection for tax years beginning or deemed to begin on or  
17 after January 1, 2003, may be subtracted in the first taxable year  
18 beginning or deemed to begin on or after January 1, 2006, under the  
19 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
20 the next four following taxable years.

21 (10) For taxable years beginning or deemed to begin on or after  
22 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
23 Code of 1986, as amended, federal adjusted gross income or, for  
24 corporations and fiduciaries, federal taxable income shall be increased  
25 by the amount of any capital investment that is expensed under section  
26 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
27 of twenty-five thousand dollars that is allowed under the federal Jobs  
28 and Growth Tax Act of 2003. Twenty percent of the total amount of  
29 expensing added back by this subsection for tax years beginning or deemed  
30 to begin on or after January 1, 2003, may be subtracted in the first  
31 taxable year beginning or deemed to begin on or after January 1, 2006,  
1 under the Internal Revenue Code of 1986, as amended, and twenty percent  
2 in each of the next four following tax years.

3 (11)(a) For taxable years beginning or deemed to begin before  
4 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
5 federal adjusted gross income shall be reduced by contributions, up to  
6 two thousand dollars per married filing jointly return or one thousand  
7 dollars for any other return, and any investment earnings made as a  
8 participant in the Nebraska long-term care savings plan under the Long-  
9 Term Care Savings Plan Act, to the extent not deducted for federal income  
10 tax purposes.

11 (b) For taxable years beginning or deemed to begin before January 1,  
12 2018, under the Internal Revenue Code of 1986, as amended, federal  
13 adjusted gross income shall be increased by the withdrawals made as a  
14 participant in the Nebraska long-term care savings plan under the act by  
15 a person who is not a qualified individual or for any reason other than  
16 transfer of funds to a spouse, long-term care expenses, long-term care  
17 insurance premiums, or death of the participant, including withdrawals  
18 made by reason of cancellation of the participation agreement, to the  
19 extent previously deducted as a contribution or as investment earnings.

20 (12) There shall be added to federal adjusted gross income for  
21 individuals, estates, and trusts any amount taken as a credit for

22 franchise tax paid by a financial institution under sections 77-3801 to  
23 77-3807 as allowed by subsection (5) of section 77-2715.07.

24 (13)(a) For taxable years beginning or deemed to begin on or after  
25 January 1, 2015, under the Internal Revenue Code of 1986, as amended,  
26 federal adjusted gross income shall be reduced by the amount received as  
27 benefits under the federal Social Security Act which are included in the  
28 federal adjusted gross income if:

29 (i) For taxpayers filing a married filing joint return, federal  
30 adjusted gross income is fifty-eight thousand dollars or less; or  
31 (ii) For taxpayers filing any other return, federal adjusted gross  
1 income is forty-three thousand dollars or less.

2 (b) For taxable years beginning or deemed to begin on or after  
3 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the  
4 Tax Commissioner shall adjust the dollar amounts provided in subdivisions  
5 (13)(a)(i) and (ii) of this section by the same percentage used to adjust  
6 individual income tax brackets under subsection (3) of section  
7 77-2715.03.

8 (14)(a) For taxable years beginning or deemed to begin on or after  
9 January 1, 2015, and before January 1, 2022, under the Internal Revenue  
10 Code of 1986, as amended, an individual may make a one-time election  
11 within two calendar years after the date of his or her retirement from  
12 the military to exclude income received as a military retirement benefit  
13 by the individual to the extent included in federal adjusted gross income  
14 and as provided in this subdivision. The individual may elect to exclude  
15 forty percent of his or her military retirement benefit income for seven  
16 consecutive taxable years beginning with the year in which the election  
17 is made or may elect to exclude fifteen percent of his or her military  
18 retirement benefit income for all taxable years beginning with the year  
19 in which he or she turns sixty-seven years of age.

20 (b) For taxable years beginning or deemed to begin on or after  
21 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an  
22 individual may exclude fifty percent of the military retirement benefit  
23 income received by such individual to the extent included in federal  
24 adjusted gross income.

25 (c) For purposes of this subsection, military retirement benefit  
26 means retirement benefits that are periodic payments attributable to  
27 service in the uniformed services of the United States for personal  
28 services performed by an individual prior to his or her retirement.

29 (15) For taxable years beginning or deemed to begin on or after  
30 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
31 federal adjusted gross income shall be reduced by the amount received as  
1 a Segal AmeriCorps Education Award, to the extent such amount is included  
2 in federal adjusted gross income.

3 (16) For taxable years beginning or deemed to begin on or after  
4 January 1, 2022, under the Internal Revenue Code of 1986, as amended,  
5 federal adjusted gross income or, for corporations and fiduciaries,  
6 federal taxable income shall be reduced by sixty-five percent of the  
7 wages paid by the taxpayer to an individual who has been convicted of a  
8 felony in this or any other state, including any such individual who is  
9 on parole or probation. Such deduction shall only be allowed with respect  
10 to wages paid during the first three years of such individual's  
11 employment with the taxpayer, and the total deduction taken with respect  
12 to any one individual shall not exceed twenty thousand dollars.

13 2. Renumber the remaining sections and correct the repealer  
14 accordingly.

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

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

Senator Day name added to LB87.

Senator McCollister name added to LB158.

Senator Arch name added to LB387.

Senator Albrecht name added to LB454.

Senator McCollister name added to LB548.

**VISITOR(S)**

The Doctor of the Day was Dr. Dale Michels of Walton.

**ADJOURNMENT**

At 9:25 a.m., on a motion by Senator Arch, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-EIGHTH DAY - MARCH 4, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 4, 2021

**PRAYER**

The prayer was offered by Senator Arch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Aguilar.

**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 Brewer who was excused; and Senators Bostar, Briese, M. Cavanaugh, Flood, B. Hansen, Hunt, Pansing Brooks, Stinner, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor  
Room 1524

Thursday, March 11, 2021 1:30 p.m.

Aaron L. Jazyuka - Boiler Safety Code Advisory Board

Gerald Whitlock - Boiler Safety Code Advisory Board

Johnie Jason Girmus - Boiler Safety Code Advisory Board

Martin Kasl - Boiler Safety Code Advisory Board

(Signed) Ben Hansen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 297.** Placed on Select File.**LEGISLATIVE BILL 177.** Placed on Select File.

(Signed) Terrell McKinney, 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 March 3, 2021, 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

Howard, Sara  
First Five Nebraska  
Mueller Robak  
International Code Council, Inc.

**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.

Ann E. Ames - Crime Victim's Reparations Committee  
Jeffrey Davis - Crime Victim's Reparations Committee  
Shawn Eatherton - Crime Victim's Reparations Committee

Aye: 8. Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing  
Brooks, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Rosalyn R. Cotton - Board of Parole

Aye: 8. Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing  
Brooks, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 124.** Placed on General File.  
**LEGISLATIVE BILL 355.** Placed on General File.  
**LEGISLATIVE BILL 386.** Placed on General File.  
**LEGISLATIVE BILL 444.** Placed on General File.  
**LEGISLATIVE BILL 471.** Placed on General File.

**LEGISLATIVE BILL 333.** Placed on General File with amendment.

[AM345](#)

1 1. On page 2, line 16, strike "or"; after line 16 insert the  
2 following new subdivision:  
3 "(f) The Inspector General of the Nebraska Correctional System or  
4 any employee of the office of the Inspector General; or"; and in line 17  
5 strike "(f)" and insert "(g)".  
6 2. On page 3, line 7, strike "and"; and in line 9 strike the period  
7 and insert "; and"  
8 (d) The Inspector General of the Nebraska Correctional System or any  
9 employee of the office of the Inspector General."

(Signed) Steve Lathrop, Chairperson

Agriculture

**LEGISLATIVE BILL 572.** Placed on General File with amendment.

[AM410](#)

1 1. Strike sections 4, 5, and 10.  
2 2. On page 2, line 3, strike "8, 9," and insert "8, and 9"; in line  
3 4 strike "10, 11, and 12"; in line 9 strike "8, 9, 10" and insert "8, and  
4 9"; and in line 10 strike "11, and 12".  
5 3. On page 3, line 3, strike "licensed" and insert "qualified"; and  
6 in line 31 strike "of the Nebraska Milk Act".  
7 4. On page 9, strike beginning with "a" in line 15 through  
8 "branding" in line 17 and insert "satisfactory evidence of ownership for  
9 the purpose of enrollment of cattle and for electronic inspection  
10 authorized under section 54-1,108".  
11 5. On page 11, line 17, strike "ninety-five" and insert "eighty-  
12 five"; and in lines 19 and 20 strike the new matter and reinstate the  
13 stricken matter.  
14 6. On page 12, line 19, after "subsection" insert "the fee".  
15 7. On page 13, line 5, strike "ninety-five" and insert "eighty-  
16 five"; in line 7 strike "fifty" and insert "ten"; strike beginning with  
17 "submit" in line 20 through "describing" in line 21 and insert "report to  
18 the Legislature any"; and strike beginning with the period in line 22  
19 through "describe" in line 23 and insert ", including".  
20 8. On page 22, lines 15 through 31; and page 23, lines 1 through 6,  
21 strike the new matter and reinstate the stricken matter.  
22 9. On page 24, line 2, strike "(1)"; and strike lines 14 through 26.  
23 10. On page 26, line 30, strike beginning with "8" through "12" and  
24 insert "8, and 9".

25 11. Renumber the remaining sections and correct internal references  
26 accordingly.

(Signed) Steve Halloran, 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.

Tom S. Dinsdale - Nebraska State Fair Board

Aye: 8. Brandt, Brewer, Cavanaugh, J., Gragert, Groene, Halloran, Hansen, B., Lathrop. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

**ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Thursday, March 11, 2021, at 10:00 a.m., in Room 1524.

**ANNOUNCEMENT**

Senator Kolterman announced that the birthday of the Clerk, Patrick J. O'Donnell, was yesterday.

**MOTION(S) - Confirmation Report(s)**

Senator M. Hansen moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 410:

Nebraska Accountability and Disclosure Commission  
Kate Sullivan

Voting in the affirmative, 32:

Aguilar	DeBoer	Hilgers	McCollister	Sanders
Albrecht	Dorn	Hughes	McDonnell	Slama
Arch	Friesen	Kolterman	McKinney	Walz
Blood	Geist	Lathrop	Morfeld	Williams
Bostelman	Gragert	Lindstrom	Moser	
Brandt	Halloran	Linehan	Murman	
Cavanaugh, J.	Hansen, M.	Lowe	Pansing Brooks	

Voting in the negative, 0.



Present and not voting, 8:

Clements	Erdman	Hilkemann	Wayne
Day	Groene	Pahls	Wishart

Excused and not voting, 9:

Bostar	Briese	Flood	Hunt	Vargas
Brewer	Cavanaugh, M.	Hansen, B.	Stinner	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator M. Hansen moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 410:

State Personnel Board  
Erin Bond

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	Lowe	Pansing Brooks
Albrecht	Cavanaugh, M.	Halloran	McCollister	Sanders
Arch	Day	Hansen, M.	McDonnell	Slama
Blood	DeBoer	Hilgers	McKinney	Walz
Bostelman	Dorn	Hughes	Morfeld	Williams
Brandt	Friesen	Lindstrom	Moser	
Briese	Geist	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 9:

Clements	Groene	Kolterman	Pahls	Wishart
Erdman	Hilkemann	Lathrop	Wayne	

Excused and not voting, 7:

Bostar	Flood	Hunt	Vargas
Brewer	Hansen, B.	Stinner	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 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 459:

Coordinating Commission for Postsecondary Education  
Gene Kelly

Voting in the affirmative, 36:

Aguilar	Cavanaugh, M.	Gragert	Linehan	Sanders
Albrecht	Clements	Groene	Lowe	Slama
Arch	Day	Halloran	McDonnell	Walz
Blood	DeBoer	Hansen, M.	McKinney	Williams
Bostelman	Dorn	Hilgers	Morfeld	
Brandt	Erdman	Hughes	Moser	
Briese	Friesen	Kolterman	Murman	
Cavanaugh, J.	Geist	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Hilkemann	McCollister	Wayne
Lathrop	Pahls	Wishart

Excused and not voting, 7:

Bostar	Flood	Hunt	Vargas
Brewer	Hansen, B.	Stinner	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 166A.** 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 166, One Hundred Seventh Legislature, First Session, 2021.

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

General Affairs - LB561  
General Affairs - LB274

#### **COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 274.** Placed on General File with amendment.  
[AM427](#) is available in the Bill Room.

**LEGISLATIVE BILL 295.** Placed on General File with amendment.**AM328**

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 53-101 Sections 53-101 to 53-1,122 and section 3 of this act shall  
6 be known and may be cited as the Nebraska Liquor Control Act.  
7 Sec. 2. Section 53-178.01, Reissue Revised Statutes of Nebraska, is  
8 amended to read:  
9 53-178.01 No licensee shall sell alcoholic liquor, including beer,  
10 to any person for consumption off the licensed premises while such person  
11 is in any manner within any motor vehicle unless the licensee has been  
12 issued a motor vehicle sale endorsement as provided in section 3 of this  
13 act. This section shall not apply to sales to handicapped persons in a  
14 motor vehicle displaying a current handicapped license plate issued by  
15 the Department of Motor Vehicles.  
16 Sec. 3. (1) The holder of a retail license to sell alcoholic liquor  
17 for consumption off the premises may obtain a motor vehicle sale  
18 endorsement for such license to allow for the sale of alcoholic liquor,  
19 including beer, to a person who is twenty-one years of age or older  
20 within a motor vehicle as prescribed in this section.  
21 (2) A licensee desiring to obtain a motor vehicle sale endorsement  
22 shall file with the commission an application upon such forms as the  
23 commission prescribes and a fee of fifty dollars payable to the  
24 commission. The commission shall issue a motor vehicle sale endorsement  
25 in the same manner as the licensee's retail license in accordance with  
26 section 53-131. A motor vehicle sale endorsement may be issued for the  
27 same period and may be renewed in the same manner as the licensee's  
1 retail license.  
2 (3) The holder of a motor vehicle sale endorsement may sell  
3 alcoholic liquor, including beer, in its original package, to a person  
4 within a motor vehicle, using a drive-through window or curbside pickup,  
5 if:  
6 (a) The sale occurs on the licensed premises of the licensee during  
7 the hours the licensee is authorized to sell the alcoholic liquor or  
8 beer; and  
9 (b) The individual purchasing the alcoholic liquor or beer is  
10 twenty-one years of age or older.  
11 Sec. 4. Original section 53-178.01, Reissue Revised Statutes of  
12 Nebraska, and section 53-101, Revised Statutes Cumulative Supplement,  
13 2020, are repealed.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 54.** Introduced by Gragert, 40; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostelman, 23; Brandt, 32; Cavanaugh, J., 9; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, M., 26; Hilgers, 21; Hughes, 44; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Walz, 15; Williams, 36; Wishart, 27.

WHEREAS, Andy Hoffman of Atkinson, Nebraska, raised awareness for the need to research a cure for pediatric brain cancer; and

WHEREAS, the Hoffman family began their battle with pediatric brain cancer in 2011 with the diagnosis of a malignant brain tumor in Andy's five-year-old son, Jack; and

WHEREAS, prior to Jack's second surgery in 2011, Andy reached out to the University of Nebraska Cornhusker's football team hoping Jack could meet running back Rex Burkhead; and

WHEREAS, Jack was invited to play in the 2013 Red-White Nebraska Football Spring Game, in which he ran for a sixty-nine-yard touchdown; and

WHEREAS, Jack's touchdown run helped raise national awareness for the need to research a cure for pediatric brain cancer; and

WHEREAS, with the help of friends and colleagues in 2013, Andy and his wife, Brianna, founded the Team Jack Foundation; and

WHEREAS, the foundation raised over eight million dollars dedicated to researching a cure for pediatric brain cancer; and

WHEREAS, in July of 2020, Andy learned that he had glioblastoma, a malignant brain tumor; and

WHEREAS, despite his brain cancer diagnosis, Andy authored Yards After Contact, a book detailing Jack's story; and

WHEREAS, Andy Hoffman passed away on March 1, 2021, at the age of 42 and is survived by his wife Brianna and their three children, Jack, Ava, and Reese; and

WHEREAS, Andy Hoffman will be remembered as a fearless leader and dedicated family man.

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

1. That the Legislature recognizes the legacy of Andy Hoffman for his love for his family and his dedication to fighting pediatric brain cancer.

2. That the Legislature offers its condolences to the family of Andy Hoffman.

3. That a copy of this resolution be sent to Brianna Hoffman.

Laid over.

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

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

Senator DeBoer name added to LB39.

Senator Sanders name added to LB263.

Senator Sanders name added to LB442.

#### **VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting of Pender.

**ADJOURNMENT**

At 9:30 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-NINTH DAY - MARCH 9, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 9, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Arch.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 4.** Placed on Final Reading.  
**LEGISLATIVE BILL 21.** Placed on Final Reading.  
**LEGISLATIVE BILL 23.** Placed on Final Reading.  
**LEGISLATIVE BILL 25.** Placed on Final Reading.  
**LEGISLATIVE BILL 44.** Placed on Final Reading.  
**LEGISLATIVE BILL 77.** Placed on Final Reading.  
**LEGISLATIVE BILL 149.** Placed on Final Reading.  
**LEGISLATIVE BILL 159.** Placed on Final Reading.  
**LEGISLATIVE BILL 174.** Placed on Final Reading.  
**LEGISLATIVE BILL 248.** Placed on Final Reading.  
**LEGISLATIVE BILL 253.** Placed on Final Reading.

**LEGISLATIVE BILL 302.** Placed on Final Reading.  
**LEGISLATIVE BILL 363.** Placed on Final Reading.  
**LEGISLATIVE BILL 373.** Placed on Final Reading.  
**LEGISLATIVE BILL 532.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 509.** Placed on Select File.  
**LEGISLATIVE BILL 510.** Placed on Select File.  
**LEGISLATIVE BILL 337.** Placed on Select File.  
**LEGISLATIVE BILL 35.** Placed on Select File.  
**LEGISLATIVE BILL 93.** Placed on Select File.

**LEGISLATIVE BILL 94.** Placed on Select File with amendment.

[ER17](#)

1 1. On page 1, line 4, after "20-13" insert "and certain written  
 2 instruments for the conveyance or encumbrance of real estate".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
 Health and Human Services

**LEGISLATIVE BILL 19.** Placed on General File.  
**LEGISLATIVE BILL 108.** Placed on General File.  
**LEGISLATIVE BILL 121.** Placed on General File.  
**LEGISLATIVE BILL 306.** Placed on General File.  
**LEGISLATIVE BILL 570.** Placed on General File.

**LEGISLATIVE BILL 592.** Placed on General File with amendment.

[AM237](#)

1 1. On page 4, line 12, after the period insert "Emergency doses may  
 2 not be taken from an automated medication system prior to review by a  
 3 pharmacist for residents of an assisted-living facility co-located with a  
 4 long-term care facility."; and in line 28 after "pharmacy" insert "and  
 5 for any medication dispensed for a resident of an assisted-living  
 6 facility co-located with a long-term care facility".

(Signed) John Arch, 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 R. Patefield - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M.

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.

Timothy A. Tesmer - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M.

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.

Russell Crotty - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M.

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 Kotopka - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M.

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.

Dan Vehle - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M.

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.

Anthony (Tony) R. Green Director - Division of Developmental Disabilities-Health and Human Services

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., 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.

Kevin Bagley Director - Division of Medicaid and Long Term Care-Department of Health and Human Services

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Arch, Chairperson

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Aguilar - LB371  
 Hunt - LB260  
 Natural Resources - LB507  
 Walz - LB542  
 Flood - LB649

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 55.** Introduced by McKinney, 11.

WHEREAS, Blackburn Alternative High School received a 2021 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, Blackburn Alternative High School demonstrates high educational standards and provides all students the opportunity to learn through the arts; and

WHEREAS, Blackburn Alternative High School 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Blackburn Alternative High School for receiving a 2021 NebraskARTS Award.
2. That a copy of this resolution be sent to Blackburn Alternative High School.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 14.** Title read. Considered.

Committee [AM1](#), found on page 441, was offered.

The committee amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 400.** Title read. Considered.

Committee [AM200](#), found on page 442, was offered.

The committee amendment was adopted with 46 ayes, 0 nays, 1 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 389.** Title read. Considered.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

### AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to [LB250](#):

[AM471](#)

(Amendments to Standing Committee amendments, AM232)

1 1. On page 34, line 16, after the period insert "A registered  
2 interior designer may only serve as the coordinating professional for a  
3 project within the scope of practice of interior design as defined in  
4 section 28 of this act.".

Senator Hunt filed the following amendment to [LB183](#):

[AM491](#)

(Amendments to AM163)

1 1. On page 1, line 9, after "(3)" insert "Drug that prevents  
2 pregnancy after sexual intercourse means a federal Food and Drug  
3 Administration-approved medication administered after sexual intercourse  
4 that prevents pregnancy but which does not disrupt an existing pregnancy;  
5 (4)"; and strike lines 12 through 14.  
6 2. On page 2, lines 6 and 7 and 18; and page 6, line 11, strike  
7 "emergency contraception" and insert "drugs that prevent pregnancy after  
8 sexual intercourse".  
9 3. On page 2, lines 10 and 11; and page 6, line 12, strike

10 "emergency contraception" and insert "a drug that prevents pregnancy  
11 after sexual intercourse".

Senator Albrecht filed the following amendment to LB113:

AM468

1 1. On page 4, line 7; page 5, line 28; page 7, line 29; page 11,  
2 line 8; page 13, line 23; page 16, line 17; page 28, line 2; page 30,  
3 line 12; page 32, line 28; page 35, line 6; page 37, line 26; page 40,  
4 line 15; page 43, line 9; page 45, line 28; page 48, line 1; page 50,  
5 line 16; page 53, line 1; page 55, line 16; and page 58, line 3, after  
6 the underscored period insert "The department shall remit the fee to the  
7 State Treasurer for credit to the Department of Motor Vehicles Cash  
8 Fund".  
9 2. On page 24, line 30; page 25, line 19; and page 26, line 9,  
10 strike "Motor Vehicle", show as stricken, and insert "Highway".  
11 3. On page 25, lines 6 and 14, strike "Motor Vehicle" and insert  
12 "Highway".

Senator Linehan filed the following amendment to LB181:

AM501

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-6703, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 77-6703 (1) For taxable years beginning or deemed to begin on or  
6 after January 1, 2020, under the Internal Revenue Code of 1986, as  
7 amended, there shall be allowed to each eligible taxpayer a refundable  
8 credit against the income tax imposed by the Nebraska Revenue Act of 1967  
9 or against the franchise tax imposed by sections 77-3801 to 77-3807. The  
10 credit shall be equal to the credit percentage for the taxable year, as  
11 set by the department under subsection (2) of this section, multiplied by  
12 the amount of school district taxes paid by the eligible taxpayer during  
13 such taxable year.  
14 (2)(a) For taxable years beginning or deemed to begin during  
15 calendar year 2020, the department shall set the credit percentage so  
16 that the total amount of credits for such taxable years shall be one  
17 hundred twenty-five million dollars;  
18 (b) For taxable years beginning or deemed to begin during calendar  
19 year 2021, the department shall set the credit percentage so that the  
20 total amount of credits for such taxable years shall be one hundred  
21 twenty-five million dollars plus either (i) the amount calculated for  
22 such calendar year under subdivision (3)(b)(i)(B) of section 77-4602 or  
23 (ii) the amount calculated for such calendar year under subdivision (3)  
24 (c)(ii)(B) of section 77-4602, whichever is applicable;  
25 (c) For taxable years beginning or deemed to begin during calendar  
26 year 2022, the department shall set the credit percentage so that the  
27 total amount of credits for such taxable years shall be the maximum  
1 amount of credits allowed under subdivision (2)(b) of this section plus  
2 either (i) the amount calculated for such calendar year under subdivision  
3 (3)(b)(ii)(B) of section 77-4602 or (ii) the amount calculated for such  
4 calendar year under subdivision (3)(c)(ii)(B) of section 77-4602,  
5 whichever is applicable;  
6 (d) For taxable years beginning or deemed to begin during calendar  
7 year 2023, the department shall set the credit percentage so that the  
8 total amount of credits for such taxable years shall be the maximum  
9 amount of credits allowed under subdivision (2)(c) of this section plus  
10 either (i) the amount calculated for such calendar year under subdivision  
11 (3)(b)(ii)(B) of section 77-4602 or (ii) the amount calculated for such  
12 calendar year under subdivision (3)(c)(ii)(B) of section 77-4602,

13 whichever is applicable;

14 (e) For taxable years beginning or deemed to begin during calendar  
15 year 2024, the department shall set the credit percentage so that the  
16 total amount of credits for such taxable years shall be three hundred  
17 seventy-five million dollars; and

18 (f) For taxable years beginning or deemed to begin during calendar  
19 year 2025 and each calendar year thereafter, the department shall set the  
20 credit percentage so that the total amount of credits for such taxable  
21 years shall be the maximum amount of credits allowed in the prior year  
22 increased by the allowable growth percentage.

23 (3) If the school district taxes are paid by a corporation having an  
24 election in effect under subchapter S of the Internal Revenue Code, a  
25 partnership, a limited liability company, a trust, or an estate, the  
26 amount of school district taxes paid during the taxable year ~~may~~ shall be  
27 allocated to the shareholders, partners, members, or beneficiaries in the  
28 same proportion that income is distributed for taxable years beginning or  
29 deemed to begin before January 1, 2021, under the Internal Revenue Code  
30 of 1986, as amended. The department shall provide forms and schedules  
31 necessary for verifying eligibility for the credit provided in this  
1 section and for allocating the school district taxes paid. For taxable  
2 years beginning or deemed to begin on or after January 1, 2021, under the  
3 Internal Revenue Code of 1986, as amended, the refundable credit shall be  
4 claimed by the corporation having an election in effect under subchapter  
5 S of the Internal Revenue Code, the partnership, the limited liability  
6 company, the trust, or the estate that paid the school district taxes.

7 (4) For any fiscal year or short year taxpayer, the credit may be  
8 claimed in the first taxable year that begins following the calendar year  
9 for which the credit percentage was determined. The credit shall be taken  
10 for the school district taxes paid by the taxpayer during the immediately  
11 preceding calendar year.

12 (5) For the first taxable year beginning or deemed to begin on or  
13 after January 1, 2021, and before January 1, 2022, under the Internal  
14 Revenue Code of 1986, as amended, for a corporation having an election in  
15 effect under subchapter S of the Internal Revenue Code, a partnership, a  
16 limited liability company, a trust, or an estate that paid school  
17 district taxes in calendar year 2020 but did not claim the credit  
18 directly or allocate such school district taxes to the shareholders,  
19 partners, members, or beneficiaries as permitted under subsection (3) of  
20 this section, there shall be allowed an additional refundable credit.  
21 This credit shall be equal to six percent, multiplied by the amount of  
22 school district taxes paid during 2020 by the eligible taxpayer.

23 Sec. 2. This act becomes operative for all taxable years beginning  
24 or deemed to begin on or after January 1, 2020, under the Internal  
25 Revenue Code of 1986, as amended.

26 Sec. 3. Original section 77-6703, Revised Statutes Cumulative  
27 Supplement, 2020, is repealed.

28 Sec. 4. Since an emergency exists, this act takes effect when passed  
29 and approved according to law.

Senator Geist filed the following amendment to [LB500](#):  
[AM528](#)

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

3 Section 1. Section 29-1301, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 29-1301 All criminal cases shall be tried in the county where the  
6 offense was committed, except as otherwise provided in section 25-412.03  
7 or sections 29-1301.01 to 29-1301.03 and section 2 of this act, or unless  
8 it shall appear to the court by affidavits that a fair and impartial  
9 trial cannot be had therein. In such case the court, upon motion of the

10 defendant, shall transfer the proceeding to any other district or county  
 11 in the state as determined by the court.  
 12 Sec. 2. (1) If a person uses an electronic communication device to  
 13 commit any element of an offense, such person may be tried in the county  
 14 where the electronic communication was initiated or where the electronic  
 15 communication was received.  
 16 (2) For purposes of this section:  
 17 (a) Electronic communication has the same meaning as in section  
 18 28-1310; and  
 19 (b) Electronic communication device has the same meaning as in  
 20 section 28-833.  
 21 Sec. 3. Original section 29-1301, Reissue Revised Statutes of  
 22 Nebraska, is repealed.

**COMMITTEE REPORT(S)**  
 Education

**LEGISLATIVE BILL 527.** Placed on General File.

**LEGISLATIVE BILL 322.** Placed on General File with amendment.

[AM464](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 6 of this act shall be known and may be  
 4 cited as the School Safety and Security Reporting System Act.  
 5 Sec. 2. For purposes of the School Safety and Security Reporting  
 6 System Act:  
 7 (1) Concerning behavior includes, but is not limited to, suicide,  
 8 bullying, stalking behavior, cyber or electronic harassment, bomb threat,  
 9 family violence, physical or sexual abuse, threat to property, behavior  
 10 indicative of terrorism, assault or attack, inappropriate weapons use,  
 11 concern about mental health or substance use, sexual exploitation or  
 12 predation, and any direct or indirect threatening statement;  
 13 (2) Department means the State Department of Education or the state  
 14 school security director;  
 15 (3) Mental health professional means a school psychologist, social  
 16 worker, or licensed mental health professional;  
 17 (4) Report line staff means the staff of the Safe2HelpNE report line  
 18 as provided in subsection (4) of section 3 of this act;  
 19 (5) Safe2HelpNE report line means the reporting system established  
 20 pursuant to section 3 of this act;  
 21 (6) Threat assessment means an evidence-based process to reduce  
 22 potential risks and incidents of violence resulting in harm to one or  
 23 more persons or school property; and  
 24 (7) Threat assessment team means a school-based team of at least  
 25 five members who have completed the training required pursuant to section  
 26 4 of this act and includes, but is not limited to, the principal or  
 27 principal's designee, a mental health professional, and a member of the  
 1 school staff.  
 2 Sec. 3. (1) The department shall establish the Safe2HelpNE report  
 3 line as a statewide, anonymous reporting system to support threat  
 4 assessment teams and reduce potential risks and incidents of violence  
 5 resulting in harm to self, others, or school property.  
 6 (2) The Safe2HelpNE report line shall be multi-modal to allow  
 7 students, school staff, parents, and community members to anonymously  
 8 report concerns and information about concerning behavior or possible  
 9 harm to persons or property by telephone call, mobile application, web  
 10 site, or email without charge. The Safe2HelpNE report line shall be  
 11 available to any public or nonpublic school that has a threat assessment

12 team and that maintains a current list of the contact information for at  
13 least five team members designated to receive alerts from staff at any  
14 time of the day or night.  
15 (3) Except as otherwise required by law, the identity of any  
16 individual who contacts the Safe2HelpNE report line shall be confidential  
17 and shall not be revealed.  
18 (4) The Safe2HelpNE report line shall be staffed seven days per week  
19 and twenty-four hours per day by professionals trained to receive  
20 concerns, use de-escalation techniques to minimize law enforcement  
21 involvement, and alert the appropriate threat assessment team for review,  
22 assessment, and action to protect persons and property. The report line  
23 staff shall also be trained in threat assessment and management  
24 processes, suicide prevention, recognizing mental illness and emotional  
25 disturbance, and applicable confidentiality and privacy laws. The report  
26 line staff shall have access to clinical consultation and support seven  
27 days per week and twenty-four hours per day from a licensed mental health  
28 professional.  
29 (5) The report line staff shall immediately alert the appropriate  
30 threat assessment team of any concern directly regarding a student,  
31 school staff member, or school property or that is likely to impact a  
1 student, school staff member, or school property. If there is an  
2 immediate life safety concern, emergency services shall be contacted  
3 prior to any threat assessment team. Each alert shall be assessed by the  
4 threat assessment team receiving such alert.  
5 (6) The department shall track and evaluate the effectiveness and  
6 usage of the Safe2HelpNE report line. The report line staff shall report  
7 the number of calls received, disposition of calls, referrals made to  
8 threat assessment teams, and other metrics as determined by and in the  
9 manner prescribed by the department.  
10 (7) Any information or material in the possession of the threat  
11 assessment team shall remain separate from educational records and shall  
12 be considered security records.  
13 Sec. 4. The department shall provide training for the members of  
14 any threat assessment team serving a public or nonpublic school. Such  
15 training shall provide the knowledge and skill to allow threat assessment  
16 teams to work collaboratively to conduct threat assessments, engage in  
17 crisis intervention, increase awareness of concerning behavior among  
18 school staff, students, and the public, and interrupt violence in the  
19 planning stage to thwart potential harm to persons and property.  
20 Sec. 5. It is the intent of the Legislature to appropriate money  
21 from the General Fund for the Safe2HelpNE report line for ten years. At  
22 the end of the ten years, the department shall electronically report  
23 cost-benefit data and recommendations regarding the continued viability  
24 of the Safe2HelpNE report line to the Education Committee of the  
25 Legislature.  
26 Sec. 6. The department may adopt and promulgate rules and  
27 regulations to carry out the School Safety and Security Reporting System  
28 Act.  
29 Sec. 7. Section 79-2,144, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:  
31 79-2,144 The state school security director appointed pursuant to  
1 section 79-2,143 shall be responsible for providing leadership and  
2 support for safety and security for the public schools. Duties of the  
3 director include, but are not limited to:  
4 (1) Collecting safety and security plans, required pursuant to rules  
5 and regulations of the State Department of Education relating to  
6 accreditation of schools, and other school security information from each  
7 school system in Nebraska. School districts shall provide the state  
8 school security director with the safety and security plans of the school  
9 district and any other security information requested by the director,

10 but any plans or information submitted by a school district may be  
 11 withheld by the department pursuant to subdivision (8) of section  
 12 84-712.05;  
 13 (2) Recommending minimum standards for school security on or before  
 14 January 1, 2016, to the State Board of Education;  
 15 (3) Conducting an assessment of the security of each public school  
 16 building, which assessment shall be completed by August 31, 2019;  
 17 (4) Identifying deficiencies in school security based on the minimum  
 18 standards adopted by the State Board of Education and making  
 19 recommendations to school boards for remedying such deficiencies;  
 20 (5) Establishing security awareness and preparedness tools and  
 21 training programs for public school staff;  
 22 (6) Establishing research-based model instructional programs for  
 23 staff, students, and parents to address the underlying causes for violent  
 24 attacks on schools;  
 25 (7) Overseeing suicide awareness and prevention training in public  
 26 schools pursuant to section 79-2,146;  
 27 (8) Establishing tornado preparedness standards which shall include,  
 28 but not be limited to, ensuring that every school conducts at least two  
 29 tornado drills per year;  
 30 (9) Responding to inquiries and requests for assistance relating to  
 31 school security from private, denominational, and parochial schools; ~~and~~  
 1 (10) Recommending curricular and extracurricular materials to assist  
 2 school districts in preventing and responding to cyberbullying and  
 3 digital citizenship issues; ~~and~~ -  
 4 (11) Carrying out the department's responsibilities under the School  
 5 Safety and Security Reporting System Act.  
 6 Sec. 8. This act becomes operative on July 1, 2021.  
 7 Sec. 9. Original section 79-2,144, Revised Statutes Cumulative  
 8 Supplement, 2020, is repealed.  
 9 Sec. 10. Since an emergency exists, this act takes effect when  
 10 passed and approved according to law.

**LEGISLATIVE BILL 359.** Placed on General File with amendment.

AM400

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 79-719, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 79-719 For purposes of sections 79-719 to 79-723, multicultural  
 6 education includes and reflects the diverse races and cultures of all  
 7 persons in Nebraska and the United States of America and incorporates the  
 8 histories, perspectives, ,but is not limited to, studies relative to the  
 9 culture, history, and contributions of African Americans, Hispanic  
 10 Americans, Native Americans, and Asian Americans. Special emphasis shall  
 11 be placed on human relations and sensitivity toward all races,  
 12 ethnicities, and cultures.  
 13 Sec. 2. Section 79-720, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:  
 15 79-720 (1) Each school district, in consultation with the  
 16 Commissioner State Department of Education, shall incorporate  
 17 multicultural education into the elementary, middle, and secondary  
 18 instructional programs provided to students. Beginning with school year  
 19 2023-24, all approved or accredited private, denominational, and  
 20 parochial schools shall incorporate multicultural education into  
 21 elementary, middle, and secondary instructional programs provided to  
 22 students shall develop for incorporation into all phases of the  
 23 curriculum of grades kindergarten through twelve a multicultural  
 24 education program.  
 25 (2) The department shall (a) employ a full-time consultant trained



26 ~~and experienced in the field of multicultural education and (b) create~~  
 27 ~~and distribute recommended multicultural education curriculum guidelines~~  
 1 ~~to all schools school districts. Each district shall create its own~~  
 2 ~~multicultural education program based on such recommended guidelines.~~  
 3 (3) The incorporation of the multicultural education program into  
 4 the elementary, middle, and secondary instructional programs of each  
 5 school curriculum of each district shall not change (a) the number of  
 6 instructional hours prescribed for elementary and high school students  
 7 under section 79-211 or (b) the number of instructional hours dedicated  
 8 to the existing curriculum of each district.  
 9 Sec. 3. Section 79-721, Reissue Revised Statutes of Nebraska, is  
 10 amended to read:  
 11 79-721 (4) Each school district ~~and each approved or accredited~~  
 12 ~~private, denominational, and parochial school shall present evidence, as~~  
 13 ~~annually, in a form prescribed by the Commissioner State Department of~~  
 14 ~~Education, to the department that multicultural education is included in~~  
 15 ~~the elementary, middle, and secondary instructional programs provided~~  
 16 ~~being taught to students pursuant to section 79-720. The department shall~~  
 17 ~~evaluate the effectiveness of the multicultural education program and~~  
 18 ~~establish reasonable timelines for the submission of such evidence.~~  
 19 (2) A school district which fails to provide or fails to provide  
 20 evidence annually of multicultural education pursuant to such section  
 21 shall lose its accreditation status.  
 22 Sec. 4. Section 79-722, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:  
 24 79-722 In conjunction with the multicultural education as program  
 25 prescribed in section 79-720, the Commissioner State Department of  
 26 Education shall design a process for evaluating such the implementation  
 27 and effectiveness of each multicultural education. Such process program,  
 28 including the collection of baseline data. The collection of baseline  
 29 data for evaluating the implementation and effectiveness of each  
 30 multicultural education program shall not include the testing,  
 31 assessment, or evaluation of individual students' attitudes or beliefs.  
 1 An evaluation of the implementation and effectiveness of each  
 2 multicultural education program shall be conducted every five school  
 3 years. On or before November 1, 2013, and on or before November 1 every  
 4 five years thereafter, the commissioner department shall report the  
 5 results of each evaluation of multicultural education to the Clerk of the  
 6 Legislature, the Education Committee of the Legislature, and the State  
 7 Board of Education and publish such report on a web site established by  
 8 the department. The report submitted to the Clerk of the Legislature and  
 9 the committee shall be submitted electronically.  
 10 Sec. 5. Section 79-723, Reissue Revised Statutes of Nebraska, is  
 11 amended to read:  
 12 79-723 The State Board Department of Education may shall adopt and  
 13 promulgate rules and regulations to carry out sections 79-719 to 79-722.  
 14 Sec. 6. Original sections 79-719, 79-720, 79-721, 79-722, and  
 15 79-723, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**  
 General Affairs

**LEGISLATIVE BILL 561.** Placed on General File with amendment.  
[AM426](#) is available in the Bill Room.

(Signed) Tom Briese, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Geist - LB408

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 243A.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, One Hundred Seventh Legislature, First Session, 2021.

**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.

Robert (Bud) Synhorst - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 1. Cavanaugh, M. Absent: 0. Present and not voting: 0.

(Signed) John Arch, 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.

Duane L. Kime - Board of Educational Lands and Funds

Aye: 5. Day, Linehan, Murman, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 3. McKinney, Morfeld, Pansing Brooks.

(Signed) Lynne Walz, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 274.** Title read. Considered.

Committee [AM427](#), found on page 530, was offered.

### SENATOR WILLIAMS PRESIDING

Senator Wishart offered the following amendment to the committee amendment:

#### [AM475](#)

(Amendments to Standing Committee amendments, AM427)

- 1 1. Strike section 1 and insert the following new sections:
- 2 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
- 3 2020, is amended to read:
- 4 53-101 Sections 53-101 to 53-1,122 and sections 3 to 6, 12, 13, and
- 5 18 of this act shall be known and may be cited as the Nebraska Liquor
- 6 Control Act.
- 7 Sec. 17. Section 53-178.01, Reissue Revised Statutes of Nebraska, is
- 8 amended to read:
- 9 53-178.01 No licensee shall sell alcoholic liquor, including beer,
- 10 to any person for consumption off the licensed premises while such person
- 11 is in any manner within any motor vehicle unless the licensee has been
- 12 issued a motor vehicle sale endorsement as provided in section 18 of this
- 13 act. This section shall not apply to sales to handicapped persons in a
- 14 motor vehicle displaying a current handicapped license plate issued by
- 15 the Department of Motor Vehicles.
- 16 Sec. 18. (1) The holder of a retail license to sell alcoholic
- 17 liquor for consumption off the premises may obtain a motor vehicle sale
- 18 endorsement for such license to allow for the sale of alcoholic liquor,
- 19 including beer, to a person who is twenty-one years of age or older
- 20 within a motor vehicle as prescribed in this section.
- 21 (2) A licensee desiring to obtain a motor vehicle sale endorsement
- 22 shall file with the commission an application upon such forms as the
- 23 commission prescribes and a fee of fifty dollars payable to the
- 24 commission. The commission shall issue a motor vehicle sale endorsement
- 25 in the same manner as the licensee's retail license in accordance with
- 26 section 53-131. A motor vehicle sale endorsement may be issued for the
- 1 same period and may be renewed in the same manner as the licensee's
- 2 retail license.
- 3 (3) The holder of a motor vehicle sale endorsement may sell
- 4 alcoholic liquor, including beer, in its original package, to a person
- 5 within a motor vehicle, using a drive-through window or curbside pickup,
- 6 if:
- 7 (a) The sale occurs on the licensed premises of the licensee during
- 8 the hours the licensee is authorized to sell the alcoholic liquor or
- 9 beer; and
- 10 (b) The individual purchasing the alcoholic liquor or beer is
- 11 twenty-one years of age or older.
- 12 2. Renumber the remaining sections, correct internal references, and
- 13 correct the repealer accordingly.

Senator Wishart withdrew her amendment.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

#### [AM479](#)

(Amendments to Standing Committee amendments, AM427)

- 1 1. Strike sections 1, 8, 9, and 14 and insert the following new
- 2 sections:
- 3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,

4 2020, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 6, 11, 12, and  
6 14 of this act shall be known and may be cited as the Nebraska Liquor  
7 Control Act.

8 Sec. 8. Section 53-123.11, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:

10 53-123.11 (1) A farm winery license shall entitle the holder to:

11 (a) Sell wines produced at the farm winery onsite at wholesale and  
12 retail and to sell wines produced at the farm winery at off-premises  
13 sites holding the appropriate retail license;

14 (b) Sell wines produced at the farm winery at retail for consumption  
15 on the premises as designated pursuant to section 53-123.12;

16 (c) Permit a customer to remove one unsealed bottle of wine for  
17 consumption off the premises. The licensee or his or her agent shall (i)  
18 securely reseal such bottle and place the bottle in a bag designed so  
19 that it is visibly apparent that the resealed bottle of wine has not been  
20 opened or tampered with and (ii) provide a dated receipt to the customer  
21 and attach to such bag a copy of the dated receipt for the resealed  
22 bottle of wine. If the resealed bottle of wine is transported in a motor  
23 vehicle, it must be placed in the trunk of the motor vehicle or the area  
24 behind the last upright seat of such motor vehicle if the area is not  
25 normally occupied by the driver or a passenger and the motor vehicle is  
26 not equipped with a trunk;

1 (d) Ship wines produced at the farm winery by common carrier and  
2 sold at retail to recipients in and outside the State of Nebraska, if the  
3 output of such farm winery for each calendar year as reported to the  
4 commission by December 31 of each year does not exceed thirty thousand  
5 gallons. In the event such amount exceeds thirty thousand gallons, the  
6 farm winery shall be required to use a licensed wholesaler to distribute  
7 its wines for the following calendar year, except that this requirement  
8 shall not apply to wines produced and sold onsite at the farm winery  
9 pursuant to subdivision (1)(a) of this section;

10 (e) Allow sampling and sale of the wine at the farm winery and at  
11 four branch outlets in the state in reasonable amounts;

12 (f) Sell wines produced at the farm winery to other Nebraska farm  
13 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance  
14 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such  
15 regulations existed on January 1, 2008;

16 (g) Purchase distilled spirits from licensed microdistilleries in  
17 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm  
18 winery wine to be used in the production of fortified wine at the  
19 purchasing licensed farm winery; ~~and~~

20 (h) Store and warehouse products produced at the farm winery in a  
21 designated, secure, offsite storage facility if the holder of the farm  
22 winery license notifies the commission of the location of the facility  
23 and maintains, at the farm winery and at the facility, a separate  
24 perpetual inventory of the product stored at the facility. Consumption of  
25 alcoholic liquor at the facility is strictly prohibited; ~~and -~~

26 (i) Subject to section 14 of this act, sell alcoholic liquor  
27 authorized under a farm winery license not in its original package, such  
28 as sangria or wine slushies, to a person twenty-one years of age or older  
29 for consumption off the premises.

30 (2) No farm winery shall manufacture wine in excess of fifty  
31 thousand gallons per year.

1 (3) A farm winery may manufacture and sell hard cider on its  
2 licensed premises. A farm winery shall not otherwise distribute the hard  
3 cider it manufactures except by sale to a wholesaler licensed under the  
4 Nebraska Liquor Control Act.

5 (4) A holder of a farm winery license may obtain a special  
6 designated license pursuant to section 53-124.11.

7 (5) A holder of a farm winery license may obtain an annual catering  
8 license pursuant to section 53-124.12.  
9 (6) A holder of a farm winery license may obtain a promotional  
10 farmers market special designated license pursuant to section 11 of this  
11 act.  
12 Sec. 13. Section 53-124, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:  
14 53-124 (1) At the time application is made to the commission for a  
15 license of any type, the applicant shall pay the fee provided in section  
16 53-124.01 and, if the applicant is an individual, provide the applicant's  
17 social security number. The commission shall issue the types of licenses  
18 described in this section.  
19 (2) There shall be an airline license, a boat license, a special  
20 party bus license, a pedal-pub vehicle license, and a railroad license.  
21 The commission shall charge one dollar for each duplicate of an airline  
22 license, a special party bus license, a pedal-pub vehicle license, or a  
23 railroad license.  
24 (3)(a) There shall be a manufacturer's license for alcohol and  
25 spirits, for beer, and for wine. The annual fee for a manufacturer's  
26 license for beer shall be based on the barrel daily capacity as follows:  
27 (i) 1 to 100 barrel daily capacity, or any part thereof, tier one;  
28 (ii) 100 to 150 barrel daily capacity, tier two;  
29 (iii) 150 to 200 barrel daily capacity, tier three;  
30 (iv) 200 to 300 barrel daily capacity, tier four;  
31 (v) 300 to 400 barrel daily capacity, tier five;  
1 (vi) 400 to 500 barrel daily capacity, tier six;  
2 (vii) 500 barrel daily capacity, or more, tier seven.  
3 (b) For purposes of this subsection, daily capacity means the  
4 average daily barrel production for the previous twelve months of  
5 manufacturing operation. If no such basis for comparison exists, the  
6 manufacturing licensee shall pay in advance for the first year's  
7 operation a fee of five hundred dollars.  
8 (4) There shall be five classes of nonbeverage users' licenses:  
9 Class 1, Class 2, Class 3, Class 4, and Class 5.  
10 (5) In lieu of a manufacturer's, a retailer's, or a wholesaler's  
11 license, there shall be a license to operate issued for a craft brewery,  
12 a farm winery, or a microdistillery.  
13 (6)(a) There shall be six classes of retail licenses:  
14 (i) Class A: Beer only, for consumption on the premises;  
15 (ii) Class B: Beer only, for consumption off the premises, sales in  
16 the original packages only;  
17 (iii) Class C: Alcoholic liquor, for consumption on the premises and  
18 off the premises, sales in original packages only except as provided in  
19 section 14 of this act. If a Class C license is held by a nonprofit  
20 corporation, it shall be restricted to consumption on the premises only.  
21 A Class C license may have a sampling designation restricting consumption  
22 on the premises to sampling, but such designation shall not affect sales  
23 for consumption off the premises under such license;  
24 (iv) Class D: Alcoholic liquor, including beer, for consumption off  
25 the premises, sales in the original packages only, except as provided in  
26 subdivision (6)(a)(vi) of this section and subsection (2) of section  
27 53-123.04;  
28 (v) Class I: Alcoholic liquor, for consumption on the premises and,  
29 subject to section 14 of this act, for consumption off the premises; and  
30 (vi) Class J: Alcoholic liquor, including beer, for consumption off  
31 the premises, sales in the original packages only, for a retail licensee  
1 whose annual gross revenue from the sale of alcohol does not exceed  
2 twenty percent of the licensee's total annual gross revenue from all  
3 retail sales.  
4 (b) All applicable license fees shall be paid by the applicant or

5 licensee directly to the city or village treasurer in the case of  
6 premises located inside the corporate limits of a city or village and  
7 directly to the county treasurer in the case of premises located outside  
8 the corporate limits of a city or village.  
9 (7) There shall be four types of shipping licenses as described in  
10 section 53-123.15: Manufacturers, vintage wines, manufacture direct  
11 sales, and retail direct sales.  
12 (8) There shall be two types of wholesale licenses: Alcoholic liquor  
13 and beer only. The annual fee shall be paid for the first and each  
14 additional wholesale place of business operated in this state by the same  
15 licensee and wholesaling the same product.  
16 (9) There shall be a bottle club license. All applicable license  
17 fees shall be paid by the applicant or licensee directly to the city or  
18 village treasurer in the case of premises located inside the corporate  
19 limits of a city or village and directly to the county treasurer in the  
20 case of premises located outside the corporate limits of a city or  
21 village.  
22 (10) The license year, unless otherwise provided in the Nebraska  
23 Liquor Control Act, shall commence on May 1 of each year and shall end on  
24 the following April 30, except that the license year for a Class C  
25 license shall commence on November 1 of each year and shall end on the  
26 following October 31. During the license year, no license shall be issued  
27 for a sum less than the amount of the annual license fee as fixed in  
28 section 53-124.01, regardless of the time when the application for such  
29 license has been made, except that (a) when there is a purchase of an  
30 existing licensed business and a new license of the same class is issued  
31 or (b) upon the issuance of a new license for a location which has not  
1 been previously licensed, the license fee and occupation taxes shall be  
2 prorated on a quarterly basis as of the date of issuance.  
3 Sec. 14. (1) The holder of a Class C license, a Class I license, or  
4 a farm winery license may obtain an off-premise endorsement for such  
5 license as prescribed in this section.  
6 (2) A licensee desiring to obtain an off-premise endorsement for a  
7 license shall file with the commission an application upon such forms as  
8 the commission prescribes and a fee of fifty dollars payable to the  
9 commission. The commission shall issue an off-premise endorsement for a  
10 Class C or Class I license in accordance with section 53-131 in the same  
11 manner as the licensee's retail license. The commission shall issue an  
12 off-premise endorsement for a farm winery license in accordance with  
13 section 53-123.12 in the same manner as the farm winery license. An off-  
14 premise endorsement may be issued for the same period and may be renewed  
15 in the same manner as the Class C, Class I, or farm winery license.  
16 (3) The holder of a Class C license as described in subdivision (6)  
17 (a)(iii) of section 53-124 may sell alcoholic liquor not in the original  
18 package, such as a mixed drink or cocktail, to a person twenty-one years  
19 of age or older for consumption off the premises if (a) the alcoholic  
20 liquor is (i) not partially consumed and (ii) in a labeled and sealed  
21 container with a tamper-evident lid, cap, or seal, as approved by the  
22 commission, and (b) for alcoholic liquor transported in a motor vehicle,  
23 the alcoholic liquor is placed in the trunk of the motor vehicle or the  
24 area behind the last upright seat of such motor vehicle if the area is  
25 not normally occupied by the driver or a passenger and the motor vehicle  
26 is not equipped with a trunk. Beginning July 1, 2022, the holder of a  
27 Class C license must obtain an off-premise endorsement to sell alcoholic  
28 liquor not in the original package for consumption off the premises as  
29 provided in this section.  
30 (4) The holder of a Class I license as described in subdivision (6)  
31 (a)(v) of section 53-124 may sell alcoholic liquor not in the original  
1 package, such as a mixed drink or cocktail, to a person twenty-one years  
2 of age or older for consumption off the premises if (a) the alcoholic

3 liquor is (i) not partially consumed, (ii) in a labeled and sealed  
4 container with a tamper-evident lid, cap, or seal, as approved by the  
5 commission, and (iii) purchased along with food and (b) for alcoholic  
6 liquor transported in a motor vehicle, the alcoholic liquor is placed in  
7 the trunk of the motor vehicle or the area behind the last upright seat  
8 of such motor vehicle if the area is not normally occupied by the driver  
9 or a passenger and the motor vehicle is not equipped with a trunk.  
10 Beginning July 1, 2022, the holder of a class I license must obtain an  
11 off-premise endorsement to sell alcoholic liquor not in the original  
12 package for consumption off the premises as provided in this section.  
13 (5) The holder of a farm winery license under section 53-123.11 may  
14 sell alcoholic liquor authorized under a farm winery license not in its  
15 original package, such as sangria or wine slushies, to a person twenty-  
16 one years of age or older for consumption off the premises if (a) the  
17 alcoholic liquor is (i) not partially consumed and (ii) in a labeled and  
18 sealed container with a tamper-evident lid, cap, or seal, as approved by  
19 the commission, and (b) for alcoholic liquor transported in a motor  
20 vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle  
21 or the area behind the last upright seat of such motor vehicle if the  
22 area is not normally occupied by the driver or a passenger and the motor  
23 vehicle is not equipped with a trunk. Beginning July 1, 2022, the holder  
24 of a farm winery license must obtain an off-premise endorsement to sell  
25 alcoholic liquor authorized under a farm winery license not in its  
26 original package, such as sangria or wine slushies, for consumption off  
27 the premises as provided in this section.  
28 (6) The commission may adopt and promulgate rules and regulations to  
29 carry out this section.  
30 2. Renumber the remaining sections, correct internal references, and  
31 correct the repealer accordingly.

Senator J. Cavanaugh withdrew his amendment.

Senator Hilkemann offered the following amendment to the committee amendment:

[FA4](#)

Amend Committee AM427 to strike sections 4, 5, 6.

The Hilkemann amendment lost with 2 ayes, 17 nays, 27 present and not voting, and 3 excused and not voting.

Senator Hilkemann offered the following motion:

[MO12](#)

Recommit to the General Affairs Committee.

The Hilkemann motion to recommit to committee failed with 2 ayes, 20 nays, 24 present and not voting, and 3 excused and not voting.

Committee [AM427](#) was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 368.** Title read. Considered.

Committee [AM66](#), found on page 372, was offered.

### **SPEAKER HILGERS PRESIDING**

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 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.

### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 261.** Placed on General File.

**LEGISLATIVE BILL 294.** Placed on General File.

**LEGISLATIVE BILL 442.** Placed on General File.

**LEGISLATIVE BILL 443.** Placed on General File.

**LEGISLATIVE BILL 236.** Placed on General File with amendment.

#### [AM438](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 23-187, Revised Statutes Cumulative Supplement,  
 4 2020, is amended to read:  
 5 23-187 (1) In addition to the powers granted by section 23-104, a  
 6 county may, in the manner specified by sections 23-187 to 23-193,  
 7 regulate the following subjects by ordinance:  
 8 (a) Parking of motor vehicles on public roads, highways, and rights-  
 9 of-way as it pertains to snow removal for and access by emergency  
 10 vehicles to areas within the county;  
 11 (b) Motor vehicles as defined in section 60-339 that are abandoned  
 12 on public or private property;  
 13 (c) Low-speed vehicles as described and operated pursuant to section  
 14 60-6,380;  
 15 (d) Golf car vehicles as described and operated pursuant to section  
 16 60-6,381;  
 17 (e) Graffiti on public or private property;  
 18 (f) False alarms from electronic security systems that result in  
 19 requests for emergency response from law enforcement or other emergency  
 20 responders;  
 21 (g) Violation of the public peace and good order of the county by  
 22 disorderly conduct, lewd or lascivious behavior, or public nudity;  
 23 (h) Peddlers, hawkers, or solicitors operating for commercial  
 24 purposes. If a county adopts an ordinance under this subdivision, the  
 25 ordinance shall provide for registration of any such peddler, hawker, or  
 26 solicitor without any fee and allow the operation or conduct of any  
 27 registered peddler, hawker, or solicitor in all areas of the county where  
 1 the county has jurisdiction and where a city or village has not otherwise  
 2 regulated such operation or conduct; and  
 3 (i) Operation of vehicles on any highway or restrictions on the  
 4 weight of vehicles pursuant to section 60-681.  
 5 (2) In addition to the powers granted by section 23-104, a county  
 6 which does not contain a city of the metropolitan class or city of the  
 7 primary class may, in the manner specified by sections 23-187 to 23-193,  
 8 and after receiving advice and counsel from the county sheriff, enact an  
 9 ordinance authorizing the carrying of concealed weapons for all persons



10 not otherwise prohibited from possessing or carrying such weapons under  
 11 state or federal law.

12 (3) Whenever any person who is carrying a concealed weapon in a  
 13 county that has authorized the carrying of a concealed weapon pursuant to  
 14 subsection (2) of this section is contacted by a peace officer or by  
 15 emergency services personnel, the person shall immediately inform the  
 16 peace officer or emergency services personnel that such person is  
 17 carrying a concealed weapon.

18 (4) ~~(2)~~ For the enforcement of any ordinance authorized by this  
 19 section, a county may impose fines, forfeitures, or penalties and provide  
 20 for the recovery, collection, and enforcement of such fines, forfeitures,  
 21 or penalties. A county may also authorize such other measures for the  
 22 enforcement of ordinances as may be necessary and proper. A fine enacted  
 23 pursuant to this section shall not exceed five hundred dollars for each  
 24 offense.

25 Sec. 2. Section 28-1202, Reissue Revised Statutes of Nebraska, is  
 26 amended to read:

27 28-1202 (1)(a) Except as otherwise provided in this section, any  
 28 person who carries a weapon or weapons concealed on or about his or her  
 29 person, such as a handgun, a knife, brass or iron knuckles, or any other  
 30 deadly weapon, commits the offense of carrying a concealed weapon.

31 (b) It is an affirmative defense that the defendant was engaged in  
 1 any lawful business, calling, or employment at the time he or she was  
 2 carrying any weapon or weapons and the circumstances in which such person  
 3 was placed at the time were such as to justify a prudent person in  
 4 carrying the weapon or weapons for the defense of his or her person,  
 5 property, or family.

6 (2) This section does not apply to a person who is the holder of a  
 7 valid permit issued under the Concealed Handgun Permit Act if the  
 8 concealed weapon the defendant is carrying is a handgun.

9 (3) This section does not apply to a person carrying a concealed  
 10 weapon in a county that has authorized the carrying of a concealed weapon  
 11 pursuant to section 23-187, if the person is not otherwise prohibited  
 12 from possessing or carrying such weapon under state or federal law.

13 (4) ~~(3)~~ Carrying a concealed weapon is a Class I misdemeanor.

14 (5) (4) In the case of a second or subsequent conviction under this  
 15 section, carrying a concealed weapon is a Class IV felony.

16 Sec. 3. Section 69-2428, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:

18 69-2428 An individual may obtain a permit to carry a concealed  
 19 handgun in accordance with the Concealed Handgun Permit Act. Such permit  
 20 shall not be required in order to carry a concealed handgun in counties  
 21 that have authorized the carrying of a concealed weapon pursuant to  
 22 section 23-187.

23 Sec. 4. Original sections 28-1202 and 69-2428, Reissue Revised  
 24 Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative  
 25 Supplement, 2020, are repealed.

#### **LEGISLATIVE BILL 285.** Placed on General File with amendment.

##### [AM431](#)

1 1. On page 3, line 30, after "(6)" insert "(a)"; and in line 31  
 2 after "whose" insert "sole".

3 2. On page 4, after line 7 insert the following new subdivision:

4 "(b) If the Secretary of State becomes a member of a nongovernmental  
 5 entity as described in subdivision (6)(a) of this section, the Secretary  
 6 of State shall submit an annual report electronically to the Clerk of the  
 7 Legislature by February 1 encompassing the preceding calendar year. The  
 8 report shall describe the terms of membership in the nongovernmental  
 9 entity and provide information on the total number of voters removed from  
 10 the voter registration register as a result of information received by

11 such membership and the reasons for the removal of such voters."  
 12 3. On page 6, line 8, strike "distribute such list or"; and in line  
 13 9 strike "it" and insert "such list".

(Signed) Tom Brewer, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 17.** Placed on General File with amendment.  
[AM461](#) is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

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

Senator B. Hansen filed the following amendment to [LB106](#):  
[AM462](#)

1 1. On page 2, line 17, after "shall" insert ", beginning on July 1,  
 2 2032."; in line 19 strike "eight and one-third", show as stricken, and  
 3 insert "sixty-six and two-thirds"; and in lines 20 and 21 strike "fifty-  
 4 eight and one-third percent to the General Fund" and show as stricken.  
 5 2. On page 3, line 30, strike "(8)" and insert "(8)(a)" and after  
 6 the last underscored comma insert "until June 30, 2032.".  
 7 3. On page 4, after line 5, insert the following new subdivision:  
 8 "(b) Beginning on June 30, 2032, for any record provided pursuant to  
 9 subsection (1) of this section, the requester shall be required to pay,  
 10 in addition to the fee prescribed in such subsection, a fee of fifty  
 11 cents, which shall be credited to the Department of Motor Vehicles Cash  
 12 Fund."; and in line 17 after "(3)" insert "The Department of Motor  
 13 Vehicles shall report to the Legislature by September 1 of each even-  
 14 numbered year through the year 2030 on the progress the department has  
 15 made on the new operator's license services system. The report shall  
 16 include an estimated cost for completion, the operating systems under  
 17 consideration, and the expected time the new operator's license services  
 18 system will become fully operational. The report shall be made  
 19 electronically.  
 20 (4)".

Senator B. Hansen filed the following amendment to [LB437](#):  
[AM538](#)

1 1. On page 8, line 16, strike "person, including vendors and  
 2 providers", show as stricken, and insert "recipient"; in line 17 strike  
 3 the first comma and show as stricken; and in line 30 after "(2)" insert  
 4 "Any vendor or provider of medical assistance or social services who, by  
 5 means of a willfully false statement or representation, or by  
 6 impersonation or other device, obtains or attempts to obtain, or aids or  
 7 abets any person to obtain or to attempt to obtain (a) an assistance  
 8 certificate of award to which he or she is not entitled, (b) any  
 9 commodity, any foodstuff, any food instrument, any Supplemental Nutrition  
 10 Assistance Program benefit or electronic benefit card, or any payment to  
 11 which such individual is not entitled or a larger payment than that to  
 12 which he or she is entitled, (c) any payment made on behalf of a  
 13 recipient of medical assistance or social services, or (d) any other  
 14 benefit administered by the Department of Health and Human Services, or  
 15 who violates any statutory provision relating to assistance to the aged,  
 16 blind, or disabled, aid to dependent children, social services, or

17 ~~medical assistance, commits an offense.~~  
 18 ~~(3) Any person who commits an offense under subsection (1) of this~~  
 19 ~~section shall upon conviction be punished as follows: (a) If the~~  
 20 ~~aggregate value of all funds or other benefits obtained or attempted to~~  
 21 ~~be obtained is five hundred dollars or less, the person so convicted~~  
 22 ~~shall be guilty of a Class IV misdemeanor; (b) if the aggregate value of~~  
 23 ~~all funds or other benefits obtained or attempted to be obtained is more~~  
 24 ~~than five hundred dollars but less than one thousand five hundred~~  
 25 ~~dollars, the person so convicted shall be guilty of a Class III~~  
 26 ~~misdemeanor; or (c) if the aggregate value of all funds and other~~  
 27 ~~benefits obtained or attempted to be obtained is one thousand five~~  
 1 ~~hundred dollars or more, the person so convicted shall be guilty of a~~  
 2 ~~Class IV felony.~~  
 3 ~~(4) and strike "(1)", show as stricken, and insert "(2)".~~

Senator B. Hansen filed the following amendment to LB301:  
[AM498](#)

1 1. Strike original section 3.  
 2 2. Renumber the remaining section and correct the repealer  
 3 accordingly.

### **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.

Keith Olson - Nebraska Investment Council

Aye: 6. Clements, Kolterman, Lindstrom, McDonnell, Slama, Stinner. Nay:  
 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 56.** Introduced by Gragert, 40.

WHEREAS, the Crofton High School Warriors girls' basketball team won the 2021 Class C-2 Girls State Basketball Championship; and

WHEREAS, the Warriors ended the season with a 26 and 3 record after a victory over the Ponca Indians in the championship game by a score of 46 to 42; and

WHEREAS, this is the ninth such championship title for Crofton High School; and

WHEREAS, teammates Ella Wragge and Lacey Sprakel were selected for the All-Tournament team; and

WHEREAS, the Crofton Warriors girls' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Crofton High School girls' basketball team and its coaches for winning the 2021 Class C-2 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and Coach Aaron Losing.

Laid over.

#### ANNOUNCEMENT

Senator Arch announced the Health and Human Services Committee will hold an executive session Wednesday, March 10, 2021, at 1:30 p.m., in Room 1510.

#### NOTICE OF COMMITTEE HEARING(S)

Revenue  
Room 1524

Tuesday, March 16, 2021 12:00 p.m.  
AM501 to LB181

(Signed) Lou Ann Linehan, Chairperson

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

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

Senator Vargas name added to LB14.  
Senator Brewer name added to LB64.  
Senator Clements name added to LB85.  
Senator Murman name added to LB143.  
Senator Clements name added to LB173.  
Senator Briese name added to LB236.  
Senator Linehan name added to LB250.  
Senator Hansen, M. name added to LB258.  
Senator Albrecht name added to LB310.  
Senator Murman name added to LB322.  
Senator Murman name added to LB389.  
Senator Murman name added to LB436.  
Senator Slama name added to LB496.  
Senator Albrecht name added to LR3CA.

Senator Hunt name added to LR54.  
Senator Hilkemann name added to LR54.  
Senator Flood name added to LR54.  
Senator Brewer name added to LR54.  
Senator Briese name added to LR54.

**VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 10, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 10, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Blood.

**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 Bostar, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 26.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 57.** Introduced by Hughes, 44.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Tournament was held from February 17th to February 20th at the CHI Health Center Omaha; and

WHEREAS, senior Conner Schutz wrestled for the Hi-Line Bulls wrestling team coached by Reed Kraeger and representing the Elwood and Eustis/Farnam Sports Co-op; and

WHEREAS, Conner won the Class D 170-pound championship match; and

WHEREAS, Conner finished the wrestling season with a record of 33-0; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Conner Schutz on winning the 2021 Class D 170-pound State Wrestling Championship.

2. That copies of this resolution be sent to Elwood High School, Conner Schutz, and Coach Reed Kraeger.

Laid over.

### ANNOUNCEMENT(S)

Priority designation(s) received:

Erdman - LR11CA

Linehan - LB364

### AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB408](#):  
[AM521](#)

(Amendments to Standing Committee amendments, AM371)

1 1. On page 1, strike beginning with "county" in line 9 through  
2 "college" in line 11 and insert "political subdivision which has  
3 authority to levy a property tax or authority to request levy authority  
4 under section 77-3443, except sanitary and improvement districts which  
5 have been in existence for five years or less".

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 50, 51, 52, and 53 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 50, 51, 52, and 53.

### GENERAL FILE

**LEGISLATIVE BILL 387.** Title read. Considered.



Committee [AM291](#), found on page 474, was offered.

The committee amendment was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 66.** Senator Williams offered his amendment, [AM263](#), found on page 446.

The Williams amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 163.** [ER1](#), found on page 454, was adopted.

Senator Wayne offered his amendment, [AM334](#), found on page 474.

The Wayne amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 106.** [ER5](#), found on page 464, was adopted.

Senator B. Hansen withdrew his amendment, [AM429](#), found on page 512.

Senator B. Hansen offered his amendment, [AM462](#), found on page 554.

Senator B. Hansen withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 106A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 113.** [ER9](#), found on page 464, was adopted.

Senator Albrecht withdrew her amendment, [AM226](#), found on page 420.

Senator Albrecht withdrew her amendment, [AM353](#), found on page 484.

Senator Albrecht offered her amendment, [AM468](#), found on page 540.

The Albrecht 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 113A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 148.** [ER12](#), found on page 465, was adopted.

Senator Bostelman offered his amendment, [AM332](#), found on page 483.

The Bostelman amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 503.** [ER14](#), found on page 465, was adopted.

Senator M. Cavanaugh withdrew her amendment, [FA3](#), found on page 518.

Senator Flood offered the following amendment:

[FA5](#)

On page 2, line 9, strike the sentence beginning with "A judgement" through line 14.

The Flood amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 297.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 177.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 509.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 337.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 35.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 93.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 94.** [ER17](#), found on page 536, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 369.** Title read. Considered.

Committee [AM67](#), found on page 373, was offered.

The committee amendment 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 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 100.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

### AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to [LB44](#):

[AM477](#)

1 I. Insert the following new sections:

2 Section 1. Section 19-5504, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 19-5504 (1) Except for a city with a population of less than fifty

5 thousand inhabitants that does not have or chooses not to adopt an

6 affordable housing action plan, on or before July 1, 2021, and by each

7 July 1 every two years thereafter, each city shall electronically submit

8 a report to the Urban Affairs Committee of the Legislature detailing its

9 efforts to address the availability of and incentives for affordable

10 housing through its zoning codes, ordinances, and regulations. Such

11 report shall include, but not be limited to:

12 (a) An overview of the city's current residential zoning

13 requirements;

14 (b) The percentage of areas in the city zoned for residential use

15 which permit the construction of multifamily housing and middle housing;

16 (c) A breakdown of new residential construction in the city over the

17 previous five years, including the percentage of such construction that

18 was single-family housing, multifamily housing, and middle housing;

19 (d) A breakdown of residential units annexed by the city over the

20 previous five years, including the percentage of such units that were

21 single-family housing, multifamily housing, and middle housing;

22 (e) An estimate of the per-unit cost of housing in the city;

23 (f) Whether such zoning codes, ordinances, and regulations provide

24 for density bonuses or other concessions or incentives which encourage

25 residential density, and the frequency with which such bonuses,

26 concessions, or incentives are utilized;

27 (g) Whether such zoning codes, ordinances, and regulations allow the

1 construction of accessory dwelling units;

2 (h) What incentives the city applies to encourage the development of

3 affordable housing, including both direct incentives and regulatory

4 relief;

5 (i) A demographic analysis of the city with trends and estimates of

6 the housing need classified by housing type and price range; and  
7 (j) Efforts to adopt an affordable housing action plan as required  
8 under section 19-5505.

9 (2) The Urban Affairs Committee of the Legislature may require any  
10 city subject to the requirements of subsection (1) of this section to  
11 present its report to the committee at a public hearing.

12 Sec. 3. Section 81-1237, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 81-1237 For purposes of the Middle Income Workforce Housing  
15 Investment Act:

16 (1) Department means the Department of Economic Development;  
17 (2) Director means the Director of Economic Development;  
18 (3) Eligible activities of a workforce housing investment fund  
19 means:

20 (a) New construction of owner-occupied housing in a neighborhood and  
21 community with a demonstrated need for housing that is affordable and  
22 attractive to first-time homebuyers, middle-income families, and the  
23 emerging workforce;

24 (b) Substantial repair or rehabilitation of dilapidated housing  
25 stock; or

26 (c) Upper-story housing development for occupation by a homeowner;

27 (4) HOME funds means funds awarded as formula grants under the HOME  
28 Investment Partnerships Program administered by the United States  
29 Department of Housing and Urban Development;

30 (5) Matching funds means dollars contributed by individuals,  
31 businesses, foundations, local and regional political subdivisions, or  
1 other nonprofit organizations to a workforce housing investment fund  
2 administered by a nonprofit development organization;

3 (6) Nonprofit development organization means a regional or statewide  
4 nonprofit development organization approved by the director;

5 (7) Qualified activities include purchase guarantees, loan  
6 guarantees, loan participations, and other credit enhancements related to  
7 eligible activities of the workforce housing investment fund;

8 (8) Qualified investment means a cash investment in a workforce  
9 housing investment fund administered by a nonprofit development  
10 organization;

11 (9) Urban community means any area that is:

12 (a) In a county with a population greater than fifty one hundred  
13 thousand inhabitants as determined by the most recent federal decennial  
14 census; and

15 (b) Within a qualified census tract as described in 26 U.S.C. 42(d)  
16 (5)(B), as such section existed on January 1, 2020;

17 (10) Workforce housing means:

18 (a) Owner-occupied housing units that have an after-construction  
19 appraised value of at least one hundred twenty-five thousand dollars but  
20 not more than two hundred seventy-five thousand dollars. For purposes of  
21 this subdivision (a) and subdivision (b) of this subsection, housing unit  
22 after-construction appraised value shall be updated annually by the  
23 department based upon the most recent increase or decrease in the  
24 Producer Price Index for all commodities, published by the United States  
25 Department of Labor, Bureau of Labor Statistics;

26 (b) Owner-occupied housing units for which the cost to substantially  
27 rehabilitate such units exceeds fifty percent of a unit's before-  
28 construction assessed value, and the after-construction appraised value  
29 is at least one hundred twenty-five thousand dollars but not more than  
30 two hundred seventy-five thousand dollars;

31 (c) Upper-story housing for occupation by a homeowner; and  
1 (d) Housing that does not receive federal or state low-income  
2 housing tax credits, community development block grants, HOME funds, or  
3 funds from the Affordable Housing Trust Fund; and

4 (11) Workforce housing investment fund means a fund that has been  
 5 created by a nonprofit development organization and certified by the  
 6 director to encourage development of workforce housing in urban  
 7 communities.  
 8 2. On page 2, line 6, strike "shall", show as stricken, and insert  
 9 "may"; and in line 25 strike "required under" and insert "described in".  
 10 3. Renumber the remaining sections and correct the repealer  
 11 accordingly.

Senator Erdman filed the following amendment to [LB572](#):  
[AM484](#)

(Amendments to Standing Committee amendments, AM410)

1 1. Strike amendments 8 and 9.  
 2 2. On page 1, line 1, strike "and 10" and insert "10, 24, 25, 29,  
 3 31, and 32" and insert the following new sections:  
 4 Sec. 21. Section 54-1,110, Revised Statutes Cumulative Supplement,  
 5 2020, is amended to read:  
 6 54-1,110 (1) Except as provided in subsection ~~subsections (2) and~~  
 7 ~~(3)~~ of this section, no person shall move, in any manner, cattle from a  
 8 point within the brand inspection area to a point outside the brand  
 9 inspection area unless such cattle first have a brand inspection by the  
 10 Nebraska Brand Committee and a certificate of inspection is issued. A  
 11 copy of such certificate shall accompany the cattle and shall be retained  
 12 by all persons moving such cattle as a permanent record.  
 13 ~~(2) Cattle in a registered feedlot registered under sections~~  
 14 ~~54-1,120 to 54-1,122 are not subject to the brand inspection of~~  
 15 ~~subsection (1) of this section. Possession by the shipper or trucker of a~~  
 16 ~~shipping certificate from the registered feedlot constitutes compliance~~  
 17 ~~if the cattle being shipped are as represented on such shipping~~  
 18 ~~certificate.~~  
 19 ~~(2)~~ ~~(3)~~ If the line designating the brand inspection area divides a  
 20 farm or ranch or lies between noncontiguous parcels of land which are  
 21 owned or operated by the same cattle owner or owners, a permit may be  
 22 issued, at the discretion of the Nebraska Brand Committee, to the owner  
 23 or owners of cattle on such farm, ranch, or parcels of land to move the  
 24 cattle in and out of the brand inspection area without inspection. If the  
 25 line designating the brand inspection area lies between a farm or ranch  
 26 and nearby veterinary medical facilities, a permit may be issued, at the  
 1 discretion of the brand committee, to the owner or owners of cattle on  
 2 such farm or ranch to move the cattle in and out of the brand inspection  
 3 area without inspection to obtain care from the veterinary medical  
 4 facilities. The brand committee shall issue initial permits only after  
 5 receiving an application which includes an application fee established by  
 6 the brand committee which shall not be more than fifteen dollars. The  
 7 brand committee shall mail all current permitholders an annual renewal  
 8 notice, for January 1 renewal, which requires a renewal fee established  
 9 by the brand committee which shall not be more than fifteen dollars. If  
 10 the permit conditions still exist, the cattle owner or owners may renew  
 11 the permit.  
 12 ~~(3)~~ ~~(4)~~ No person shall sell any cattle knowing that the cattle are  
 13 to be moved, in any manner, in violation of this section. Proof of  
 14 shipment or removal of the cattle from the brand inspection area by the  
 15 purchaser or his or her agent is prima facie proof of knowledge that sale  
 16 was had for removal from the brand inspection area.  
 17 ~~(4) A violation of this section is an infraction. A peace officer~~  
 18 ~~shall have the authority to write a citation, which shall be waivable, to~~  
 19 ~~offenders in violation of this section. A fine under this section shall~~  
 20 ~~not exceed two hundred dollars per head for each offense. Violations~~  
 21 ~~shall be charged in the county of origin of the cattle or any other~~  
 22 ~~county through which the cattle were moved from the brand inspection area~~

23 ~~(5) In cases of prosecution for violation of this section, venue may be~~  
 24 ~~established in the county of origin or any other county through which the~~  
 25 ~~cattle may pass in leaving the brand inspection area.~~

26 Sec. 22. Section 54-1,111, Revised Statutes Cumulative Supplement,  
 27 2020, is amended to read:

28 54-1,111 (1) Except as provided in subsection (2) of this section,  
 29 no person shall sell or trade any cattle located within the brand  
 30 inspection area, nor shall any person buy or purchase any such cattle  
 31 unless the cattle have been inspected for evidence of brands and  
 1 ownership and a certificate of inspection or brand clearance has been  
 2 issued by the Nebraska Brand Committee. Any person selling such cattle  
 3 shall present to the brand inspector a properly executed bill of sale,  
 4 brand clearance, or other satisfactory evidence of ownership which shall  
 5 be filed with the original certificate of inspection in the records of  
 6 the brand committee. Any time a brand inspection is required by law, a  
 7 brand investigator or brand inspector may transfer evidence of ownership  
 8 of such cattle from a seller to a purchaser by issuing a certificate of  
 9 inspection.

10 (2) A brand inspection is not required:

11 ~~(a) For cattle of a registered feedlot registered under sections~~  
 12 ~~54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal~~  
 13 ~~market;~~

14 ~~(a) (b)~~ For cattle that are:

15 (i) Transferred to a family corporation when all the shares of  
 16 capital stock of the corporation are owned by the husband, wife,  
 17 children, or grandchildren of the transferor and there is no  
 18 consideration for the transfer other than the issuance of stock of the  
 19 corporation to such family members; or

20 (ii) Transferred to a limited liability company in which membership  
 21 is limited to the husband, wife, children, or grandchildren of the  
 22 transferor and there is no consideration paid for the transfer other than  
 23 a membership interest in the limited liability company;

24 ~~(b) (e)~~ When the change of ownership of cattle is a change in form  
 25 only and the surviving interests are in the exact proportion as the  
 26 original interests of ownership. When there is a change of ownership  
 27 described in subdivision ~~(2)(a) (2)(b)~~ or ~~(b) (e)~~ of this section, an  
 28 affidavit, on a form prescribed by the Nebraska Brand Committee, signed  
 29 by the transferor and stating the nature of the transfer and the number  
 30 of cattle involved and the brands presently on the cattle, shall be filed  
 31 with the brand committee;

1 ~~(c) (d)~~ For cattle sold or purchased for educational or exhibition  
 2 purposes or other recognized youth activities if a properly executed bill  
 3 of sale is exchanged and presented upon demand. Educational or exhibition  
 4 purpose means cattle sold or purchased for the purpose of being fed,  
 5 bred, managed, or tended in a program designed to demonstrate or instruct  
 6 in the use of various feed rations, the selection of individuals of  
 7 certain physical conformation or breeds, the measurement and recording of  
 8 rate of gain in weight or fat content of meat or milk produced, or the  
 9 preparation of cattle for the purpose of exhibition or for judging as to  
 10 quality and conformation;

11 ~~(d) (e)~~ For calves under the age of thirty days sold or purchased at  
 12 private treaty if a bill of sale is exchanged and presented upon demand;  
 13 and

14 ~~(e) (f)~~ For seedstock cattle raised by the seller and individually  
 15 registered with an organized breed association if a properly executed  
 16 bill of sale is exchanged and presented upon demand.

17 (3) A violation of this section is an infraction. A peace officer  
 18 shall have the authority to write a citation, which shall be waivable, to  
 19 offenders in violation of this section. A fine under this section shall  
 20 not exceed two hundred dollars per head for each offense. Violations

21 shall be charged in the county in which the offense occurred.

22 Sec. 26. Section 54-1,115, Revised Statutes Cumulative Supplement,  
23 2020, is amended to read:

24 54-1,115 (1) Any person, other than the owner or the owner's  
25 employee, using a motor vehicle or trailer to transport livestock or  
26 carcasses over any land within the State of Nebraska not owned or rented  
27 by such person or who is so transporting such livestock upon a highway,  
28 public street, or thoroughfare within the State of Nebraska shall have in  
29 his or her possession a livestock transportation authority form, or  
30 certificate of inspection, ~~or shipping certificate from a registered~~  
31 ~~feedlot~~, authorizing such movement as to each head of livestock  
1 transported by such vehicle.

2 (2) A livestock transportation authority form shall be in writing  
3 and shall state the name of the owner of the livestock, the owner's post  
4 office address, the place from which the livestock are being moved,  
5 including the name of the ranch, if any, the destination, the name and  
6 address of the carrier, the license number and make of motor vehicle to  
7 which consigned, together with the number of livestock and a description  
8 thereof including kind, sex, breed, color, and marks, if any, and in the  
9 case of livestock shipments originating within the brand inspection area,  
10 the brands, if there are any. The authority form shall be signed by the  
11 owner of the livestock or the owner's authorized agent.

12 (3) Any peace officer, based upon probable cause to question the  
13 ownership of the livestock being transported, may stop a motor vehicle or  
14 motor vehicle and trailer and request exhibition of any authority form or  
15 certificate required by this section.

16 (4) A violation of this section is an infraction. A peace officer  
17 shall have the authority to write a citation, which shall be waivable, to  
18 offenders in violation of this section. A fine under this section shall  
19 not exceed two hundred dollars per head for each offense. Violations  
20 shall be charged in the county in which the offense occurred.

21 Sec. 28. Section 54-1,119, Revised Statutes Cumulative Supplement,  
22 2020, is amended to read:

23 54-1,119 (1) Any livestock market, whether within or outside of the  
24 state, or any meat packing plant which maintains brand inspection under  
25 the supervision of the Nebraska Brand Committee and under such rules and  
26 regulations as are specified by the United States Department of  
27 Agriculture, may be designated by the brand committee as an open market.

28 (2) When cattle originating from within the brand inspection area  
29 are consigned for sale to any commission company at any open market  
30 designated as such by the Nebraska Brand Committee where brand inspection  
31 is maintained, no brand inspection is required at the point of origin but  
1 is required at the point of destination ~~unless the point of origin is a~~  
2 ~~registered feedlot~~. If cattle are consigned to a commission company at an  
3 open market, the carrier transporting the cattle shall not allow the  
4 owner, shipper, or party in charge to change the billing to any point  
5 other than the commission company at the open market designated on the  
6 original billing, unless the carrier secures from the brand committee a  
7 certificate of inspection on the cattle so consigned. ~~Any cattle~~  
8 ~~originating in a registered feedlot consigned to a commission company at~~  
9 ~~any terminal market destined for direct slaughter may be shipped in~~  
10 ~~accordance with rules and regulations governing registered feedlots.~~

11 (3) Until the cattle are inspected for brands on the premises by the  
12 Nebraska Brand Committee, no person shall sell or cause to be sold or  
13 offer for sale (a) any cattle at a livestock auction market located  
14 within the brand inspection area or at a farm or ranch sale located  
15 within the brand inspection area or (b) any cattle originating within the  
16 brand inspection area consigned to an open market.

17 Sec. 32. The following sections are outright repealed: Section  
18 54-188, Reissue Revised Statutes of Nebraska, and sections 54-1,120,

19 54-1,121, and 54-1,122, Revised Statutes Cumulative Supplement, 2020.  
 20 "; and in line 25 after "references" insert "and the repealer".  
 21 3. Renumber the remaining amendments accordingly.

### ANNOUNCEMENT(S)

Priority designation(s) received:

Halloran - LR14  
 Groene - LB40  
 Banking, Commerce and Insurance - LB375  
 Banking, Commerce and Insurance - LB487  
 Dorn - LB103  
 Lindstrom - LB39

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 386A.** 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 386, One Hundred Seventh Legislature, First Session, 2021; to provide an operative date; and to declare an emergency.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 58.** Introduced by Murman, 38.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Tournament was held from February 17th to February 20th at the CHI Health Center Omaha; and

WHEREAS, senior Joseph Hinrichs wrestled for the Sutton High School wrestling team coached by Ron Gerber; and

WHEREAS, Joseph won the Class C 160-pound championship match; and

WHEREAS, Joseph won the Class C 152-pound championship match last year and is the first Sutton wrestler to win back-to-back state titles; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Joseph Hinrichs on winning the 2021 Class C 160-pound State Wrestling Championship.

2. That copies of this resolution be sent to Sutton High School, Joseph Hinrichs, and coach Ron Gerber.

Laid over.



**GENERAL FILE**

**LEGISLATIVE BILL 101.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 351.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 476.** 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 533.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 401.** Title read. Considered.

Committee [AM59](#), found on page 387, was offered.

The committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11 present and not voting.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Albrecht - LB281  
Government, Military and Veterans Affairs - LB83  
Government, Military and Veterans Affairs - LB285

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Gragert 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.

**GENERAL FILE**

**LEGISLATIVE BILL 37.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

**LEGISLATIVE BILL 169.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 present and not voting.

**LEGISLATIVE BILL 255.** Title read. Considered.

**SPEAKER HILGERS PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

**MOTION(S) - Return LB509 to Select File**

Senator Lindstrom moved to return LB509 to Select File for the following specific amendment:

[AM537](#)

1 1. On page 27, line 13, reinstate the stricken "and"; in line 15  
2 strike the new matter and reinstate the stricken matter; and strike line  
3 16.

The Lindstrom motion to return prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 509.** The Lindstrom specific amendment, [AM537](#), found in this day's Journal, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 84.** Placed on General File.

**LEGISLATIVE BILL 180.** Placed on General File.

**LEGISLATIVE BILL 233.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

## Judiciary

**LEGISLATIVE BILL 58.** Placed on General File.

**LEGISLATIVE BILL 540.** Placed on General File.

**LEGISLATIVE BILL 271.** Placed on General File with amendment.

[AM490](#)

1 1. On page 4, line 16, after the underscored period insert "A 24/7  
 2 sobriety program permit shall only be issued if the individual's  
 3 operator's license has been revoked pursuant to section 60-498.01 for the  
 4 pending offense."; and after line 28 insert the following new subsection:  
 5 "(5) A person shall be eligible to be issued a 24/7 sobriety program  
 6 permit allowing operation of a motor vehicle if he or she is not subject  
 7 to any other suspension, cancellation, required no-driving period, or  
 8 period of revocation and has successfully completed the application for a  
 9 24/7 sobriety program permit."

10 2. On page 9, line 21, before "No" insert "(1)"; in line 28 after  
 11 the period insert the following new subsection:  
 12 "(2) Offenses under sections 60-4,164, 60-6,196, and 60-6,197 which  
 13 are eligible for pretrial diversion:  
 14 (a) Shall not be dismissed until twelve months after successful  
 15 completion of a pretrial diversion program; and  
 16 (b) Are not eligible for dismissal after completion of a driver's  
 17 safety training program under section 29-3606."

18 3. On page 18, after line 16, insert the following new subdivision:  
 19 "(d) Only a person subject to administrative license revocation  
 20 under sections 60-498.01 to 60-498.04 may apply for a 24/7 sobriety  
 21 program permit."

**LEGISLATIVE BILL 352.** Placed on General File with amendment.

[AM535](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 33-107.03, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 33-107.03 In addition to all other court costs assessed according to  
 6 law, a court automation fee of ~~ten~~ eight dollars shall be taxed as costs  
 7 for each case filed in each county court, separate juvenile court, and  
 8 district court, including appeals to such courts, and for each appeal and  
 9 original action filed in the Court of Appeals and the Supreme Court. The  
 10 fees shall be remitted to the State Treasurer on forms prescribed by the  
 11 State Treasurer within ten days after the end of each month. The State  
 12 Treasurer shall credit the fees to the Supreme Court Automation Cash  
 13 Fund.

14 Sec. 2. Section 33-154, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:  
 16 33-154 In addition to all other court costs assessed according to  
 17 law, a training fee of two dollars ~~one dollar~~ shall be taxed as costs for  
 18 each case filed in each county court and district court, including  
 19 appeals to such courts, and for each appeal and original action filed in  
 20 the Court of Appeals and the Supreme Court. The fees shall be remitted to  
 21 the State Treasurer on forms prescribed by the State Treasurer within ten  
 22 days after the end of each month. The State Treasurer shall credit the  
 23 fees to the Supreme Court Education Fund.

24 Sec. 3. Section 33-155, Reissue Revised Statutes of Nebraska, is  
 25 amended to read:  
 26 33-155 In addition to all other court costs assessed according to

27 law, a dispute resolution fee of one dollar and fifty ~~seventy-five~~ cents  
 1 shall be taxed as costs for each case filed in each county court and  
 2 district court, including appeals to such courts, and for each appeal and  
 3 original action filed in the Court of Appeals and the Supreme Court. The  
 4 fees shall be remitted to the State Treasurer on forms prescribed by the  
 5 State Treasurer within ten days after the end of each month. The State  
 6 Treasurer shall credit the fees to the Dispute Resolution Cash Fund.  
 7 Sec. 4. Section 33-156, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:  
 9 33-156 (1) In addition to all other court costs assessed according  
 10 to law, an indigent defense fee of five ~~three~~ dollars shall be taxed as  
 11 costs for each case filed in each county court and district court,  
 12 including appeals to such courts, and for each appeal and original action  
 13 filed in the Court of Appeals and the Supreme Court. The fees shall be  
 14 remitted to the State Treasurer on forms prescribed by the State  
 15 Treasurer within ten days after the end of the month. The State Treasurer  
 16 shall credit the fees to the Commission on Public Advocacy Operations  
 17 Cash Fund.  
 18 (2) In cases under the DNA Testing Act, costs shall be paid as  
 19 provided in such act.  
 20 Sec. 5. Original sections 33-107.03, 33-154, 33-155, and 33-156,  
 21 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 501.** Placed on General File with amendment.  
[AM526](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

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

Senator Moser filed the following amendment to [LB579](#):  
[AM124](#)

1 1. On page 4, line 8, strike "Heartland Expressway" and insert  
 2 "expressway system"; and in line 11 strike "and" and after "letting"  
 3 insert ", and required funding for project completion".

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Pahls - LB26

#### **ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Thursday, March 11, 2021, at 10:00 a.m., in Room 1524.

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

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

Senator Hansen, B. name added to LB64.

Senator McDonnell name added to LB88.  
Senator Flood name added to LB88.  
Senator Groene name added to LB181.  
Senator Lindstrom name added to LB387.

**VISITOR(S)**

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIRST DAY - MARCH 11, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 11, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance 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 Bostar, McCollister, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**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.

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Moser - LB579  
J. Cavanaugh - LB320  
Appropriations - LB566  
Appropriations - LB488

Agriculture - LB572  
 Agriculture - LB324  
 Hilgers - LB388  
 Stinner - LB18  
 Murman - LB390

**COMMITTEE REPORT(S)**  
 Banking, Commerce and Insurance

**LEGISLATIVE BILL 20.** Placed on General File with amendment.

[AM585](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. (1) Notwithstanding section 44-3,131, any individual or  
 4 group sickness and accident insurance policy, certificate, or subscriber  
 5 contract delivered, issued for delivery, or renewed in this state and any  
 6 hospital, medical, or surgical expense-incurred policy, except for  
 7 policies that provide coverage for a specified disease or other limited  
 8 benefit coverage, and any self-funded employee benefit plan to the extent  
 9 not preempted under federal law that includes coverage for a self-  
 10 administered hormonal contraceptive that is approved by the federal Food  
 11 and Drug Administration shall reimburse an in-network health care  
 12 provider or dispensing entity on a per-unit basis for dispensing a supply  
 13 of such contraceptive to a covered individual as follows:  
 14 (a) For the first prescription of such contraceptive, at least up to  
 15 a three-month supply, if so prescribed; and  
 16 (b) For subsequent refills of the same contraceptive, regardless of  
 17 whether the covered individual was enrolled in the policy, contract, or  
 18 plan at the time of the first prescription for such contraceptive, up to  
 19 a six-month supply, if so prescribed.  
 20 (2) Nothing in this section shall be construed to:  
 21 (a) Require a health care provider to prescribe a six-month supply  
 22 of a self-administered hormonal contraceptive; or  
 23 (b) Permit a policy, contract, or plan to impose cost-sharing for an  
 24 alternative method of contraception if a covered individual changes  
 25 contraceptive methods before exhausting a previously dispensed supply of  
 26 a self-administered hormonal contraceptive.  
 27 (3) A policy, contract, or plan shall be exempt from this section  
 1 for a policy, contract, or plan year if, using a calculation method  
 2 approved by the Department of Insurance, the cost of coverage would  
 3 likely exceed one percent of all premiums collected under such policy,  
 4 contract, or plan for such policy, contract, or plan year.  
 5 Sec. 2. Section 68-901, Revised Statutes Cumulative Supplement,  
 6 2020, is amended to read:  
 7 68-901 Sections 68-901 to 68-9,100 and section 3 of this act shall  
 8 be known and may be cited as the Medical Assistance Act.  
 9 Sec. 3. (1) In providing family planning services and supplies  
 10 under the medical assistance program, the department shall ensure that a  
 11 prescription for the dispensation of a covered self-administered hormonal  
 12 contraceptive is provided as follows:  
 13 (a) For the first prescription of such contraceptive, at least up to  
 14 a three-month supply, if so prescribed; and  
 15 (b) For subsequent refills of the same contraceptive, regardless of  
 16 whether the covered individual was enrolled in the medical assistance  
 17 program at the time of the first prescription for such contraceptive, up  
 18 to a six-month supply, if so prescribed.  
 19 (2) Nothing in this section shall be construed to limit a medical  
 20 assistance recipient's freedom to choose or change the method of family



21 planning to use, regardless of whether the recipient has exhausted a  
 22 previously dispensed supply of contraceptives.  
 23 Sec. 4. Original section 68-901, Revised Statutes Cumulative  
 24 Supplement, 2020, is repealed.

(Signed) Matt Williams, Chairperson

**MOTION(S) - Confirmation Report(s)**

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 489:

- Nebraska Child Abuse Prevention Fund Board
  - David J. Hansen
- Commission for the Deaf and Hard of Hearing
  - Diane Schutt
  - Joshua Dale Sevier

Voting in the affirmative, 41:

Aguilar	Clements	Hansen, B.	Lowe	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	Dorn	Hilkemann	McKinney	Walz
Blood	Erdman	Hughes	Morfeld	Williams
Brandt	Flood	Hunt	Moser	Wishart
Brewer	Friesen	Kolterman	Murman	
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Sanders	
Cavanaugh, M.	Halloran	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 5:

Bostelman	DeBoer	Gragert	Hilgers	Wayne
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Excused and not voting, 3:

Bostar	McCollister	Pansing Brooks
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The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 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 526:

- Board of Parole
  - Rosalyn R. Cotton

Voting in the affirmative, 41:

Aguilar	Cavanaugh, M.	Hansen, M.	Lowe	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	McKinney	Walz
Blood	Dorn	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Groene	Lindstrom	Sanders	
Cavanaugh, J.	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 5:

Clements	Erdman	Gragert	Halloran	Wayne
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Excused and not voting, 3:

Bostar	McCollister	Pansing Brooks
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The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 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 526:

Crime Victim's Reparations Committee

Ann E. Ames

Jeffrey Davis

Shawn Eatherton

Voting in the affirmative, 39:

Aguilar	Cavanaugh, J.	Hansen, B.	Lowe	Sanders
Albrecht	Cavanaugh, M.	Hansen, M.	McDonnell	Slama
Arch	Clements	Hilgers	McKinney	Stinner
Blood	Day	Hilkemann	Morfeld	Vargas
Bostelman	Dorn	Hunt	Moser	Walz
Brandt	Friesen	Kolterman	Murman	Williams
Brewer	Geist	Lathrop	Pahls	Wishart
Briese	Halloran	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

DeBoer	Flood	Groene	Linehan
Erdman	Gragert	Hughes	Wayne

Excused and not voting, 2:

Bostar            McCollister

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 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 528:

Nebraska State Fair Board  
Tom S. Dinsdale

Voting in the affirmative, 43:

Aguilar	Cavanaugh, M.	Gragert	Lindstrom	Sanders
Albrecht	Clements	Groene	Linehan	Slama
Arch	Day	Halloran	Lowe	Stinner
Blood	DeBoer	Hansen, B.	McDonnell	Vargas
Bostelman	Dorn	Hansen, M.	Morfeld	Walz
Brandt	Erdman	Hilgers	Moser	Williams
Brewer	Flood	Hughes	Murman	Wishart
Briese	Friesen	Hunt	Pahls	
Cavanaugh, J.	Geist	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 4:

Hilkemann    Lathrop            McKinney            Wayne

Excused and not voting, 2:

Bostar            McCollister

The appointment was confirmed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1.** With Emergency Clause.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend section 77-3001, Reissue Revised Statutes of Nebraska, as amended by section 12, Initiative Law 2020, No. 430; to correlate provisions with Laws 2019, LB538, section 2; 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:

Aguilar	Clements	Groene	Lindstrom	Pansing Brooks
Albrecht	Day	Halloran	Linehan	Sanders
Arch	DeBoer	Hansen, B.	McCollister	Slama
Blood	Dorn	Hansen, M.	McDonnell	Stinner
Bostelman	Erdman	Hilgers	McKinney	Vargas
Brandt	Flood	Hilkemann	Morfeld	Walz
Brewer	Friesen	Hughes	Moser	Wayne
Briese	Geist	Hunt	Murman	Williams
Cavanaugh, J.	Gragert	Lathrop	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Kolterman Lowe

Excused and not voting, 1:

Bostar

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 4.**

A BILL FOR AN ACT relating to servicemembers and veterans; to amend sections 80-901, 80-902, and 80-903, Reissue Revised Statutes of Nebraska; to change provisions and qualification requirements relating to tuition credits; 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:

Aguilar	Clements	Hansen, B.	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Flood	Hunt	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Bostar

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

#### **LEGISLATIVE BILL 21.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-322, 44-3,127, 44-32,119, and 44-5814, Reissue Revised Statutes of Nebraska, and sections 44-3902 and 44-3903, Revised Statutes Cumulative Supplement, 2020; to provide for distribution of administrative penalties in accordance with Article VII, section 5, of the Constitution of Nebraska; to change requirements for transmittal and review of applications related to health maintenance organizations; to redefine a term; to change continuing education exceptions; 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:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Bostar

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 LB23 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 23. With Emergency Clause.**

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2207.30, 76-2218.02, 76-2221, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to change certain applicability, qualification, disciplinary provisions, and scope of practice under the act; 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:

Aguilar	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	
Clements	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 1:

Bostar

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 25.** With Emergency Clause.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101.02 and 18-2147, Revised Statutes Cumulative Supplement, 2020; to change the period for dividing ad valorem taxes for certain redevelopment plans that include extremely blighted areas; 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, 48:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Bostar

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 LB77 with 34 ayes, 9 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 77.**

A BILL FOR AN ACT relating to the Property and Casualty Insurance Rate and Form Act; to amend sections 44-7508, 44-7509, and 44-7510, Reissue Revised Statutes of Nebraska; to prohibit risk classifications and rate adjustments that are based solely on the fact that an insured is deployed in the military for a period of six months or greater; 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:



Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Bostar

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 LB149 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 149.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,183, Reissue Revised Statutes of Nebraska, 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, 60-4,168, 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 Cumulative Supplement, 2020; to redefine terms; to adopt updates to federal law and update certain federal references; to change certain disciplinary or registration actions under the International Registration Plan Act; to eliminate obsolete 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:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Wayne
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Moser	Wishart
Briese	Geist	Kolterman	Murman	
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Bostar

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 159.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-138 and 18-131, Reissue Revised Statutes of Nebraska, and sections 16-247, 16-403, 16-405, 17-613, and 18-132, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to printing and publishing ordinances; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB174 with 31 ayes, 12 nays, and 6 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 174.**

A BILL FOR AN ACT relating to transportation; to amend sections 39-1316, 39-2301.01, 39-2302, 39-2306, 39-2307, 39-2501, 39-2503, 39-2511, 39-2513, 60-511, 60-512, 60-513, 60-514, 60-550.01, 60-554, and 60-6,336, Reissue Revised Statutes of Nebraska, and sections 39-2106, 39-2107, 39-2304, 39-2308, 39-2308.01, 39-2308.03, 39-2502, 39-2504, 39-2505, 39-2512, 39-2514, 39-2515, 60-507, 60-695, 60-699, and 60-6,138, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the state highway system, the Board of Public Roads Classifications and Standards, licensure under the County Highway and City Street Superintendents Act, incentive payments, distribution of highway funds, county highway superintendents, city street superintendents, and the Board of Examiners for County Highway and City Street Superintendents; to redefine terms; to change provisions of the Motor Vehicle Safety Responsibility Act; to change provisions relating to the Nebraska Rules of the Road regarding accident reports, roundabouts, and snowmobiles; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 bills were read and put upon final passage:

**LEGISLATIVE BILL 248.**

A BILL FOR AN ACT relating to the Nebraska Uniform Directed Trust Act; to amend section 30-4305, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to actions excluded from the act; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Flood	Hunt	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present 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 253.** With Emergency Clause.

A BILL FOR AN ACT relating to series limited liability companies; to amend sections 21-192 and 21-504, Revised Statutes Cumulative Supplement, 2020; to change series limited liability company provisions relating to filing fees and limitations of powers; 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, 46:

Aguilar	Clements	Hansen, B.	Lowe	Stinner
Albrecht	Day	Hansen, M.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	McKinney	Wayne
Bostar	Erdman	Hughes	Moser	Williams
Bostelman	Flood	Hunt	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, J.	Groene	Lindstrom	Sanders	
Cavanaugh, M.	Halloran	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Brewer	Geist	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.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB363 with 33 ayes, 10 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 363.** With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-201, 45-1004, and 45-1005, Reissue Revised Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01, 8-163, 8-183.04, 8-1,140, 8-204, 8-318, 8-355, 8-1101, 8-1101.01, 8-1108.02, 8-1704, 8-1707, 8-2724, 8-2725, 8-2726, 8-2729, 8-2734, 8-2737, 8-2903, 21-17,115, 45-335, 45-346, 59-1722, 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2020, and section 4A-108, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to adopt 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, the Consumer Rental Purchase Agreement Act, and financial exploitation of a vulnerable or senior adult provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to define a term; to change provisions of the Nebraska Trust Company Act, the Securities Act of Nebraska, the Nebraska Money Transmitters Act, the Credit Union Act, and the Uniform Commercial Code; to redefine a term and change bond provisions under the Nebraska Installment Sales Act; to change provisions under the Nebraska Installment Loan 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, 49:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 373.**

A BILL FOR AN ACT relating to the Standard Nonforfeiture Law for Individual Deferred Annuities; to amend section 44-407.14, Reissue Revised Statutes of Nebraska; to change the interest rate for minimum nonforfeiture amounts 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, 49:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB532 with 33 ayes, 9 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 532.**

A BILL FOR AN ACT relating to property; to amend sections 69-1302, 69-1310, and 69-1318, Reissue Revised Statutes of Nebraska, and sections 24-345, 25-2717, 69-1317, 76-1416, 79-956, 85-1816, 85-1817, and 85-2803, Revised Statutes Cumulative Supplement, 2020; to rename a fund; to change provisions relating to abandoned and unclaimed property under the Uniform Disposition of Unclaimed Property Act, the Uniform Residential Landlord and Tenant Act, and the School Employees Retirement Act; to provide powers and duties for the State Treasurer; to provide for immunity; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 LB44 to Select File**

Senator Groene moved to return LB44 to Select File for his specific amendment, [AM477](#), found on page 563.

The Groene motion to return failed with 21 ayes, 21 nays, 6 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 44.**

A BILL FOR AN ACT relating to cities; to amend section 19-5505, Revised Statutes Cumulative Supplement, 2020; to change requirements for adoption of an affordable housing action plan; 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, 40:



Aguilar	Cavanaugh, J.	Groene	Linehan	Pansing Brooks
Arch	Cavanaugh, M.	Hansen, M.	McCollister	Slama
Blood	Day	Hilgers	McDonnell	Stinner
Bostar	DeBoer	Hilkemann	McKinney	Vargas
Bostelman	Dorn	Hunt	Morfeld	Walz
Brandt	Flood	Kolterman	Moser	Wayne
Brewer	Geist	Lathrop	Murman	Williams
Briese	Gragert	Lindstrom	Pahls	Wishart

Voting in the negative, 5:

Albrecht	Clements	Erdman	Lowe	Sanders
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Present and not voting, 3:

Friesen	Halloran	Hansen, B.
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Excused and not voting, 1:

Hughes

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 1, 4, 21, 23, 25, 77, 149, 159, 174, 248, 253, 363, 373, 532, 44.

#### **GENERAL FILE**

**LEGISLATIVE BILL 322.** Title read. Considered.

Committee [AM464](#), found on page 542, was offered.

The committee amendment was adopted with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 11, 2021, at 11:12 a.m. were the following: LBs 1e, 4, 21, 23e, 25e, 77, 149, 159, 174, 248, 253e, 363e, 373, 532, and 44.

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

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 344A.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 317A.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, One Hundred Seventh Legislature, First Session, 2021.

### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 117.** Placed on General File with amendment.

#### AM421

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 Hunger-Free Schools Act.  
5 Sec. 2. Section 79-10,137, Reissue Revised Statutes of Nebraska, is  
6 amended to read:  
7 ~~79-10,137~~ The Legislature finds that, for Nebraska to compete  
8 effectively in the world, it must have an educated and productive work  
9 force. In order to have an educated and productive work force, it must  
10 prepare its children to learn, and in order to do so the children must be  
11 well-nourished. The Legislature further finds that school breakfast and  
12 lunch programs are integral parts of Nebraska's educational system, and  
13 that every student deserves access to healthy food during the school day.  
14 Sec. 3. For purposes of the Hunger-Free Schools Act:  
15 (1) Community eligibility provision has the same meaning as in  
16 section 79-101;  
17 (2) Department means the State Department of Education;  
18 (3) Eligible breakfast means a school breakfast served to a student  
19 which is reimbursable, in total or in part, with federal funds, as  
20 specified under regulations promulgated by the United States Department  
21 of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42  
22 U.S.C. 1771 et seq., as such act and regulations existed on January 1,  
23 2021;  
24 (4) Eligible lunch means a school lunch served to a student which is  
25 reimbursable, in total or in part, with federal funds, as specified under  
26 regulations promulgated by the United States Department of Agriculture  
27 pursuant to the federal Richard B. Russell National School Lunch Act, 42  
1 U.S.C. 1751 et seq., as such act and regulations existed on January 1,  
2 2021; and  
3 (5) Identified student percentage means the identified student  
4 percentage calculated for high-poverty schools as specified under

5 regulations promulgated by the United States Department of Agriculture  
 6 pursuant to the federal Richard B. Russell National School Lunch Act, 42  
 7 U.S.C. 1751 et seq., as such act and regulations existed on January 1,  
 8 2021;

9 (6) Qualified public school means a school operated by a school  
 10 district which is participating in the school breakfast program or the  
 11 national school lunch program under the federal Child Nutrition Act of  
 12 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National  
 13 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January  
 14 1, 2021.

15 Sec. 4. Each qualified public school that has an identified student  
 16 percentage greater than or equal to sixty-two and one-half percent shall  
 17 operate under the community eligibility provision to maximize the federal  
 18 reimbursement for eligible breakfasts and eligible lunches.

19 Sec. 5. Section 79-10,138, Reissue Revised Statutes of Nebraska, is  
 20 amended to read:

21 ~~79-10,138~~ The department State Department of Education shall  
 22 reimburse each qualified public school in Nebraska a portion of the cost  
 23 of such school's school breakfast program in the amount of five cents per  
 24 eligible school breakfast served by such school in the second preceding  
 25 school year. Each To qualify, a school district shall operate a school  
 26 lunch program and shall submit information regarding the number of  
 27 eligible breakfasts served by each qualified public school in the school  
 28 district in a manner prescribed by the department. The Legislature shall  
 29 appropriate money from the General Fund to carry out this section.

30 Sec. 6. Section 79-10,139, Reissue Revised Statutes of Nebraska, is  
 31 amended to read:

1 ~~79-10,139~~ Payments pursuant to section 5 of this act 79-10,138 shall  
 2 be made to each school district according to rules and regulations for  
 3 disbursements adopted and promulgated by the department State Department  
 4 of Education.

5 Sec. 7. Nothing in the Hunger-Free Schools Act shall prevent a  
 6 school district from collecting information from the parent or guardian  
 7 of a student to determine eligibility for other services of the school  
 8 district.

9 Sec. 8. The department may adopt and promulgate rules and  
 10 regulations to carry out the Hunger-Free Schools Act.

11 Sec. 9. Original sections 79-10,137, 79-10,138, and 79-10,139,  
 12 Reissue Revised Statutes of Nebraska, are repealed.

## **LEGISLATIVE BILL 132.** Placed on General File with amendment.

### AM555

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

3 Section 1. (1) The School Financing Review Commission is created.

4 The commission shall consist of twenty-one members, including:

5 (a) The Commissioner of Education or a designee of the Commissioner  
 6 of Education;

7 (b) One representative of the Governor appointed by the Governor;

8 (c) Three members of the Legislature, who shall be nonvoting members  
 9 of the commission, one from each congressional district with no more than

10 two from the same political party and with one being a member of the  
 11 Education Committee of the Legislature and one being a member of the  
 12 Revenue Committee of the Legislature;

13 (d) The Property Tax Administrator or a designee of the Property Tax  
 14 Administrator;

15 (e) One representative of postsecondary education with expertise in  
 16 school finance;

17 (f) One member of the Educational Service Unit Coordinating Council;

18 (g) One school board member and one school administrator each

19 representing a Class III school district with not more than one thousand  
20 two hundred students;

21 (h) One school board member and one school administrator each  
22 representing a Class III school district with more than one thousand two  
23 hundred students but not more than ten thousand students;

24 (i) One representative of a Class IV school district and one  
25 representative of a Class V school district. One member appointed  
26 pursuant to this subdivision shall be a school board member of the school  
27 district being represented, and the other member appointed pursuant to  
1 this subdivision shall be a school administrator in the other school  
2 district being represented;

3 (j) One member who is teaching as a certificated teacher in a public  
4 school; and

5 (k) Six members from the state at large, two from each congressional  
6 district, who reside in school districts of varied sizes and with varying  
7 percentages of limited English proficiency students and poverty students.  
8 At least one of the members appointed pursuant to this subdivision shall  
9 have experience in business and at least one shall have experience in  
10 farming.

11 (2) The members described in subdivision (1)(c) shall be appointed  
12 be the Executive Board of the Legislative Council in January of each odd-  
13 numbered year for two-year terms, except the initial members shall be  
14 appointed within thirty days after the effective date of this act and  
15 shall serve until their successors are appointed in January of 2023.

16 (3) The members described in subdivisions (1)(e) through (k) of this  
17 section shall be appointed by the Governor within thirty days after the  
18 effective date of this act to serve through December 31, 2030, and any  
19 vacancy shall be filled by the Governor for the remainder of the vacated  
20 term. Of the four members described in subdivisions (1)(g) and (h) of  
21 this section, at least one shall be from each congressional district. To  
22 the extent possible, the membership of the commission shall be diverse in  
23 terms of race, gender, and other demographic factors.

24 (4) Members of the commission shall not receive any compensation for  
25 their services but shall be reimbursed for expenses incurred as a member  
26 of the commission as provided in sections 81-1174 to 81-1177.

27 (5) The Commissioner of Education or the designee of the  
28 Commissioner of Education shall be the chairperson of the commission, and  
29 the commission shall elect a vice-chairperson from among its members.

30 (6) The staff of the State Department of Education may assist as  
31 needed and requested by the chairperson of the commission in accordance  
1 with guidelines developed by the commission. The commission may also  
2 obtain assistance from the State Department of Education and the  
3 Department of Revenue in acquiring the data needed to carry out its  
4 duties.

5 (7) For administrative purposes, the commission shall be housed  
6 within the State Department of Education.

7 Sec. 2. (1) The School Financing Review Commission shall conduct an  
8 indepth review of the financing of the public elementary and secondary  
9 schools. As a part of such indepth review, the commission shall:

10 (a) Examine methods of financing public elementary and secondary  
11 schools, including methods used in other states, which would provide  
12 equitable educational opportunities across the state and offer  
13 alternatives to a heavy reliance on property tax;

14 (b) Examine the option of using a measure of income as a component  
15 in the financing of public elementary and secondary schools;

16 (c) Examine the option of using sales tax as a component in the  
17 financing of public elementary and secondary schools, including, but not  
18 limited to, an examination of the experience of any other states with  
19 such option;

20 (d) Examine financing issues as they relate to the quality and

21 performance of public elementary and secondary schools;  
 22 (e) Examine options for funding public prekindergarten services;  
 23 (f) Examine options for funding college-readiness and career-  
 24 readiness programs, including, but not limited to, programs of  
 25 excellence, dual-enrollment courses, and career academies;  
 26 (g) Examine the costs and resources necessary to meet the diverse  
 27 and growing needs of students across the state, including, but not  
 28 limited to, the needs of poverty students and limited English proficiency  
 29 students;  
 30 (h) Examine methods used by other states to fund public elementary  
 31 and secondary school infrastructure needs;  
 1 (i) Examine other issues related to public elementary and secondary  
 2 school finance as necessary and as determined by the chairperson; and  
 3 (j) Prepare a preliminary report and present it to the Legislative  
 4 Council in November 2021. A final report with recommendations on  
 5 maintaining adequate and equitable funding for public schools in light of  
 6 information gathered through the review shall be presented to the  
 7 Governor, to the State Board of Education, and electronically to the  
 8 Legislature by December 1, 2021.  
 9 (2) After submission of its final report described in subsection (1)  
 10 of this section, to assure that every Nebraskan is educated for success,  
 11 the School Financing Review Commission shall:  
 12 (a) Review the mission of providing Nebraskans the opportunity to  
 13 acquire the necessary skills and knowledge to be productive individuals;  
 14 (b) Review, make recommendations on, and report on progress toward  
 15 achieving any goals established by the Legislature and the State  
 16 Department of Education related to such mission. The commission may  
 17 solicit comments, concerns, and case studies from schools of all sizes in  
 18 Nebraska and develop best practices for implementing and achieving such  
 19 goals; and  
 20 (c) Review the implementation of the Tax Equity and Educational  
 21 Opportunities Support Act and the implementation of any recommendations  
 22 contained in the reports issued under subsection (1) of this section.  
 23 (3) On or before July 1 of each even-numbered year beginning in 2024  
 24 and ending in 2030, the School Financing Review Commission shall report  
 25 to the Governor, to the State Board of Education, and electronically to  
 26 the Legislature on the adequacy of school funding sources.  
 27 Sec. 3. Since an emergency exists, this act takes effect when  
 28 passed and approved according to law.

**LEGISLATIVE BILL 137.** Placed on General File with amendment.

**AM347**

1 1. Insert the following new section:  
 2 Section 1. Section 71-1914, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 71-1914 (1) The department shall be the state's coordinating agency  
 5 for licensure and regulation of programs in this state in order to (a)  
 6 provide efficient services pursuant to the Child Care Licensing Act, (b)  
 7 avoid duplication of services, and (c) prevent an unnecessary number of  
 8 inspections of any program. The department may request cooperation and  
 9 assistance from local and state agencies and such agencies shall promptly  
 10 respond. The department shall not be responsible for verifying compliance  
 11 with subdivision (3)(b) of section 71-1962. The extent of an agency's  
 12 cooperation may be included in the report to the Legislature pursuant to  
 13 section 43-3402.  
 14 (2) A city, village, or county may adopt rules, regulations, or  
 15 ordinances establishing physical well-being and safety standards for  
 16 programs whether or not the persons providing such programs are subject  
 17 to licensure under section 71-1911. Such rules, regulations, or  
 18 ordinances shall be as stringent as or more stringent than the

19 department's rules and regulations for licensees pursuant to the Child  
 20 Care Licensing Act. The city, village, or county adopting such rules,  
 21 regulations, or ordinances and the department shall coordinate the  
 22 inspection and supervision of licensees to avoid duplication of  
 23 inspections. A city, village, or county shall report any violation of  
 24 such rules, regulations, or ordinances to the department. The city,  
 25 village, or county may administer and enforce such rules, regulations,  
 26 and ordinances. Enforcement of provisions of the Child Care Licensing Act  
 27 or rules or regulations adopted and promulgated under the act shall be by  
 1 the department pursuant to sections 71-1919 to 71-1923.  
 2 2. On page 2, line 3, strike beginning with "Not" through "the",  
 3 show as stricken, and insert "The"; in line 5 after "System" insert "and  
 4 verify compliance with subdivision (3)(b) of this section"; in line 28  
 5 strike "September 1, 2022" and insert "June 30, 2023"; and after line 31  
 6 insert the following new subdivision:  
 7 "(c) Until June 30, 2023, the State Department of Education shall,  
 8 upon request, make reasonable efforts to assist any child care or early  
 9 childhood education provider in complying with subdivision (b) of this  
 10 subsection.".  
 11 3. Renumber the remaining sections and correct the repealer  
 12 accordingly.

**LEGISLATIVE BILL 473.** Placed on General File with amendment.

AM520

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 Extraordinary Increase in Special Education Expenditures  
 5 Act.  
 6 Sec. 2. The Legislature finds that:  
 7 (1) The cost to educate students with special needs has increased in  
 8 recent years;  
 9 (2) Special education expenditures can be unpredictable for school  
 10 districts, particularly for school districts with small student  
 11 populations, and can change dramatically from year to year as students  
 12 with varying needs join or leave the school district;  
 13 (3) School districts may have difficulty covering large unexpected  
 14 special education expenditures; and  
 15 (4) Assisting school districts upfront with large unexpected special  
 16 education expenditures allows such school districts to more easily meet  
 17 the needs of all students.  
 18 Sec. 3. (1) On or before January 15 of each school fiscal year, a  
 19 school district may submit an application as prescribed by the State  
 20 Department of Education to the department for a payment from the  
 21 Extraordinary Increase in Special Education Expenditures Fund to cover an  
 22 extraordinary increase in special education expenditures pursuant to the  
 23 requirements of this section. Such application shall include the special  
 24 education expenditures of the applicant school district as of the  
 25 immediately preceding December 31 for the school fiscal year in which the  
 26 application is submitted.  
 27 (2) The department shall divide the special education expenditures  
 1 for the school fiscal year immediately preceding the school fiscal year  
 2 in which an application is submitted by two and multiply the result by  
 3 one hundred seven percent for each applicant school district.  
 4 (3) Each applicant school district shall qualify for a maximum  
 5 payment equal to the difference of the special education expenditures for  
 6 the current school fiscal year submitted pursuant to subsection (1) of  
 7 this section minus the amount calculated pursuant to subsection (2) of  
 8 this section for such school district for such school fiscal year.  
 9 (4) The department shall make a payment to each applicant school

10 district on or before January 31 for the school fiscal year in which the  
11 application is submitted. Such payment shall equal the maximum payment  
12 determined pursuant to subsection (3) of this section, except if the sum  
13 of all maximum payments for applicant school districts for such school  
14 fiscal year exceeds the available balance in the Extraordinary Increase  
15 in Special Education Expenditures Fund, each payment shall be reduced  
16 proportionally so that the sum of all payments for applicant school  
17 districts for such school fiscal year equals the available balance in the  
18 fund.

19 Sec. 4. (1) The Extraordinary Increase in Special Education  
20 Expenditures Fund is created. The fund shall be administered by the State  
21 Department of Education and shall consist of money appropriated by the  
22 Legislature. Any money in the 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 (2) The department shall make a payment to each qualifying applicant  
26 school district from the Extraordinary Increase in Special Education  
27 Expenditures Fund pursuant to section 3 of this act for an extraordinary  
28 increase in special education expenditures. The department shall  
29 reimburse the fund for each such payment from the appropriation for  
30 special education and support services reimbursements pursuant to section  
31 79-1142 in the school fiscal year immediately following the school fiscal  
1 year in which each such payment was made.

2 (3) It is the intent of the Legislature to appropriate three million  
3 dollars to the Extraordinary Increase in Special Education Expenditures  
4 Fund for fiscal year 2021-22. The Legislature may appropriate additional  
5 money in future fiscal years as needed.

6 Sec. 5. Section 79-1142, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 79-1142 (1) Level I services refers to services provided to children  
9 with disabilities who require an aggregate of not more than three hours  
10 per week of special education services and support services and includes  
11 all administrative, diagnostic, consultative, and vocational-adjustment  
12 counselor services.

13 (2) The total allowable reimbursable cost for support services shall  
14 not exceed a percentage, established by the State Board of Education, of  
15 the school district's or approved cooperative's total allowable  
16 reimbursable cost for all special education programs and support  
17 services. The percentage established by the board for support services  
18 shall not exceed the difference of ten percent minus the percentage of  
19 the appropriations for special education approved by the Legislature set  
20 aside for reimbursements for support services pursuant to subsection (5)  
21 of this section.

22 (3) Except as provided in subsection (6) of this section, for For  
23 special education and support services provided in each school fiscal  
24 year, the department shall reimburse each school district in the  
25 following school fiscal year a pro rata amount determined by the  
26 department. The reimbursement percentage shall be the ratio of the  
27 difference of the appropriations for special education approved by the  
28 Legislature minus the amounts set aside pursuant to subsection (5) of  
29 this section divided by the total allowable excess costs for all special  
30 education programs and support services.

31 (4) Cooperatives of school districts or educational service units  
1 shall also be eligible for reimbursement for cooperative programs  
2 pursuant to this section if such cooperatives or educational service  
3 units have complied with the reporting and approval requirements of  
4 section 79-1155 for cooperative programs which were offered in the  
5 preceding school fiscal year. The payments shall be made by the  
6 department to the school district of residence, cooperative of school  
7 districts, or educational service unit each school fiscal year in a

8 minimum of seven payments between the fifth and twentieth day of each  
 9 month beginning in December. Additional payments may be made based upon  
 10 additional valid claims submitted. The State Treasurer shall, between the  
 11 fifth and twentieth day of each month, notify the Director of  
 12 Administrative Services of the amount of funds available in the General  
 13 Fund for payment purposes. The director shall, upon receiving such  
 14 certification, draw warrants against funds appropriated.  
 15 (5) Residential settings described in subdivision (10)(c) of section  
 16 79-215 shall be reimbursed for the educational services, including  
 17 special education services and support services in an amount determined  
 18 pursuant to the average per pupil cost of the service agency.  
 19 Reimbursements pursuant to this section shall be made from funds set  
 20 aside for such purpose within sixty days after receipt of a reimbursement  
 21 request submitted in the manner required by the department and including  
 22 any documentation required by the department for educational services  
 23 that have been provided, except that if there are not any funds available  
 24 for the remainder of the state fiscal year for such reimbursements, the  
 25 reimbursement shall occur within thirty days after the beginning of the  
 26 immediately following state fiscal year. The department may audit any  
 27 required documentation and subtract any payments made in error from  
 28 future reimbursements. The department shall set aside separate amounts  
 29 from the appropriations for special education approved by the Legislature  
 30 for reimbursements pursuant to this subsection for students receiving  
 31 special education services and for students receiving support services  
 1 for each state fiscal year. The amounts set aside for each purpose shall  
 2 be based on estimates of the reimbursements to be requested during the  
 3 state fiscal year and shall not be less than the total amount of  
 4 reimbursements requested in the prior state fiscal year plus any unpaid  
 5 requests from the prior state fiscal year.  
 6 (6) For each school district that received a payment from the  
 7 Extraordinary Increase in Special Education Expenditures Fund in the  
 8 school fiscal year for which special education expenditures were  
 9 reimbursed pursuant to subsection (3) of this section, an amount equal to  
 10 such payment shall be subtracted from the reimbursement calculated  
 11 pursuant to subsection (3) of this section and such amount shall be  
 12 transferred to the Extraordinary Increase in Special Education  
 13 Expenditures Fund.  
 14 Sec. 6. Original section 79-1142, Revised Statutes Cumulative  
 15 Supplement, 2020, is repealed.  
 16 Sec. 7. Since an emergency exists, this act takes effect when  
 17 passed and approved according to law.

(Signed) Lynne Walz, Chairperson

Executive Board

**LEGISLATIVE BILL 247.** Placed on General File with amendment.

[AM558](#)

1 1. On page 2, line 19, strike "911" and insert "988".

**LEGISLATIVE RESOLUTION 25.** Reported to the Legislature for further consideration.

(Signed) Dan Hughes, Chairperson



## Judiciary

**LEGISLATIVE BILL 13.** Placed on General File.

**LEGISLATIVE BILL 88.** Placed on General File.

**LEGISLATIVE BILL 445.** Placed on General File.

**LEGISLATIVE BILL 49.** Placed on General File with amendment.

[AM531](#)

1 1. On page 2, after line 12, insert the following new subsection:

2 "(3) This section shall not apply to legally dispensed nicotine

3 replacement therapies for nicotine cessation."

**LEGISLATIVE BILL 320.** Placed on General File with amendment.

[AM450](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 388.** Placed on General File with amendment.

[AM530](#)

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

2 sections:

3 Section 1. Sections 1 to 10 of this act shall be known and may be

4 cited as the Nebraska Broadband Bridge Act.

5 Sec. 2. For purposes of the Nebraska Broadband Bridge Act:

6 (1) Commission means the Public Service Commission;

7 (2) Development costs means the amount paid for project planning,

8 obtaining construction permits, construction of facilities including both

9 middle-mile and last-mile infrastructure, equipment, and installation and

10 testing of the broadband Internet service;

11 (3) Digital inclusion means access to and use of information and

12 communication technologies by all individuals and communities, including

13 the most disadvantaged individuals and communities;

14 (4) Eligible telecommunications carrier means an eligible

15 telecommunications carrier as designated under 47 U.S.C. 214(e), as such

16 section existed on January 1, 2021;

17 (5) Grant means money provided to an applicant for purposes of a

18 project under the act;

19 (6) Program means the Broadband Bridge Program created under the

20 act;

21 (7) Project means the development of a broadband network in an

22 unserved or underserved area;

23 (8) Project area means the geographical area in which a broadband

24 network is to be developed pursuant to a grant;

25 (9) Provider means a broadband Internet service provider, including

26 any telecommunications company, cable television company, or wireless

27 network provider that provides broadband Internet service;

1 (10) Speed test means a measurement of download and upload speeds

2 for access to broadband Internet service between a specific consumer

3 location and a specific remote server location that meets the

4 specifications of the commission;

5 (11) Underserved area means a geographical area of the state which

6 lacks broadband Internet service providing access to the Internet at

7 speeds of at least one hundred megabits per second for downloading and

8 twenty megabits per second for uploading; and

9 (12) Unserviced area means a geographical area of the state which  
10 lacks broadband Internet service providing access to the Internet at  
11 speeds of at least twenty-five megabits per second for downloading and  
12 three megabits per second for uploading.  
13 Sec. 3. The Broadband Bridge Program is created. The purpose of the  
14 program is to facilitate and fund the development of broadband networks  
15 in unserved and underserved areas in addition to the reverse auction  
16 program available pursuant to section 86-330. The commission shall  
17 administer the program. It is the intent of the Legislature to  
18 appropriate twenty million dollars annually beginning with fiscal year  
19 2021-22 to the commission to be distributed as grants through the  
20 program.  
21 Sec. 4. (1)(a) A provider, a cooperative, a political subdivision,  
22 or an Indian tribe may apply to the commission for a grant on forms  
23 provided by the commission. The grant shall only be used for development  
24 costs for a qualifying project. The application shall indicate the  
25 project area. The applicant shall provide matching funds equal to fifty  
26 percent of the total development costs of the project. In order to  
27 qualify, the project is required to provide broadband Internet service  
28 scalable to one hundred megabits per second for downloading and one  
29 hundred megabits per second for uploading, or greater. Applications shall  
30 be submitted on or before October 1, 2021, for fiscal year 2021-22, and  
31 on or before July 1 for each fiscal year thereafter.  
1 (b) An application from a political subdivision or an Indian tribe  
2 shall be made as part of a public-private partnership with a provider.  
3 (2)(a) As part of the application, the applicant shall agree to  
4 complete the project within eighteen months after the date the grant is  
5 awarded. The commission may permit one extension of up to six months upon  
6 request and for good cause shown.  
7 (b) If a grant recipient fails to complete the project by the agreed  
8 or extended deadline, as the case may be, the recipient shall repay the  
9 grant as provided in this subdivision. If no extension is permitted, ten  
10 percent of the grant shall be repaid for each month that the project is  
11 not complete after the eighteen-month period, up to one hundred percent  
12 of the grant. If an extension is permitted, twenty percent of the grant  
13 shall be repaid for each month that the project is not complete after the  
14 twenty-four-month period, up to one hundred percent of the grant.  
15 (3)(a) As part of the application, the applicant shall agree to  
16 submit the broadband network completed as a result of the grant to speed  
17 tests as determined by the commission. The grant recipient shall conduct  
18 the speed tests and submit the results to the commission. The speed tests  
19 shall be conducted for one week using a random sample of locations of  
20 consumers who subscribe to the network completed as a result of the  
21 grant.  
22 (b) If the broadband network does not provide service at the speeds  
23 required pursuant to subdivision (1)(a) of this section according to the  
24 speed tests under subdivision (3)(a) of this section, the grant recipient  
25 shall be allowed a reasonable time to address the speed deficiencies and  
26 conduct a second set of speed tests as described in subdivision (3)(a) of  
27 this section. If the broadband network does not provide service at the  
28 speeds required pursuant to subdivision (1)(a) of this section according  
29 to the second set of speed tests, the grant recipient shall repay the  
30 grant.  
31 Sec. 5. The commission shall distribute grants based on priority as  
1 follows:  
2 (1) The first priority is a project in a project area that is an  
3 unserved area which the commission has determined pursuant to section  
4 75-160 or 86-166 needs further support but has not received public  
5 assistance for development of a broadband network;  
6 (2) The second priority is a project that is in an unserved area,

7 that has received federal support for development of a broadband network,  
8 and that will not be completed within twenty-four months after the grant  
9 application deadline if the commission determines that a grant under the  
10 program will accelerate the deployment of the broadband network; and  
11 (3) The third priority is a project in a project area that is an  
12 underserved area and that the commission determines has a digital  
13 inclusion plan.

14 Sec. 6. (1) The commission shall establish a weighted scoring  
15 system to evaluate and rank the applications received each fiscal year.  
16 (2) In each fiscal year, at least thirty days prior to the first day  
17 that applications may be submitted, the commission shall publish on the  
18 commission's web site the specific criteria and the quantitative weighted  
19 scoring system the commission will use to evaluate and rank applications  
20 and award grants pursuant to the program. Such weighted scoring system  
21 shall consider, at a minimum:

22 (a) The financial, technical, and legal capability of the applicant  
23 to deploy and operate broadband Internet service;

24 (b) Whether the provider is designated as an eligible  
25 telecommunications carrier or will be so designated prior to the project  
26 completion date;

27 (c) The ability of an applicant to offer rates in the project area  
28 that are comparable to the rates offered by the applicant outside the  
29 project area;

30 (d) The available minimum broadband speeds, with higher scores for  
31 faster speeds, except that no grant shall be awarded based on speeds less  
1 than those scalable to one hundred megabits per second for downloading  
2 and one hundred megabits per second for uploading, or greater;

3 (e) The ability of the broadband infrastructure to be scalable to  
4 higher broadband Internet speeds in the future; and

5 (f) Whether the applicant has committed to fund more than fifty  
6 percent of the total development costs of the project from sources other  
7 than grants under the program, with higher scores for higher amounts of  
8 matching funds.

9 Sec. 7. (1) Within three business days after the application  
10 deadline described in subdivision (1)(a) of section 4 of this act, the  
11 commission shall publish on its web site the proposed projects, project  
12 areas, and broadband Internet service speeds for each application  
13 submitted.

14 (2) Any provider may, within thirty days after the publication under  
15 subsection (1) of this section, submit to the commission, on forms  
16 provided by the commission, a challenge to an application. Such challenge  
17 shall contain information demonstrating that, at the time of submitting

18 the challenge, (a) the provider provides or has begun construction to  
19 provide a broadband network in the proposed project area with access to  
20 the Internet at speeds equal to or greater than one hundred megabits per  
21 second for downloading and twenty megabits per second for uploading or

22 (b) the provider provides broadband service through a broadband network  
23 in or proximate to the proposed project area and the provider commits to  
24 complete construction of broadband infrastructure and provide a broadband  
25 network to the proposed project area with access to the Internet at  
26 speeds equal to or greater than one hundred megabits per second for  
27 downloading and twenty megabits per second for uploading, no later than  
28 eighteen months after the date grant awards are made under the program.

29 (3) Within three business days after the submission of a challenge  
30 as provided in subsection (2) of this section, the commission shall  
31 notify the applicant of such challenge. The applicant shall have ten  
1 business days after receipt of such notification to provide any  
2 supplemental information regarding the challenged application to the  
3 commission.

4 (4) The commission shall evaluate the information submitted in a

5 challenge and shall not award a grant if the information submitted under  
6 subsection (2) of this section is credible and if the provider submitting  
7 the challenge agrees to submit documentation no later than eighteen  
8 months after the date grant awards are made for the then-current fiscal  
9 year under the program substantiating that the provider submitting the  
10 challenge has fulfilled its commitment to deploy broadband Internet  
11 service with access to the Internet at the stated speeds in the proposed  
12 project area.  
13 (5) If the commission denies an application for a grant based on a  
14 challenge and the provider which submitted the challenge does not provide  
15 broadband Internet service to the proposed project area within eighteen  
16 months, the provider shall not challenge any grant for the following two  
17 fiscal years unless the failure is due to factors beyond the provider's  
18 control.  
19 Sec. 8. (1) For each fiscal year, the commission shall approve  
20 grant funding for all qualified applicants within the limits of available  
21 appropriations.  
22 (2) As a condition of accepting a grant under the program, the  
23 applicant shall agree to provide broadband Internet service in the  
24 project area until released from the applicant's commitment by the  
25 commission.  
26 (3) The commission shall not add to the obligations required of a  
27 grant recipient after the grant is awarded without the consent of the  
28 grant recipient.  
29 (4) The maximum grant amount awarded under the program with respect  
30 to any single project shall be five million dollars.  
31 Sec. 9. (1) The Nebraska Broadband Bridge Fund is created. The fund  
1 shall consist of money appropriated by the Legislature and federal funds  
2 received for broadband enhancement purposes. The commission shall  
3 administer the fund and use the fund to finance grants for qualifying  
4 projects under the Nebraska Broadband Bridge Act and for expenses of the  
5 commission as appropriated by the Legislature for administering the fund.  
6 Any federal funds which are used for purposes of the act shall be in  
7 addition to the state General Funds appropriated for purposes of the act.  
8 Such federal funds shall not be used as a substitution for any such state  
9 General Funds.  
10 (2) Any money in the Nebraska Broadband Bridge 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 Sec. 10. The commission may adopt and promulgate rules and  
15 regulations to carry out the Nebraska Broadband Bridge Act.  
16 Sec. 11. Since an emergency exists, this act takes effect when  
17 passed and approved according to law.

(Signed) Curt Friesen, Chairperson

### ANNOUNCEMENT(S)

Priority designation(s) received:

Kolterman - LB64  
Morfeld - LB88  
Slama - LB139  
Hughes - LB650  
Hilkemann - LB496  
Lowe - LB273

Urban Affairs - LB131  
 Urban Affairs - LB156  
 Wayne - LB544

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 59.** Introduced by Murman, 38.

WHEREAS, Jacob Drain, a member of Troop 216 of Holdrege, has completed the requirements for the rank of Eagle Scout in 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, Jacob designed and installed tour information signs at the Kingsley Hydroelectric Plant; and

WHEREAS, Jacob was a Senior Patrol Leader and Troop Guide and a member of the Order of the Arrow; and

WHEREAS, Jacob, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jacob Drain on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Drain.

Laid over.

### AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to LB37:

#### AM581

1 1. On page 5, strike beginning with "The" in line 5 through the  
 2 period in line 12, show the old matter as stricken, and insert "The State  
 3 Fire Marshal shall charge a fee for reviewing plans, blueprints, and shop  
 4 drawings to determine compliance with rules and regulations adopted and  
 5 promulgated pursuant to section 81-503.01 or 81-5,147. The State Fire  
 6 Marshal shall establish such fee in rules and regulations adopted and  
 7 promulgated to be effective on January 1, 2022. Such fee shall meet the  
 8 costs of administering the plan review requirement found in sections  
 9 81-503.01 and 81-5,147 but shall not exceed five hundred dollars. The fee  
 10 schedule as it existed prior to the effective date of this act shall be  
 11 used through December 31, 2021."

Senator Vargas filed the following amendment to LB241:

AM580

1 1. On page 3, line 20, strike "(1) An" and insert "(1)(a) Except as  
 2 provided in subdivision (1)(b) of this section, an"; and after line 29  
 3 insert the following new subdivision:  
 4 "(b) If, after deployment of all measures described in subdivision  
 5 (1)(a) of this section, it is impossible to achieve the required six-foot  
 6 radius of space for a particular work position, an employer may apply to  
 7 the department for an exemption for that position. The application shall  
 8 be submitted in a form and manner prescribed by the department. The  
 9 application shall explain in detail the particular work position for  
 10 which such spacing cannot be achieved and the measures that have been  
 11 attempted. The department may grant an exemption if the department finds,  
 12 after reviewing the application, that the required six-foot radius is  
 13 impossible in a particular work position. An exemption under this  
 14 subdivision shall not be granted for common or congregate spaces or for  
 15 an entire facility. A request for an exemption under this subdivision  
 16 shall be considered a public record under section 84-712.01."

**ANNOUNCEMENT(S)**

Priority designation(s) received:

B. Hansen - LB644  
 M. Hansen - LB258

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

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

Senator Aguilar name added to LB39.  
 Senator Brewer name added to LB40.  
 Senator Lowe name added to LB236.  
 Senator Groene name added to LB236.  
 Senator Sanders name added to LB236.  
 Senator Bostelman name added to LB236.  
 Senator Aguilar name added to LB255.

**ANNOUNCEMENT**

Senator Arch announced the Health and Human Services Committee will hold an executive session Friday, March 12, 2021, at 9:15 a.m., in Room 1510.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting of Pender.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Pahls, the Legislature adjourned until 9:00 a.m., Friday, March 12, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-SECOND DAY - MARCH 12, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 12, 2021

**PRAYER**

The prayer was offered by Senator Murman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brandt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

**SENATOR MCKINNEY PRESIDING**

The roll was called and all members were present except Senators Erdman, Gragert, Hilkemann, Stinner, and Wishart who were excused; and Senators Bostar, Briese, Flood, B. Hansen, Hunt, Lathrop, McCollister, McDonnell, Pahls, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first 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 11, 2021, 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

Catalyst Public Affairs  
Columbus Exposition and Racing  
CP Strategies LLC  
Scientific Games Corporation  
Holt, Jared  
Home Depot, The

#### ATTORNEY GENERAL'S OPINION

##### Opinion 21-002

**SUBJECT:** Whether LB 429 violates the separation of powers clause in Neb. Const. art. II, § 1, by prohibiting the Department of Health and Human Services from implementing any "substantial changes" to the facilities or programs under the jurisdiction of the Office of Juvenile Services "until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes."

**REQUESTED BY:** Senator John Arch  
Nebraska 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 LB 429, as amended by AM103. This legislation would amend Neb. Rev. Stat. § 43-404 (Cum. Supp. 2020), to prohibit the Department of Health and Human Services ("DHHS") from implementing any "substantial changes" to the facilities or programs of the youth rehabilitation and treatment centers ("YRTCs") "until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes." In your opinion request letter, you state that

[t]his provision was closely modeled on existing statute, Neb. Rev. Stat. § 68-912(4), which similarly prohibits certain Medicaid rules and regulations from becoming effective until there has been opportunity for Legislative consideration. I have had discussions with the Governor's Policy Research Office regarding this provision, and they have asked me to request your opinion on whether the Legislative consideration provision in LB 429, as amended by AM 103, violates the separation of powers clause in Article II, section 1 of the Nebraska Constitution.

You further indicate that the legislation is based on recommendations from the Youth Rehabilitation and Treatment Center Special Oversight Committee, and introduced by the Health and Human Services Committee, which hopes to prioritize LB 429 as part of a legislative package relating to YRTCs. Accordingly, you have requested our timely guidance on whether the proposed legislation violates the separation of powers clause. Our response to your opinion request is set out below.

### PROPOSED LEGISLATION

As amended, LB 429 would add the following language to Neb. Rev. Stat. § 43-404 (Cum. Supp. 2020):

(2)(a) Prior to implementing any substantial changes to the facilities or programs under the jurisdiction of the Office of Juvenile Services, the Department of Health and Human Services shall notify the Legislature of such intended substantial changes. The notification shall be submitted electronically. The notification shall include a detailed summary of the proposed changes. No such substantial changes shall be implemented until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes. Legislative consideration includes the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such facilities or programs.

(b) For purposes of this subsection, substantial changes are defined as:

(i) The establishment of a new youth rehabilitation and treatment center;

(ii) The relocation of a youth rehabilitation and treatment program to another state-operated or private facility;

(iii) The establishment of a youth rehabilitation and treatment program at another state-operated or private facility; or

(iv) The closure or termination of a youth rehabilitation and treatment center, program, or facility.

### ANALYSIS

#### I. Separation of Powers Clause.

The Nebraska Constitution declares 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.

Neb. Const. art. II, § 1(1). "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 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).

## II. Neb. Rev. Stat. § 68-912(4) (2018).

The statutory provision used as the basis for LB 429—Neb. Rev. Stat. § 68-912(4) (2018)—is part of the Medical Assistance Act, Neb. Rev. Stat. §§ 68-901 to 68-9,100 (2018, Cum. Supp. 2020). This act "requires DHHS to 'administer the [Medicaid] program' and empowers it to 'adopt and promulgate rules and regulations.'" *J.S. v. Nebraska Dept. of Health and Human Services*, 306 Neb. 20, 28, 944 N.W.2d 266, 274 (2020).

Section 68-912(4) was enacted by the Legislature in 2006 as part of its ongoing Medicaid reform. 2006 Neb. Laws LB 1248, § 12. Specifically, subsection (4) states that

[e]xcept as otherwise provided in this subsection, proposed rules and regulations under this section relating to the establishment of premiums, copayments, or deductibles for eligible recipients or limits on the amount, duration, or scope of covered services for eligible recipients shall not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such rules and regulations. This subsection does not apply to rules and regulations that are (a) required by federal or state law, (b) related to a waiver in which recipient participation is voluntary, or (c) proposed due to a loss of federal matching funds relating to a particular covered service or eligibility category. Legislative consideration includes, but is not limited to, the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such rules and regulations.

"The principal objective of construing a statute is to determine and give effect to the legislative intent of the enactment." *Kuhn v. Wells Fargo Bank of Neb.*, 278 Neb. 428, 445, 771 N.W.2d 103, 118 (2009). "[T]o ascertain the intent of the Legislature, a court may examine the legislative history of the

act in question." *Goolsby v. Anderson*, 250 Neb. 306, 309, 549 N.W.2d 153, 156 (1996). Our review of the legislative history of LB 1248 indicated a general concern among many of the testifiers over the bill's shift in decision making from the Legislature to DHHS and the purported removal in the bill of legislative oversight and input. Senators Beutler and Chambers voiced concerns about ceding policymaking authority to the department during debate on general file. Senator Jensen, chair of the Health and Human Services Committee, subsequently offered an amendment that would become § 68-912(4). He described the amendment, in pertinent part, as follows:

[I]t only applies to the rules and regulations related to the establishment of premiums, copays, deductibles, or limits on the amount, duration, and scope of covered services. This is really the same as current law in Section 68-1019, subsection (4) and subsection (5). Under the amendment those rules and regulations could not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of those rules and regulations. Legislative consideration means introduction of a legislative bill, legislative resolution, or amendment to pending legislation. Certain rules and regulations are excluded . . . . The purpose is to guarantee that the Legislature has an opportunity to respond to pending rules and regulations that may propose a public policy with which the Legislature disagrees. It preserves the Legislature's policymaking prerogative, does not violate separate of powers, because it only provides for a reasonable delay in implementation of certain rules and regulations, with reasonable expectation, and is more flexible than current law.

Floor Debate on LB 1248, 99<sup>th</sup> Neb. Leg., 2<sup>nd</sup> Sess. 12938 (April 10, 2006) (Statement of Sen. Jensen) (emphasis added).

The obvious intent of § 68-912(4) is to impose a mandatory stay on proposed rules and regulations dealing with "premiums, copayments, or deductibles" or which seek to limit the covered services for eligible recipients. Certain exceptions enumerated in the statute apply. Under this provision, rules and regulations do not become effective until members of the Legislature have had an opportunity during the next legislative session to introduce a bill, resolution, or an amendment to pending legislation to address any purported issue. Under the plain language of the statute, the stay lasts until the end of the legislative session regardless of whether any legislation is pursued, or any introduced legislation is enacted.

Our research has disclosed no Nebraska cases that have construed § 68-912(4), nor are there previous opinions of this office which offer any guidance in this area. However, courts in other jurisdictions have considered the constitutionality of legislative provisions which attempt to interfere with executive rules and regulations. *E.g.*, *State ex rel. Barker v. Manchin*, 167 W. Va. 155, 279 S.E.2d 622 (1981) (Legislative rulemaking review committee with veto power over otherwise validly promulgated rules and

regulations found to violate the state's separation of powers clause.); *General Assembly of the State of New Jersey v. Byrne*, 90 N.J. 376, 378, 448 A.2d 438, 439 (1982) (Legislative veto provision violates separation of powers clause "by excessively interfering with the functions of the executive branch."); *State ex rel. Stephan v. Kansas House of Representatives*, 236 Kan. 45, 687 P.2d 622 (1984) (Provisions that allow the Legislature to reject, modify or revoke administrative rules and regulations by concurrent resolution violated separation of powers principles and constitutional presentment requirement.); *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769 (Alaska 1980) (Provisions authorizing legislature to annul regulations by concurrent resolution violated constitutional requirements for formal legislative action.). *But see Barker*, 167 W. Va. at 175, 279 S.E.2d at 634 ("This is not to say that we believe all legislative review of rule-making to be void. Legislative rule-making review has purpose and merit and may be beneficially exercised and employed when contained within its proper and constitutional sphere.").

"A statute is presumed to be constitutional, and all reasonable doubts will be resolved in favor of its constitutionality. . . . Even when a law is constitutionally suspect, a court will attempt to interpret it in a manner consistent with the Constitution." *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm.*, 251 Neb. 517, 520, 557 N.W.2d 684, 688 (1997). While we have serious concerns regarding § 68-912(4), particularly in regard to its deviation from the general rulemaking process in the Administrative Procedure Act,<sup>1</sup> we cannot say that it is clearly unconstitutional. Unlike the cases set out above, where courts held that vetoes of administrative rules by legislative committees or resolutions violated the separation of powers clause, the presentment clause, and constitutional requirements relating to formal legislative action, § 68-912(4) does not go that far. The provision *delays* the rulemaking process to allow members of the Legislature to enact legislation to remedy whatever policy shortcomings it has identified in the proposed rules and regulations. "[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 v. Steel*, 296 Neb. 581, 598, 894 N.W.2d 788, 800 (2017). "The Legislature may enact statutes to set forth the law, and it may authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, but the limitations of the power granted and the standards by which the granted powers are to be administered must be clearly and definitely stated in the authorizing act. Such standards may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available." *Davio v. Dept. of Health and Human Services*, 280 Neb. 263, 274, 786 N.W.2d 655, 665 (2010). It appears to us that so long as the Legislature passes a *bill* in accordance with constitutional requirements, any potential constitutional infirmities relating to § 68-912(4) are likely averted.

### III. Constitutionality of § 68-912(4) Language in LB 429.

We will now address your specific question as to whether the proposal violates the separation of powers clause in art II, § 1. The proposal requires a mandatory stay whenever DHHS seeks to make "substantial changes" with respect to YRTCs, including establishing a new YRTC, establishing or relocating a YRTC program to another state-operated or private facility, or closing or terminating a YRTC, program or facility. The stay would give members of the Legislature an opportunity during the next legislative session to introduce a bill, resolution, or an amendment to pending legislation relating to the proposed changes.<sup>2</sup> As in § 68-912(4), the stay would last until the end of the session.

"The legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. "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. "Thus, the core power of the legislative branch is to declare policy through enacting legislation, and the core power of the executive branch is to carry out those legislative policies with a certain degree of executive discretion." *Opinion of the Justices*, 892 So. 2d 332, 335 (Ala. 2004).

We have found no Nebraska case or cases in other jurisdictions that serve as precedent for the situation raised in your request. However, in *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm.*, 251 Neb. 517, 557 N.W.2d 684 (1997), the Nebraska Supreme Court considered whether provisions in the Whistleblower Act violated art. II, § 1, by encroaching on the executive branch's duty to remove its employees. The court held that the act's requirement to follow the findings of the Ombudsman, a legislative employee, impermissibly encroached on the executive branch's duties and prerogatives. "In short, § 81-2707(1) places the legislative branch in a position to dictate to the executive branch how the latter will treat certain executive branch employees until an evidentiary hearing is held. Thus, the Legislature not only is empowered to declare what the law is, but, through § 81-2707(1), attempts to reserve to itself the power and authority to administer and enforce the law as well. This we determine is impermissible under the Nebraska Constitution." *Id.* at 532-533, 557 N.W.2d at 695.

Courts in other jurisdictions have addressed challenges where legislative action purports to encroach on the duties and prerogatives of the executive department. *E.g.*, *Opinion of the Justices*, 162 N.H. 160, 168, 27 A.3d 859, 867 (2011) ("The grant of power in Part II, Article 41, making the Governor the 'supreme executive magistrate,' is 'something more than a verbal adornment of the office.' . . . It 'implies such power as will secure an efficient execution of the laws.'"); *State Auditor v. Joint Committee on Legislative Research*, 956 S.W.2d 228, 233 (1997) ("The legislature 'may . . . attempt to control the executive branch by passing amendatory or supplemental legislation and presenting such legislation to the governor for signature or veto, or, by the power of appropriation.' But under our constitution, the legislature may not control, supervise or manage the

execution of a law except by the language contained in the law itself."); *Colorado General Assembly v. Owens*, 136 P.3d 262, 270 (Colo. 2006) ("While the legislature certainly maintains the power to appropriate and attach various purposes and conditions to an appropriation, it cannot interfere with the administration of the funds either explicitly or implicitly by using creative language and mechanisms in the long bill that would thwart the exercise of legitimate executive authority."); *In re Opinion of the Justices to the Governor*, 369 Mass. 990, 994, 341 N.E.2d 254, 257 (1976) ("Thus to entrust the executive power of expenditure to legislative officers is to violate [the separation of powers clause] by authorizing the legislative department to exercise executive powers."); *Chaffin v. Arkansas Game and Fish Comm.*, 296 Ark. 431, 444, 757 S.W.2d 950, 957 (1988) ("An unconstitutional encroachment may not always take the form of outright invasion. A subtle coercion exercised by a powerful branch of government can effectively tie the hands of a coordinate branch. The executive authority should be free, not only from blatant usurpation of its powers, but from paralyzing interference as well. The legislature cannot hold the executive branch hostage to its will. While it can and should hold hearings and investigate at length the performance of state agencies, it cannot intrude on the prerogatives of the executive branch of government."); *Fent v. Contingency Review Board*, 163 P.3d 512, 522 (Okla. 2007) ("The power over a bill, once enacted, stands transferred by operation of law to the executive branch for spending the funds in accordance with the legislative direction. The Legislature can exercise no supervision, either **directly or indirectly**, over the manner in which appropriated funds are to be used. . . . Any extra-constitutional method by which the Legislature extends its tentacles of control over an appropriation measure beyond the time when the measure stands transformed into enacted law offends the constitutional concept of separated powers and becomes a usurpation of power." (Emphasis in original.)).

This office has previously considered the propriety of legislation that purports to interfere with or exercise power properly belonging to the executive branch. In Opinion No. 22 (February 26, 1963) (1963-64 Rep. Att'y Gen. No. 22 at 37), we considered 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, and obtain legislative consent for the acquisition of real property by the Game, Forestation and Parks Commission. Here, 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.



*Id.* at 38 (emphasis in original).

In Op. Att'y Gen. No. 53 (March 24, 1977) (1977-78 Rep. Att'y Gen. No. 53 at 77), we concluded that legislation that would require the Game and Parks Commission to obtain the approval of the Appropriations Committee for any planned expenditures from the Nebraska Outdoor Recreation Development Cash Fund was constitutionally suspect to the extent it gave the committee veto power over executive decisions. "If the construction suggested above were adopted, it would be an attempt to administer an executive function by a committee of the Legislature. . . . 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 77.

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. "The 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." *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, we concluded that the proposed amendment was constitutionally suspect: "[The amendment] would appropriate money for renovation of the . . . [b]uilding. However, after the appropriation, the Executive Board . . . 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.

Finally, in Op. Att'y Gen. No. 20-004 (February 26, 2020), we considered proposed legislation that would require the Department of Economic Development director to obtain approval of the Executive Board to increase the base authority necessary to administer certain provisions of the ImagiNE Nebraska Act. We concluded there that "the continued presence and control of the Legislature in the administration of the Act constitutes an impermissible encroachment into executive power" in violation of art. II, § 1. *Id.* at 7.

The statute at issue in LB 429, Neb. Rev. Stat. § 43-404, currently provides, in pertinent part, that "[t]here is created within the Department of Health and Human Services the Office of Juvenile Services. The office shall have oversight and control of the youth rehabilitation and treatment centers. The Administrator of the Office of Juvenile Services . . . shall be responsible for the administration of the facilities and programs of the office." (Emphasis added.) We have carefully considered whether the language in your proposal, which imposes a mandatory stay on any "substantial changes" to be made to the YRTCs, programs or facilities through the conclusion of the earliest legislative session, constitutes a violation of the separation of powers clause. In light of the authorities cited above, we believe the proposal presents a serious question as to its constitutionality. If it is the Legislature's intent to set a comprehensive public policy for the YRTCs, it must do so in substantive law, and not create a scenario where the agency is prohibited from taking any significant action with respect to these facilities and programs, presumably even in emergency situations.

### CONCLUSION

Based on the foregoing, we conclude a serious question exists as to whether LB 429, as amended, violates the separation of powers clause in Neb. Const. art. II, § 1.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-2655-29

<sup>1</sup>Neb. Rev. Stat. §§ 84-901 to 84-920 (2014, Cum. Supp. 2020).

<sup>2</sup>By way of background, this office recently issued Op. Att'y Gen. No. 20-010 (September 18, 2020), in which we addressed several questions posed by Senator Howard and others relating to the extent of DHHS's control over facilities and programs under the jurisdiction of OJS, including the YRTCs. We concluded, among other things, that no legislative amendments to Neb. Rev. Stat. § 83-305 (2014) were necessary in order for DHHS to implement its "YRTC & Youth Facilities Initial Transition Plan"; and that the proposed transfer of the Juvenile Chemical Drug Program ("JCDP") to Whitehall could proceed as scheduled, but that DHHS was prohibited from establishing a new YRTC or establishing or moving a YRTC to a new or existing state or private facility until March 30, 2021, following the completion of the planning requirements in Neb. Rev. Stat. § 43-427 (Cum. Supp. 2020).

### COMMITTEE REPORT(S)

Business and Labor

**LEGISLATIVE BILL 256.** Placed on General File.

**LEGISLATIVE BILL 260.** Placed on General File.

**LEGISLATIVE BILL 440.** Placed on General File.

(Signed) Ben Hansen, Chairperson

Judiciary

**LEGISLATIVE BILL 301.** Placed on General File with amendment.

[AM632](#)

- 1 1. Strike original section 3.
- 2 2. Renumber the remaining section and correct the repealer
- 3 3 accordingly.

**LEGISLATIVE BILL 307.** Placed on General File with amendment.

[AM273](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 43-3102, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-3102 (1) In any court proceeding, any waiver of the right to
- 6 counsel by a juvenile shall be made in open court, shall be recorded, and
- 7 shall be confirmed in a writing signed by the juvenile.
- 8 (2) A court shall not accept a juvenile's waiver of the right to
- 9 counsel unless the waiver satisfies subsection (1) of this section and is
- 10 an affirmative waiver that is made intelligently, voluntarily, and
- 11 understandingly. In determining whether such waiver was made
- 12 intelligently, voluntarily, and understandingly, the court shall
- 13 consider, among other things: (a) The age, intelligence, and education of
- 14 the juvenile, (b) the juvenile's emotional stability, and (c) the
- 15 complexity of the proceedings.
- 16 (3) If the court accepts the juvenile's waiver of counsel, the court
- 17 order and any probation order shall affirmatively show that the juvenile
- 18 cannot be removed from the home or detained outside the home by the court
- 19 on the adjudicated petition. This shall apply:
- 20 (a) To any period between adjudication and disposition;

21 ~~(b) To any period of probation; or~~  
 22 ~~(c) In response to an alleged violation of probation on the~~  
 23 ~~adjudicated petition.~~  
 24 ~~(4) On or before July 1, 2022, the Supreme Court shall provide, by~~  
 25 ~~court rule, a process to ensure that juveniles are provided the~~  
 26 ~~opportunity to consult with counsel to assist the juvenile in making the~~  
 27 ~~decision to waive counsel.~~  
 1 ~~(5) (3) The court shall ensure that a juvenile represented by an~~  
 2 ~~attorney consults with his or her attorney before any waiver of counsel.~~  
 3 ~~(6) (4) No parent, guardian, custodian, or other person may waive~~  
 4 ~~the juvenile's right to counsel.~~  
 5 ~~(7) (5) A juvenile's right to be represented by counsel may not be~~  
 6 ~~waived in the following circumstances:~~  
 7 ~~(a) If the juvenile is under the age of fourteen;~~  
 8 ~~(b) For a detention hearing;~~  
 9 ~~(c) For any dispositional hearing where out-of-home placement is~~  
 10 ~~sought; or~~  
 11 ~~(d) If there is a motion to transfer the juvenile from juvenile~~  
 12 ~~court to county court or district court; or~~  
 13 ~~(e) For any adjudication on a juvenile petition that may be used~~  
 14 ~~later to enhance or sustain a criminal conviction in an adult proceeding.~~  
 15 Sec. 2. Original section 43-3102, Reissue Revised Statutes of  
 16 Nebraska, is repealed.

**LEGISLATIVE BILL 357.** Placed on General File with amendment.

AM54

1 1. On page 2, strike lines 2 through 8 and insert the following new  
 2 subdivisions:  
 3 "(a) Child means any child placed in a:  
 4 (i) Foster family home;  
 5 (ii) Child-care institution through a court proceeding under  
 6 subdivision (3)(a) of section 43-247; or  
 7 (iii) Youth rehabilitation and treatment center through a court  
 8 proceeding under subdivision (1) or (2) of section 43-247;  
 9 (b) Child-care institution has the same meaning as in 42 U.S.C.  
 10 672(c), as such section existed on January 1, 2021, and includes a  
 11 residential child-caring agency as defined in section 71-1926;  
 12 (c) Department means the Department of Health and Human Services;  
 13 and"; and in line 29 strike "to ensure".  
 14 2. On page 3, strike beginning with "attorneys" in line 10 through  
 15 the first comma in line 11; and strike lines 26 and 27 and insert the  
 16 following new subdivision:  
 17 "(i) As required by section 43-272, each child is appointed a  
 18 guardian ad litem to advocate for the interests of such child or  
 19 appointed legal counsel to protect the interests of such child."  
 20 3. On page 4, line 5, after "child" insert "and a Youth Court  
 21 Questionnaire, when applicable,"; and strike lines 8 and 9 and insert the  
 22 following new subdivision:  
 23 "(m) Each child is provided the information described in this  
 24 section in such child's primary language and is provided information in  
 25 such language as required by federal law."  
 26 4. On page 5, line 17, strike "the" and insert "a"; and in line 26,  
 27 strike "a" and insert "the".  
 1 5. On page 6, line 10, after "meetings" insert "or at home visits";  
 2 strike beginning with "Each" in line 28 through the period in line 29;  
 3 and in line 31 strike "when the caseworker provides such copy".  
 4 6. On page 7, line 5, after "hearing" insert "at which the child is  
 5 present".

**LEGISLATIVE BILL 500.** Placed on General File with amendment.[AM633](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 29-1301, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 29-1301 All criminal cases shall be tried in the county where the  
 6 offense was committed, except as otherwise provided in section 25-412.03  
 7 or sections 29-1301.01 to 29-1301.03 and section 2 of this act, or unless  
 8 it shall appear to the court by affidavits that a fair and impartial  
 9 trial cannot be had therein. In such case the court, upon motion of the  
 10 defendant, shall transfer the proceeding to any other district or county  
 11 in the state as determined by the court.  
 12 Sec. 2. (1) If a person uses an electronic communication device to  
 13 commit any element of an offense, such person may be tried in the county  
 14 where the electronic communication was initiated or where the electronic  
 15 communication was received.  
 16 (2) For purposes of this section:  
 17 (a) Electronic communication has the same meaning as in section  
 18 28-1310; and  
 19 (b) Electronic communication device has the same meaning as in  
 20 section 28-833.  
 21 Sec. 3. Original section 29-1301, Reissue Revised Statutes of  
 22 Nebraska, is repealed.

**LEGISLATIVE BILL 568.** Placed on General File with amendment.[AM264](#)

1 1. On page 33, line 28, strike the new matter; and in line 29  
 2 reinstate the stricken matter and after "dollars" insert "each fiscal  
 3 year through fiscal year 2022-23 and eight million five hundred thousand  
 4 dollars for fiscal year 2023-24 and each fiscal year thereafter".

(Signed) Steve Lathrop, Chairperson

Natural Resources

**LEGISLATIVE BILL 336.** Placed on General File with amendment.[AM380](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 37-438, Revised Statutes Cumulative Supplement,  
 4 2020, is amended to read:  
 5 37-438 (1) The commission shall devise annual, temporary, and  
 6 disabled veteran permits.  
 7 (2) The annual permit may be purchased by any person and shall be  
 8 valid through December 31 in the year for which the permit is issued. The  
 9 fee for the annual permit for a resident motor vehicle shall be not more  
 10 than thirty-five dollars per permit. The fee for the annual permit for a  
 11 nonresident motor vehicle shall ~~not be two times less than~~ the fee for a  
 12 resident motor vehicle ~~or sixty and not more than sixty-five dollars,~~  
 13 whichever is greater. The commission shall establish such fees by the  
 14 adoption and promulgation of rules and regulations.  
 15 (3) A temporary permit may be purchased by any person and shall be  
 16 valid until noon of the day following the date of issue. The fee for the  
 17 temporary permit for a resident motor vehicle shall be not more than  
 18 seven dollars. The fee for the temporary permit for a nonresident motor  
 19 vehicle shall be ~~two times the fee for a resident motor vehicle or not~~  
 20 ~~more than~~ twelve dollars, whichever is greater. 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) The commission may offer permits or combinations of permits at  
 14 temporarily reduced rates for specific events or during specified  
 15 timeframes.  
 16 Sec. 2. Original section 37-438, Revised Statutes Cumulative  
 17 Supplement, 2020, is repealed.

**LEGISLATIVE BILL 650.** Placed on General File with amendment.

[AM548](#)

1 1. Insert the following new section:  
 2 Sec. 25. If any section in this act or any part of any section is  
 3 declared invalid or unconstitutional, the declaration shall not affect  
 4 the validity or constitutionality of the remaining portions.  
 5 2. On page 2, line 22, after "of" insert "storage facility" and  
 6 strike "to be used within the storage facility".  
 7 3. On page 3, line 6, after "commission" insert "under the Nebraska  
 8 Geologic Storage of Carbon Dioxide Act".  
 9 4. On page 5, line 23, after the semicolon insert "and"; strike  
 10 lines 24 through 26; and in line 27 strike "(7)" and insert "(6)".  
 11 5. On page 9, line 13, strike "or"; in line 18 strike the period and  
 12 insert "; or"; and after line 18 insert the following new subdivision:  
 13 "(3) Amend or alter any statute, rule, or regulation in effect on  
 14 the effective date of this act which relates to the commission's  
 15 authority to regulate operations to increase ultimate recovery from a  
 16 pool as defined in section 57-903, including, but not limited to, the  
 17 introduction of carbon dioxide into a pool.".  
 18 6. On page 13, line 28, after "a" insert "storage".

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 14.** Placed on Select File with amendment.

[ER20](#)

1 1. On page 1, line 5, after the first semicolon insert "to change  
 2 provisions of the Uniform Credentialing Act, the Audiology and Speech-  
 3 Language Pathology Practice Act, and the Hearing Instrument Specialists  
 4 Practice Act as prescribed;".

**LEGISLATIVE BILL 400.** Placed on Select File.

**LEGISLATIVE BILL 389.** Placed on Select File with amendment.

[ER19](#)

1 1. On page 3, line 12, after "U.S.C." insert "chapters".

**LEGISLATIVE BILL 274.** Placed on Select File with amendment.

[ER18](#)

1 1. On page 1, strike lines 2 through 6 and insert "sections 53-101,  
2 53-103, 53-123, 53-123.04, 53-123.11, 53-123.14, 53-123.16, 53-124,  
3 53-124.13, and 53-134, Revised Statutes Cumulative Supplement, 2020; to  
4 define terms; to provide for a gallonage tax; to authorize ready-to-drink  
5 cocktails as prescribed; to provide for a promotional farmers market  
6 special designated license; to provide for a fee; to provide for a  
7 permit; to provide powers and duties; to harmonize provisions; to repeal  
8 the original sections; and to declare an emergency."

**LEGISLATIVE BILL 368.** Placed on Select File.

**LEGISLATIVE BILL 387.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 63.** Placed on General File.

**LEGISLATIVE BILL 189.** Placed on General File.

**LEGISLATIVE BILL 254.** Placed on General File.

**LEGISLATIVE BILL 377.** Placed on General File.

**LEGISLATIVE BILL 544.** Placed on General File.

**LEGISLATIVE BILL 599.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

### ANNOUNCEMENT(S)

Priority designation(s) received:

Lathrop - LB54

Judiciary - LB51

Judiciary - LB568

Clements - LB236

McCullister - LB108

Day - LB639

Briese - LB2

DeBoer - LB485

Wishart - LB474

Bostar - LB630

Natural Resources - LB399

Bostelman - LB338  
 Transportation and Telecommunications - LB215  
 Transportation and Telecommunications - LB522  
 Friesen - LB454  
 Pansing Brooks - LB307  
 Revenue - LB432  
 Revenue - LB595  
 Executive Board - LR18CA  
 Executive Board - LR25  
 Vargas - LB241  
 McKinney - LB451  
 Legislature's Planning - LB132  
 State Tribal Relations - LB185  
 M. Cavanaugh - LR29

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 60.** Introduced by Brewer, 43.

WHEREAS, the United States Army K9 Corps was formed on March 13, 1942; and

WHEREAS, military working dogs are a vital asset to the health and safety of United States military members; and

WHEREAS, military dogs serve bravely to protect the United States and its interests; and

WHEREAS, March 13 is nationally recognized as K9 Veterans Day.

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

1. That the Legislature thanks and recognizes the service of military working dogs.

2. That the Legislature recognizes March 13 as K9 Veterans Day.

Laid over.

### ANNOUNCEMENT(S)

Priority designation(s) received:

Brandt - LB306  
 McDonnell - LB298

### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 5.** Placed on General File.

**LEGISLATIVE BILL 154.** Placed on General File.

**LEGISLATIVE BILL 200.** Placed on General File.

**LEGISLATIVE BILL 396.** Placed on General File.



**LEGISLATIVE BILL 641.** Placed on General File.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 40.** Placed on General File with amendment.

[AM575](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Sections 1 to 24 of this act shall be known and may be  
4 cited as the Nebraska Rural Projects Act.  
5 Sec. 2. For purposes of the Nebraska Rural Projects Act, the  
6 definitions found in sections 3 to 13 of this act shall be used.  
7 Sec. 3. Applicant means a nonprofit economic development  
8 corporation.  
9 Sec. 4. Applicant resources means:  
10 (1) Dollars donated to the applicant specifically for the project by  
11 any combination of one or more of the following:  
12 (a) An individual;  
13 (b) An organization that is exempt from income tax under section  
14 501(c) of the Internal Revenue Code; or  
15 (c) Any nongovernmental organization; and  
16 (2) Any direct or indirect funding for the project from any federal,  
17 state, or local government, excluding any matching funds received  
18 pursuant to the Nebraska Rural Projects Act.  
19 Sec. 5. Date of application means the date that a completed  
20 application is filed under the Nebraska Rural Projects Act.  
21 Sec. 6. Director means the Director of Economic Development.  
22 Sec. 7. Investment means the amount paid by the applicant for the  
23 project. The term includes any applicant resources received by the  
24 applicant for the project. The term does not include any matching funds  
25 received by the applicant under the Nebraska Rural Projects Act.  
26 Sec. 8. Matching funds means the funds provided by the State of  
27 Nebraska pursuant to section 17 of this act.  
1 Sec. 9. Project means expenses incurred or to be incurred at one  
2 qualified location for site acquisition and preparation, utility  
3 extensions, and rail spur construction for the development of a new  
4 industrial rail access business park, including any such expenses  
5 incurred to assist an initial tenant at such business park that conducts  
6 business in the manufacturing, processing, distribution, or transloading  
7 trades.  
8 Sec. 10. Qualified location means a location within a county in  
9 this state that has a population of less than one hundred thousand  
10 inhabitants.  
11 Sec. 11. Related entity means any entity which is a subsidiary or  
12 affiliated entity of the applicant or which has, as one of its purposes  
13 for existence, the financial support of the applicant.  
14 Sec. 12. Transformational period means the period of time from the  
15 date of application through the end of the tenth year after the year in  
16 which the complete application was filed with the director.  
17 Sec. 13. Year means the fiscal year of the State of Nebraska.  
18 Sec. 14. (1) In order to be eligible to receive the matching funds  
19 allowed in the Nebraska Rural Projects Act, the applicant shall file an  
20 application with the director, on a form developed by the director,  
21 requesting an agreement.  
22 (2) The application shall:

23 (a) Identify the project, including the qualified location of such  
24 project;  
25 (b) State the estimated, projected amount of total new investment at  
26 the project, including the estimated, projected amount of applicant  
27 resources;  
28 (c) 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 (d) Contain a nonrefundable application fee of one thousand dollars.  
1 The director shall collect all application fees and shall remit the fees  
2 to the State Treasurer for credit to the Nebraska Rural Projects Fund.  
3 (3) An application must be complete to establish the date of  
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 Rural Projects Act, the director shall approve the application.  
9 (5) There shall be no new applications filed under this section  
10 after June 30, 2023. Any complete application filed on or before June 30,  
11 2023, shall be considered by the director and approved if the location  
12 and applicant qualify for approval. Agreements may be executed with  
13 regard to any complete application filed on or before June 30, 2023.  
14 Sec. 15. (1) Within ninety days after approval of the application,  
15 the director shall prepare and deliver a written agreement to the  
16 applicant for the applicant's signature. The applicant and the director,  
17 on behalf of the State of Nebraska, shall enter into such written  
18 agreement. Under the agreement, the applicant shall agree to undertake  
19 the project and report all investment at the project to the director  
20 annually. The director, on behalf of the State of Nebraska, shall agree  
21 to allow the applicant to receive the matching funds allowed in the  
22 Nebraska Rural Projects Act, subject to appropriation of such funds by  
23 the Legislature. The application, and all supporting documentation, to  
24 the extent approved, shall be considered a part of the agreement. The  
25 agreement shall state:  
26 (a) The qualified location;  
27 (b) The total amount of matching funds approved for the project;  
28 (c) The type of documentation the applicant will need to document  
29 its receipt of applicant resources and all other investment made under  
30 the act;  
31 (d) The date of application;  
1 (e) A requirement that any access to the primary rail carrier, land  
2 purchase option, or zoning approval needed to carry out the project will  
3 be secured;  
4 (f) A requirement that the applicant be and will stay registered for  
5 the E-Verify Program provided by the United States Citizenship and  
6 Immigration Services for the duration of the project;  
7 (g) A requirement that the applicant provide any information needed  
8 by the director to perform his or her responsibilities under the Nebraska  
9 Rural Projects Act, in the manner specified by the director;  
10 (h) A requirement that the applicant provide an annually updated  
11 timetable showing the applicant resources donated and received and all  
12 other investment at the project, in the manner specified by the director;  
13 and  
14 (i) A requirement that the applicant update the director annually,  
15 with its timetable or in the manner specified by the director, on any  
16 changes in plans or circumstances which it reasonably expects will affect  
17 the applicant resources or any other investment for the project.  
18 (2) Any failure by the applicant to timely provide the updates or  
19 information required by the director or the act may result in the loss of  
20 the right to receive matching funds or, at the discretion of the

21 director, result in the deferral of matching fund disbursements until  
22 such updates and information have been provided to the director by the  
23 applicant.  
24 (3) The applicant shall provide documentation to the director  
25 validating the receipt of applicant resources but is not required to  
26 disclose the names of any private donors.  
27 (4) An agreement under the Nebraska Rural Projects Act shall have a  
28 duration of no more than ten years after the date of application,  
29 consisting of up to the ten years of the transformational period, except  
30 that such agreement shall remain effective until all matching fund  
31 payments that are allowed under the act have been received.  
1 Sec. 16. The following transactions or activities shall not create  
2 investment under the Nebraska Rural Projects Act except as specifically  
3 allowed by this section:  
4 (1) The renegotiation of any private donor commitment in existence  
5 before the date of application, except to the extent of additional  
6 donation commitments;  
7 (2) The purchase of any property which was previously owned by the  
8 applicant or a related entity. The first purchase by either the applicant  
9 or a related entity shall be treated as investment if the item was first  
10 placed in service in the state after the date of application;  
11 (3) The renegotiation of any agreement in existence on the date of  
12 application which does not materially change any of the material terms of  
13 the agreement shall be presumed to be a transaction entered into for the  
14 purpose of facilitating benefits under the act and shall not be allowed  
15 in the calculation of investment under the act; and  
16 (4) Any purchase of property from a related entity, except that the  
17 applicant will be considered to have made investment under the act to the  
18 extent the related entity would have been considered to have made  
19 investment on the purchase of the property if the related entity was  
20 considered the applicant.  
21 Sec. 17. (1) Subject to section 19 of this act, an applicant shall  
22 be entitled to receive matching funds from the State of Nebraska as  
23 follows:  
24 (a) For any amount of investment up to two million five hundred  
25 thousand dollars made by the applicant by the end of the transformational  
26 period, the applicant shall be entitled to receive two dollars of  
27 matching funds for each such dollar of investment; and  
28 (b) For any amount of investment in excess of two million five  
29 hundred thousand dollars made by the applicant by the end of the  
30 transformational period, the applicant shall be entitled to receive five  
31 dollars of matching funds for each such dollar of investment.  
1 (2) Subject to section 19 of this act, the state shall pay the  
2 available matching funds to the applicant on an annual basis.  
3 Sec. 18. (1) The right to matching funds prescribed in section 17  
4 of this act shall be established by filing the forms required by the  
5 director. Such forms shall be filed by the applicant on an annual basis  
6 and shall be used by the director to determine the amount of matching  
7 funds to be paid to the applicant each year. The matching funds may only  
8 be used by the applicant to pay for the project or to pay off debt  
9 financing related to the project.  
10 (2) Interest at the rate specified in section 45-104.02, as such  
11 rate may from time to time be adjusted, shall be due by the applicant on  
12 any repayment of matching funds required under the Nebraska Rural  
13 Projects Act.  
14 (3) All interpretations of the Nebraska Rural Projects Act shall be  
15 made by the director.  
16 (4) An audit of a project shall be made by the director to the  
17 extent and in the manner determined by the director. The director may  
18 recover any matching funds which were erroneously allowed by issuing a

19 repayment determination within the later of three years from the date the  
 20 matching funds were paid or three years after the end of the  
 21 transformational period.

22 (5) Any determination by the director that the applicant does not  
 23 qualify, that a location is not a qualified location, that a project does  
 24 not qualify, that investment does not qualify, or that matching funds  
 25 must be repaid may be protested by the applicant to the director within  
 26 sixty days after the mailing to the applicant of the written notice of  
 27 the proposed determination by the director. If the notice of proposed  
 28 determination is not protested in writing by the applicant within the  
 29 sixty-day period, the proposed determination is a final determination. If  
 30 the notice is protested, the director, after a formal hearing by the  
 31 director or by an independent hearing officer appointed by the director,  
 1 if requested by the applicant in such protest, shall issue a written  
 2 order resolving such protest.

3 Sec. 19. (1) The right to receive matching funds under the Nebraska  
 4 Rural Projects Act:

5 (a) Shall be subject to the limitations on matching funds provided  
 6 in subsections (2) through (4) of this section and any other limitations  
 7 provided in the act;

8 (b) Shall be subject to funds being appropriated by the Legislature;  
 9 and

10 (c) Shall not be transferable.

11 (2) No more than fifty million dollars of matching funds shall be  
 12 paid in total under the Nebraska Rural Projects Act.

13 (3) No more than thirty million dollars of matching funds shall be  
 14 paid for any one project.

15 (4) An applicant shall not receive more matching funds than the  
 16 amount of matching funds approved under the applicant's agreement.

17 (5) For any year in which more than one applicant qualifies for  
 18 matching funds, the applicant with the earlier date of application shall  
 19 receive the full amount of matching funds to which he or she is entitled  
 20 before any matching funds may be paid to the applicant with the later  
 21 date of application. If an applicant cannot be paid in full in any given  
 22 year, then the matching funds shall be paid in later years until fully  
 23 funded, subject to the limitations provided in this section.

24 (6) It is the intent of the Legislature that all matching funds owed  
 25 to applicants under agreements signed pursuant to the Nebraska Rural  
 26 Projects Act shall be paid by the state in full if the applicant has met  
 27 all requirements for such funds.

28 (7) It is further the intent of the Legislature to appropriate five  
 29 million dollars for fiscal year 2021-22 and five million dollars for  
 30 fiscal year 2022-23 to the Department of Economic Development for  
 31 purposes of carrying out the Nebraska Rural Projects Act.

1 Sec. 20. Any complete application shall be considered a valid  
 2 application on the date submitted for the purposes of the Nebraska Rural  
 3 Projects Act.

4 Sec. 21. (1) An applicant may sell all or any part of the project  
 5 authorized by the Nebraska Rural Projects Act or the land on which such  
 6 project is situated to a person who is seeking to establish a business at  
 7 the site of such project if the sale is approved by the director.

8 (2) The director shall approve a sale under this section if the  
 9 director finds that the sale furthers the goals of the project and the  
 10 Nebraska Rural Projects Act.

11 (3) Any sale under this section shall not affect any matching funds  
 12 already granted to the applicant and shall not disqualify the applicant  
 13 from receiving matching funds after the sale.

14 Sec. 22. (1) No later than October 1, 2022, and no later than  
 15 October 1 of each year thereafter, the director shall submit  
 16 electronically an annual report for the previous fiscal year to the

17 Legislature. The report shall be on a fiscal year, accrual basis that  
 18 satisfies the requirements set by the Governmental Accounting Standards  
 19 Board. The director shall, on or before December 15, 2022, and on or  
 20 before December 15 of each year thereafter, appear at a joint hearing of  
 21 the Appropriations Committee of the Legislature and the Revenue Committee  
 22 of the Legislature and present the report. Any supplemental information  
 23 requested by three or more committee members shall be presented within  
 24 thirty days after the request.  
 25 (2) The report shall state (a) the total amount of matching funds  
 26 paid by the State of Nebraska, (b) the expected amount of matching funds  
 27 still to be paid by the State of Nebraska, and (c) the total investment  
 28 made by the applicants.  
 29 (3) The report shall provide an explanation of the audit and review  
 30 processes of the Department of Economic Development in approving and  
 31 rejecting the provision of matching funds and in enforcing matching funds  
 1 repayment.  
 2 (4) No information shall be provided in the report or in  
 3 supplemental information that is protected by state or federal  
 4 confidentiality laws. The identity of private donors shall not be  
 5 included in the report.  
 6 Sec. 23. The director may adopt and promulgate all procedures and  
 7 rules and regulations necessary to carry out the purposes of the Nebraska  
 8 Rural Projects Act.  
 9 Sec. 24. (1) The Nebraska Rural Projects Fund is hereby created.  
 10 The fund shall receive money from application fees paid under the  
 11 Nebraska Rural Projects Act and from appropriations from the Legislature,  
 12 grants, private contributions, repayments of matching funds, and all  
 13 other sources. Any money in the 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 (2) Distributions of matching funds shall only be made from the fund  
 17 in amounts determined pursuant to subsection (1) of section 17 of this  
 18 act.

(Signed) Lou Ann Linehan, Chairperson

#### **ANNOUNCEMENT(S)**

Priority designation(s) received:

Health and Human Services - LB428  
 Health and Human Services - LB376

#### **ANNOUNCEMENT**

Senator Albrecht announced the State-Tribal Relations Committee will hold an executive session Monday, March 15, 2021, at 10:30 a.m., in Room 2022.

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

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

Senator Clements name added to LB188.

Senator Albrecht name added to LB236.

Senator Hunt name added to LB322.

Senator Flood name added to LB392.

### **ADJOURNMENT**

At 10:06 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 10:00 a.m., Monday, March 15, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-THIRD DAY - MARCH 15, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 15, 2021

**PRAYER**

The prayer was offered by Senator McCollister.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brewer.

**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 Bostar, Pansing Brooks, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 630.** Placed on General File with amendment.

[AM376](#)

1 1. On page 2, line 1, after "Education" insert ", in consultation  
2 with the University of Nebraska."

**LEGISLATIVE BILL 639.** Placed on General File with amendment.

[AM541](#)

1 1. On page 2, strike line 8 and insert "thereafter, each approved or  
2 accredited public, private,"  
3 2. On page 3, line 24, strike "In" and insert "Beginning with school  
4 year 2022-23, in"; and in line 27 after "materials" insert "at least once  
5 in every two school years".

(Signed) Lynne Walz, 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.

Dennis Roop - Stem Cell Research Advisory Committee

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., 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.

David Owens - Stem Cell Research Advisory Committee

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Arch, Chairperson

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

Senator Williams filed the following amendment to LB22:

AM610

- 1 1. On page 8, line 4, strike "this subsection" and insert
- 2 "subdivision (1)(a) of this section".
- 3 2. On page 9, line 4, strike "this subsection" and insert "the
- 4 Nebraska Protection in Annuity Transactions Act".
- 5 3. On page 18, line 11, strike "section" and insert "subsection".

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 198.** Placed on General File with amendment.

AM645

- 1 1. On page 5, strike lines 29 and 30 and insert "from any: (a)
- 2 Approved or accredited public, private, denominational, or parochial
- 3 school or (b) postsecondary institution that has been accredited by an
- 4 accrediting agency recognized by the United States Department of
- 5 Education".

**LEGISLATIVE BILL 281.** Placed on General File with amendment.

AM298

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. (1) The Legislature finds and declares that when a child



4 is a victim of sexual abuse, his or her ability to learn suffers. The  
 5 Legislature further finds that at least thirty-seven states in the United  
 6 States have instituted preventative education programs to help reduce the  
 7 risk of child sexual abuse.  
 8 (2) Therefore, the Legislature finds and declares that each school  
 9 district shall adopt a child sexual abuse prevention program for students  
 10 in kindergarten through grade twelve for implementation beginning in  
 11 school year 2022-23.  
 12 (3) School districts shall include in the program:  
 13 (a) A minimum of four instructional sessions per school year, with  
 14 each year's instruction building on the previous year's instruction;  
 15 (b) Evidence-based, age-appropriate curriculum, including role-  
 16 playing, discussion, activities, and books to educate students regarding  
 17 body safety that includes child sexual abuse prevention;  
 18 (c) Instruction providing students with the knowledge and tools to  
 19 communicate incidents of potential and actual sexual abuse;  
 20 (d) Instruction regarding safe touch, unsafe touch, safe secrets,  
 21 and unsafe secrets and how to escape and report a sexual abuse situation;  
 22 (e) Techniques to recognize child sexual abuse, skills to reduce  
 23 vulnerability, and encouragement to report child sexual abuse;  
 24 (f) A professional training component for administrators, teachers,  
 25 and other school personnel regarding communicating child sexual abuse  
 26 prevention techniques to students, effects of child sexual abuse on  
 27 children, receiving child sexual abuse reports and disclosures, and  
 1 mandated reporting; and  
 2 (g) A parental involvement component to inform parents about  
 3 preventative child sexual abuse topics, including characteristics of  
 4 offenders, grooming as defined in section 79-879, and how to discuss  
 5 child sexual abuse prevention with children.  
 6 (4) Funding for curriculum to implement subsections (2) and (3) of  
 7 this section shall be from money available under the federal Every  
 8 Student Succeeds Act, 20 U.S.C. 6301 et seq., as the act existed on  
 9 January 1, 2021.  
 10 (5) Each school district shall review its preventative education  
 11 program every two years and preserve a report of its findings.  
 12 Sec. 2. The training required under subdivision (3)(f) of section 1  
 13 of this act for the child sexual abuse prevention program shall be  
 14 provided within the framework of existing training programs offered by  
 15 the State Department of Education. The department shall also develop a  
 16 list of approved training materials for the program. The department may  
 17 adopt and promulgate rules and regulations to carry out this section.

(Signed) Lynne Walz, Chairperson

Health and Human Services

**LEGISLATIVE BILL 296.** Placed on General File.

**LEGISLATIVE BILL 325.** Placed on General File with amendment.  
[AM527](#) is available in the Bill Room.

**LEGISLATIVE BILL 390.** Placed on General File with amendment.  
[AM447](#)

1 1. On page 4, line 31, strike beginning with the first "who" through  
 2 "and".  
 3 2. On page 5, line 4, after "The" insert "department, with the  
 4 recommendation of the" and after "credential" insert an underscored  
 5 comma; in line 9 after "of" insert "subsections (3) and (4) of" and after

6 "section" insert "and section 38-129"; in line 27 after "revocation"  
 7 insert "or any other disciplinary action"; and in line 29 after "conduct"  
 8 insert "or any other conduct which would be subject to section 38-178 if  
 9 the conduct occurred in Nebraska".  
 10 3. On page 6, line 1, strike "license the credential holder" and  
 11 insert "credential the applicant"; after line 8 insert the following new  
 12 subsection:  
 13 "(4) An applicant who obtains a credential upon compliance with  
 14 subsections (2) and (3) of this section shall establish residency in  
 15 Nebraska within one hundred eighty days after the issuance of the  
 16 credential and shall provide proof of residency in a manner and within  
 17 the time period required by the department. The department shall  
 18 automatically revoke the credential of any credential holder who fails to  
 19 comply with this subsection."; in line 9 strike "(4)" and insert "(5)";  
 20 in line 12 after "revoked" insert ", subject to any other disciplinary  
 21 action."; in line 13 after "investigation" insert "in any jurisdiction";  
 22 in lines 13 and 16 after "conduct" insert "or any other conduct which  
 23 would be subject to section 38-178 if the conduct occurred in Nebraska";  
 24 in lines 13 and 14 strike "in any jurisdiction"; in line 22 strike "(5)"  
 25 and insert "(6)"; and strike lines 26 through 31 and insert the following  
 26 new subsection:  
 27 "(7) This section applies to credentials for:  
 1 (a) Professions governed by the Advanced Practice Registered Nurse  
 2 Practice Act, the Certified Nurse Midwifery Practice Act, the Certified  
 3 Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist  
 4 Practice Act, the Dentistry Practice Act, the Dialysis Patient Care  
 5 Technician Registration Act, the Emergency Medical Services Practice Act,  
 6 the Medical Nutrition Therapy Practice Act, the Medical Radiography  
 7 Practice Act, the Nurse Practitioner Practice Act, the Optometry Practice  
 8 Act, the Perfusion Practice Act, the Pharmacy Practice Act, the Podiatry  
 9 Practice Act, the Psychology Practice Act, and the Surgical First  
 10 Assistant Practice Act; and  
 11 (b) Physician assistants and acupuncturists credentialed pursuant to  
 12 the Medicine and Surgery Practice Act.".  
 13 4. On page 7, strike line 1.

**LEGISLATIVE BILL 437.** Placed on General File with amendment.

AM665

1 1. On page 8, line 16, strike "person, including vendors and  
 2 providers", show as stricken, and insert "recipient"; in line 17 strike  
 3 the first comma and show as stricken; and in line 30 after "(2)" insert  
 4 "Any vendor or provider of medical assistance or social services who, by  
 5 means of a willfully false statement or representation, or by  
 6 impersonation or other device, obtains or attempts to obtain, or aids or  
 7 abets any person to obtain or to attempt to obtain (a) an assistance  
 8 certificate of award to which he or she is not entitled, (b) any  
 9 commodity, any foodstuff, any food instrument, any Supplemental Nutrition  
 10 Assistance Program benefit or electronic benefit card, or any payment to  
 11 which such individual is not entitled or a larger payment than that to  
 12 which he or she is entitled, (c) any payment made on behalf of a  
 13 recipient of medical assistance or social services, or (d) any other  
 14 benefit administered by the Department of Health and Human Services, or  
 15 who violates any statutory provision relating to assistance to the aged,  
 16 blind, or disabled, aid to dependent children, social services, or  
 17 medical assistance, commits an offense.  
 18 (3) Any person who commits an offense under subsection (1) of this  
 19 section shall upon conviction be punished as follows: (a) If the  
 20 aggregate value of all funds or other benefits obtained or attempted to  
 21 be obtained is five hundred dollars or less, the person so convicted  
 22 shall be guilty of a Class IV misdemeanor; (b) if the aggregate value of

23 all funds or other benefits obtained or attempted to be obtained is more  
 24 than five hundred dollars but less than one thousand five hundred  
 25 dollars, the person so convicted shall be guilty of a Class III  
 26 misdemeanor; or (c) if the aggregate value of all funds and other  
 27 benefits obtained or attempted to be obtained is one thousand five  
 1 hundred dollars or more, the person so convicted shall be guilty of a  
 2 Class IV felony.  
 3 (4)" and strike "(1)", show as stricken, and insert "(2)".

(Signed) John Arch, Chairperson

Revenue

**LEGISLATIVE BILL 39.** Placed on General File with amendment.  
[AM582](#) is available in the Bill Room.

**LEGISLATIVE BILL 64.** Placed on General File with amendment.  
[AM473](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 77-2716, Revised Statutes Cumulative Supplement,  
 4 2020, is 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) For taxable years beginning or deemed to begin on or after  
31 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
1 federal adjusted gross income shall be reduced, to the extent included in  
2 the adjusted gross income of an individual, by the amount of any  
3 contribution made by the individual's employer into an account under the  
4 Nebraska educational savings plan trust owned by the individual, not to  
5 exceed five thousand dollars per married filing separate return or ten  
6 thousand dollars for any other return.

7 (d) Federal adjusted gross income or, for corporations and  
8 fiduciaries, federal taxable income shall be increased by:

9 (i) The amount resulting from the cancellation of a participation  
10 agreement refunded to the taxpayer as a participant in the Nebraska  
11 educational savings plan trust to the extent previously deducted under  
12 subdivision (8)(b) of this section; and

13 (ii) The amount of any withdrawals by the owner of an account  
14 established under the achieving a better life experience program as  
15 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the  
16 extent previously deducted under subdivision (8)(b) of this section.

17 (9)(a) For income tax returns filed after September 10, 2001, for  
18 taxable years beginning or deemed to begin before January 1, 2006, under  
19 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
20 income or, for corporations and fiduciaries, federal taxable income shall  
21 be increased by eighty-five percent of any amount of any federal bonus  
22 depreciation received under the federal Job Creation and Worker  
23 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
24 under section 168(k) or section 1400L of the Internal Revenue Code of  
25 1986, as amended, for assets placed in service after September 10, 2001,  
26 and before December 31, 2005.

27 (b) For a partnership, limited liability company, cooperative,  
28 including any cooperative exempt from income taxes under section 521 of  
29 the Internal Revenue Code of 1986, as amended, limited cooperative  
30 association, subchapter S corporation, or joint venture, the increase  
31 shall be distributed to the partners, members, shareholders, patrons, or  
1 beneficiaries in the same manner as income is distributed for use against  
2 their income tax liabilities.

3 (c) For a corporation with a unitary business having activity both  
4 inside and outside the state, the increase shall be apportioned to  
5 Nebraska in the same manner as income is apportioned to the state by  
6 section 77-2734.05.

7 (d) The amount of bonus depreciation added to federal adjusted gross  
8 income or, for corporations and fiduciaries, federal taxable income by  
9 this subsection shall be subtracted in a later taxable year. Twenty

10 percent of the total amount of bonus depreciation added back by this  
11 subsection for tax years beginning or deemed to begin before January 1,  
12 2003, under the Internal Revenue Code of 1986, as amended, may be  
13 subtracted in the first taxable year beginning or deemed to begin on or  
14 after January 1, 2005, under the Internal Revenue Code of 1986, as  
15 amended, and twenty percent in each of the next four following taxable  
16 years. Twenty percent of the total amount of bonus depreciation added  
17 back by this subsection for tax years beginning or deemed to begin on or  
18 after January 1, 2003, may be subtracted in the first taxable year  
19 beginning or deemed to begin on or after January 1, 2006, under the  
20 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
21 the next four following taxable years.

22 (10) For taxable years beginning or deemed to begin on or after  
23 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
24 Code of 1986, as amended, federal adjusted gross income or, for  
25 corporations and fiduciaries, federal taxable income shall be increased  
26 by the amount of any capital investment that is expensed under section  
27 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
28 of twenty-five thousand dollars that is allowed under the federal Jobs  
29 and Growth Tax Act of 2003. Twenty percent of the total amount of  
30 expensing added back by this subsection for tax years beginning or deemed  
31 to begin on or after January 1, 2003, may be subtracted in the first  
1 taxable year beginning or deemed to begin on or after January 1, 2006,  
2 under the Internal Revenue Code of 1986, as amended, and twenty percent  
3 in each of the next four following tax years.

4 (11)(a) For taxable years beginning or deemed to begin before  
5 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
6 federal adjusted gross income shall be reduced by contributions, up to  
7 two thousand dollars per married filing jointly return or one thousand  
8 dollars for any other return, and any investment earnings made as a  
9 participant in the Nebraska long-term care savings plan under the Long-  
10 Term Care Savings Plan Act, to the extent not deducted for federal income  
11 tax purposes.

12 (b) For taxable years beginning or deemed to begin before January 1,  
13 2018, under the Internal Revenue Code of 1986, as amended, federal  
14 adjusted gross income shall be increased by the withdrawals made as a  
15 participant in the Nebraska long-term care savings plan under the act by  
16 a person who is not a qualified individual or for any reason other than  
17 transfer of funds to a spouse, long-term care expenses, long-term care  
18 insurance premiums, or death of the participant, including withdrawals  
19 made by reason of cancellation of the participation agreement, to the  
20 extent previously deducted as a contribution or as investment earnings.

21 (12) There shall be added to federal adjusted gross income for  
22 individuals, estates, and trusts any amount taken as a credit for  
23 franchise tax paid by a financial institution under sections 77-3801 to  
24 77-3807 as allowed by subsection (5) of section 77-2715.07.

25 (13)(a) For taxable years beginning or deemed to begin on or after  
26 January 1, 2015, and before January 1, 2021, under the Internal Revenue  
27 Code of 1986, as amended, federal adjusted gross income shall be reduced  
28 by the amount received as benefits under the federal Social Security Act  
29 which are included in the federal adjusted gross income if:

30 (i) For taxpayers filing a married filing joint return, federal  
31 adjusted gross income is fifty-eight thousand dollars or less; or

1 (ii) For taxpayers filing any other return, federal adjusted gross  
2 income is forty-three thousand dollars or less.

3 (b) For taxable years beginning or deemed to begin on or after  
4 January 1, 2020, and before January 1, 2021, under the Internal Revenue  
5 Code of 1986, as amended, the Tax Commissioner shall adjust the dollar  
6 amounts provided in subdivisions (13)(a)(i) and (ii) of this section by  
7 the same percentage used to adjust individual income tax brackets under

8 subsection (3) of section 77-2715.03.

9 (14)(a) For taxable years beginning or deemed to begin on or after  
10 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
11 federal adjusted gross income shall be reduced by a percentage of the  
12 social security benefits that are received and included in federal  
13 adjusted gross income. The pertinent percentage shall be:

14 (i) Five percent for taxable years beginning or deemed to begin on  
15 or after January 1, 2021, and before January 1, 2022, under the Internal  
16 Revenue Code of 1986, as amended;

17 (ii) Twenty percent for taxable years beginning or deemed to begin  
18 on or after January 1, 2022, and before January 1, 2023, under the  
19 Internal Revenue Code of 1986, as amended;

20 (iii) Thirty percent for taxable years beginning or deemed to begin  
21 on or after January 1, 2023, and before January 1, 2024, under the  
22 Internal Revenue Code of 1986, as amended;

23 (iv) Forty percent for taxable years beginning or deemed to begin on  
24 or after January 1, 2024, and before January 1, 2025, under the Internal  
25 Revenue Code of 1986, as amended;

26 (v) Fifty percent for taxable years beginning or deemed to begin on  
27 or after January 1, 2025, and before January 1, 2026, under the Internal  
28 Revenue Code of 1986, as amended;

29 (vi) Sixty percent for taxable years beginning or deemed to begin on  
30 or after January 1, 2026, and before January 1, 2027, under the Internal  
31 Revenue Code of 1986, as amended;

1 (vii) Seventy percent for taxable years beginning or deemed to begin  
2 on or after January 1, 2027, and before January 1, 2028, under the  
3 Internal Revenue Code of 1986, as amended;

4 (viii) Eighty percent for taxable years beginning or deemed to begin  
5 on or after January 1, 2028, and before January 1, 2029, under the  
6 Internal Revenue Code of 1986, as amended;

7 (ix) Ninety percent for taxable years beginning or deemed to begin  
8 on or after January 1, 2029, and before January 1, 2030, under the  
9 Internal Revenue Code of 1986, as amended; and

10 (x) One hundred percent for taxable years beginning or deemed to  
11 begin on or after January 1, 2030, under the Internal Revenue Code of  
12 1986, as amended.

13 (b) For purposes of this subsection, social security benefits means  
14 benefits received under the federal Social Security Act.

15 (15)(a) (14)(a) For taxable years beginning or deemed to begin on or  
16 after January 1, 2015, and before January 1, 2022, under the Internal  
17 Revenue Code of 1986, as amended, an individual may make a one-time  
18 election within two calendar years after the date of his or her  
19 retirement from the military to exclude income received as a military  
20 retirement benefit by the individual to the extent included in federal  
21 adjusted gross income and as provided in this subdivision. The individual  
22 may elect to exclude forty percent of his or her military retirement  
23 benefit income for seven consecutive taxable years beginning with the  
24 year in which the election is made or may elect to exclude fifteen  
25 percent of his or her military retirement benefit income for all taxable  
26 years beginning with the year in which he or she turns sixty-seven years  
27 of age.

28 (b) For taxable years beginning or deemed to begin on or after  
29 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an  
30 individual may exclude fifty percent of the military retirement benefit  
31 income received by such individual to the extent included in federal  
1 adjusted gross income.

2 (c) For purposes of this subsection, military retirement benefit  
3 means retirement benefits that are periodic payments attributable to  
4 service in the uniformed services of the United States for personal  
5 services performed by an individual prior to his or her retirement.

6 (16) (15) For taxable years beginning or deemed to begin on or after  
 7 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
 8 federal adjusted gross income shall be reduced by the amount received as  
 9 a Segal AmeriCorps Education Award, to the extent such amount is included  
 10 in federal adjusted gross income.  
 11 Sec. 2. Original section 77-2716, Revised Statutes Cumulative  
 12 Supplement, 2020, is repealed.

**LEGISLATIVE BILL 310.** Placed on General File with amendment.

AM635

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

2 sections:

3 Section 1. Section 77-2004, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 77-2004 (1) In the case of a father, mother, grandfather,  
 6 grandmother, brother, sister, son, daughter, child or children legally  
 7 adopted as such in conformity with the laws of the state where adopted,  
 8 any lineal descendant, any lineal descendant legally adopted as such in  
 9 conformity with the laws of the state where adopted, any person to whom  
 10 the deceased for not less than ten years prior to death stood in the  
 11 acknowledged relation of a parent, or the spouse or surviving spouse of  
 12 any such persons, the rate of tax shall be:

13 (a) For decedents dying prior to January 1, 2022, one percent of the  
 14 clear market value of the property ~~in excess of forty thousand dollars~~  
 15 received by each person ~~in excess of forty thousand dollars; and~~ -  
 16 (b) For decedents dying on or after January 1, 2022, one percent of  
 17 ~~the clear market value of the property received by each person in excess~~  
 18 ~~of one hundred thousand dollars.~~

19 (2) Any interest in property, including any interest acquired in the  
 20 manner set forth in section 77-2002, which may be valued at a sum less  
 21 than or equal to the applicable exempt amount under subsection (1) of  
 22 ~~this section forty thousand dollars~~ shall not be subject to tax. In  
 23 addition the homestead allowance, exempt property, and family maintenance  
 24 allowance shall not be subject to tax. Interests passing to the surviving  
 25 spouse by will, in the manner set forth in section 77-2002, or in any  
 26 other manner shall not be subject to tax. Any interest passing to a  
 27 person described in subsection (1) of this section who is under twenty-  
 1 two years of age shall not be subject to tax.

2 Sec. 2. Section 77-2005, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 77-2005 (1) In the case of an uncle, aunt, niece, or nephew related  
 5 to the deceased by blood or legal adoption, or other lineal descendant of  
 6 the same, or the spouse or surviving spouse of any of such persons, the  
 7 rate of tax shall be:

8 (a) For decedents dying prior to January 1, 2022, thirteen percent  
 9 of the clear market value of the property received by each person in  
 10 excess of fifteen thousand dollars; ~~and~~ -  
 11 (b) For decedents dying on or after January 1, 2022, eleven percent  
 12 ~~of the clear market value of the property received by each person in~~  
 13 ~~excess of forty thousand dollars.~~

14 (2) If the clear market value of the beneficial interest is ~~less~~  
 15 ~~than or equal to the applicable exempt amount under subsection (1) of~~  
 16 ~~this section fifteen thousand dollars or less~~, it shall not be subject to  
 17 tax. In addition, any interest passing to a person described in  
 18 subsection (1) of this section who is under twenty-two years of age shall  
 19 not be subject to tax.

20 Sec. 3. Section 77-2006, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 77-2006 (1) In all other cases the rate of tax shall be:

23 (a) For decedents dying prior to January 1, 2022, eighteen percent



24 ~~of~~ the clear market value of the beneficial interests received by each  
 25 person in excess of ten thousand dollars; and -

26 (b) For decedents dying on or after January 1, 2022, fifteen percent  
 27 of the clear market value of the beneficial interests received by each  
 28 person in excess of twenty-five thousand dollars.

29 ~~Such rates of tax shall be applied to the clear market value of the~~  
 30 ~~beneficial interests in excess of ten thousand dollars received by each~~  
 31 ~~person.~~

1 (2) If the clear market value of the beneficial interest is less  
 2 than or equal to the applicable exempt amount under subsection (1) of  
 3 this section ten thousand dollars or less, it shall not be subject to any  
 4 tax. In addition, any interest passing to a person who is under twenty-  
 5 two years of age shall not be subject to tax.

6 Sec. 4. On or before July 1, 2022, and on or before July 1 of each  
 7 year thereafter, the county treasurer of each county shall submit a  
 8 report regarding inheritance taxes to the Department of Revenue. The  
 9 report shall be submitted on a form prescribed by the department and  
 10 shall include the following information for the most recently completed  
 11 calendar year:

12 (1) The amount of inheritance tax revenue generated under section  
 13 77-2004 and the number of persons receiving property that was subject to  
 14 tax under section 77-2004;

15 (2) The amount of inheritance tax revenue generated under section  
 16 77-2005 and the number of persons receiving property that was subject to  
 17 tax under section 77-2005;

18 (3) The amount of inheritance tax revenue generated under section  
 19 77-2006 and the number of persons receiving property that was subject to  
 20 tax under section 77-2006; and

21 (4) The number of persons who do not reside in this state and who  
 22 received any property that was subject to tax under section 77-2004,  
 23 77-2005, or 77-2006.

24 Sec. 5. The Revisor of Statutes shall assign section 4 of this act  
 25 to Chapter 77, article 20.

26 Sec. 6. Original sections 77-2004, 77-2005, and 77-2006, Reissue  
 27 Revised Statutes of Nebraska, are repealed.

#### **LEGISLATIVE BILL 313.** Placed on General File with amendment.

#### AM367

1 1. Insert the following new section:

2 Sec. 3. Section 77-3517, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 77-3517 (1) On or before August 1 of each year, the county assessor  
 5 shall forward the approved applications for homestead exemptions and a  
 6 copy of the certification of disability status that have been examined  
 7 pursuant to section 77-3516 to the Tax Commissioner. The Tax Commissioner  
 8 shall determine if the applicant meets the income requirements and may  
 9 also review any other application information he or she deems necessary  
 10 in order to determine whether the application should be approved. The Tax  
 11 Commissioner shall, on or before November 1, certify his or her  
 12 determinations to the county assessor. If the application is approved,  
 13 the county assessor shall make the proper deduction on the assessment  
 14 rolls. If the application is denied or approved in part, the Tax  
 15 Commissioner shall notify the applicant of the denial or partial approval  
 16 by mailing written notice to the applicant at the address shown on the  
 17 application. The applicant may appeal the Tax Commissioner's denial or  
 18 partial approval pursuant to section 77-3520. Late applications  
 19 authorized under section 77-3512 ~~by the county board~~ shall be processed  
 20 in a similar manner after approval by the county assessor. If the Tax  
 21 Commissioner approves a late application after any of the real estate  
 22 taxes in question become delinquent, such delinquency and any interest

23 associated with the amount of the approved exemption shall be removed  
 24 from the tax rolls of the county within thirty days after the county  
 25 assessor receives notice from the Tax Commissioner of the approved  
 26 exemption.

27 (2)(a) Upon his or her own action or upon a request by an applicant,  
 1 a spouse, or an owner-occupant, the Tax Commissioner may review any  
 2 information necessary to determine whether an application is in  
 3 compliance with sections 77-3501 to 77-3529. Any action taken by the Tax  
 4 Commissioner pursuant to this subsection shall be taken within three  
 5 years after December 31 of the year in which the exemption was claimed.

6 (b) If after completion of the review the Tax Commissioner  
 7 determines that an exemption should have been approved or increased, the  
 8 Tax Commissioner shall notify the applicant, spouse, or owner-occupant  
 9 and the county treasurer and assessor of his or her determination. The  
 10 applicant, spouse, or owner-occupant shall receive a refund of the tax,  
 11 if any, that was paid as a result of the exemption being denied, in whole  
 12 or in part. The county treasurer shall make the refund and shall amend  
 13 the county's claim for reimbursement from the state.

14 (c) If after completion of the review the Tax Commissioner  
 15 determines that an exemption should have been denied or reduced, the Tax  
 16 Commissioner shall notify the applicant, spouse, or owner-occupant of  
 17 such denial or reduction. The applicant, the spouse, and any owner-  
 18 occupant may appeal the Tax Commissioner's denial or reduction pursuant  
 19 to section 77-3520. Upon the expiration of the appeal period in section  
 20 77-3520, the Tax Commissioner shall notify the county assessor of the  
 21 denial or reduction and the county assessor shall remove or reduce the  
 22 exemption from the tax rolls of the county. Upon notification by the Tax  
 23 Commissioner to the county assessor, the amount of tax due as a result of  
 24 the action of the Tax Commissioner shall become a lien on the homestead  
 25 until paid. Upon attachment of the lien, the county treasurer shall  
 26 refund to the Tax Commissioner the amount of tax equal to the denied or  
 27 reduced exemption for deposit into the General Fund. No lien shall be  
 28 created if a change in ownership of the homestead or death of the  
 29 applicant, the spouse, and all other owner-occupants has occurred prior  
 30 to the Tax Commissioner's notice to the county assessor. Beginning thirty  
 31 days after the county assessor receives approval from the county board to  
 1 remove or reduce the exemption from the tax rolls of the county, interest  
 2 at the rate specified in section 45-104.01, as such rate may from time to  
 3 time be adjusted by the Legislature, shall begin to accrue on the amount  
 4 of tax due.

5 2. On page 2, lines 25 and 26, strike "the date on which the first  
 6 half of", show as stricken, and insert "June 30 of the year in which".

7 3. On page 3, lines 12 through 24, strike the new matter and  
 8 reinstate the stricken matter.

9 4. Renumber the remaining section and correct the repealer  
 10 accordingly.

**LEGISLATIVE BILL 366.** Placed on General File with amendment.

AM436

1 1. On page 5, line 12, strike "2024" and insert "2032"; and strike  
 2 lines 26 through 29 and insert the following new subdivisions:  
 3 "(a) Twenty percent of the taxpayer's new investment; and  
 4 (b) Twenty percent of the taxpayer's new employment.".

**LEGISLATIVE BILL 479.** Placed on General File with amendment.

AM372

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 13-2610, Revised Statutes Cumulative Supplement,

4 2020, is amended to read:

5 13-2610 (1) Upon the annual certification under section 13-2609, the  
6 State Treasurer shall transfer after the audit the amount certified to  
7 the Convention Center Support Fund. The Convention Center Support Fund is  
8 created. Transfers may be made from the fund to the General Fund at the  
9 direction of the Legislature. Any money in the Convention Center Support  
10 Fund available for investment shall be invested by the state investment  
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
12 State Funds Investment Act.

13 (2) It is the intent of the Legislature to appropriate from the fund  
14 to any political subdivision for which an application for state  
15 assistance under the Convention Center Facility Financing Assistance Act  
16 has been approved an amount not to exceed (a) seventy percent of the  
17 state sales tax revenue collected by retailers and operators doing  
18 business at such facilities on sales at such facilities, state sales tax  
19 revenue collected on primary and secondary box office sales of admissions  
20 to such facilities, and state sales tax revenue collected by associated  
21 hotels, (b) seventy-five million dollars for any one approved project, or  
22 (c) the total cost of acquiring, constructing, improving, or equipping  
23 the eligible facility. State assistance shall not be used for an  
24 operating subsidy or other ancillary facility.

25 (3)(a) Ten percent of such funds appropriated to a city of the  
26 metropolitan class under subsection (2) of this section shall be equally  
27 distributed to areas with a high concentration of poverty to (i) showcase  
1 important historical aspects of such areas or areas within close  
2 geographic proximity of the area with a high concentration of poverty, or  
3 (ii) assist with the reduction of street and gang violence in such areas,  
4 or (iii) assist with small business and entrepreneurship growth in such  
5 areas.

6 (b) Each area with a high concentration of poverty that has been  
7 distributed funds under subdivision (3)(a) of this section shall  
8 establish a development fund and form a committee which shall identify  
9 and research potential projects to be completed in the area with a high  
10 concentration of poverty or in an area within close geographic proximity  
11 of such area if the project would have a significant or demonstrable  
12 impact on such area and make final determinations on the use of state  
13 sales tax revenue received for such projects.

14 (c) A committee formed under subdivision (3)(b) of this section  
15 shall include the following three members:

16 (i) The member of the city council whose district includes a  
17 majority of the census tracts which each contain a percentage of persons  
18 below the poverty line of greater than thirty percent, as determined by  
19 the most recent federal decennial census, within the area with a high  
20 concentration of poverty;

21 (ii) The commissioner of the county whose district includes a  
22 majority of the census tracts which each contain a percentage of persons  
23 below the poverty line of greater than thirty percent, as determined by  
24 the most recent federal decennial census, within the area with a high  
25 concentration of poverty; and

26 (iii) Two residents ~~A resident~~ of the area with a high concentration  
27 of poverty, appointed by the ~~other~~ two members of the committee described  
28 in subdivisions (3)(c)(i) and (ii) of this section. Such resident members  
29 shall be appointed for four-year terms. Each time a resident member is to  
30 be appointed pursuant to this subdivision, the committee shall solicit  
31 applications from interested individuals by posting notice of the open  
1 position on the city's web site and on the city's official social media  
2 accounts, if any, and by publishing the notice in a legal newspaper in or  
3 of general circulation in the area with a high concentration of poverty.  
4 Prior to making any appointment, the committee shall hold a public  
5 hearing in the area with a high concentration of poverty. Notice of the

6 hearing shall be provided, at least seven days prior to the hearing, by  
7 posting the notice on the city's web site and on the city's official  
8 social media accounts, if any, and by publishing the notice in a legal  
9 newspaper in or of general circulation in the area with a high  
10 concentration of poverty; and -

11 (iv) The member of the Legislature whose district includes a  
12 majority of the census tracts which each contain a percentage of persons  
13 below the poverty line of greater than thirty percent, as determined by  
14 the most recent federal decennial census, within the area with a high  
15 concentration of poverty. The member described in this subdivision shall  
16 be a nonvoting member of the committee.

17 (d) A committee formed under subdivision (3)(b) of this section  
18 shall solicit project ideas from the public and shall hold a public  
19 hearing in the area with a high concentration of poverty. Notice of a  
20 proposed hearing shall be provided in accordance with the procedures for  
21 notice of a public hearing pursuant to section 18-2115.01. The committee  
22 shall research potential projects and make the final determination  
23 regarding the annual distribution of funding to such projects.

24 (e) On or before July 1, 2022, and on or before July 1 of each year  
25 thereafter, a committee formed under subdivision (3)(b) of this section  
26 shall electronically submit a report to the Legislature which includes:

27 (i) A description of the projects that were funded during the most  
28 recently completed calendar year;

29 (ii) A description of where such projects were located;

30 (iii) A description of the outcomes of such projects; and

31 (iv) A ten-year strategic plan on how the committee plans to meet  
1 the goals described in subdivision (3)(a) of this section.

2 (f) (e) For purposes of this subsection, an area with a high  
3 concentration of poverty means an area within the corporate limits of a  
4 city of the metropolitan class consisting of one or more contiguous  
5 census tracts, as determined by the most recent federal decennial census,  
6 which contain a percentage of persons below the poverty line of greater  
7 than thirty percent, and all census tracts contiguous to such tract or  
8 tracts, as determined by the most recent federal decennial census.

9 (4)(a) Ten percent of such funds appropriated to a city of the  
10 primary class under subsection (2) of this section may, if the city  
11 determines by consent of the city council that such funds are not  
12 currently needed for the purposes described in section 13-2604, be used  
13 as follows:

14 (i) For investment in the construction of qualified low-income  
15 housing projects as defined in 26 U.S.C. 42, including qualified projects  
16 receiving Nebraska affordable housing tax credits under the Affordable  
17 Housing Tax Credit Act; or

18 (ii) If there are no such qualified low-income housing projects as  
19 defined in 26 U.S.C. 42 being constructed or expected to be constructed  
20 within the political subdivision, for investment in areas with a high  
21 concentration of poverty to assist with low-income housing needs.

22 (b) For purposes of this subsection, an area with a high  
23 concentration of poverty means an area within the corporate limits of a  
24 city of the primary class consisting of one or more contiguous census  
25 tracts, as determined by the most recent American Community Survey 5-Year  
26 Estimate, which contain a percentage of persons below the poverty line of  
27 greater than thirty percent, and all census tracts contiguous to such  
28 tract or tracts, as determined by the most recent American Community  
29 Survey 5-Year Estimate.

30 (5) State assistance to the political subdivision shall no longer be  
31 available upon the retirement of the bonds issued to acquire, construct,  
1 improve, or equip the facility or any subsequent bonds that refunded the  
2 original issue or when state assistance reaches the amount determined  
3 under subsection (2) of this section, whichever comes first.

4 (6) The remaining thirty percent of state sales tax revenue  
 5 collected by retailers and operators doing business at such facilities on  
 6 sales at such facilities, state sales tax revenue collected on primary  
 7 and secondary box office sales of admissions to such facilities, and  
 8 state sales tax revenue collected by associated hotels, shall be  
 9 appropriated by the Legislature to the Civic and Community Center  
 10 Financing Fund. Upon the annual certification required pursuant to  
 11 section 13-2609 and following the transfer to the Convention Center  
 12 Support Fund required pursuant to subsection (1) of this section, the  
 13 State Treasurer shall transfer an amount equal to the remaining thirty  
 14 percent from the Convention Center Support Fund to the Civic and  
 15 Community Center Financing Fund.  
 16 (7) Any municipality that has applied for and received a grant of  
 17 assistance under the Civic and Community Center Financing Act may not  
 18 receive state assistance under the Convention Center Facility Financing  
 19 Assistance Act.  
 20 Sec. 2. Original section 13-2610, Revised Statutes Cumulative  
 21 Supplement, 2020, is repealed.

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 66.** Placed on Final Reading.  
**LEGISLATIVE BILL 106.** Placed on Final Reading.  
**LEGISLATIVE BILL 106A.** Placed on Final Reading.

**LEGISLATIVE BILL 113.** Placed on Final Reading.  
[ST2](#)

The following changes, required to be reported for publication in the Journal, have been made:  
 1. In the E & R amendments, ER9, on page 1, line 2, "to rename a fund;" has been inserted after "revenue;".

**LEGISLATIVE BILL 113A.** Placed on Final Reading.  
**LEGISLATIVE BILL 163.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR54 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business,  
 the President signed the following: LR54.

**GENERAL FILE**

**LEGISLATIVE BILL 487.** Title read. Considered.

Committee [AM160](#), found on page 437, was adopted with 47 ayes, 0 nays,

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.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 275A.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 61.** Introduced by Arch, 14.

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

WHEREAS, although there has been significant progress in MS research, including more than 20 disease modifying treatments to slow the progression of the disease, there is still no known cause or cure; and

WHEREAS, an estimated 1 million 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes March 2021 as Multiple Sclerosis Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the Mid America Chapter of the National Multiple Sclerosis Society.

Laid over.

**LEGISLATIVE RESOLUTION 62.** Introduced by Flood, 19.

WHEREAS, Ryan Odell Yost, a member of Troop 124 of Norfolk, has completed the requirements for the rank of Eagle Scout in 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, Ryan renovated the playground and recreation area of St. John's Lutheran Church in Norfolk; and

WHEREAS, Ryan, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ryan Odell Yost on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Odell Yost.

Laid over.

**LEGISLATIVE RESOLUTION 63.** Introduced by Linehan, 39; Hilkemann, 4; Lindstrom, 18.

WHEREAS, the Elkhorn North High School girls' basketball team won the 2021 Class B Girls State Basketball Championship; and

WHEREAS, the Elkhorn North Wolves ended the season with a 21 and 2 record after a victory over the Norris High School Titans in the championship game, winning by a score of 46 to 33; and

WHEREAS, Elkhorn North opened for the first time in August of 2020, making the Wolves the first team in an inaugural school year to qualify for the Girls State Basketball Championship in Class B; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, other students, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Elkhorn North High School girls' basketball team and its coaches on winning the 2021 Class B Girls State Basketball Championship.
2. That a copy of this resolution be sent to the Elkhorn North High School girls' basketball team and Coach Ann Prince.

Laid over.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 378.** Placed on General File with amendment.

[AM246](#)

1 1. On page 2, lines 24 and 27, strike "state" and insert "federal,  
2 state,".

(Signed) Lynne Walz, Chairperson

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

Senator Hilkemann filed the following amendment to [LB274](#):

[AM646](#)

(Amendments to Standing Committee amendments, AM427)

1 1. On page 1, line 22, strike "ninety-five cents" and insert "three  
2 dollars and seventy-five cents".

**GENERAL FILE**

**LEGISLATIVE BILL 285.** Title read. Considered.

Committee [AM431](#), found on page 553, was adopted with 47 ayes, 0 nays, 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 83.** Title read. Considered.

Committee [AM127](#), found on page 419, was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

**SPEAKER HILGERS PRESIDING**

Advanced to Enrollment and Review Initial with 48 ayes, 0 nays, and 1 excused and not voting.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 211.** Placed on General File with amendment.

[AM562](#)

1 1. Strike original sections 7 and 10 and insert the following new  
2 sections:  
3 Sec. 7. For purposes of the Reflexologist Registration Act, practice  
4 of reflexology means services which are limited to the application of  
5 specific pressure, by the use of the practitioner's hands, thumbs, and  
6 fingers, to the soft tissue of the hands, feet, and outer ears and which  
7 are not designated or implied to be massage or massage therapy.



8 Sec. 10. (1) To register as a reflexologist, an individual shall  
9 file an application with the department and pay the applicable fee  
10 determined by the department. The department shall charge a fee which  
11 reasonably covers but does not exceed the department's cost of  
12 maintaining the reflexologist registry. In lieu of the requirements of  
13 sections 38-123 and 38-130, the application shall include:  
14 (a) The name, address, and telephone number of the reflexologist;  
15 (b) If applicable, the reflexologist's business name, address, and  
16 telephone number;  
17 (c) The social security number of the applicant or the resident  
18 identification number of the applicant if the applicant is not a citizen  
19 of the United States. Such number shall not be a public record and may  
20 only be used by the department for administrative purposes;  
21 (d) Whether the applicant has been convicted of a crime other than  
22 speeding and if so, the date, location, and type of conviction; and  
23 (e) Documentation of certification based on successful completion by  
24 the reflexologist of the examination given by the American Reflexology  
25 Certification Board or the Reflexology Certification Board and the  
26 expiration date of such certification.  
27 (2) In lieu of the requirements of section 38-145, to remain on the  
1 reflexologist registry, the reflexologist shall maintain such  
2 certification with the applicable board in good standing and annually  
3 provide evidence of such certification to the department.  
4 (3) A massage therapist holding a current license and in good  
5 standing under the Massage Therapy Practice Act may make a written  
6 request to the department for such individual to be included on the  
7 reflexologist registry. The department shall include such individual on  
8 the reflexologist registry without requiring an application, a fee, or  
9 any additional documentation. Such individual shall remain on the  
10 reflexologist registry as long as such individual retains a license to  
11 practice massage therapy issued by the department under the Massage  
12 Therapy Practice Act which is current and in good standing.  
13 (4) Inclusion on the reflexologist registry may be denied or an  
14 individual removed for:  
15 (a) Misrepresentation of material facts in procuring or attempting  
16 to procure registration on the reflexologist registry; or  
17 (b) Conviction of (i) a crime which is a misdemeanor or felony under  
18 Nebraska law or federal law and which has a rational connection with the  
19 fitness or capacity of the applicant or registrant to practice  
20 reflexology or (ii) a crime in any jurisdiction which, if committed  
21 within this state, would have constituted a misdemeanor or felony under  
22 Nebraska law and which has a rational connection with the fitness or  
23 capacity of the applicant or registrant to practice reflexology.  
24 (5) If the department determines to deny or remove an individual  
25 from the reflexologist registry, the department shall send to the  
26 applicant or registrant a notice to the last address of record. The  
27 notice shall state the determination of the department, the reasons for  
28 the determination, a description of the nature of the violation and the  
29 statute, rule, or regulation violated, and the nature of the action being  
30 taken. The denial or removal shall become final thirty days after the  
31 mailing of the notice unless the applicant or registrant, during such  
1 thirty-day period, makes a written request for a hearing. The hearing  
2 shall be held according to rules and regulations of the department for  
3 administrative hearings in contested cases. On the basis of such hearing,  
4 the director shall affirm, modify, or rescind the determination of the  
5 department. The director's decision may be appealed by any party to the  
6 decision. The appeal shall be in accordance with the Administrative  
7 Procedure Act.  
8 2. On page 5, line 14, strike "October 1, 2021" and insert "January  
9 1, 2022".

10 3. On page 7, line 23, strike "October 1, 2021" and insert "January 11 1, 2022"; in line 28 strike "September 16" and insert "December 15"; and 12 in line 29 strike "board" and insert "department".

(Signed) John Arch, Chairperson

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

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

Senator Kolterman name added to LB64.  
Senator Slama name added to LB64.  
Senator Dorn name added to LB236.  
Senator Morfeld name added to LB283.  
Senator Dorn name added to LB283.  
Senator DeBoer name added to LB320.  
Senator Sanders name added to LR60.

**VISITOR(S)**

The Doctor of the Day was Dr. Will Ostdiek of Omaha.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FOURTH DAY - MARCH 16, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 16, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Clements.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, M. Cavanaugh, Hunt, and Lathrop who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORT(S)**  
Appropriations

**LEGISLATIVE BILL 579.** Placed on General File.

**LEGISLATIVE BILL 103.** Placed on General File with amendment.  
[AM588](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. There is hereby appropriated (1) \$5,000,000 from the  
4 General Fund for FY2021-22 and (2) \$5,000,000 from the General Fund for  
5 FY2022-23, to the State Treasurer, for Program 149, to be distributed as  
6 aid for any county that has a judgment in excess of twenty-five million  
7 dollars rendered against it by a federal court for a violation of federal  
8 law if the total cost of the judgment is equal to twenty percent or more  
9 of the county's annual budget and if the county has set the property tax  
10 levy in the county at the maximum levy authorized pursuant to section

11 77-3442 for any year in which such aid is received. Any aid received by a  
 12 county under this section shall be used for the payment of such judgment.  
 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.  
 16 There is included in the appropriation in this section for FY2021-22  
 17 \$5,000,000 General Funds for state aid, which shall only be used for such  
 18 purpose. There is included in the appropriation in this section for  
 19 FY2022-23 \$5,000,000 General Funds for state aid, which shall only be  
 20 used for such purpose.  
 21 Sec. 2. Since an emergency exists, this act takes effect when  
 22 passed and approved according to law.

**LEGISLATIVE BILL 365.** Placed on General File with amendment.

[AM590](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. There is hereby appropriated \$475,000 from the General  
 4 Fund for FY2020-21 to the State Racing Commission, for Program 81, to aid  
 5 in carrying out the Nebraska Racetrack Gaming Act.  
 6 Total expenditures for permanent and temporary salaries and per  
 7 diems from funds appropriated in this section shall not exceed \$200,000  
 8 for FY2020-21.  
 9 The unexpended General Fund appropriation balance existing on June  
 10 30, 2021, is hereby reappropriated.  
 11 Sec. 2. Since an emergency exists, this act takes effect when  
 12 passed and approved according to law.

**LEGISLATIVE BILL 566.** Placed on General File with amendment.

[AM606](#)

1 1. On page 4, line 19, after the period insert "The fund shall  
 2 consist of transfers authorized by the Legislature and any gifts, grants,  
 3 or bequests from any source, including federal, state, public, and  
 4 private sources."; and strike beginning with "appropriate" in line 24  
 5 through line 28 and insert "allocate twenty-five million dollars from the  
 6 General Fund and seventy-five million dollars of federal funds allocated  
 7 to states pursuant to the American Rescue Plan Act of 2021 from the  
 8 Coronavirus State Fiscal Recovery Fund and received by the State of  
 9 Nebraska on or after the effective date of this act, if such use is  
 10 permitted, for use by the department for purposes of carrying out the  
 11 Shovel-Ready Capital Recovery and Investment Act.".

**LEGISLATIVE BILL 629.** Placed on General File with amendment.

[AM139](#)

1 1. On page 2, line 13, strike "and"; in line 15 strike the period  
 2 and insert an underscored semicolon; after line 15 insert the following  
 3 new subdivisions:  
 4 "(iv) An eligible facility as defined in section 13-2603 for which  
 5 state assistance has been provided pursuant to the Convention Center  
 6 Facility Financing Assistance Act; and  
 7 (v) A for-profit or not-for-profit music venue or venue otherwise  
 8 dedicated to performance arts."; in line 27 strike "and"; in line 29  
 9 strike the period and insert an underscored semicolon; and after line 29  
 10 insert the following new subdivisions:  
 11 "(d) Events that would have been held at an eligible facility as  
 12 defined in section 13-2603 for which state assistance has been provided  
 13 pursuant to the Convention Center Facility Financing Assistance Act; and  
 14 (e) Events that would have been held at a for-profit or not-for-

15 profit music venue or venue otherwise dedicated to performance arts."

(Signed) John Stinner, Chairperson

Judiciary

**LEGISLATIVE BILL 28.** Placed on General File with amendment.

AM545

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 29-2101, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 29-2101 A new trial, after a verdict of conviction, may be granted,  
 6 on the application of the defendant, for any of the following grounds  
 7 affecting materially his or her substantial rights:  
 8 (1) Irregularity in the proceedings of the court, of the prosecuting  
 9 attorney, or of the witnesses for the state or in any order of the court  
 10 or abuse of discretion by which the defendant was prevented from having a  
 11 fair trial;  
 12 (2) ~~Misconduct~~ ~~misconduct~~ of the jury, of the prosecuting attorney,  
 13 or of the witnesses for the state;  
 14 (3) ~~Accident~~ ~~accident~~ or surprise which ordinary prudence could not  
 15 have guarded against;  
 16 (4) ~~The~~ ~~the~~ verdict is not sustained by sufficient evidence or is  
 17 contrary to law;  
 18 (5) ~~Newly~~ ~~newly~~ discovered evidence material for the defendant which  
 19 he or she could not with reasonable diligence have discovered ~~or~~ ~~and~~  
 20 produced at the trial. For purposes of this subdivision, testimony or  
 21 evidence from a witness who previously had a testimonial or  
 22 constitutional privilege and who, because of such privilege, refused to  
 23 testify or produce evidence in a prior proceeding, shall be considered  
 24 newly discovered evidence;  
 25 (6) ~~Newly~~ ~~newly~~ discovered exculpatory DNA or similar forensic  
 26 testing evidence obtained under the DNA Testing Act; or  
 27 (7) ~~Error~~ ~~error~~ of law occurring at the trial.  
 1 The changes made to this section by this legislative bill shall  
 2 apply to all persons, otherwise eligible in accordance with the  
 3 provisions of this section, whether convicted prior to, on, or subsequent  
 4 to the effective date of this act.  
 5 Sec. 2. Section 29-2103, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:  
 7 29-2103 (1) A motion for new trial shall be made by written  
 8 application and may be filed either during or after the term of the court  
 9 at which the verdict was rendered.  
 10 (2) A motion for a new trial shall state the grounds under section  
 11 29-2101 which are the basis for the motion and shall be supported by  
 12 evidence as provided in section 29-2102.  
 13 (3) A motion for new trial based on the grounds set forth in  
 14 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed  
 15 within ten days after the verdict was rendered unless such filing is  
 16 unavoidably prevented, and the grounds for such motion may be stated by  
 17 directly incorporating the appropriate language of section 29-2101  
 18 without further particularity.  
 19 (4)(a) Except as provided in subdivision (4)(b) of this section, a  
 20 (4)-A motion for new trial based on the grounds set forth in subdivision  
 21 (5) of section 29-2101 shall be filed within a reasonable time after the  
 22 discovery of the new evidence and cannot be filed more than five years  
 23 after the date of the verdict, unless the motion and supporting documents  
 24 show the new evidence could not with reasonable diligence have been

25 discovered ~~or and~~ produced at trial and such evidence is so substantial  
26 that a different result may have occurred.

27 (b) The time limitation in this subsection does not apply if the  
28 motion for a new trial involves a conviction for a Class I, IA, or IB  
29 felony.

30 (5) A motion for new trial based on the grounds set forth in  
31 subdivision (6) of section 29-2101 shall be filed within ninety days  
1 after a final order is issued under section 29-4123 or within ninety days  
2 after the hearing if no final order is entered, whichever occurs first.

3 (6) The changes made to this section by this legislative bill shall  
4 apply to all persons, otherwise eligible in accordance with the  
5 provisions of this section, whether convicted prior to, on, or subsequent  
6 to the effective date of this act.

7 Sec. 3. Original sections 29-2101 and 29-2103, Reissue Revised  
8 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 204.** Placed on General File with amendment.

AM458

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

3 Section 1. Section 29-4003, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 29-4003 (1)(a) The Sex Offender Registration Act applies to any  
6 person who on or after January 1, 1997:

7 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
8 guilty of any of the following:

9 (A) Kidnapping of a minor pursuant to section 28-313, except when  
10 the person is the parent of the minor and was not convicted of any other  
11 offense in this section;

12 (B) False imprisonment of a minor pursuant to section 28-314 or  
13 28-315;

14 (C) Sexual assault pursuant to section 28-319 or 28-320;

15 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

16 (E) Sexual assault of a child in the second or third degree pursuant  
17 to section 28-320.01;

18 (F) Sexual assault of a child in the first degree pursuant to  
19 section 28-319.01;

20 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to  
21 subdivision (1)(c) of section 28-386;

22 (H) Incest of a minor pursuant to section 28-703;

23 (I) Pandering of a minor pursuant to section 28-802;

24 (J) Visual depiction of sexually explicit conduct of a child  
25 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section  
26 28-1463.05;

27 (K) Knowingly possessing any visual depiction of sexually explicit  
1 conduct which has a child as one of its participants or portrayed  
2 observers pursuant to subsection (1) or (4) of section 28-813.01;

3 (L) Criminal child enticement pursuant to section 28-311;

4 (M) Child enticement by means of an electronic communication device  
5 pursuant to section 28-320.02;

6 (N) Debauching a minor pursuant to section 28-805; or

7 (O) Attempt, solicitation, aiding or abetting, being an accessory,  
8 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)  
9 through (1)(a)(i)(N) of this section;

10 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
11 guilty of any offense that is substantially equivalent to a registrable  
12 offense under subdivision (1)(a)(i) of this section by any village, town,  
13 city, state, territory, commonwealth, or other jurisdiction of the United  
14 States, by the United States Government, by court-martial or other  
15 military tribunal, or by a foreign jurisdiction, notwithstanding a

16 procedure comparable in effect to that described under section 29-2264 or  
17 any other procedure to nullify a conviction other than by pardon;  
18 (iii) Is incarcerated in a jail, a penal or correctional facility,  
19 or any other public or private institution or is under probation or  
20 parole as a result of pleading guilty to or being found guilty of a  
21 registrable offense under subdivision (1)(a)(i) or (ii) of this section  
22 prior to January 1, 1997; or  
23 (iv) Enters the state and is required to register as a sex offender  
24 under the laws of another village, town, city, state, territory,  
25 commonwealth, or other jurisdiction of the United States.  
26 (b) In addition to the registrable offenses under subdivision (1)(a)  
27 of this section, the Sex Offender Registration Act applies to any person  
28 who on or after January 1, 2010:  
29 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this  
30 section, has ever pled guilty to, pled nolo contendere to, or been found  
31 guilty of any of the following:  
1 (I) Murder in the first degree pursuant to section 28-303;  
2 (II) Murder in the second degree pursuant to section 28-304;  
3 (III) Manslaughter pursuant to section 28-305;  
4 (IV) Assault in the first degree pursuant to section 28-308;  
5 (V) Assault in the second degree pursuant to section 28-309;  
6 (VI) Assault in the third degree pursuant to section 28-310;  
7 (VII) Stalking pursuant to section 28-311.03;  
8 (VIII) Violation of section 28-311.08 requiring registration under  
9 the act pursuant to subsection (6) of section 28-311.08;  
10 (IX) Kidnapping pursuant to section 28-313;  
11 (X) False imprisonment pursuant to section 28-314 or 28-315;  
12 (XI) Sexual abuse of an inmate or parolee in the first degree  
13 pursuant to section 28-322.02;  
14 (XII) Sexual abuse of an inmate or parolee in the second degree  
15 pursuant to section 28-322.03;  
16 (XIII) Sexual abuse of a protected individual pursuant to section  
17 28-322.04;  
18 (XIV) Incest pursuant to section 28-703;  
19 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
20 28-707;  
21 (XVI) Enticement by electronic communication device pursuant to  
22 section 28-833; or  
23 (XVII) Attempt, solicitation, aiding or abetting, being an  
24 accessory, or conspiracy to commit an offense listed in subdivisions (1)  
25 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.  
26 (B) In order for the Sex Offender Registration Act to apply to the  
27 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),  
28 (VI), (VII), (IX), and (X) of this section, a court shall have found that  
29 evidence of sexual penetration or sexual contact, as those terms are  
30 defined in section 28-318, was present in the record, which shall include  
31 consideration of the factual basis for a plea-based conviction and  
1 information contained in the presentence report;  
2 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
3 guilty of any offense that is substantially equivalent to a registrable  
4 offense under subdivision (1)(b)(i) of this section by any village, town,  
5 city, state, territory, commonwealth, or other jurisdiction of the United  
6 States, by the United States Government, by court-martial or other  
7 military tribunal, or by a foreign jurisdiction, notwithstanding a  
8 procedure comparable in effect to that described under section 29-2264 or  
9 any other procedure to nullify a conviction other than by pardon; or  
10 (iii) Enters the state and is required to register as a sex offender  
11 under the laws of another village, town, city, state, territory,  
12 commonwealth, or other jurisdiction of the United States.  
13 (c) In addition to the registrable offenses under subdivisions (1)

14 (a) and (b) of this section, the Sex Offender Registration Act applies to  
 15 any person who on or after January 1, 2020:  
 16 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
 17 guilty of sexual abuse of a detainee under section 28-322.05; or  
 18 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
 19 guilty of any offense that is substantially equivalent to a registrable  
 20 offense under subdivision (1)(c)(i) of this section by any village, town,  
 21 city, state, territory, commonwealth, or other jurisdiction of the United  
 22 States, by the United States Government, by court-martial or other  
 23 military tribunal, or by a foreign jurisdiction, notwithstanding a  
 24 procedure comparable in effect to that described under section 29-2264 or  
 25 any other procedure to nullify a conviction other than by pardon.  
 26 (d) In addition to the registrable offenses under subdivisions (1)  
 27 (a), (b), and (c) of this section, the Sex Offender Registration Act  
 28 applies to any person who on or after January 1, 2022:  
 29 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
 30 guilty of human trafficking under subsection (1) or (2) of section  
 31 28-831, and the court determines either by notification of sex offender  
 1 registration responsibilities or notation in the sentencing order that  
 2 the human trafficking was sex trafficking or sex trafficking of a minor  
 3 and not solely labor trafficking or labor trafficking of a minor; or  
 4 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
 5 guilty of any offense that is substantially equivalent to a registrable  
 6 offense under subdivision (1)(d)(i) of this section by any village, town,  
 7 city, state, territory, commonwealth, or other jurisdiction of the United  
 8 States, by the United States Government, by court-martial or other  
 9 military tribunal, or by a foreign jurisdiction, notwithstanding a  
 10 procedure comparable in effect to that described under section 29-2264 or  
 11 any other procedure to nullify a conviction other than by pardon.  
 12 (2) A person appealing a conviction of a registrable offense under  
 13 this section shall be required to comply with the act during the appeals  
 14 process.  
 15 Sec. 2. Original section 29-4003, Revised Statutes Cumulative  
 16 Supplement, 2020, is repealed.

**LEGISLATIVE BILL 273.** Placed on General File with amendment.  
[AM600](#) is available in the Bill Room.

**LEGISLATIVE BILL 316.** Placed on General File with amendment.  
[AM354](#)

1 1. On page 3, line 16, after the period insert "This subdivision  
 2 only applies if, within thirty days after petitioning the Supreme Court  
 3 of the United States for a writ of certiorari, the prisoner files a  
 4 notice in the district court of conviction stating that the prisoner has  
 5 filed such petition.".

**LEGISLATIVE BILL 661.** Placed on General File with amendment.  
[AM612](#)

1 1. On page 4, line 26, strike "tax" and insert "taxi".

(Signed) Steve Lathrop, Chairperson

Health and Human Services

**LEGISLATIVE BILL 411.** Placed on General File with amendment.  
[AM584](#)

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



2 sections:

3 Section 1. Section 81-6,125, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 81-6,125 (1) The purpose of the Population Health Information Act  
6 is to designate a health information exchange to provide the data  
7 infrastructure needed to assist in creating a healthier Nebraska and  
8 operating the electronic health records initiative.

9 (2) The designated health information exchange shall:

10 (a) (1) Aggregate clinical information from health care entities  
11 needed to support the operation of the medical assistance program under  
12 the Medical Assistance Act;

13 (b) (2) Act as the designated entity for purposes of access to and  
14 analysis of health data;

15 (c) (3) Collect and analyze data for purposes of informing the  
16 Legislature, the department, health care providers, and health care  
17 entities as to the cost of, access to, and quality of health care in  
18 Nebraska;

19 (d) (4) Act as a collector and reporter of public health data for  
20 registry submissions, electronic laboratory reporting, immunization  
21 reporting, and syndromic surveillance from an electronic health record,  
22 which does not include claims data; and

23 (e) (5) Enable any health care provider or health care entity to  
24 access information available within the designated health information  
25 exchange to evaluate and monitor care and treatment of a patient in  
26 accordance with the privacy and security provisions set forth in the  
27 federal Health Insurance Portability and Accountability Act of 1996,  
1 Public Law 104-191.

2 (3)(a) On or before September 30, 2021, each health care facility  
3 listed in subdivision (b) of this subsection shall participate in the  
4 designated health information exchange through sharing of clinical  
5 information. Such clinical information shall include the clinical data  
6 that the health care facility captured in their existing electronic  
7 health record as permitted by state and federal laws, rules, and  
8 regulations. Any patient health information shared with the designated  
9 health information exchange as determined by policies adopted by the  
10 Health Information Technology Board shall be provided in accordance with  
11 the privacy and security provisions set forth in the federal Health  
12 Insurance Portability and Accountability Act of 1996, Public Law 104-191,  
13 and regulations adopted under the act, including, but not limited to,  
14 specific provisions related to privacy under the medical assistance  
15 program.

16 (b) This subsection applies to an ambulatory surgical center, a  
17 center or group home for the developmentally disabled, a critical access  
18 hospital, a general acute hospital, a health clinic, a hospital, an  
19 intermediate care facility, an intermediate care facility for persons  
20 with developmental disabilities, a long-term care hospital, a mental  
21 health substance use treatment center, a PACE center, a pharmacy, a  
22 psychiatric or mental hospital, a public health clinic, or a  
23 rehabilitation hospital, as such terms are defined in the Health Care  
24 Facility Licensure Act. This subsection does not apply to an assisted-  
25 living facility, a nursing facility, or a skilled nursing facility, as  
26 such terms are defined in the Health Care Facility Licensure Act.

27 (c) Any connection established by July 1, 2021, between a health  
28 care facility and the designated health information exchange to  
29 facilitate such participation shall be at no cost to the participating  
30 health care facility.

31 (d) A health care facility may apply to the board for a waiver from  
1 the requirement to participate under this subsection due to a  
2 technological burden. The board shall review the application and  
3 determine whether to waive the requirement. If the board waives the

4 requirement for a health care facility, the board shall review the waiver  
5 annually to determine if the health care facility continues to qualify  
6 for the waiver.  
7 (e) The board shall not require a health care facility to purchase  
8 or contract for an electronic records management system or service.  
9 (4)(a) On or before January 1, 2022, each health insurance plan  
10 shall participate in the designated health information exchange through  
11 sharing of information. Such information shall be determined by policies  
12 adopted by the Health Information Technology Board.  
13 (b) For purposes of this subsection:  
14 (i) Health insurance plan includes any group or individual sickness  
15 and accident insurance policy, health maintenance organization contract,  
16 subscriber contract, employee medical, surgical, or hospital care benefit  
17 plan, or self-funded employee benefit plan to the extent not preempted by  
18 federal law; and  
19 (ii) Health insurance plan does not include (A) accident-only,  
20 disability-income, hospital confinement indemnity, dental, hearing,  
21 vision, or credit insurance, (B) coverage issued as a supplement to  
22 liability insurance, (C) insurance provided as a supplement to medicare,  
23 (D) insurance arising from workers' compensation provisions, (E)  
24 automobile medical payment insurance, (F) insurance policies that provide  
25 coverage for a specified disease or any other limited benefit coverage,  
26 or (G) insurance under which benefits are payable with or without regard  
27 to fault and which is statutorily required to be contained in any  
28 liability insurance policy.  
29 Sec. 2. Original section 81-6,125, Revised Statutes Cumulative  
30 Supplement, 2020, is repealed.  
31 Sec. 3. Since an emergency exists, this act takes effect when  
1 passed and approved according to law.

**LEGISLATIVE BILL 428.** Placed on General File with amendment.

[AM566](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 43-404, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 43-404 (1) There is created within the Department of Health and  
6 Human Services the Office of Juvenile Services. The office shall have  
7 oversight and control of the youth rehabilitation and treatment centers.  
8 The Administrator of the Office of Juvenile Services shall be appointed  
9 by the chief executive officer of the department or his or her designee  
10 and shall be responsible for the administration of the facilities and  
11 programs of the office. The department may subcontract with a state  
12 agency or private provider to provide services related to the facilities  
13 and programs of the Office of Juvenile Services.  
14 (2)(a) At least one hundred twenty days prior to implementing any  
15 substantial changes to the facilities or programs under the jurisdiction  
16 of the Office of Juvenile Services, the Department of Health and Human  
17 Services shall notify the Legislature of such intended substantial  
18 changes. The notification shall be submitted electronically. The  
19 notification shall include a detailed summary of the proposed changes.  
20 (b) For purposes of this subsection, substantial changes are defined  
21 as:  
22 (i) The establishment of a new youth rehabilitation and treatment  
23 center;  
24 (ii) The relocation of a youth rehabilitation and treatment program  
25 to another state-operated or private facility;  
26 (iii) The establishment of a youth rehabilitation and treatment  
27 program at another state-operated or private facility; or  
1 (iv) The closure or termination of a youth rehabilitation and

2 treatment center, program, or facility.

3 (c) Nothing in this subsection shall be construed to limit or  
 4 prevent the Department of Health and Human Services from acting in  
 5 accordance with sections 43-428 to 43-430 in the event of an emergency.  
 6 Sec. 2. Section 68-1213, Reissue Revised Statutes of Nebraska, is

7 amended to read:

8 68-1213 If the pilot project described in section 68-1212 is  
 9 extended by the Department of Health and Human Services, an evaluation of  
 10 the pilot project shall be completed by the Legislature prior to December  
 11 31, ~~2021~~ 2014. The Legislature shall utilize all necessary resources,  
 12 including the hiring of a consultant if deemed necessary. The department  
 13 and any child welfare entity which has contracted with the department  
 14 shall provide all data and information to the Legislature to assist in  
 15 the evaluation.

16 Sec. 3. Section 83-102, Revised Statutes Cumulative Supplement,  
 17 2020, is amended to read:

18 83-102 (1) Youth rehabilitation and treatment centers shall be  
 19 operated to provide programming and services to rehabilitate and treat  
 20 juveniles committed under the Nebraska Juvenile Code. Each youth  
 21 rehabilitation and treatment center shall be considered a separate  
 22 placement. Each youth rehabilitation and treatment center shall provide:

23 (a) Safe and sanitary space for sleeping, hygiene, education,  
 24 programming, treatment, recreation, and visitation for each juvenile;

25 (b) Health care and medical services;

26 (c) Appropriate physical separation and segregation of juveniles  
 27 based on gender;

28 (d) Sufficient staffing to comply with state and federal law and  
 29 protect the safety and security of each juvenile;

30 (e) Training that is specific to the population being served at the  
 31 youth rehabilitation and treatment center;

1 (f) A facility administrator for each youth rehabilitation and  
 2 treatment center who has the sole responsibility for administration of a  
 3 single youth rehabilitation and treatment center;

4 (g) An evaluation process for the development of an individualized  
 5 treatment plan within fourteen days after admission to the youth  
 6 rehabilitation and treatment center;

7 (h) An age-appropriate and developmentally appropriate education  
 8 program for each juvenile that can award relevant and necessary credits  
 9 toward high school graduation that will be accepted by any public school  
 10 district in the State of Nebraska. Juveniles committed to the youth  
 11 rehabilitation and treatment centers are entitled to receive an  
 12 appropriate education equivalent to educational opportunities offered  
 13 within the regular settings of public school districts across the State  
 14 of Nebraska ~~the juvenile's home school district;~~

15 (i) A case management and coordination process, designed to assure  
 16 appropriate reintegration of the juvenile with his or her family, school,  
 17 and community;

18 (j) Compliance with the requirements stated in Title XIX and Title  
 19 IV-E of the federal Social Security Act, as such act existed on January  
 20 1, 2020, the Special Education Act, or other funding guidelines as  
 21 appropriate;

22 (k) Research-based or evidence-based programming for all juveniles  
 23 that includes a strong academic program and classes in health education,  
 24 living skills, vocational training, behavior management and modification,  
 25 money management, family and parent responsibilities, substance use  
 26 awareness, physical education, job skills training, and job placement  
 27 assistance; and

28 (l) Research-based or evidence-based treatment service for  
 29 behavioral impairment, severe emotional disturbance, sex offender  
 30 behavior, other mental health or psychiatric disorder, drug and alcohol

31 addiction, physical or sexual abuse, and any other treatment indicated by  
1 a juvenile's individualized treatment plan.

2 (2) Each youth rehabilitation and treatment center shall be  
3 accredited by a nationally recognized entity that provides accreditation  
4 for juvenile facilities and shall maintain accreditation as provided in  
5 section 79-703 to provide an age-appropriate and developmentally  
6 appropriate education program.

7 (3) Each youth rehabilitation and treatment center shall  
8 electronically submit a report of its activities for the preceding fiscal  
9 year to the Clerk of the Legislature on or before July 15 of each year  
10 beginning on July 15, 2021. The annual report shall include, but not be  
11 limited to, the following information:

12 (a) Data on the population served, including, but not limited to,  
13 admissions, average daily census, average length of stay, race, and  
14 ethnicity;

15 (b) An overview of programming and services; and

16 (c) An overview of any facility issues or facility improvements.

17 Sec. 4. Section 83-106, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 83-106 (1) The Department of Health and Human Services shall  
20 ~~contract for the completion of~~ ~~may conduct~~ a needs assessment and cost  
21 analysis for the establishment of an inpatient adolescent psychiatric  
22 unit housed within the Lincoln Regional Center. ~~The If the department~~  
23 ~~chooses to conduct such needs assessment and cost analysis, the~~  
24 department shall contract with an outside consultant with expertise in  
25 needs assessment and cost analysis of health care facilities within sixty  
26 days after the effective date of this act for the purpose of conducting  
27 such assessment and analysis.

28 (2) ~~The If a needs assessment and cost analysis is conducted by the~~  
29 ~~department, the~~ department shall submit a report electronically to the  
30 Health and Human Services Committee of the Legislature and the Clerk of  
31 the Legislature on or before December 15, 2021 ~~ninety days after the~~  
1 ~~completion of such needs assessment and cost analysis.~~ Such report shall

2 contain the following information:

3 (a) A needs assessment, including the number of adolescents expected  
4 to use such inpatient adolescent psychiatric unit;

5 (b) The cost of opening an existing facility at the Lincoln Regional  
6 Center for use as an inpatient adolescent psychiatric unit;

7 (c) The cost of reopening the facility at the Lincoln Regional  
8 Center, including the costs for necessary construction, upgrades, or  
9 repairs;

10 (d) Annual operating costs of such unit, including, but not limited  
11 to, any federal funds available to operate the unit in addition to  
12 General Fund appropriations; and

13 (e) Cost savings realized by moving adolescents from out-of-state  
14 institutions back to Nebraska for treatment at such unit.

15 (3) For purposes of this section, adolescent means a person under  
16 the jurisdiction of the juvenile court.

17 Sec. 5. Section 83-107.01, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 83-107.01 (1) The official names of the state institutions under the  
20 supervision of the Department of Health and Human Services shall be as  
21 follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional  
22 Center, (c) Norfolk Regional Center, (d) Hastings Regional Center, (e)  
23 Youth Rehabilitation and Treatment Center-Kearney, and (f) Youth  
24 Rehabilitation and Treatment Center-Geneva.

25 (2)(a) This subsection applies beginning July 1, 2021.

26 (b) Except as provided in subdivision (2)(e) of this section, so  
27 long as the department operates the Youth Rehabilitation and Treatment  
28 Center-Kearney, such institution shall be used for the treatment of boys

29 only.

30 (c) Except as provided in subdivision (2)(e) of this section, so  
31 long as the department operates the Youth Rehabilitation and Treatment  
1 Center-Geneva, such institution shall be used for the treatment of girls  
2 only.

3 (d) For any other facility operated and utilized as a youth  
4 rehabilitation and treatment center in compliance with state law, the  
5 department shall ensure safe and appropriate gender separation.

6 (e) In the event of an emergency, the department may use either the  
7 Youth Rehabilitation and Treatment Center-Kearney or the Youth  
8 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles  
9 of both genders for up to seven days. During any such use the department  
10 shall ensure safe and appropriate gender separation.

11 (f) For purposes of this section, emergency means a public health  
12 emergency or a situation including fire, flood, tornado, natural  
13 disaster, or damage to the institution that renders an institution  
14 uninhabitable. Emergency does not include inadequate staffing.

15 (3) It is the intent of the Legislature that no institution under  
16 the supervision of the Department of Health and Human Services at which  
17 the department provides inpatient or subacute substance abuse or  
18 behavioral health residential treatment for juveniles under the  
19 jurisdiction of a juvenile court shall delay such treatment to a juvenile  
20 when such treatment has been determined necessary under subsection (2) of  
21 section 43-407 or has been ordered by a juvenile court.

22 Sec. 6. Sections 1, 3, 5, and 7 of this act become operative three  
23 calendar months after adjournment of this legislative session. The other  
24 sections of this act become operative on their effective date.

25 Sec. 7. Original sections 43-404, 83-102, and 83-107.01, Revised  
26 Statutes Cumulative Supplement, 2020, are repealed.

27 Sec. 8. Original section 68-1213, Reissue Revised Statutes of  
28 Nebraska, and section 83-106, Revised Statutes Cumulative Supplement,  
29 2020, are repealed.

30 Sec. 9. Since an emergency exists, this act takes effect when  
31 passed and approved according to law.

(Signed) John Arch, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 215.** Placed on General File.

(Signed) Curt Friesen, Chairperson

Education

**LEGISLATIVE BILL 452.** Placed on General File with amendment.

[AM636](#)

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 Financial Literacy Act.

5 Sec. 2. For purposes of the Financial Literacy Act, financial  
6 literacy includes, but is not limited to, knowledge and skills regarding  
7 budget and financial record keeping; banking; taxes; establishing,  
8 building, maintaining, and monitoring credit; debt; savings; risk  
9 management; insurance; and investment strategies.

10 Sec. 3. Each school district, in consultation with the State

11 Department of Education, shall develop a financial literacy program for  
 12 incorporation into all phases of the curriculum of grades kindergarten  
 13 through eight and shall require each student to complete at least one  
 14 half-credit high school course in personal finance or financial literacy  
 15 prior to graduation beginning with school year 2022-23. The department  
 16 shall create recommended financial literacy academic content standards  
 17 pursuant to section 79-760.01 and distribute such standards to all school  
 18 districts. Each district shall adopt its own financial literacy academic  
 19 content standards pursuant to section 79-760.02 and create its own  
 20 financial literacy program based on the adopted financial literacy  
 21 academic content standards.

22 Sec. 4. (1) On or before December 31, 2022, and on or before  
 23 December 31 of each year thereafter, each school district shall present  
 24 evidence to the State Department of Education, in a form prescribed by  
 25 the department, that a financial literacy program has been incorporated  
 26 into the curriculum and is being taught to students and that completion  
 27 of at least one half-credit high school course in personal finance or  
 1 financial literacy is required prior to graduation. The department shall  
 2 evaluate each school district's financial literacy program and high  
 3 school personal finance or financial literacy course or courses in  
 4 accordance with the same process used to evaluate social studies  
 5 curriculums to ensure that each school district develops and utilizes  
 6 formative, interim, and summative assessments to measure student mastery  
 7 of the financial literacy academic content standards adopted by the  
 8 school district pursuant to section 79-760.02.

9 (2) A school district which fails to incorporate a financial  
 10 literacy program into the curriculum, fails to require completion of at  
 11 least one half-credit high school course in personal finance or financial  
 12 literacy prior to graduation, or fails to annually provide evidence  
 13 pursuant to subsection (1) of this section shall lose its accreditation  
 14 status.

15 Sec. 5. The State Department of Education shall adopt and  
 16 promulgate rules and regulations to carry out the Financial Literacy Act.

17 Sec. 6. Section 79-729, Reissue Revised Statutes of Nebraska, is  
 18 amended to read:

19 79-729 The Legislature recognizes the importance of assuring that  
 20 all persons who graduate from Nebraska high schools possess certain  
 21 minimum levels of knowledge, skills, and understanding. ~~Each Beginning in~~  
 22 ~~school year 1987-88, each~~ high school student shall complete a minimum of  
 23 two hundred high school credit hours prior to graduation. At least eighty  
 24 percent of the ~~minimum such~~ credit hours shall be core curriculum courses  
 25 prescribed by the State Board of Education. ~~Beginning in school year~~  
 26 ~~2022-23, at least one half-credit hour of the minimum credit hours shall~~  
 27 ~~be a high school course in personal finance or financial literacy.~~ The  
 28 State Board of Education may establish recommended statewide graduation  
 29 guidelines. This section does not apply to high school students whose  
 30 individualized education ~~programs plans~~ prescribe a different course of  
 31 instruction. This section does not prohibit the governing board of any  
 1 high school from prescribing specific graduation guidelines as long as  
 2 such guidelines do not conflict with this section. For purposes of this  
 3 section, high school means grades nine through twelve and credit hour  
 4 shall be defined by appropriate rules and regulations of the State Board  
 5 of Education but shall not be less than the amount of credit given for  
 6 successful completion of a course which meets at least one period per  
 7 week for at least one semester.

8 Sec. 7. Section 79-760.01, Revised Statutes Cumulative Supplement,  
 9 2020, is amended to read:

10 79-760.01 (1) The State Board of Education shall adopt measurable  
 11 academic content standards for at least the grade levels required for  
 12 statewide assessment pursuant to section 79-760.03. The standards shall

13 cover the subject areas of reading, writing, mathematics, science, and  
 14 social studies.  
 15 (2) The board shall also recommend academic content standards for  
 16 financial literacy programs pursuant to the Financial Literacy Act.  
 17 (3) Academic content ~~The standards adopted or recommended pursuant~~  
 18 to this section shall be sufficiently clear and measurable to be used for  
 19 testing student performance with respect to mastery of the content  
 20 described in the state standards.  
 21 (4) The State Board of Education shall develop a plan to review and  
 22 update standards for each subject area every seven years. The state board  
 23 plan shall include a review of commonly accepted standards adopted by  
 24 school districts.  
 25 Sec. 8. Section 79-760.02, Revised Statutes Cumulative Supplement,  
 26 2020, is amended to read:  
 27 79-760.02 In accordance with timelines that are adopted by the State  
 28 Board of Education, but in no event later than one year following the  
 29 adoption, recommendation, or modification of state standards, each school  
 30 district shall adopt measurable quality academic content standards in the  
 31 subject areas of reading, writing, mathematics, science, ~~and~~ social  
 1 studies, and financial literacy. The standards may be the same as, or may  
 2 be equal to or exceed in rigor, the measurable academic content standards  
 3 adopted or recommended by the state board and shall cover at least the  
 4 same grade levels. School districts may work collaboratively with  
 5 educational service units, with learning communities, or through  
 6 interlocal agreements to develop such standards.  
 7 Sec. 9. Original section 79-729, Reissue Revised Statutes of  
 8 Nebraska, and sections 79-760.01 and 79-760.02, Revised Statutes  
 9 Cumulative Supplement, 2020, are repealed.

**LEGISLATIVE BILL 669.** Placed on General File with amendment.

AM467

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 Veteran Promise Act.  
 5 Sec. 2. For purposes of the Veteran Promise Act:  
 6 (1) Eligible military student means a student who:  
 7 (a) Graduated from a Nebraska high school on or after January 1,  
 8 2022;  
 9 (b) Signed enlistment papers to serve in a uniformed service; and  
 10 (c)(i) At the time of application is serving in such uniformed  
 11 service under a six-year obligation; or  
 12 (ii) Has served at least two years of active duty in such uniformed  
 13 service and at the time of application is serving in such uniformed  
 14 service or another uniformed service;  
 15 (2) Eligible veteran student means a student who:  
 16 (a)(i) Graduated from a Nebraska high school on or after January 1,  
 17 2022; or  
 18 (ii) Graduated from a high school in another state on or after  
 19 January 1, 2022, and served in a uniformed service while assigned to a  
 20 location in this state;  
 21 (b) Signed enlistment papers to serve in a uniformed service; and  
 22 (c) Received either an honorable discharge or a general discharge  
 23 under honorable conditions from a uniformed service; and  
 24 (3) Uniformed service means an active or reserve component of:  
 25 (a) The Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant  
 26 Marine, or Space Force of the United States;  
 27 (b) The Commissioned Officer Corps of the National Oceanic and  
 1 Atmospheric Administration or of the Public Health Service of the United  
 2 States; or

3 (c) The Nebraska National Guard.

4 Sec. 3. (1) Each public postsecondary institution in this state  
 5 shall, upon application, automatically accept any eligible military  
 6 student or eligible veteran student who otherwise meets the admissions  
 7 requirements for such postsecondary institution to enroll as an  
 8 undergraduate student in virtual and in-person courses and programs.  
 9 (2) Except with regard to the acceptance of eligible military  
 10 students and eligible veteran students as provided in subsection (1) of  
 11 this section, nothing in the Veteran Promise Act shall be construed to  
 12 change any policy or practice of any public postsecondary institution in  
 13 this state, including any additional criteria or prioritization for  
 14 capped enrollment academic programs.

15 Sec. 4. Each public postsecondary institution in this state shall  
 16 make information about the Veteran Promise Act available on its official  
 17 web site and electronically submit an annual report to the Clerk of the  
 18 Legislature on or before December 31, 2022, and on or before December 31  
 19 of each year thereafter. Such annual report shall detail the number of  
 20 applicants under the act, the number of eligible military students and  
 21 the number of eligible veteran students who are enrolled under the act,  
 22 the amount of any application fees waived for applicants under the act,  
 23 and any additional support, service, or assistance that is provided to  
 24 participating eligible military students and eligible veteran students  
 25 under the act.

26 Sec. 5. The Veteran Promise Act shall be construed in a manner  
 27 consistent with federal law, including, but not limited to, the United  
 28 States Department of Defense Tuition Assistance Program and with any  
 29 Voluntary Education Partnership Memorandum of Understanding entered into  
 30 by a public postsecondary institution and the United States Department of  
 31 Defense.

1 Sec. 6. Section 85-502.01, Revised Statutes Cumulative Supplement,  
 2 2020, is amended to read:

3 85-502.01 (1) A person who enrolls in a public college or university  
 4 in this state and who is (a) a veteran as defined in Title 38 of the  
 5 United States Code and was discharged or released from a period of not  
 6 fewer than ninety days of service in the active military, naval, or air  
 7 service ~~less than three years before the date of initial enrollment~~, (b)  
 8 a spouse or dependent of such a veteran, (c) an eligible recipient  
 9 entitled to educational assistance as provided in 38 U.S.C. 3319 while  
 10 the transferor is on active duty in the uniformed services or as provided  
 11 in 38 U.S.C. 3311(b)(9), as such sections existed on January 1, 2019, or  
 12 (d) entitled to rehabilitation pursuant to 38 U.S.C. 3102(a), as such  
 13 section existed on January 1, 2019, shall be considered a resident  
 14 student notwithstanding the provisions of section 85-502 if the person is  
 15 registered to vote in Nebraska and demonstrates objective evidence of  
 16 intent to be a resident of Nebraska, except that a person who is under  
 17 eighteen years of age is not required to register to vote in Nebraska.  
 18 (2) For purposes of this section, objective evidence of intent to be  
 19 a resident of Nebraska includes a Nebraska driver's license, a Nebraska  
 20 state identification card, a Nebraska motor vehicle registration, or  
 21 documentation that the individual is registered to vote in Nebraska.

22 Sec. 7. Original section 85-502.01, Revised Statutes Cumulative  
 23 Supplement, 2020, is repealed.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 35.** Placed on Final Reading.



**LEGISLATIVE BILL 93.** Placed on Final Reading.

**LEGISLATIVE BILL 94.** Placed on Final Reading.

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

[ST1](#)

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

1. On page 1, line 2, "2-3254," has been inserted after "sections"; in line 3 "46-1011," has been inserted after "38-1,119,"; and in line 11 "2-2626," has been inserted after "sections" and "46-602, 46-705," has been inserted after "38-1,143,".
2. On page 12, line 12, an underscored comma has been inserted after "operate".
3. On page 35, line 20, "55 and 56" has been struck and "60 and 61" inserted.
4. On page 46, lines 1 and 13; and page 54, line 7, "66" has been struck and "71" inserted.
5. On page 63, line 15, "2-3254," has been inserted after "sections"; in line 16 "46-1011," has been inserted after "38-1,119,"; in line 23 "2-2626," has been inserted after "sections"; and in line 24 "46-602, 46-705," has been inserted after "38-1,143,".

**LEGISLATIVE BILL 177.** Placed on Final Reading.

**LEGISLATIVE BILL 297.** Placed on Final Reading.

**LEGISLATIVE BILL 337.** Placed on Final Reading.

**LEGISLATIVE BILL 503.** Placed on Final Reading.

[ST3](#)

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

1. On page 3, line 7, the first "section" has been struck and "subsection" inserted; and in line 8 "the" has been inserted after "of".

(Signed) Terrell McKinney, Chairperson

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 369.** Placed on Select File.

**LEGISLATIVE BILL 100.** Placed on Select File with amendment.

[ER21](#)

1. On page 2, line 6, after "reduction" insert "policy".

**LEGISLATIVE BILL 101.** Placed on Select File.

**LEGISLATIVE BILL 351.** Placed on Select File.

**LEGISLATIVE BILL 476.** Placed on Select File.

**LEGISLATIVE BILL 533.** Placed on Select File.

**LEGISLATIVE BILL 401.** Placed on Select File.

**LEGISLATIVE BILL 37.** Placed on Select File.

**LEGISLATIVE BILL 169.** Placed on Select File.

**LEGISLATIVE BILL 255.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

Senator Hilkemann filed the following amendment to LB250:  
[AM418](#)

(Amendments to Standing Committee amendments, AM232)

- 1 1. Strike section 60.
- 2 2. On page 33, strike lines 8 through 11; in lines 12 and 17, strike
- 3 the new language; in lines 18 and 19, strike "or registrant's"; and in
- 4 line 20 and lines 28 through 30, strike the new matter.
- 5 3. Renumber the remaining sections, correct internal references, and
- 6 correct the repealer accordingly.

**ANNOUNCEMENT**

Senator Williams announced the birthday of Senator Kolterman.

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 5 nays, 5 present and not voting, and 1 excused and not voting.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 55 and 56 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 55 and 56.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 528.** Placed on General File with amendment.  
[AM556](#) is available in the Bill Room.

**LEGISLATIVE BILL 529.** Placed on General File with amendment.  
[AM495](#) is available in the Bill Room.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 509.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

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

Senator Walz filed the following amendment to [LB529](#):

[AM677](#)

(Amendments to Standing Committee amendments, AM495)

1 1. On page 9, line 17, strike "with funding".

Senator Walz filed the following amendment to [LB529](#):

[AM678](#)

(Amendments to Standing Committee amendments, AM495)

1 1. On page 6, line 28; and page 45, line 15, strike "funds" and

2 insert "money".

**GENERAL FILE**

**LEGISLATIVE BILL 324.** Title read. Considered.

Committee [AM150](#), found on page 471, was adopted with 44 ayes, 0 nays, 3 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 88.** Title read. Considered.

Senator Clements offered the following amendment:

[AM654](#)

1 1. Strike section 2.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 322.** Placed on Select File with amendment.

[ER22](#)

1 1. On page 1, line 3, strike "and" and insert "to provide an  
2 operative date;"; and in line 4 after "section" insert "; and to declare  
3 an emergency".

**LEGISLATIVE BILL 487.** Placed on Select File.

**LEGISLATIVE BILL 285.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

Senator B. Hansen filed the following amendment to LB106:  
[AM586](#)

(Amendments to Final Reading copy)

- 1 1. On page 1, line 7, after the second semicolon insert "to require  
 2 a report;"
- 3 2. On page 2, line 17, strike "(2) The", show as stricken, and  
 4 insert "(2)(a) Until July 1, 2032, the"; and after line 22 insert the  
 5 following new subdivision:  
 6 "(b) Beginning July 1, 2032, the department shall remit any revenue  
 7 generated under subsections (1) through (5) of this section to the State  
 8 Treasurer, and the State Treasurer shall credit sixty-six and two-thirds  
 9 percent to the Department of Motor Vehicles Cash Fund and thirty-three  
 10 and one-third percent to the Records Management Cash Fund."
- 11 3. On page 3, line 30, strike "(8)" and insert "(8)(a)" and after  
 12 the last underscored comma insert "until June 30, 2032."
- 13 4. On page 4, after line 5, insert the following new subdivision:  
 14 "(b) Beginning July 1, 2032, for any record provided pursuant to  
 15 subsection (1) of this section, the requester shall be required to pay,  
 16 in addition to the fee prescribed in such subsection, a fee of fifty  
 17 cents, which shall be credited to the Department of Motor Vehicles Cash  
 18 Fund."; and in line 17 after "(3)" insert "The Department of Motor  
 19 Vehicles shall report to the Legislature by September 1 of each even-  
 20 numbered year through the year 2030 on the progress the department has  
 21 made on the new operator's license services system. The report shall  
 22 include an estimated cost for completion, the operating systems under  
 23 consideration, and the expected time the new operator's license services  
 24 system will become fully operational. The report shall be made  
 25 electronically.  
 26 (4)".

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

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

Senator Halloran name added to LB64.  
 Senator Hilkemann name added to LB283.  
 Senator Hansen, B. name added to LB310.  
 Senator Hansen, M. name added to LB324.  
 Senator Blood name added to LB371.  
 Senator Wayne name added to LB371.  
 Senator Hilkemann name added to LR14.

**WITHDRAW - Cointroducer(s)**

Senator Sanders name withdrawn from LB241.

**VISITOR(S)**

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIFTH DAY - MARCH 17, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 17, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator J. Cavanaugh.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Lindstrom and Vargas who was excused; and Senators Bostar, M. Cavanaugh, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORT(S)**

## Revenue

**LEGISLATIVE BILL 2.** Placed on General File with amendment.

[AM638](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 77-201 (1) Except as provided in subsections (2) through (4) of this  
6 section, all real property in this state, not expressly exempt therefrom,  
7 shall be subject to taxation and shall be valued at its actual value.  
8 (2) Agricultural land and horticultural land as defined in section  
9 77-1359 shall constitute a separate and distinct class of property for  
10 purposes of property taxation, shall be subject to taxation, unless  
11 expressly exempt from taxation, and shall be valued at seventy-five

12 percent of its actual value, except that for school district taxes levied  
 13 to pay the principal and interest on bonds that are issued on or after  
 14 the operative date of this act, such land shall be valued at fifty  
 15 percent of its actual value.

16 (3) Agricultural land and horticultural land actively devoted to  
 17 agricultural or horticultural purposes which has value for purposes other  
 18 than agricultural or horticultural uses and which meets the  
 19 qualifications for special valuation under section 77-1344 shall  
 20 constitute a separate and distinct class of property for purposes of  
 21 property taxation, shall be subject to taxation, and shall be valued for  
 22 taxation at seventy-five percent of its special valuation value as  
 23 defined in section 77-1343, except that for school district taxes levied  
 24 to pay the principal and interest on bonds that are issued on or after  
 25 the operative date of this act, such land shall be valued at fifty  
 26 percent of its special valuation as defined in section 77-1343.

27 (4) Historically significant real property which meets the  
 1 qualifications for historic rehabilitation valuation under sections  
 2 77-1385 to 77-1394 shall be valued for taxation as provided in such  
 3 sections.

4 (5) Tangible personal property, not including motor vehicles,  
 5 trailers, and semitrailers registered for operation on the highways of  
 6 this state, shall constitute a separate and distinct class of property  
 7 for purposes of property taxation, shall be subject to taxation, unless  
 8 expressly exempt from taxation, and shall be valued at its net book  
 9 value. Tangible personal property transferred as a gift or devise or as  
 10 part of a transaction which is not a purchase shall be subject to  
 11 taxation based upon the date the property was acquired by the previous  
 12 owner and at the previous owner's Nebraska adjusted basis. Tangible  
 13 personal property acquired as replacement property for converted property  
 14 shall be subject to taxation based upon the date the converted property  
 15 was acquired and at the Nebraska adjusted basis of the converted property  
 16 unless insurance proceeds are payable by reason of the conversion. For  
 17 purposes of this subsection, (a) converted property means tangible  
 18 personal property which is compulsorily or involuntarily converted as a  
 19 result of its destruction in whole or in part, theft, seizure,  
 20 requisition, or condemnation, or the threat or imminence thereof, and no  
 21 gain or loss is recognized for federal or state income tax purposes by  
 22 the holder of the property as a result of the conversion and (b)  
 23 replacement property means tangible personal property acquired within two  
 24 years after the close of the calendar year in which tangible personal  
 25 property was converted and which is, except for date of construction or  
 26 manufacture, substantially the same as the converted property.  
 27 Sec. 2. Section 77-4212, Revised Statutes Cumulative Supplement,  
 28 2020, is amended to read:

29 77-4212 (1) For tax year 2007, the amount of relief granted under  
 30 the Property Tax Credit Act shall be one hundred five million dollars.  
 31 For tax year 2008, the amount of relief granted under the act shall be  
 1 one hundred fifteen million dollars. It is the intent of the Legislature  
 2 to fund the Property Tax Credit Act for tax years after tax year 2008  
 3 using available revenue. For tax year 2017, the amount of relief granted  
 4 under the act shall be two hundred twenty-four million dollars. For tax  
 5 years year 2020 through 2023 and each tax year thereafter, the minimum  
 6 amount of relief granted under the act shall be two hundred seventy-five  
 7 million dollars. For tax year 2024 and each tax year thereafter, the  
 8 minimum amount of relief granted under the act shall be the minimum  
 9 amount from the prior tax year increased by three percent. If money is  
 10 transferred or credited to the Property Tax Credit Cash Fund pursuant to  
 11 any other state law, such amount shall be added to the minimum amount  
 12 required under this subsection when determining the total amount of  
 13 relief granted under the act. 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.  
27 (3) If the real property owner qualifies for a homestead exemption  
28 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
29 the relief provided in the act to the extent of any remaining liability  
30 after calculation of the relief provided by the homestead exemption. If  
31 the credit results in a property tax liability on the homestead that is  
1 less than zero, the amount of the credit which cannot be used by the  
2 taxpayer shall be returned to the State Treasurer by July 1 of the year  
3 the amount disbursed to the county was disbursed. The State Treasurer  
4 shall immediately credit any funds returned under this subsection to the  
5 Property Tax Credit Cash Fund. Upon the return of any funds under this  
6 subsection, the county treasurer shall electronically file a report with  
7 the Property Tax Administrator, on a form prescribed by the Tax  
8 Commissioner, indicating the amount of funds distributed to each taxing  
9 unit in the county in the year the funds were returned, any collection  
10 fee retained by the county in such year, and the amount of unused credits  
11 returned.  
12 (4)(a) For tax years prior to tax year 2017, the amount disbursed to  
13 each county shall be equal to the amount available for disbursement  
14 determined under subsection (1) of this section multiplied by the ratio  
15 of the real property valuation in the county to the real property  
16 valuation in the state. By September 15, the Property Tax Administrator  
17 shall determine the amount to be disbursed under this subdivision to each  
18 county and certify such amounts to the State Treasurer and to each  
19 county. The disbursements to the counties shall occur in two equal  
20 payments, the first on or before January 31 and the second on or before  
21 April 1. After retaining one percent of the receipts for costs, the  
22 county treasurer shall allocate the remaining receipts to each taxing  
23 unit levying taxes on taxable property in the tax district in which the  
24 real property is located in the same proportion that the levy of such  
25 taxing unit bears to the total levy on taxable property of all the taxing  
26 units in the tax district in which the real property is located.  
27 (b) Beginning with tax year 2017, the amount disbursed to each  
28 county shall be equal to the amount available for disbursement determined  
29 under subsection (1) of this section multiplied by the ratio of the  
30 credit allocation valuation in the county to the credit allocation  
31 valuation in the state. By September 15, the Property Tax Administrator  
1 shall determine the amount to be disbursed under this subdivision to each  
2 county and certify such amounts to the State Treasurer and to each  
3 county. The disbursements to the counties shall occur in two equal  
4 payments, the first on or before January 31 and the second on or before  
5 April 1. After retaining one percent of the receipts for costs, the  
6 county treasurer shall allocate the remaining receipts to each taxing  
7 unit based on its share of the credits granted to all taxpayers in the  
8 taxing unit.  
9 (5) For purposes of this section, credit allocation valuation means  
10 the taxable value for all real property except agricultural land and  
11 horticultural land, one hundred twenty percent of taxable value for

12 agricultural land and horticultural land that is not subject to special  
 13 valuation, and one hundred twenty percent of taxable value for  
 14 agricultural land and horticultural land that is subject to special  
 15 valuation.  
 16 (6) The State Treasurer shall transfer from the General Fund to the  
 17 Property Tax Credit Cash Fund one hundred five million dollars by August  
 18 1, 2007, and one hundred fifteen million dollars by August 1, 2008.  
 19 (7) The Legislature shall have the power to transfer funds from the  
 20 Property Tax Credit Cash Fund to the General Fund.  
 21 Sec. 3. Section 77-5023, Reissue Revised Statutes of Nebraska, is  
 22 amended to read:  
 23 77-5023 (1) Pursuant to section 77-5022, the commission shall have  
 24 the power to increase or decrease the value of a class or subclass of  
 25 real property in any county or taxing authority or of real property  
 26 valued by the state so that all classes or subclasses of real property in  
 27 all counties fall within an acceptable range.  
 28 (2) An acceptable range is the percentage of variation from a  
 29 standard for valuation as measured by an established indicator of central  
 30 tendency of assessment. Acceptable ranges are: (a) For agricultural land  
 31 and horticultural land as defined in section 77-1359, sixty-nine to  
 1 seventy-five percent of actual value, except that for school district  
 2 taxes levied to pay the principal and interest on bonds that are issued  
 3 on or after the operative date of this act, the acceptable range is  
 4 forty-four to fifty percent of actual value; (b) for lands receiving  
 5 special valuation, sixty-nine to seventy-five percent of special  
 6 valuation as defined in section 77-1343, except that for school district  
 7 taxes levied to pay the principal and interest on bonds that are issued  
 8 on or after the operative date of this act, the acceptable range is  
 9 forty-four to fifty percent of special valuation as defined in section  
 10 77-1343; and (c) for all other real property, ninety-two to one hundred  
 11 percent of actual value.  
 12 (3) Any increase or decrease shall cause the level of value  
 13 determined by the commission to be at the midpoint of the applicable  
 14 acceptable range.  
 15 (4) Any decrease or increase to a subclass of property shall also  
 16 cause the level of value determined by the commission for the class from  
 17 which the subclass is drawn to be within the applicable acceptable range.  
 18 (5) Whether or not the level of value determined by the commission  
 19 falls within an acceptable range or at the midpoint of an acceptable  
 20 range may be determined to a reasonable degree of certainty relying upon  
 21 generally accepted mass appraisal techniques.  
 22 Sec. 4. This act becomes operative on January 1, 2022.  
 23 Sec. 5. Original sections 77-201 and 77-5023, Reissue Revised  
 24 Statutes of Nebraska, and section 77-4212, Revised Statutes Cumulative  
 25 Supplement, 2020, are repealed.

(Signed) Lou Ann Linehan, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 16.** Placed on General File with amendment.  
[AM666](#) is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 64.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Paul Garcia wrestled for the Scottsbluff High School wrestling team coached by Dustin Stodola; and

WHEREAS, Paul won the Class B, 126-pound state championship match during the 2021 Nebraska State Wrestling Tournament; and

WHEREAS, Paul has become the 34th wrestler in Nebraska's history and the 2nd Scottsbluff Bearcat to win four state championships in a row; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youths of our state.

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

1. That the Legislature congratulates Paul Garcia on winning the 126-pound division at the 2021 Class B State Wrestling Championship.

2. That copies of this resolution be sent to Scottsbluff High School and Paul Garcia.

Laid over.

**LEGISLATIVE RESOLUTION 65.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Paul Ruff wrestled for the Gering High School wrestling team as coached by Jarred Berger; and

WHEREAS, Paul earned 2nd place for the Class B, 126-pound state championship match during the 2021 Nebraska State Wrestling Tournament; and

WHEREAS, Paul has shown exceptional skills through his accomplishments in the field of wrestling and serves as a source of inspiration for other deaf or hard of hearing students; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youths of our state.

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

1. That the Legislature congratulates Paul Ruff on earning 2nd place in the 126-pound division at the 2021 Class B State Wrestling Championship.

2. That copies of this resolution be sent to Gering High School and Paul Ruff.

Laid over.

**LEGISLATIVE RESOLUTION 66.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, the Gering High School Wrestling Team earned the 2021 Class B Team State Wrestling Championships; and

WHEREAS, the Gering Bulldogs, led by Coach Jarred Berger, captured the first wrestling team title for Gering High School in over 24 years; and

WHEREAS, the Bulldogs won the team title even without having an individual state champion, showcasing the dedication and commitment of each member to the team; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Coach Jarred Berger and the Gering Bulldogs on winning the 2021 Class B Team Wrestling Championship.
2. That copies of this resolution be sent to the Gering High School Wrestling Team and Coach Jarred Berger.

Laid over.

**LEGISLATIVE RESOLUTION 67.** Introduced by Hilkemann, 4.

WHEREAS, there are families adversely affected by problem gambling in this state; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, awareness of the signs and symptoms is the key to recognizing problem gambling; and

WHEREAS, providing education to the residents of Nebraska about the dangers of problem gambling is needed to promote the prevention of problem gambling in the future.

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

1. That the Legislature recognizes March of 2021 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 Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

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

Senator Hughes filed the following amendment to LB507:

[AM365](#)

(Amendments to Standing Committee amendments, AM256)

- 1 1. On page 6, line 31, strike "(1)".
- 2 2. On page 7, line 4, strike "fund" and insert "Water Sustainability
- 3 Fund"; strike beginning with "fund" in line 5 through "of" in line 6,
- 4 show the old matter as stricken, and insert "Water Sustainability Fund to
- 5 the Department of Natural Resources Cash Fund and as a one-time transfer
- 6 to the General Fund as described in"; in line 7 strike "(2)" and strike
- 7 "fund", show as stricken, and insert "Water Sustainability Fund"; in line
- 8 17 strike "(3)"; strike beginning with "It" in line 21 through line 24
- 9 and show as stricken; in line 25 strike "(4)"; and in line 30 strike
- 10 "(5)".
- 11 3. On page 8, line 4, strike "(6)".

**ANNOUNCEMENT(S)**

Speaker priority bill/resolution designations are as follows:

LBs 9, 81, 84, 92, 143, 152, 154, 197, 247, 271, 283, 336, 366, 396, 406, 411, 423, 452, 497, 500, 501, 527, 583, 664, and 682.

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

Senator Flood filed the following amendment to LB501:

[AM671](#)

(Amendments to Standing Committee amendments, AM526)

- 1 1. On page 37, line 12, strike "or"; and after line 12 insert the
- 2 following new subdivision:
- 3 "(2) an easement or right-of-way held by a public power and
- 4 irrigation district, irrigation district, reclamation district, or canal
- 5 company; or"; and in line 13 strike "(2)" and insert "(3)".

**GENERAL FILE**

**LEGISLATIVE BILL 561.** Title read. Considered.

Committee [AM426](#), found on page 545, was offered.

Senator Lowe 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:

[AM639](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Sec. 27. Section 9-601, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 9-601 Sections 9-601 to 9-653 and section 31 of this act shall be
- 6 known and may be cited as the Nebraska County and City Lottery Act.

7 Sec. 28. Section 9-607, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 9-607 (1) Lottery shall mean a gambling scheme in which:

10 (a) The players pay or agree to pay something of value for an  
11 opportunity to win;

12 (b) Winning opportunities are represented by tickets;

13 (c) Winners are solely determined by one of the following two  
14 methods:

15 (i) By a random drawing of tickets differentiated by sequential  
16 enumeration from a receptacle by hand whereby each ticket has an equal  
17 chance of being chosen in the drawing; or

18 (ii) By use of a game known as keno in which a player selects up to  
19 twenty numbers from a total of eighty numbers on a paper or electronic  
20 ticket and a computer, other electronic selection device, or electrically  
21 operated blower machine which is not player-activated randomly selects up  
22 to twenty numbers from the same pool of eighty numbers and the winning  
23 players are determined by the correct matching of the numbers on the  
24 paper or electronic ticket selected by the players with the numbers  
25 randomly selected by the computer, other electronic selection device, or  
26 electrically operated blower machine, except that (A) no keno game shall  
27 permit or require player activation of lottery equipment and (B) the  
1 random selection of numbers by the computer, other electronic selection  
2 device, or electrically operated blower machine shall not occur within  
3 five minutes of the completion of the previous selection of random  
4 numbers; and

5 (d) The holders of the winning ~~paper~~ tickets are to receive cash or  
6 prizes redeemable for cash. Selection of a winner or winners shall be  
7 predicated solely on chance.

8 (2) Lottery shall not include:

9 (a) Any gambling scheme which uses any mechanical gaming device,  
10 computer gaming device, electronic gaming device, or video gaming device  
11 which has the capability of awarding something of value, free games  
12 redeemable for something of value, or tickets or stubs redeemable for  
13 something of value;

14 (b) Any activity authorized or regulated under the Nebraska Bingo  
15 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
16 Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery  
17 Act, section 9-701, or Chapter 2, article 12; or

18 (c) Any activity prohibited under Chapter 28, article 11.

19 (3) Notwithstanding the requirement in subdivision (1)(c)(ii) of  
20 this section that a player select up to twenty numbers, a player may  
21 select more than twenty numbers on a paper ticket when a top or bottom,  
22 left or right, edge, or way ticket is played. For a top or bottom ticket,  
23 the player shall select all numbers from one through forty or all numbers  
24 from forty-one through eighty. For a left or right ticket, the player  
25 shall select all numbers ending in one through five or all numbers ending  
26 in six through zero. For an edge ticket, the player shall select all of  
27 the numbers comprising the outside edge of the ticket. For a way ticket,  
28 the player shall select a combination of groups of numbers in multiple  
29 ways on a single ticket.

30 (4) A county, city, or village conducting a keno lottery shall  
31 designate the method of winning number selection to be used in the  
1 lottery and submit such designation in writing to the department prior to  
2 conducting a keno lottery. Only those methods of winning number selection  
3 described in subdivision (1)(c)(ii) of this section shall be permitted,  
4 and the method of winning number selection initially utilized may only be  
5 changed once during that business day as set forth in the designation. A  
6 county, city, or village shall not change the method or methods of  
7 winning number selection filed with the department or allow it to be  
8 changed once such initial designation has been made unless (a) otherwise

9 authorized in writing by the department based upon a written request from  
10 the county, city, or village or (b) an emergency arises in which case a  
11 ball draw method of number selection would be switched to a number  
12 selection by a random number generator. An emergency situation shall be  
13 reported by the county, city, or village to the department within twenty-  
14 four hours of its occurrence.

15 Sec. 29. Section 9-646.01, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 9-646.01 No person or licensee, or any employee or agent thereof,  
18 accepting wagers on a lottery conducted pursuant to the Nebraska County  
19 and City Lottery Act shall extend credit from the gross proceeds of a  
20 lottery to participants in the lottery for the purchase of lottery  
21 tickets. No person shall purchase or be allowed to purchase any lottery  
22 ticket or make or be allowed to make any wager pursuant to the act unless  
23 he or she pays for such ticket or wager with cash, coins, a debit card,  
24 or a direct link to an account with a financial institution in the name  
25 of the player. For purposes of this section, cash shall mean United  
26 States currency having the same face value as the price of the ticket or  
27 wager. A credit card shall not be accepted for payment for any wager on  
28 keno.

29 Sec. 30. Section 9-651, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 9-651 Each county, city, or village conducting a lottery shall have  
1 its name clearly printed on each paper ticket used in the lottery. No  
2 such ticket shall be sold unless the name is printed thereon. Any  
3 electronic ticket shall be clearly associated with the county, city, or  
4 village conducting the lottery during the purchase of the ticket, or if  
5 an electronic ticket is represented by a printable image, the name of the  
6 county, city, or village conducting the lottery shall be clearly visible  
7 on the printable image.

8 Sec. 31. (1) Any purchase of a ticket for a keno game shall be made  
9 in person at the location of the lottery operator or a licensed sales  
10 outlet location.

11 (2) The lottery operator shall file with the department the address  
12 of each location where electronic tickets are sold. The lottery operator  
13 shall use reasonable safeguards approved by the department to ensure that  
14 electronic tickets are only accessible to individuals nineteen years of  
15 age or older.

16 (3) The lottery operator shall submit controls, for approval by the  
17 department, that include the following at the location of the lottery  
18 operator or any associated licensed sales outlet location at which  
19 electronic tickets are sold:

20 (a) Any specific procedure and any technology partner to fulfill any  
21 requirement set forth by the department;

22 (b) Any location detection procedure to reasonably detect and  
23 dynamically monitor the location of a player attempting to purchase a  
24 ticket for a keno game. A player outside the permitted boundary shall be  
25 rejected, and the player shall be notified. The permitted boundary must  
26 be established such that access is not regularly available outside the  
27 property on which the ticket for a keno game is purchased;

28 (c) Any other specific control as designated by the department;

29 (d) A process to easily and prominently display and impose any  
30 limitation for parameters relating to the purchase of a ticket for a keno  
31 game; and

1 (e) An easy and obvious method for a player to make a complaint and  
2 to enable the player to notify the department if such complaint has not  
3 been or cannot be addressed by the lottery operator.

4 Sec. 52. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.

The second committee amendment is as follows:

AM640

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 32. Section 1, Initiative Law 2020, No. 430, is amended to  
 4 read:  
 5 Section 1. Sections 1 to 6 of this act ~~and sections 36 to 45 of this~~  
 6 ~~act shall be known and may be cited as the Nebraska Racetrack Gaming Act.~~  
 7 Sec. 33. Section 3, Initiative Law 2020, No. 430, is amended to  
 8 read:  
 9 Sec. 3. For purposes of the Nebraska Racetrack Gaming Act:  
 10 (1) Authorized gaming operator means a person or entity licensed  
 11 pursuant to the act to operate games of chance within a licensed  
 12 racetrack enclosure;  
 13 (2) Authorized gaming operator license means a license to operate  
 14 games of chance as an authorized gaming operator at a licensed racetrack  
 15 enclosure;  
 16 (3) Authorized sporting event means a professional sporting event, a  
 17 collegiate sporting event, an international sporting event, a  
 18 professional motor race event, a professional sports draft, an individual  
 19 sports award, an electronic sport, or a simulated game. Authorized  
 20 sporting event does not include a parimutuel wager, a fantasy sports  
 21 contest, a minor league sporting event, any athletic event or competition  
 22 of an interscholastic sport, or any sporting event in which a person  
 23 under eighteen years of age is a participant;  
 24 (4) Collegiate sporting event means an athletic event or competition  
 25 of an intercollegiate sport played at the collegiate level for which  
 26 eligibility requirements for participation by a student athlete are  
 27 established by a national association for the promotion or regulation of  
 1 collegiate athletics;  
 2 (5) Commission means the State Racing and Gaming Commission;  
 3 (6) Designated sports wagering area means an area, as approved by  
 4 the commission, in which sports wagering is conducted;  
 5 (7) ~~(3)~~ Game of chance means any game which has the elements of  
 6 chance, prize, and consideration, including any wager on a slot machine,  
 7 table game, counter game, or card game, ~~or sports wagering.~~ Game of  
 8 chance does not include any game the operation of which is prohibited at  
 9 a casino by federal law;  
 10 ~~(8)~~ (4) Gaming device means an electronic, mechanical, or other  
 11 device which plays a game of chance when activated by a player using  
 12 currency, a token, or other item of value;  
 13 (9) International sporting event means an international team or  
 14 individual sporting event governed by an international sports federation  
 15 or sports governing body, including sporting events governed by the  
 16 International Olympic Committee and the International Federation of  
 17 Association Football;  
 18 ~~(10)~~ ~~(5)~~ Licensed racetrack enclosure means premises at which  
 19 licensed live horseracing is conducted in accordance with the  
 20 Constitution of Nebraska and applicable Nebraska law;  
 21 ~~(11)~~ (6) Limited gaming device means an electronic gaming device  
 22 which (a) offers games of chance, (b) does not dispense currency, tokens,  
 23 or other items of value, and (c) does not have a cash winnings hopper,  
 24 mechanical or simulated spinning reel, or side handle; ~~and~~  
 25 ~~(12)~~ (7) Racing license means a license issued for a licensed  
 26 racetrack enclosure by the commission; ~~and State Racing Commission.~~  
 27 (13) Sports wagering means the acceptance of wagers on an authorized  
 28 sporting event by any system of wagering as authorized by the commission.  
 29 Sports wagering does not include (a) placing a wager on the performance  
 30 or nonperformance of any individual athlete participating in a single  
 31 game or match of a collegiate sporting event in which a collegiate team



1 from this state is participating or (b) placing a wager on the  
2 performance of athletes in an individual international sporting event in  
3 which any participant in the international sporting event is under  
4 eighteen years of age.

5 Sec. 39. (1) The commission may permit an authorized gaming  
6 operator to conduct sports wagering. Any sports wager shall be placed in  
7 person in the designated sports wagering area at the licensed racetrack  
8 enclosure.

9 (2) A floor plan identifying the designated sports wagering area,  
10 including the location of any wagering kiosks, shall be filed with the  
11 commission for review and approval. Modification to a previously approved  
12 plan must be submitted for approval at least ten days prior to  
13 implementation. The area shall not be accessible to persons under twenty-  
14 one years of age and shall have a sign posted to restrict access.  
15 Exceptions to this subsection must be approved in writing by the  
16 commission.

17 (3) The authorized gaming operator shall submit controls for  
18 approval by the commission, that include the following for operating the  
19 designated sports wagering area:

20 (a) Specific procedures and technology partners to fulfill the  
21 requirements set forth by the commission;

22 (b) Location detection procedures to reasonably detect and  
23 dynamically monitor the location of a player attempting to place any  
24 wager. A player outside the permitted boundary shall be rejected, and the  
25 player shall be notified. The confidence radius shall be entirely located  
26 within the permitted boundary of the licensed racetrack enclosure;

27 (c) Other specific controls as designated by the commission;

28 (d) A process to easily and prominently impose limitations or  
29 notification for wagering parameters, including, but not limited to,  
30 deposits and wagers; and

31 (e) An easy and obvious method for a player to make a complaint and  
1 to enable the player to notify the commission if such complaint has not  
2 been or cannot be addressed by the sports wagering operator.

3 Sec. 46. Section 2, Initiative Law 2020, No. 431, is amended to  
4 read:

5 Sec. 2. For purposes of this act and section 47 of this act:

6 (1) Authorized gaming operator means a person or entity licensed  
7 pursuant to the Nebraska Racetrack Gaming Act to operate games of chance  
8 within a licensed racetrack enclosure;

9 (2) Designated sports wagering area means an area, as designated by  
10 the gaming commission, in which sports wagering is conducted;

11 (3) ~~(2)~~ Dollar amount collected means the total dollar amount  
12 wagered by players of games of chance less the total dollar amount  
13 returned to such players as prizes;

14 (4) ~~(3)~~ Game of chance means any game which has the elements of  
15 chance, prize, and consideration, including any wager on a slot machine,  
16 table game, counter game, or card game, or sports wagering. Game of  
17 chance does not include any game the operation of which is prohibited at  
18 a casino by federal law;

19 (5) ~~(4)~~ Gaming commission means the State Racing and Nebraska Gaming  
20 Commission established pursuant to the Nebraska Racetrack Gaming Act;

21 (6) ~~(5)~~ Gross gaming revenue means the dollar amount collected by an  
22 authorized gaming operator from operation of all games of chance within a  
23 licensed racetrack enclosure as computed pursuant to applicable statutes,  
24 rules, and regulations less the total of (a) all federal taxes, other

25 than income taxes, imposed on the operation of such games of chance and

26 (b) the amount provided to players by an authorized gaming operator as  
27 promotional gaming credits, but only to the extent such promotional  
28 gaming credits are redeemed by players to play one or more games of  
29 chance being operated by the authorized gaming operator;

30 (7) (6) Licensed racetrack enclosure means a premises at which  
 31 licensed live horseracing is conducted in accordance with the  
 1 Constitution of Nebraska and applicable Nebraska law; ~~and~~  
 2 (8) (7) Promotional gaming credit means a credit, token, or other  
 3 item of value provided by an authorized gaming operator to a player for  
 4 the purpose of enabling the player to play a game of chance; ~~and~~ -  
 5 (9) Sports wagering has the same meaning as in section 3, Initiative  
 6 Law 2020, No. 430.  
 7 Sec. 52. Since an emergency exists, this act takes effect when  
 8 passed and approved according to law.

The third committee amendment is as follows:  
[AM641](#) is available in the Bill Room.

The first committee amendment, [AM639](#), found in this day's Journal, was offered.

### SENATOR HUGHES PRESIDING

### SPEAKER HILGERS PRESIDING

Senator Flood moved the previous question. The question is, "Shall the debate now close?"

Senator Flood moved for a call of the house. The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator Flood requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Aguilar	Cavanaugh, J.	Friesen	Kolterman	Morfeld
Arch	Cavanaugh, M.	Geist	Lathrop	Pahls
Blood	Day	Gragert	Linehan	Sanders
Bostar	DeBoer	Hansen, M.	McCollister	Stinner
Brandt	Dorn	Hilkemann	McDonnell	Walz
Briese	Flood	Hughes	McKinney	Williams

Voting in the negative, 16:

Albrecht	Erdman	Hilgers	Murman
Bostelman	Groene	Hunt	Pansing Brooks
Brewer	Halloran	Lowe	Slama
Clements	Hansen, B.	Moser	Wayne

Excused and not voting, 3:

Lindstrom      Vargas      Wishart

The motion to cease debate prevailed with 30 ayes, 16 nays, and 3 excused and not voting.

The first committee amendment was adopted with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second committee amendment, [AM640](#), found in this day's Journal, was offered.

### **SPEAKER HILGERS PRESIDING**

Pending.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 57 and 58 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 57 and 58.

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

Senator Flood filed the following amendment to [LB255](#):

#### [AM680](#)

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 In the Line of Duty Compensation Act.  
 5 Sec. 2. For purposes of the In the Line of Duty Compensation Act:  
 6 (1) Firefighter means a member of a paid or volunteer fire  
 7 department in Nebraska, including a member of a rescue squad associated  
 8 with a paid or volunteer fire department in Nebraska;  
 9 (2)(a) Killed in the line of duty means losing one's life as a  
 10 result of an injury or illness arising on or after the operative date of  
 11 this act in connection with the active performance of duties as a public  
 12 safety officer if the death occurs within three years from the date the  
 13 injury was received or illness was diagnosed and if that injury or  
 14 illness arose from violence or other accidental cause.  
 15 (b) Killed in the line of duty excludes death resulting from the  
 16 willful misconduct or intoxication of the public safety officer;  
 17 (3) Law enforcement officer means any member of the Nebraska State  
 18 Patrol, any county or deputy sheriff, or any member of the police force  
 19 of any city or village;  
 20 (4) Public safety officer means:  
 21 (a) A firefighter;  
 22 (b) A law enforcement officer;  
 23 (c) A member of an emergency medical services ambulance squad  
 24 operated by a political subdivision or by a private, nonprofit ambulance  
 25 service, but excluding any employee of a private, for-profit ambulance  
 26 service; or  
 27 (d) A correctional officer employed by a jail or by the Department  
 1 of Correctional Services;

2 (5) Risk Manager means the Risk Manager appointed under section  
3 81-8,239.01; and

4 (6) State Claims Board means the board created under section  
5 81-8,220.

6 Sec. 3. (1) If a public safety officer is killed in the line of  
7 duty, compensation shall be paid as provided in the In the Line of Duty  
8 Compensation Act to recognize the ultimate sacrifice made by such public  
9 safety officer.

10 (2) The amount of compensation to be paid under the act shall be as  
11 follows:

12 (a) For deaths occurring during calendar year 2022, the amount of  
13 such compensation shall be fifty thousand dollars; and

14 (b) For deaths occurring in calendar year 2023 and each calendar  
15 year thereafter, the amount of such compensation shall be equal to the  
16 compensation amount from the previous calendar year increased by the  
17 percentage increase, if any, in the Consumer Price Index for All Urban  
18 Consumers, as published by the United States Department of Labor, Bureau  
19 of Labor Statistics, for the twelve months ending on June 30 of such  
20 previous calendar year.

21 (3) The person entitled to receive such compensation shall be  
22 determined as follows:

23 (a) If the public safety officer designated a person to receive the  
24 compensation in accordance with subsection (4) of this section, the  
25 compensation shall be paid to the designated person; or

26 (b) If no person is designated by the public safety officer or if  
27 the designated person is not alive at the death of the public safety  
28 officer, the compensation shall be paid in accordance with the laws of  
29 this state regarding intestate succession.

30 (4) The Risk Manager shall prescribe a form that may be used by a  
31 public safety officer to designate a person to receive the compensation.  
1 The public safety officer shall file such form with his or her employer  
2 or, if he or she is a volunteer, with the entity for which the volunteer  
3 service is provided.

4 (5) Amounts paid under the In the Line of Duty Compensation Act  
5 shall not be considered:

6 (a) Compensation under the County Employees Retirement Act, the  
7 Judges Retirement Act, the Nebraska State Patrol Retirement Act, the  
8 School Employees Retirement Act, the State Employees Retirement Act, or  
9 any other retirement plan administered by the Public Employees Retirement  
10 Board and shall not be eligible for deferral under any deferred  
11 compensation plan administered by the Public Employees Retirement Board;  
12 or

13 (b) Regular pay or salary under the Police Officers Retirement Act  
14 or sections 16-1020 to 16-1042.

15 (6) An employer of the public safety officer shall not have any  
16 right of subrogation under section 48-118 with respect to compensation  
17 paid under the In the Line of Duty Compensation Act.

18 Sec. 4. (1) To receive compensation under the In the Line of Duty  
19 Compensation Act, a claim for the compensation must be filed with the  
20 Risk Manager within one year after the date of death of the public safety  
21 officer who was killed in the line of duty. Such claim shall be on a form  
22 prescribed by the Risk Manager and shall include:

23 (a) The name, address, and title or position of the public safety  
24 officer who was killed in the line of duty;

25 (b) A copy of the form filed in accordance with subsection (4) of  
26 section 3 of this act, if any. If no such form has been filed, the claim  
27 shall include the name and address of the person or persons to whom  
28 compensation is payable under subdivision (3)(b) of section 3 of this  
29 act;

30 (c) A sworn statement providing a full factual account of the

31 circumstances resulting in or the course of events causing the death of  
1 the public safety officer; and  
2 (d) Such other information as the Risk Manager reasonably requires.  
3 (2) The Risk Manager shall send written notice to all claimants  
4 within two weeks after the initiation of a claim indicating whether or  
5 not the claim is complete. For purposes of this subsection, a claim is  
6 complete if a claimant has submitted to the Risk Manager all documents  
7 and information required under subsection (1) of this section. If a claim  
8 is incomplete, the Risk Manager shall include in the written notice a  
9 list of the documents or information which the claimant must submit in  
10 order for the claim to be complete. If a claim is complete, the State  
11 Claims Board shall make an investigation of the claim in the manner  
12 provided in the State Miscellaneous Claims Act. Upon completion of such  
13 investigation, and no later than forty-five days after receipt of a  
14 complete claim, the State Claims Board shall approve or deny such claim  
15 in accordance with section 81-8,300 and the Risk Manager shall send  
16 written notice to the claimant stating whether the claim has been  
17 approved or denied. If a claim is denied, the notice shall include the  
18 reason or reasons for the denial. If a claimant is dissatisfied with a  
19 denial, he or she may file an application for review with the Risk  
20 Manager in accordance with subsection (2) of section 81-8,300. If a claim  
21 is approved, compensation shall be paid to the claimants entitled to such  
22 compensation in accordance with subsection (3) of section 81-8,300.  
23 Sec. 5. The State Claims Board may adopt and promulgate rules and  
24 regulations to carry out the In the Line of Duty Compensation Act.  
25 Sec. 6. Section 81-8,297, Reissue Revised Statutes of Nebraska, is  
26 amended to read:  
27 81-8,297 The State Claims Board shall have the power and authority  
28 to receive, investigate, and otherwise carry out its duties with regard  
29 to (1) all claims under the State Miscellaneous Claims Act, (2) all  
30 claims under sections 25-1802 to 25-1807, (3) all claims under the State  
31 Contract Claims Act, (4) all claims under the In the Line of Duty  
1 Compensation Act, (5) all requests on behalf of any department, board, or  
2 commission of the state for waiver or cancellation of money or charges  
3 when necessary for fiscal or accounting procedures, and (6) ~~(5)~~ all  
4 claims filed under section 66-1531. All such claims or requests and  
5 supporting documents shall be filed with the Risk Manager and shall be  
6 designated by number, name of claimant as requester, and short title.  
7 Nothing in this section shall be construed to be a waiver of the  
8 sovereign immunity of the state beyond what is otherwise provided by law.  
9 The board shall adopt and promulgate such rules and regulations as  
10 are necessary to carry out the powers granted in this section. The  
11 Attorney General shall be the legal advisor to the board for purposes of  
12 this section and may authorize the assistant attorney general in charge  
13 of the Claims Division to perform any of his or her duties under this  
14 section.  
15 Sec. 7. Section 81-8,299, Reissue Revised Statutes of Nebraska, is  
16 amended to read:  
17 81-8,299 The State Claims Board shall, for the purposes contemplated  
18 by the State Contract Claims Act, the State Miscellaneous Claims Act, the  
19 In the Line of Duty Compensation Act, and sections 25-1802 to 25-1807 and  
20 66-1531, have the right, power, and duty to (1) administer oaths, (2)  
21 compel the attendance of witnesses and the production of books, papers,  
22 and documents and issue subpoenas for such purposes, and (3) punish the  
23 disobedience of such a subpoena or subpoenas, the refusal of a witness to  
24 be sworn or testify, or the failure to produce books, papers, and  
25 documents, as required by such subpoena or subpoenas so issued, as  
26 contempt, in the same manner as are officers who are authorized to take  
27 depositions.  
28 Sec. 8. Section 81-8,300.01, Reissue Revised Statutes of Nebraska,

29 is amended to read:

30 81-8,300.01 Claims described in subdivision (4) of section 81-8,297  
 31 shall be forever barred unless the claim is filed with the Risk Manager  
 1 within the time period prescribed in section 4 of this act. Claims  
 2 described in subdivisions (5) (4) and (6) (5) of section 81-8,297 and  
 3 claims relating to expiration of state warrants shall have no time bar to  
 4 recovery. Except as provided in section 25-213, all other claims  
 5 permitted under the State Miscellaneous Claims Act shall be forever  
 6 barred unless the claim is filed with the Risk Manager within two years  
 7 after the time the claim accrued.

8 Sec. 9. Section 81-8,301, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 81-8,301 Any award made under the State Contract Claims Act, the  
 11 State Miscellaneous Claims Act, the In the Line of Duty Compensation Act,  
 12 or section 25-1806 or 66-1531 and accepted by the claimant shall be final  
 13 and conclusive on all officers of the State of Nebraska except when  
 14 procured by means of fraud. The acceptance by the claimant of such award  
 15 shall be final and conclusive on the claimant and shall constitute a  
 16 complete release by the claimant of any claim against the state and  
 17 against the employee of the state whose act or omission gave rise to the  
 18 claim by reason of the same subject matter.

19 Sec. 10. This act becomes operative on January 1, 2022.

20 Sec. 11. Original sections 81-8,297, 81-8,299, 81-8,300.01, and  
 21 81-8,301, Reissue Revised Statutes of Nebraska, are repealed.

Senator Kolterman filed the following amendment to LB250:

AM414

(Amendments to Standing Committee amendments, AM232)

1 1. On page 29, strike lines 27 and 28 and insert the following new  
 2 subdivision:  
 3 "(g) The fee for interior design registration shall not exceed the  
 4 amount set by the board pursuant to this subdivision. The board shall  
 5 annually set such fee in an amount sufficient to establish and maintain  
 6 the interior design registry."

Senator J. Cavanaugh filed the following amendment to LB320:

AM676

(Amendments to Standing Committee amendments, AM450)

1 1. On page 3, strike lines 13 and 14 and insert the following new  
 2 subdivision:  
 3 "(11) Qualified third party means an organization that (a) is a  
 4 nonprofit organization organized under section 501(c)(3) of the Internal  
 5 Revenue Code or a federally recognized Indian tribe whose governmental  
 6 body is within the borders of Nebraska and (b) has an affiliation  
 7 agreement with the Department of Health and Human Services to provide  
 8 services to victims of domestic violence and sexual assault under the  
 9 Protection from Domestic Abuse Act."  
 10 2. On page 9, line 20, after "granted" insert "except by agreement  
 11 or"; and in line 21 after the underscored period insert "For any  
 12 subsequent continuance extending the initial trial date into the next  
 13 periodic rental period, the court may require a tenant to deposit with  
 14 the clerk of the court such rental payments as accrue during the pendency  
 15 of the suit."

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE RESOLUTION 29.** Reported to the Legislature for further consideration with the following amendment:

[AM595](#)

1 1. Strike the original provisions and insert the following new  
2 provisions:

3 WHEREAS, Saint Francis Ministries was awarded a five-year, 197-  
4 million-dollar child welfare contract to serve abused and neglected  
5 children in the eastern service area of Douglas and Sarpy counties as  
6 designated pursuant to section 81-3116 by the Department of Health and  
7 Human Services; and

8 WHEREAS, under that contract Saint Francis Ministries has  
9 responsibility for approximately 2,500 children who are wards of the  
10 State of Nebraska or are in Nebraska families who are in need of services  
11 to keep their children safe and healthy; and

12 WHEREAS, Saint Francis Ministries has been accused in the State of  
13 Kansas of gross mismanagement of funds; and

14 WHEREAS, Saint Francis Ministries has estimated a 27-million-dollar  
15 operating loss for the first year of the contract with the Department of  
16 Health and Human Services and may be at risk of bankruptcy.

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

19 1. That the Legislature hereby calls for the Executive Board of the  
20 Legislative Council to appoint a special committee of the Legislature to  
21 be known as the Eastern Service Area Child Welfare Contract Special  
22 Investigative and Oversight Committee of the Legislature. The committee  
23 shall consist of nine members of the Legislature. Members shall include  
24 two members of the Health and Human Services Committee of the  
25 Legislature, two members of the Appropriations Committee of the  
26 Legislature, two members of the Judiciary Committee of the Legislature,  
27 two members of the Government, Military and Veterans Affairs Committee of  
1 the Legislature, and one at-large member of the Legislature. The at-large  
2 member shall be a resident of the eastern service area. The Eastern  
3 Service Area Child Welfare Contract Special Investigative and Oversight  
4 Committee shall elect a chairperson and vice-chairperson from the  
5 membership of the committee. The executive board may provide the  
6 committee with a legal counsel, committee clerk, and other staff as  
7 required by the committee from existing legislative staff. The executive  
8 board may authorize the committee to hire outside legal counsel,  
9 consultants, and investigators as required by the committee. The  
10 committee may hold hearings and issue subpoenas to compel the attendance  
11 of witnesses and the production of any papers, books, accounts,  
12 documents, and testimony.

13 2. The Eastern Service Area Child Welfare Contract Special  
14 Investigative and Oversight Committee of the Legislature is hereby  
15 authorized to study the Department of Administrative Services and  
16 Department of Health and Human Services with respect to the award,  
17 implementation, and oversight of the child welfare contract. The  
18 committee is also hereby authorized to study the circumstances  
19 surrounding the creation and submission of the bid by Saint Francis  
20 Ministries including, but not limited to, the actions of Saint Francis  
21 Ministries and the communications of its employees and agents. The scope  
22 of this authorization expressly includes the communications of former  
23 employees or agents of Saint Francis Ministries. The committee shall  
24 utilize existing studies, reports, and legislation developed to address  
25 the current conditions. The committee shall not be limited to such  
26 studies, reports, or legislation. The committee shall investigate

27 placement and quality of care received by the children served by the  
28 eastern service area through the contract services agreement with Saint  
29 Francis Ministries.  
30 3. The committee shall issue a report with its findings and  
31 recommendations to the Legislature no later than December 15, 2021.

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 83.** Placed on Select File with amendment.  
[ER23](#) is available in the Bill Room.

**LEGISLATIVE BILL 371.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 68.** Introduced by Wayne, 13.

WHEREAS, the American Public Gas Association began recognizing March 18 as Natural Gas Utility Workers' Day in 2016; and

WHEREAS, the date was chosen to remember the tragic New London, Texas school incident that occurred on March 18, 1937, which led to the widespread odorization of natural gas and an increased emphasis on safety among natural gas workers; and

WHEREAS, safety is a vital aspect of natural gas distribution, and the employees of distribution companies endeavor to make natural gas delivery as safe as possible; and

WHEREAS, natural gas utility workers are essential responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes; and

WHEREAS, on Natural Gas Utility Workers' Day and throughout the year, we recognize the vital services these workers provide to the State of Nebraska.

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

1. That the Legislature recognizes March 18, 2021, as Natural Gas Utility Workers' Day.

2. That a copy of this resolution be sent to Black Hills Energy, Metropolitan Utilities District, NorthWestern Energy, the Nebraska Municipal Power Pool, and the League of Nebraska Municipalities.

Laid over.



**LEGISLATIVE RESOLUTION 69.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to receive reports and public input under the Municipal Density and Missing Middle Housing Act, which requires that cities of the metropolitan class, cities of the primary class, and cities of the first class with a population of at least twenty thousand inhabitants submit a report to the Urban Affairs Committee every two years detailing the city's efforts to address the availability of and incentives for affordable housing through its zoning codes, ordinances, and regulations. The committee shall conduct one or more public hearings for the presentation of reports by cities which are required to submit reports under section 19-5504.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

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

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

Senator Slama name added to LB84.  
Senator McCollister name added to LB320.  
Senator Hansen, B. name added to LB376.  
Senator Brewer name added to LB452.  
Senator Blood name added to LB661.  
Senator Hansen, M. name added to LR29.

**WITHDRAW - Cointroducer(s)**

Senator Walz name withdrawn from LB241.

**RECESS**

At 12:03 p.m., on a motion by Senator Aguilar, 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 Lindstrom, Sanders, and Vargas who were excused; and Senators Brewer, Geist, B. Hansen, Hilkemann, Hunt, Morfeld, and Pansing Brooks who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 561.** The second committee amendment, [AM640](#), found in this day's Journal, was renewed.

The second committee amendment was adopted with 31 ayes, 10 nays, 3 present and not voting, and 5 excused and not voting.

The third committee amendment, [AM641](#), found in this day's Journal, was offered.

The third committee amendment was adopted with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 5 nays, 4 present and not voting, and 3 excused and not voting.

**MESSAGE(S) FROM THE GOVERNOR**

March 17, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1e, 4, 21, 23e, 25e, 44, 77, 149, 159, 174, 248, 253e, 363e, 373, and 532 were received in my office on March 11, 2021.

These bills were signed and delivered to the Secretary of State on March 17, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**  
Transportation and Telecommunications

**LEGISLATIVE BILL 338.** Placed on General File with amendment.

AM110

1 1. Strike original section 1 and insert the following new section:  
 2 Section 1. Section 86-330, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 86-330 (1) Based on consumer complaints or upon its own motion, the  
 5 Public Service Commission may open a docket to consider the  
 6 implementation and operation of a ~~funding redirection reverse auction~~  
 7 program that awards funding to broadband Internet service providers to  
 8 support high-speed Internet infrastructure deployment projects in  
 9 unserved or underserved exchanges within the State of Nebraska. The  
 10 commission may, in its discretion, withhold funding from the Nebraska  
 11 Telecommunications Universal Service Fund to any telecommunications  
 12 company that has not served, to the commission's satisfaction, those  
 13 areas with service that meets the criteria for successful investment of  
 14 funding from the Nebraska Telecommunications Universal Service Fund.  
 15 (2) The commission shall adopt and promulgate rules and regulations  
 16 that establish standards governing the withholding of funding from the  
 17 Nebraska Telecommunications Universal Service Fund from any recipient,  
 18 including the provision of notice and the right to a hearing prior to the  
 19 issuance of an order withdrawing such funding. If the commission  
 20 withdraws funding from the Nebraska Telecommunications Universal Service  
 21 Fund from any telecommunications company, the commission may redirect the  
 22 withdrawn funding through a reverse auction or rural-based plan to  
 23 another eligible telecommunications company use the funding that is  
 24 withdrawn to implement and operate a reverse auction program, except that  
 25 any funding that is withdrawn shall be utilized in the exchange area for  
 26 which the funding was originally granted. The commission shall have wide  
 27 discretion in the design, implementation, and operation of a funding  
 1 redirection reverse auction program but may use as a guide the reverse  
 2 auction program designed by the Federal Communications Commission in its  
 3 Connect America Fund Phase II Auction process.  
 4 (3)(a) In redirecting funding that has been withheld from an  
 5 eligible telecommunications company, the commission may consider rural-  
 6 based plans. To qualify for commission consideration, a rural-based plan  
 7 shall include an eligible telecommunications company.  
 8 (b) The commission shall consider rural-based plans based on the  
 9 following scoring criteria:  
 10 (i) The history of the participating eligible telecommunications  
 11 company in providing quality and affordable telecommunications and  
 12 broadband services in rural areas;  
 13 (ii) The capability of the eligible telecommunications company to  
 14 use the proposed technology to provide broadband services to every  
 15 location in the exchange area on a reasonably comparable basis;  
 16 (iii) The support of local businesses, hospitals, schools, colleges,  
 17 agricultural producers, and residents;  
 18 (iv) Other sources of funding;  
 19 (v) Partnerships and other cooperative arrangements with local  
 20 public power providers;  
 21 (vi) Partnerships and other cooperative arrangements with local  
 22 wireless Internet service providers; and  
 23 (vii) Cooperation by the incumbent local exchange carrier from which  
 24 funding has been withheld.  
 25 (c) In entering an order redirecting funding, the commission shall  
 26 establish a timeline for deployment that includes periodic milestones for  
 27 ensuring timely deployment and shall require the eligible

28 telecommunications company to file reports sufficient to assess  
 29 compliance with deployment milestones.  
 30 (d) The commission shall adopt and promulgate rules and regulations  
 31 to carry out this subsection.  
 1 (4) For purposes of this section, rural-based plan means a proposal  
 2 for redirecting funding as described in this section which is made by  
 3 rural residential and business users of telecommunications and broadband  
 4 services in high-cost areas of the exchange.

**LEGISLATIVE BILL 498.** Placed on General File with amendment.

[AM363](#)

1 1. Strike original section 1 and insert the following new section:  
 2 Section 1. (1) The Public Service Commission shall implement a  
 3 broadband service testing and mapping program designed to provide  
 4 information on broadband availability and broadband speeds received by  
 5 telecommunications service subscribers in Nebraska. The commission may  
 6 contract with third-party contractors to test, validate, and map  
 7 broadband service availability and speeds for purposes of the program.  
 8 (2) The broadband service testing and mapping program shall utilize  
 9 independent computing devices that are first-in-line to the  
 10 telecommunications service provider connection, independent of all other  
 11 subscriber-premise personal equipment used for measuring broadband  
 12 speeds, which can test and validate broadband service availability and  
 13 speeds at the telecommunications service subscriber's premises, with the  
 14 subscriber's prior consent.  
 15 (3) The Public Service Commission shall utilize the broadband  
 16 service testing and mapping program to provide validation information in  
 17 a public broadband map, and may share such map with the Federal  
 18 Communications Commission for any purpose the Public Service Commission  
 19 deems necessary. The data collected and map developed shall be made  
 20 available to the public on the Public Service Commission's web site.  
 21 (4) Nothing in this section shall be construed to restrict the  
 22 Public Service Commission from using other methods deemed appropriate by  
 23 the commission in conducting speed testing and developing maps.

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Clements renewed his amendment, [AM654](#), found on page 667.

Senator Pansing Brooks 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 23 ayes, 9 nays, and 17 not voting.

Senator Pansing Brooks requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Blood	DeBoer	Hilkemann	McDonnell	Stinner
Bostar	Dorn	Hunt	McKinney	Walz
Cavanaugh, J.	Flood	Kolterman	Morfeld	Wayne
Cavanaugh, M.	Hansen, M.	Lathrop	Pansing Brooks	Williams
Day	Hilgers	McCollister	Slama	Wishart

Voting in the negative, 17:

Aguilar	Brewer	Geist	Linehan	Pahls
Albrecht	Clements	Gragert	Lowe	
Arch	Erdman	Groene	Moser	
Bostelman	Friesen	Halloran	Murman	

Excused and not voting, 7:

Brandt	Hansen, B.	Lindstrom	Vargas
Briese	Hughes	Sanders	

The motion to cease debate prevailed with 25 ayes, 17 nays, and 7 excused and not voting.

The Clements amendment lost with 15 ayes, 26 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Halloran offered the following amendment:

[AM690](#)

1 1. On page 4, strike lines 10 through 16 and insert the following  
 2 new subdivision:  
 3 "(2)(a) Pursuant to the Constitution of the United States and the  
 4 Constitution of Nebraska and subject to subsection (3) of this section, a  
 5 school district shall protect a student journalist's right to participate  
 6 in the school's freedom of the press in school-sponsored media. Such  
 7 right shall be limited only by constitutionally allowable infringements  
 8 of speech or by editorial oversight of the press by the school district.  
 9 A school district may choose to designate some or all of its school-  
 10 sponsored media as public forums. In the case of media so designated, the  
 11 scope of permitted infringements and editorial oversight shall be  
 12 determined in accordance with case law regarding public forums generally.  
 13 For media not so designated, the case law applicable to school-sponsored  
 14 media shall apply."

**SPEAKER HILGERS PRESIDING**

**SENATOR DORN PRESIDING**

**SPEAKER HILGERS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 50.** Placed on General File.

(Signed) Tom Brewer, Chairperson

Business and Labor

**LEGISLATIVE BILL 241.** Placed on General File.

**LEGISLATIVE BILL 258.** Placed on General File.

**LEGISLATIVE BILL 451.** Placed on General File with amendment.

[AM550](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 48-1102, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 48-1102 For purposes of the Nebraska Fair Employment Practice Act,  
6 unless the context otherwise requires:  
7 (1) Person shall include one or more individuals, labor unions,  
8 partnerships, limited liability companies, associations, corporations,  
9 legal representatives, mutual companies, joint-stock companies, trusts,  
10 unincorporated organizations, trustees, trustees in bankruptcy, or  
11 receivers;  
12 (2) Employer shall mean a person engaged in an industry who has  
13 fifteen or more employees for each working day in each of twenty or more  
14 calendar weeks in the current or preceding calendar year, any agent of  
15 such a person, and any party whose business is financed in whole or in  
16 part under the Nebraska Investment Finance Authority Act regardless of  
17 the number of employees and shall include the State of Nebraska,  
18 governmental agencies, and political subdivisions, but such term shall  
19 not include (a) the United States, a corporation wholly owned by the  
20 government of the United States, or an Indian tribe or (b) a bona fide  
21 private membership club, other than a labor organization, which is exempt  
22 from taxation under section 501(c) of the Internal Revenue Code;  
23 (3) Labor organization shall mean any organization which exists  
24 wholly or in part for one or more of the following purposes: Collective  
25 bargaining; dealing with employers concerning grievances, terms, or  
26 conditions of employment; or mutual aid or protection in relation to  
27 employment;  
1 (4) Employment agency shall mean any person regularly undertaking  
2 with or without compensation to procure employees for an employer or to  
3 procure for employees opportunities to work for an employer and shall  
4 include an agent of such a person but shall not include an agency of the  
5 United States, except that such term shall include the United States  
6 Employment Service and the system of state and local employment services  
7 receiving federal assistance;  
8 (5) Covered entity shall mean an employer, an employment agency, a  
9 labor organization, or a joint labor-management committee;  
10 (6) Privileges of employment shall mean terms and conditions of any  
11 employer-employee relationship, opportunities for advancement of  
12 employees, and plant conveniences;  
13 (7) Employee shall mean an individual employed by an employer;  
14 (8) Commission shall mean the Equal Opportunity Commission;  
15 (9) Disability shall mean (a) a physical or mental impairment that  
16 substantially limits one or more of the major life activities of such

17 individual, (b) a record of such an impairment, or (c) being regarded as  
18 having such an impairment. Disability shall not include homosexuality,  
19 bisexuality, transvestism, transsexualism, pedophilia, exhibitionism,  
20 voyeurism, gender-identity disorders not resulting in physical  
21 impairments, other sexual behavior disorders, problem gambling,  
22 kleptomania, pyromania, or psychoactive substance use disorders resulting  
23 from current illegal use of drugs;

24 (10)(a) Qualified individual with a disability shall mean an  
25 individual with a disability who, with or without reasonable  
26 accommodation, can perform the essential functions of the employment  
27 position that such individual holds or desires. Consideration shall be  
28 given to the employer's judgment as to what functions of a job are  
29 essential, and if an employer has prepared a written description before  
30 advertising or interviewing applicants for the job, this description  
31 shall be considered evidence of the essential functions of the job;

1 (b) Qualified individual with a disability shall not include any  
2 employee or applicant who is currently engaged in the illegal use of  
3 drugs when the covered entity acts on the basis of such use; and  
4 (c) Nothing in this subdivision shall be construed to exclude as a  
5 qualified individual with a disability an individual who:

6 (i) Has successfully completed a supervised drug rehabilitation  
7 program or otherwise been rehabilitated successfully and is no longer  
8 engaging in the illegal use of drugs;

9 (ii) Is participating in a supervised rehabilitation program and is  
10 no longer engaging in such use; or  
11 (iii) Is erroneously regarded as engaging in such use but is not  
12 engaging in such use;

13 (11) Reasonable accommodation, with respect to disability, shall  
14 include making existing facilities used by employees readily accessible  
15 to and usable by individuals with disabilities, job restructuring, part-  
16 time or modified work schedules, reassignment to a vacant position,  
17 acquisition or modification of equipment or devices, appropriate  
18 adjustment or modification of examinations, training manuals, or  
19 policies, the provision of qualified readers or interpreters, and other  
20 similar accommodations for individuals with disabilities. Reasonable  
21 accommodation, with respect to pregnancy, childbirth, or related medical  
22 conditions, shall include acquisition of equipment for sitting, more  
23 frequent or longer breaks, periodic rest, assistance with manual labor,  
24 job restructuring, light-duty assignments, modified work schedules,  
25 temporary transfers to less strenuous or hazardous work, time off to  
26 recover from childbirth, or break time and appropriate facilities for  
27 breast-feeding or expressing breast milk. Reasonable accommodation shall  
28 not include accommodations which the covered entity can demonstrate  
29 require significant difficulty or expense thereby posing an undue  
30 hardship upon the covered entity. Factors to be considered in determining  
31 whether an accommodation would pose an undue hardship shall include:

1 (a) The nature and the cost of the accommodation needed under the  
2 Nebraska Fair Employment Practice Act;

3 (b) The overall financial resources of the facility or facilities  
4 involved in the provision of the reasonable accommodation, the number of  
5 persons employed at such facility, the effect on expenses and resources,  
6 or the impact otherwise of such accommodation upon the operation of the  
7 facility;

8 (c) The overall financial resources of the covered entity, the  
9 overall size of the business of a covered entity with respect to the  
10 number of its employees, and the number, type, and location of its  
11 facilities; and

12 (d) The type of operation or operations of the covered entity,  
13 including the composition, structure, and functions of the work force of  
14 such entity, and the geographic separateness and administrative or fiscal

15 relationship of the facility or facilities in question to the covered  
16 entity;

17 (12) Marital status shall mean the status of a person whether  
18 married or single;

19 (13) Because of sex or on the basis of sex shall include, but not be  
20 limited to, because of or on the basis of pregnancy, childbirth, or  
21 related medical conditions;

22 (14) Harass because of sex shall include making unwelcome sexual  
23 advances, requesting sexual favors, and engaging in other verbal or  
24 physical conduct of a sexual nature if (a) submission to such conduct is  
25 made either explicitly or implicitly a term or condition of an  
26 individual's employment, (b) submission to or rejection of such conduct  
27 by an individual is used as the basis for employment decisions affecting  
28 such individual, or (c) such conduct has the purpose or effect of  
29 unreasonably interfering with an individual's work performance or  
30 creating an intimidating, hostile, or offensive working environment;

31 (15) Unlawful under federal law or the laws of this state shall mean  
1 acting contrary to or in defiance of the law or disobeying or  
2 disregarding the law;

3 (16) Drug shall mean a controlled substance as defined in section  
4 28-401;

5 (17) Illegal use of drugs shall mean the use of drugs, the  
6 possession or distribution of which is unlawful under the Uniform  
7 Controlled Substances Act, but shall not include the use of a drug taken  
8 under supervision by a licensed health care professional or any other use  
9 authorized by the Uniform Controlled Substances Act or other provisions  
10 of state law; ~~and~~

11 (18) Individual who is pregnant, who has given birth, or who has a  
12 related medical condition shall mean an individual with a known  
13 limitation who, with or without reasonable accommodation, can perform the  
14 essential functions of the employment position that such individual  
15 holds, desires, or may be temporarily assigned to. Consideration shall be  
16 given to the employer's judgment as to what functions of a job are  
17 essential, and if an employer has prepared a written description before  
18 advertising or interviewing applicants for the job, this description  
19 shall be considered evidence of the essential functions of the job; -

20 (19) Race is inclusive of characteristics such as skin color, hair  
21 texture, and protective hairstyles; and

22 (20) Protective hairstyles includes braids, locks, and twists.

23 Sec. 2. Section 48-1108, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 48-1108 Notwithstanding any other provision of the Nebraska Fair  
26 Employment Practice Act:

27 (1) It shall not be an unlawful employment practice for an employer  
28 to hire and employ employees, for an employment agency to classify or  
29 refer for employment any individual, for a labor organization to classify  
30 its membership or to classify or refer for employment any individual, or  
31 for an employer, labor organization, or joint labor-management committee  
1 controlling apprenticeship or other training or retraining programs to  
2 admit or employ any individual in any such program on the basis of  
3 religion, sex, disability, marital status, or national origin in those  
4 certain instances when religion, sex, disability, marital status, or  
5 national origin is a bona fide occupational qualification reasonably  
6 necessary to the normal operation of that particular business or  
7 enterprise; ~~and~~

8 (2) It shall not be an unlawful employment practice for a school,  
9 college, university, or other educational institution or institution of  
10 learning to hire and employ employees of a particular religion if such  
11 school, college, university, or other educational institution or  
12 institution of learning is, in whole or in substantial part, owned,



13 supported, controlled, or managed by a particular religion or by a  
 14 particular religious corporation, association, or society or if the  
 15 curriculum of such school, college, university, or other educational  
 16 institution of learning is directed toward the propagation of a  
 17 particular religion; -  
 18 (3) It shall not be an unlawful employment practice for an employer  
 19 to enact any bona fide health and safety standard that regulates  
 20 characteristics associated with race if the employer demonstrates that:  
 21 (a) Without the implementation of such standard, it is reasonably  
 22 certain that the health and safety of the applicant, employee, or other  
 23 materially connected person will be impaired;  
 24 (b) The standard is adopted for non-discriminatory reasons;  
 25 (c) The standard is applied equally; and  
 26 (d) The employer has engaged in good faith efforts to reasonably  
 27 accommodate the applicant or employee; and  
 28 (4) It shall not be an unlawful employment practice for the Nebraska  
 29 State Patrol, a county sheriff, a city or village police department, or  
 30 any other law enforcement agency in this state or the Nebraska National  
 31 Guard to impose its own dress and grooming standards.  
 1 Sec. 3. Original section 48-1108, Reissue Revised Statutes of  
 2 Nebraska, and section 48-1102, Revised Statutes Cumulative Supplement,  
 3 2020, are repealed.

**LEGISLATIVE BILL 598.** Placed on General File with amendment.

[AM549](#)

- 1 1. Strike original section 5.
- 2 2. On page 2, line 1, strike "6" and insert "5".
- 3 3. Renumber the remaining sections accordingly.

(Signed) Ben Hansen, Chairperson

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

Senator Albrecht filed the following amendment to [LB88](#):

[AM660](#)

- 1 1. On page 4, line 19, strike "sports, and advertising" and insert
- 2 "and sports".

#### **ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Tuesday, March 23, 2021, at 12:00 p.m., in Room 1524.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Russ Bowen of Omaha.

**ADJOURNMENT**

At 5:14 p.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SIXTH DAY - MARCH 18, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 18, 2021

**PRAYER**

The prayer was offered by Senator Dorn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**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 Halloran, Lindstrom, and Sanders who were excused; and Senators Bostar, M. Cavanaugh, Day, B. Hansen, Hunt, and Lathrop who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-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 17, 2021, 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.  
 UNO Chapter of the AAUP  
 Husch Blackwell Strategies  
 Schneider Electric  
 Ingram, Maya  
 Secure Democracy  
 Zulkoski Weber LLC  
 McCain Foods

### GENERAL FILE

**LEGISLATIVE BILL 88.** Senator Groene renewed the Halloran amendment, [AM690](#), found on page 693.

### SPEAKER HILGERS PRESIDING

Senator Groene moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator Groene requested a roll call vote on the Halloran amendment.

Voting in the affirmative, 14:

Albrecht	Brewer	Friesen	Hughes	Moser
Arch	Clements	Groene	Linehan	Murman
Bostelman	Erdman	Hansen, B.	Low	

Voting in the negative, 23:

Aguilar	Day	Kolterman	Pansing Brooks	Wayne
Blood	DeBoer	McCollister	Slama	Williams
Bostar	Flood	McDonnell	Stinner	Wishart
Cavanaugh, J.	Hansen, M.	McKinney	Vargas	
Cavanaugh, M.	Hunt	Morfeld	Walz	

Present and not voting, 8:

Brandt	Dorn	Gragert	Hilkemann
Briese	Geist	Hilgers	Pahls

Excused and not voting, 4:

Halloran	Lathrop	Lindstrom	Sanders
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The Halloran amendment lost with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Albrecht offered her amendment, [AM660](#), found on page 697.

**SENATOR MCKINNEY PRESIDING**

**SPEAKER HILGERS PRESIDING**

Senator Morfeld offered the following motion:

[MO14](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Morfeld moved for a call of the house. The motion prevailed with 20 ayes, 7 nays, and 22 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Day	Hilgers	McDonnell	Vargas
Blood	DeBoer	Hilkemann	McKinney	Walz
Bostar	Dorn	Hunt	Morfeld	Wayne
Brandt	Flood	Kolterman	Pahls	Williams
Briese	Geist	Lathrop	Pansing Brooks	Wishart
Cavanaugh, J.	Gragert	Linehan	Slama	
Cavanaugh, M.	Hansen, M.	McCollister	Stinner	

Voting in the negative, 12:

Albrecht	Brewer	Friesen	Lowe
Arch	Clements	Groene	Moser
Bostelman	Erdman	Hansen, B.	Murman

Excused and not voting, 4:

Halloran	Hughes	Lindstrom	Sanders
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The Morfeld motion to invoke cloture prevailed with 33 ayes, 12 nays, and 4 excused and not voting.

The Albrecht amendment lost with 15 ayes, 25 nays, 5 present and not voting, and 4 excused and not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 28:

Aguilar	Cavanaugh, M.	Gragert	McDonnell	Walz
Blood	Day	Hansen, M.	McKinney	Wayne
Bostar	DeBoer	Hunt	Morfeld	Williams
Brandt	Dorn	Kolterman	Pansing Brooks	Wishart
Briese	Flood	Lathrop	Slama	
Cavanaugh, J.	Geist	McCollister	Vargas	

Voting in the negative, 15:

Albrecht	Brewer	Friesen	Hilgers	Lowe
Arch	Clements	Groene	Hilkemann	Moser
Bostelman	Erdman	Hansen, B.	Linehan	Murman

Present and not voting, 2:

Pahls            Stinner

Excused and not voting, 4:

Halloran        Hughes        Lindstrom     Sanders

Advanced to Enrollment and Review Initial with 28 ayes, 15 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 324.** Placed on Select File with amendment.

#### [ER24](#)

- 1 1. On page 1, line 6, after "provide" insert "powers and".
- 2 2. On page 7, line 24, strike the period and insert an underscored 3 semicolon.
- 4 3. On page 15, line 18, after "sell" insert "the".
- 5 4. On page 19, line 22, strike "or" and show as stricken.

(Signed) Terrell McKinney, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to [LB233](#):

#### [AM702](#)

- 1 1. On page 4, strike beginning with "or" in line 14 through "medium"
- 2 in line 15 and insert "available for use by the general public"; and in
- 3 line 18 strike "property" and insert "automobile, truck, trailer,
- 4 semitrailer, or truck-tractor".

Senator McDonnell filed the following amendment to [LB250](#):

[AM417](#)

(Amendments to Standing Committee amendments, AM232)

- 1 1. On page 27, line 23, strike the new matter and reinstate the
- 2 stricken matter; and in lines 24 through 25 strike the new matter.

Senator J. Cavanaugh filed the following amendment to [LB507](#):

[AM567](#)

(Amendments to Standing Committee amendments, AM256)

- 1 1. Strike section 8 and insert the following new section:
- 2 Sec. 8. The use of seed that is treated, as defined in section
- 3 81-2.147.01, in the production of agricultural ethyl alcohol shall be
- 4 prohibited if such use results in the generation of a byproduct that is
- 5 deemed unsafe for livestock consumption or land application.

Senator Erdman filed the following amendment to [LB88](#):

[AM662](#)

- 1 1. On page 5, strike line 8 and insert "disciplined, reassigned, or
- 2 transferred without due process".

Senator Murman filed the following amendment to [LB88](#):

[AM661](#)

- 1 1. On page 5, line 1, strike "So incites students" and insert "Can
- 2 be reasonably expected to incite students so".

Senator Wayne filed the following amendment to [LB218](#):

[AM703](#)

(Amendments to Standing Committee amendments, AM133)

- 1 1. On page 2, strike lines 21 through 27, show the old matter as
- 2 stricken, and insert the following new subdivisions:
- 3 "(c) Adopts any of the following:
- 4 (i) Section 305 or 310 of the 2018 edition of the International
- 5 Building Code without the exceptions described in subdivision (1)(a) of
- 6 section 71-6403;
- 7 (ii) Section 101.4.3 or any portion of chapter 29 of the 2018
- 8 edition of the International Building Code;
- 9 (iii) Section R313 or any portion of chapters 25 through 33 of the
- 10 2018 edition of the International Residential Code; or
- 11 (iv) Section 809 of the 2018 edition of the International Existing
- 12 Building Code;".

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

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

Senator Cavanaugh, M. name added to LB8.

Senator Day name added to LB8.

Senator Cavanaugh, J. name added to LB8.

Senator Day name added to LB64.

Senator Linehan name added to LB236.

Senator McCollister name added to LB241.

Senator Blood name added to LB322.

Senator Brewer name added to LB661.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting of Pender.

**ADJOURNMENT**

At 1:40 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 10:00 a.m., Monday, March 22, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 22, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 22, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator DeBoer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Arch and Brewer who were excused; and Senators Briese, M. Cavanaugh, Day, Lathrop, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 561.** Placed on Select File with amendment.  
[ER25](#) is available in the Bill Room.

**LEGISLATIVE BILL 88.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Appropriations

**LEGISLATIVE BILL 185.** Placed on General File with amendment.[AM706](#)

1 1. Strike the original section and insert the following new section:  
 2 Section 1. There is hereby appropriated (1) \$531,000 from the  
 3 General Fund for FY2021-22 and (2) \$531,000 from the General Fund for  
 4 FY2022-23 to the Department of Health and Human Services, for Program  
 5 502, for state aid, to provide funds to tribally owned, urban-based,  
 6 federally qualified health centers designated under the federal Indian  
 7 Self-Determination and Education Assistance Act of 1975, Public Law  
 8 93-638, as such act existed on January 1, 2021.  
 9 No expenditures for permanent and temporary salaries and per diems  
 10 for state employees shall be made from funds appropriated in this  
 11 section.

(Signed) John Stinner, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 40A.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 40, One Hundred Seventh Legislature, First Session, 2021.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs  
 Room 1510

Monday, March 29, 2021 12:00 p.m.

LB561

Note: AM 639 to LB 561

(Signed) Tom Briese, Chairperson

Nebraska Retirement Systems  
 Room 1525

Thursday, April 8, 2021 12:00 p.m.

Pamela E. Lancaster - Public Employees Retirement Board

Thomas E. Zimmerman - Public Employees Retirement Board

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

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

Senator Williams filed the following amendment to [LB322](#):  
[AM718](#)

(Amendments to Standing Committee amendments, AM464)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Sections 1 to 7 of this act shall be known and may be
- 4 cited as the School Safety and Security Reporting System Act.
- 5 Sec. 2. The Legislature finds that the COVID-19 pandemic has
- 6 impacted the health and well-being of students throughout Nebraska,
- 7 resulting in the need for a scalable support system and report line to
- 8 enhance the safety and well-being of students in each elementary and
- 9 secondary school.
- 10 Sec. 3. For purposes of the School Safety and Security Reporting
- 11 System Act:
- 12 (1) Concerning behavior includes, but is not limited to, suicide,
- 13 bullying, stalking behavior, cyber or electronic harassment, bomb threat,
- 14 family violence, physical or sexual abuse, threat to property, behavior
- 15 indicative of terrorism, assault or attack, inappropriate weapons use,
- 16 concern about mental health or substance use, sexual exploitation or
- 17 predation, and any direct or indirect threatening statement;
- 18 (2) Department means the State Department of Education or the state
- 19 school security director;
- 20 (3) Mental health professional means a school psychologist, social
- 21 worker, or licensed mental health professional;
- 22 (4) Report line staff means the staff of the Safe2HelpNE report line
- 23 as provided in subsection (4) of section 4 of this act;
- 24 (5) Safe2HelpNE report line means the reporting system established
- 25 pursuant to section 4 of this act;
- 26 (6) Threat assessment means an evidence-based process to reduce
- 1 potential risks and incidents of violence resulting in harm to one or
- 2 more persons or school property; and
- 3 (7) Threat assessment team means a school-based team of at least
- 4 five members who have completed the training required pursuant to section
- 5 5 of this act and includes, but is not limited to, the principal or
- 6 principal's designee, a mental health professional, and a member of the
- 7 school staff.
- 8 Sec. 4. (1) The department shall establish the Safe2HelpNE report
- 9 line as a statewide, anonymous reporting system to support threat
- 10 assessment teams and reduce potential risks and incidents of violence
- 11 resulting in harm to self, others, or school property.
- 12 (2) The Safe2HelpNE report line shall be multi-modal to allow
- 13 students, school staff, parents, and community members to anonymously
- 14 report concerns and information about concerning behavior or possible
- 15 harm to persons or property by telephone call, mobile application, web
- 16 site, or email without charge. The Safe2HelpNE report line shall be
- 17 available to any public or nonpublic school that has a threat assessment
- 18 team and that maintains a current list of the contact information for at
- 19 least five team members designated to receive alerts from staff at any
- 20 time of the day or night.
- 21 (3) Except as otherwise required by law, the identity of any
- 22 individual who contacts the Safe2HelpNE report line shall be confidential
- 23 and shall not be revealed.
- 24 (4) The Safe2HelpNE report line shall be staffed seven days per week
- 25 and twenty-four hours per day by professionals trained to receive
- 26 concerns, use de-escalation techniques to minimize law enforcement

27 involvement, and alert the appropriate threat assessment team for review,  
28 assessment, and action to protect persons and property. The report line  
29 staff shall also be trained in threat assessment and management  
30 processes, suicide prevention, recognizing mental illness and emotional  
31 disturbance, and applicable confidentiality and privacy laws. The report  
1 line staff shall have access to clinical consultation and support seven  
2 days per week and twenty-four hours per day from a licensed mental health  
3 professional.

4 (5) The report line staff shall immediately alert the appropriate  
5 threat assessment team of any concern directly regarding a student,  
6 school staff member, or school property or that is likely to impact a  
7 student, school staff member, or school property. If there is an  
8 immediate life safety concern, emergency services shall be contacted  
9 prior to any threat assessment team. Each alert that is not referred to  
10 emergency services, law enforcement, or child protective services shall  
11 be assessed by the threat assessment team receiving such alert. If a  
12 threat assessment team decides a report regarding a student is credible,  
13 a representative of the school administration shall, within a reasonable  
14 period of time, attempt to notify a parent or guardian of the student  
15 except when such notification could reasonably be believed to contribute  
16 to the endangerment of the student or others. Such notification or  
17 attempted notification shall be documented in a manner prescribed by the  
18 department.

19 (6) The department shall track and evaluate the effectiveness and  
20 usage of the Safe2HelpNE report line. The report line staff shall report  
21 the number of calls received, disposition of calls, referrals made to  
22 threat assessment teams, and other metrics as determined by and in the  
23 manner prescribed by the department.

24 (7) Any information or material in the possession of the threat  
25 assessment team shall remain separate from educational records and shall  
26 be considered security records.

27 Sec. 5. The department shall provide training for the members of  
28 any threat assessment team serving a public or nonpublic school. Such  
29 training shall provide the knowledge and skill to allow threat assessment  
30 teams to work collaboratively to conduct threat assessments, engage in  
31 crisis intervention, increase awareness of concerning behavior among  
1 school staff, students, and the public, and interrupt violence in the  
2 planning stage to thwart potential harm to persons and property.

3 Sec. 6. It is the intent of the Legislature that federal funds  
4 shall be used to implement the School Safety and Security Reporting  
5 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The  
6 Commissioner of Education shall electronically report data, a cost-  
7 benefit analysis, and a funding recommendation regarding the continued  
8 viability of the Safe2HelpNE report line to the Appropriation Committee  
9 of the Legislature and the Education Committee of the Legislature on or  
10 before January 5, 2024.

11 Sec. 7. The department may adopt and promulgate rules and  
12 regulations to carry out the School Safety and Security Reporting System  
13 Act.

14 Sec. 8. Section 79-2,144, Revised Statutes Cumulative Supplement,  
15 2020, 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) Responding to inquiries and requests for assistance relating to  
 16 school security from private, denominational, and parochial schools; ~~and~~  
 17 (10) Recommending curricular and extracurricular materials to assist  
 18 school districts in preventing and responding to cyberbullying and  
 19 digital citizenship issues; and -  
 20 (11) Carrying out the department's responsibilities under the School  
 21 Safety and Security Reporting System Act.  
 22 Sec. 9. This act becomes operative on July 1, 2021.  
 23 Sec. 10. Original section 79-2,144, Revised Statutes Cumulative  
 24 Supplement, 2020, is repealed.  
 25 Sec. 11. Since an emergency exists, this act takes effect when  
 26 passed and approved according to law.

#### SELECT FILE

**LEGISLATIVE BILL 14.** [ER20](#), found on page 622, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 389.** [ER19](#), found on page 623, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 22.** [ER4](#), found on page 449, was adopted.

Senator Williams offered his amendment, [AM610](#), found on page 632.

The Williams amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 368.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 369.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 100.** [ER21](#), found on page 665, was adopted.

Senator Blood offered the following amendment:

[AM653](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3 Section 1. (1) Notwithstanding section 44-3,131, any individual or  
4 group sickness and accident insurance policy, certificate, or subscriber  
5 contract delivered, issued for delivery, or renewed in this state and any  
6 hospital, medical, or surgical expense-incurred policy, except for  
7 policies that provide coverage for a specified disease or other limited  
8 benefit coverage, and any self-funded employee benefit plan to the extent  
9 not preempted under federal law that includes coverage for a self-  
10 administered hormonal contraceptive that is approved by the federal Food  
11 and Drug Administration shall reimburse an in-network health care  
12 provider or dispensing entity on a per-unit basis for dispensing a supply  
13 of such contraceptive to a covered individual as follows:

14 (a) For the first prescription of such contraceptive, at least up to  
15 a three-month supply, if so prescribed; and

16 (b) For subsequent refills of the same contraceptive, regardless of  
17 whether the covered individual was enrolled in the policy, contract, or  
18 plan at the time of the first prescription for such contraceptive, up to  
19 a six-month supply, if so prescribed.

20 (2) Nothing in this section shall be construed to:

21 (a) Require a health care provider to prescribe a six-month supply  
22 of a self-administered hormonal contraceptive; or

23 (b) Permit a policy, contract, or plan to impose cost-sharing for an  
24 alternative method of contraception if a covered individual changes  
25 contraceptive methods before exhausting a previously dispensed supply of  
26 a self-administered hormonal contraceptive.

27 (3) A policy, contract, or plan shall be exempt from this section  
1 for a policy, contract, or plan year if, using a calculation method  
2 approved by the Department of Insurance, the cost of coverage would  
3 likely exceed one percent of all premiums collected under such policy,  
4 contract, or plan for such policy, contract, or plan year.

5 Sec. 2. Section 68-901, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 68-901 Sections 68-901 to 68-9,100 and sections 3 and 4 of this act  
8 shall be known and may be cited as the Medical Assistance Act.

9 Sec. 3. (1) In providing family planning services and supplies  
10 under the medical assistance program, the department shall ensure that a  
11 prescription for the dispensation of a covered self-administered hormonal  
12 contraceptive is provided as follows:

13 (a) For the first prescription of such contraceptive, at least up to  
14 a three-month supply, if so prescribed; and

15 (b) For subsequent refills of the same contraceptive, regardless of  
16 whether the covered individual was enrolled in the medical assistance  
17 program at the time of the first prescription for such contraceptive, up  
18 to a six-month supply, if so prescribed.

19 (2) Nothing in this section shall be construed to limit a medical  
20 assistance recipient's freedom to choose or change the method of family

21 planning to use, regardless of whether the recipient has exhausted a  
 22 previously dispensed supply of contraceptives.  
 23 Sec. 4. (1) For purposes of this section, multiple procedure  
 24 payment reduction policy means a policy used in the federal medicare  
 25 program under Title XVIII of the federal Social Security Act for  
 26 outpatient rehabilitation service codes where full payment is made for  
 27 the unit or procedure with the highest rate and subsequent units and  
 28 procedures are paid at a reduction of the published rates when more than  
 29 one unit procedure is provided to the same patient on the same day.  
 30 (2) A multiple procedure payment reduction policy shall not be  
 31 implemented under the Medical Assistance Act as it applies to therapy  
 1 services provided by physical therapy, occupational therapy, or speech-  
 2 language pathology.  
 3 Sec. 5. Original section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2020, is repealed.

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

The Blood amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, 61, 62, and 63 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 59, 60, 61, 62, and 63.

### SELECT FILE

**LEGISLATIVE BILL 101.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 351.** Senator Vargas offered the following amendment:

#### AM603

1 1. Insert the following new sections:  
 2 Section 1. Section 71-1914, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 71-1914 (1) The department shall be the state's coordinating agency  
 5 for licensure and regulation of programs in this state in order to (a)  
 6 provide efficient services pursuant to the Child Care Licensing Act, (b)  
 7 avoid duplication of services, and (c) prevent an unnecessary number of  
 8 inspections of any program. The department may request cooperation and  
 9 assistance from local and state agencies and such agencies shall promptly  
 10 respond. The department shall not be responsible for verifying compliance  
 11 with subdivision (3)(b) of section 71-1962. The extent of an agency's

12 cooperation may be included in the report to the Legislature pursuant to  
13 section 43-3402.

14 (2) A city, village, or county may adopt rules, regulations, or  
15 ordinances establishing physical well-being and safety standards for  
16 programs whether or not the persons providing such programs are subject  
17 to licensure under section 71-1911. Such rules, regulations, or  
18 ordinances shall be as stringent as or more stringent than the  
19 department's rules and regulations for licensees pursuant to the Child  
20 Care Licensing Act. The city, village, or county adopting such rules,  
21 regulations, or ordinances and the department shall coordinate the  
22 inspection and supervision of licensees to avoid duplication of  
23 inspections. A city, village, or county shall report any violation of  
24 such rules, regulations, or ordinances to the department. The city,  
25 village, or county may administer and enforce such rules, regulations,  
26 and ordinances. Enforcement of provisions of the Child Care Licensing Act  
27 or rules or regulations adopted and promulgated under the act shall be by  
1 the department pursuant to sections 71-1919 to 71-1923.

2 Sec. 3. Section 71-1962, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 71-1962 (1) ~~The Not later than March 1, 2014, the State Department~~  
5 of Education shall create and operate the Nebraska Early Childhood  
6 Professional Record System and verify compliance with subdivision (3)(b)  
7 of this section. The system shall be designed in order to:

8 (a) Establish a data base of Nebraska's early childhood education  
9 workforce;

10 (b) Verify educational degrees and professional credentials held and  
11 relevant training completed by employees of participating applicable  
12 child care and early childhood education programs; and

13 (c) Provide such information to the Department of Health and Human  
14 Services for use in evaluating applications to be rated at a step above  
15 step one under section 71-1959.

16 (2) When an applicable child care or early childhood education  
17 program participating in the quality rating and improvement system  
18 developed pursuant to section 71-1955 applies under section 71-1959 to be  
19 rated at a step above step one, the child care or early childhood  
20 education program shall report the educational degrees and professional  
21 credentials held and relevant training completed by its child care and  
22 early childhood education employees to the Nebraska Early Childhood  
23 Professional Record System for the program to be eligible for a quality  
24 scale rating above step one.

25 ~~(3)(a) (3)~~ Any child care or early childhood education provider  
26 residing or working in Nebraska, ~~and not otherwise required to,~~ may  
27 report his or her educational degrees and professional credentials held,  
28 relevant training completed, and work history to the Nebraska Early  
29 Childhood Professional Record System.

30 (b) Beginning June 30, 2023, each employee of a program as defined  
31 in section 71-1910 shall report his or her educational degrees and  
1 professional credentials held, relevant training completed, and work  
2 history to the Nebraska Early Childhood Professional Record System.

3 (c) Until June 30, 2023, the State Department of Education shall,  
4 upon request, make reasonable efforts to assist any child care or early  
5 childhood education provider in complying with subdivision (b) of this  
6 subsection.

7 (4) The State Department of Education shall develop a classification  
8 system for all eligible staff members as defined in section 77-3603 who  
9 are employees of or who are self-employed individuals providing services  
10 for applicable child care and early childhood education programs listed  
11 in the Nebraska Early Childhood Professional Record System. The  
12 classification system shall be based on the eligible staff members'  
13 educational degrees and professional credentials held, relevant training



14 completed, and work history and shall be made up of four levels, with  
 15 level one being the least qualified and level four being the most  
 16 qualified. The minimum qualification for an eligible staff member to be  
 17 classified as level one shall be a Child Development Associate Credential  
 18 or a one-year certificate or diploma in early childhood education or  
 19 child development. The classification system shall be used for purposes  
 20 of the tax credit granted in section 77-3605.  
 21 2. Renumber the remaining sections and correct the repealer  
 22 accordingly.

Senator Vargas moved for a call of the house. The motion prevailed with 20  
 ayes, 5 nays, and 24 not voting.

The Vargas amendment lost with 21 ayes, 16 nays, 7 present and not voting,  
 and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 476.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 533.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 401.** Senator Wayne requested a record vote on the  
 advancement of the bill.

Voting in the affirmative, 37:

Aguilar	Erdman	Hilgers	McCollister	Slama
Albrecht	Flood	Hilkemann	McDonnell	Stinner
Blood	Geist	Hughes	Morfeld	Vargas
Bostelman	Gragert	Hunt	Moser	Walz
Brandt	Groene	Kolterman	Murman	Williams
Clements	Halloran	Lindstrom	Pahls	
DeBoer	Hansen, B.	Linehan	Pansing Brooks	
Dorn	Hansen, M.	Lowe	Sanders	

Voting in the negative, 0.

Present and not voting, 7:

Bostar	Cavanaugh, M.	McKinney	Wishart
Cavanaugh, J.	Friesen	Wayne	

Excused and not voting, 5:

Arch Brewer Briese Day Lathrop

Advanced to Enrollment and Review for Engrossment with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 37.** Senator Lowe offered his amendment, [AM581](#), found on page 605.

The Lowe amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 169.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 255.** Senator Flood offered his amendment, [AM680](#), found on page 683.

The Flood amendment was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 281.** Title read. Considered.

Committee [AM298](#), found on page 632, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 70.** Introduced by McKinney, 11.

WHEREAS, Manifested Purpose, LLC Family Life Education and Coaching offers the tools and resources needed to empower families through crisis, trauma, and life transitions; and

WHEREAS, Manifested Purpose offers classes and workshops designed to assist families to develop a healthy and satisfying family culture; and

WHEREAS, one such class is the Black Studies Bootcamp for Youth, which is offered in separate sessions for children ages eight to eleven and for children ages twelve to sixteen; and

WHEREAS, the Black Studies Bootcamp for Youth provides children the opportunity to travel back in time and learn the truth and fundamentals about Black history during a ten week learning series.

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

1. That the Legislature recognizes Manifested Purpose, LLC Family Life Education and Coaching for its work in empowering families and providing Black history education to youth in the Omaha community.

2. That a copy of this resolution be sent to Manifested Purpose, LLC Family Life Education and Coaching.

Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by McKinney, 11.

WHEREAS, Tiffany Gamble founded the Emerging Ladies Academy in 2017 with the purpose of empowering Black girls in technology; and

WHEREAS, the Emerging Ladies Academy is dedicated to providing technology education, mentorship, and a safe space for Black girls to develop a bright future as skilled workers and leaders in science, technology, engineering, arts, and math; and

WHEREAS, in addition to community-based workshops, after school programming is offered by Emerging Ladies Academy in five Omaha middle schools; and

WHEREAS, the Emerging Ladies Academy has already served, educated, and inspired over one hundred girls.

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

1. That the Legislature recognizes the Emerging Ladies Academy for its work in inspiring Black girls in the Omaha community.

2. That a copy of this resolution be sent to Tiffany Gamble on behalf of the Emerging Ladies Academy.

Laid over.

**LEGISLATIVE RESOLUTION 72.** Introduced by McKinney, 11.

WHEREAS, the Urban Flag Football League was founded by Qasim C. Shabazz Asad; and

WHEREAS, Qasim worked with a collaboration of passionate leaders from the Omaha community who are vested in spreading the value of physical health, as well as self and cultural awareness; and

WHEREAS, the leaders of the Urban Flag Football League created the Manhood Development Program to teach life skills to Black youth in Omaha; and

WHEREAS, these life skills include fishing, camping, hunting and firearm safety, and mechanic skills, such as changing the tires on and oil in a car; and

WHEREAS, the success of the Manhood Development Program has led to the creation of the Sisterhood Program in order for young girls to learn these same life skills; and

WHEREAS, the Manhood Development Program and Sisterhood Program each strive to teach self-discipline, respect, love, and appreciation for life to Omaha's youth.

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

1. That the Legislature recognizes the Manhood Development Program and the Sisterhood Program of the Urban Flag Football League for their work in teaching life skills and self-discipline to Black youth in Omaha.

2. That a copy of this resolution be sent to Qasim C. Shabazz Asad on behalf of the Manhood Development Program and the Sisterhood Program of the Urban Flag Football League.

Laid over.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 274A.** 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 274, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 376A.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 376, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 561A.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 366A.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Seventh Legislature, First Session, 2021.

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

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

Senator Wayne name added to LB8.  
Senator McDonnell name added to LB8.  
Senator Wayne name added to LB12.  
Senator Wayne name added to LB212.  
Senator Wayne name added to LB223.  
Senator Wayne name added to LB237.  
Senator Wayne name added to LB387.  
Senator Wayne name added to LB398.  
Senator Wayne name added to LB407.  
Senator Flood name added to LB537.  
Senator Wayne name added to LR21CA.

**WITHDRAW - Cointroducer(s)**

Senator Wayne name withdrawn from LB306.

**RECESS**

At 12:04 p.m., on a motion by Senator Slama, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Arch and Brewer who were excused; and Senators Briese, M. Hansen, Lathrop, Linehan, Morfeld, and Wayne who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 281.** Senator Pahls offered the following amendment:

[AM736](#)

(Amendments to Standing Committee amendments, AM298)

1 1. On page 1, line 9, after "district" insert "and each private,  
2 denominational, and parochial school"; and in line 12 after "districts"  
3 insert "and private, denominational, and parochial schools".

Senator Pahls withdrew his amendment.

Senator Hunt offered the following amendment:

[AM735](#)

(Amendments to Standing Committee amendments, AM298)

1 1. On page 2, line 9, after the period insert "If federal funds  
 2 under the federal Every Student Succeeds Act are unavailable, it is the  
 3 intent of the Legislature to appropriate funds for curriculum to  
 4 implement subsections (2) and (3) of this section. Such appropriated  
 5 funds shall be distributed to school districts proportionally based on  
 6 the most recently available fall membership numbers.".

Senator Hunt moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Hunt requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 16:

Blood	DeBoer	Kolterman	Vargas
Cavanaugh, J.	Friesen	McCollister	Walz
Cavanaugh, M.	Hansen, M.	McKinney	Wayne
Day	Hunt	Pansing Brooks	Wishart

Voting in the negative, 24:

Aguilar	Dorn	Groene	Hughes	Moser
Albrecht	Erdman	Halloran	Lindstrom	Murman
Bostelman	Flood	Hansen, B.	Linehan	Sanders
Brandt	Geist	Hilgers	Lowe	Slama
Clements	Gragert	Hilkemann	McDonnell	

Present and not voting, 3:

Bostar	Stinner	Williams
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Excused and not voting, 6:

Arch	Briese	Morfeld
Brewer	Lathrop	Pahls

The Hunt amendment was lost with 16 ayes, 24 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 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 473A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 473, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 452A.** Introduced by McKinney, 11; Hilgers, 21; Slama, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 452, One Hundred Seventh Legislature, First Session, 2021.

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

Senator Day filed the following amendment to LB639:

[AM683](#)

(Amendments to Standing Committee amendments, AM541)

1 1. Insert the following new amendment:

2 3. On page 4, line 1, after "acts" insert "as a reasonably prudent

3 school or school employee".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 73.** Introduced by Speaker Hilgers, 21; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Dr. Joseph Clarke Stothert will be remembered as a loving husband, a devoted father, a compassionate physician, and a steadfast public servant; and

WHEREAS, Dr. Stothert attended MacMurray College in Jacksonville, Illinois, where he received a Bachelor of Science degree in Chemistry. He earned a medical degree at St. Louis University and a doctorate in pulmonary physiology and biophysics at the University of Washington in Seattle; and

WHEREAS, Dr. Stothert was recruited to Omaha in 1993 to create a state-of-the-art medical trauma care system; and

WHEREAS, Dr. Stothert served as the Medical Director for the Omaha Fire Department, Douglas County 911, Metro Community College, and Eppley Airfield; and

WHEREAS, Dr. Stothert served as Director of Trauma for the State of Nebraska; and

WHEREAS, Dr. Stothert was the husband of Omaha Mayor Jean Stothert for over 40 years; and

WHEREAS, Dr. Stothert was a father of two children and grandfather to four grandchildren; and

WHEREAS, Dr. Stothert will be greatly missed by his family and by the many friends and colleagues to whom he made a contribution.

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

1. That the Legislature honors Dr. Joseph Clarke Stothert for his dedication to the practice of medicine and passion for his community, and offers condolences to his family.

2. That a copy of this resolution be sent to the family of Dr. Joseph Stothert.

Laid over.

## SENATOR HUGHES PRESIDING

### GENERAL FILE

**LEGISLATIVE BILL 572.** Title read. Considered.

Committee [AM410](#), found on page 527, was offered.

Senator Erdman offered his amendment, [AM484](#), found on page 565, to the committee amendment.

Senator Erdman withdrew his amendment.

Senator Erdman offered the following amendment to the committee amendment:

#### [AM686](#)

(Amendments to Standing Committee amendments, AM410)

1 1. Strike amendments 1, 2, and 11 and insert the following new

2 amendments:

3 1. Strike sections 4, 5, and 10 and insert the following new

4 sections:

5 Sec. 16. Section 54-191, Revised Statutes Cumulative Supplement,

6 2020, is amended to read:

7 54-191 (1) The Nebraska Brand Committee is hereby created. Beginning

8 August 28, 2007, the brand committee shall consist of five members

9 appointed by the Governor, subject to confirmation by the Legislature. At

10 least three appointed members shall be active cattlemen and at least

11 one appointed member shall be an active cattle feeder. The Secretary of

12 State and the Director of Agriculture, or their designees, shall be

13 nonvoting, ex officio members of the brand committee. The appointed



14 members shall be owners of cattle within the brand inspection area, shall  
 15 reside within the brand inspection area, shall be owners of Nebraska-  
 16 recorded brands, and shall be persons whose principal business and  
 17 occupation is the raising or feeding of cattle within the brand  
 18 inspection area.

19 (2) The members of the brand committee shall elect a chairperson and  
 20 vice-chairperson from among its appointed members during the first  
 21 meeting held after September 1 each calendar year. A member may be  
 22 reelected to serve as chairperson or vice-chairperson.

23 (3) The terms of the members shall be four-year, staggered terms,  
 24 beginning on August 28 of the year of initial appointment or  
 25 reappointment and concluding on August 27 of the year of expiration. At  
 26 the expiration of the term of an appointed member, the Governor shall  
 1 appoint a successor, subject to confirmation by the Legislature. If there  
 2 is a vacancy on the brand committee, the Governor shall fill such vacancy  
 3 by appointing a member to serve during the unexpired term of the member  
 4 whose office has become vacant. Any appointment to fill a vacancy shall  
 5 be subject to confirmation by the Legislature.

6 (4) The action of a majority of the members shall be deemed the  
 7 action of the brand committee. No appointed member shall hold any  
 8 elective or appointive state or federal office while serving as a member  
 9 of the brand committee. Each member and each brand committee employee who  
 10 collects or who is the custodian of any funds shall be bonded or insured  
 11 as required under section 11-201. The appointed members of the brand  
 12 committee shall be reimbursed for expenses in attending meetings of the  
 13 brand committee or in performing any other duties that are prescribed in  
 14 the Livestock Brand Act or section 54-415, as provided for in sections  
 15 81-1174 to 81-1177.

16 The purpose of the Nebraska Brand Committee is to protect Nebraska  
 17 brand and livestock owners from the theft of livestock through  
 18 established brand recording, brand inspection, and livestock theft  
 19 investigation.

20 Sec. 31. A person commits a Class III felony if such person:

21 (1) Willfully and knowingly performs or causes to be performed any  
 22 act to:

23 (a) Apply, remove, damage, or alter an approved non-visual  
 24 identifier; or

25 (b) Expunge, alter, render inaccessible, or otherwise corrupt  
 26 information recorded or embedded on or in an approved non-visual  
 27 identifier; and

28 (2) Such conduct is done with the intent to deprive an owner of  
 29 livestock or falsely assert ownership of livestock.

30 2. On page 2, line 3, after the last comma insert "and 31"; in line  
 31 4 strike "10, 11, and 12"; in line 9 strike "8, 9, 10" and insert "8, and  
 1 9"; and in line 10 strike "11, and 12".

2 11. Renumber the remaining sections and correct the repealer  
 3 accordingly.

Senator Erdman moved for a call of the house. The motion prevailed with  
 16 ayes, 6 nays, and 27 not voting.

The Erdman amendment was adopted with 36 ayes, 2 nays, 6 present and  
 not voting, and 5 excused and not voting.

The Chair declared the call raised.

**SENATOR HUGHES PRESIDING**

Senator Halloran moved for a call of the house. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Halloran requested a roll call vote on the committee amendment.

Voting in the affirmative, 30:

Aguilar	DeBoer	Gragert	Hunt	Moser
Albrecht	Dorn	Groene	Lindstrom	Murman
Brandt	Erdman	Halloran	Linehan	Sanders
Cavanaugh, J.	Flood	Hansen, B.	Lowe	Slama
Clements	Friesen	Hilgers	McCollister	Walz
Day	Geist	Hughes	Morfeld	Williams

Voting in the negative, 7:

Blood	Hilkemann	Stinner	Wishart
Cavanaugh, M.	Kolterman	Vargas	

Present and not voting, 4:

Bostar	Hansen, M.	McKinney	Pansing Brooks
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Absent and not voting, 1:

McDonnell

Excused and not voting, 7:

Arch	Brewer	Lathrop	Wayne
Bostelman	Briese	Pahls	

The committee amendment was adopted with 30 ayes, 7 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 74.** Introduced by Aguilar, 35.

WHEREAS, the Grand Island Central Catholic (GICC) boys' basketball team won the 2021 Class C-2 Boys State Basketball Championship; and

WHEREAS, the GICC Crusaders ended the season with a 25 and 4 record after a victory over the Yutan Chieftains in the championship game, winning by a score of 55 to 34; and

WHEREAS, the Crusaders boys' basketball team members are positive role models of hard work, dedication, perseverance, and discipline for young athletes; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, other students, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Grand Island Central Catholic boys' basketball team and its coaches on winning the 2021 Class C-2 Boys State Basketball Championship.

2. That copies of this resolution be sent to the Grand Island Central Catholic boys' basketball team and Coach Tino Martinez.

Laid over.

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

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

Senator Lindstrom name added to LB194.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

#### **ADJOURNMENT**

At 4:59 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, March 23, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 23, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 23, 2021

**PRAYER**

The prayer was offered by Senator Aguilar.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Dorn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer and Pansing Brooks who were excused; and Senators Bostar, M. Cavanaugh, M. Hansen, Hunt, Lathrop, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**ANNOUNCEMENT**

Senator Kolterman announced the birthday of Senator Lindstrom.

**GENERAL FILE**

**LEGISLATIVE BILL 40.** Title read. Considered.

Committee [AM575](#), found on page 625, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**SENATOR WILLIAMS PRESIDING**

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 40A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 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 396A.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 324A.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 324, One Hundred Seventh Legislature, First Session, 2021.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 75.** Introduced by Hilkemann, 4; Day, 49; Lindstrom, 18; Linehan, 39; McCollister, 20; Pahls, 31; Walz, 15.

WHEREAS, the Millard North High School boys' basketball team won the 2021 Class A Boys State Basketball Championship; and

WHEREAS, under the leadership of Coach Tim Cannon, the Millard North Mustangs ended the season with a 27 and 2 record after their victory over the Bellevue West Thunderbirds in the championship game, winning by a score of 84 to 78; and

WHEREAS, this is the first Boys State Basketball Championship in the school's history; and

WHEREAS, following the championship game, the Mustangs were ranked fourteenth nationally by Max Preps; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Millard North High School boys' basketball team and its coaches on winning the 2021 Class A Boys State Basketball Championship.

2. That copies of this resolution be sent to the Millard North High School boys' basketball team and to Coach Tim Cannon.

Laid over.

### **GENERAL FILE**

**LEGISLATIVE BILL 544.** Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 215.** Title read. Considered.

### **SPEAKER HILGERS PRESIDING**

Senator Wayne offered the following motion:

[MO15](#)

Indefinitely postpone.

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Senator Wayne withdrew his motion to indefinitely postpone.

Failed to advance to Enrollment and Review Initial with 20 ayes, 10 nays, 8 present and not voting, and 11 excused and not voting.

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

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

Senator Blood name added to LB40.

Senator Vargas name added to LB40.

Senator Aguilar name added to LB40.

Senator Stinner name added to LB40.

Senator Bostelman name added to LB281.

Senator Wayne name added to LB306.

### **WITHDRAW - Cointroducer(s)**

Senator Hunt name withdrawn from LB567.

**RECESS**

At 11:56 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., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Brewer, Pansing Brooks, and Slama who were excused; and Senators Briese, Hunt, Lathrop, Linehan, Morfeld, and Wayne who were excused until they arrive.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 650A.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred Seventh Legislature, First Session, 2021.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 14.** Placed on Final Reading.

**LEGISLATIVE BILL 387.** Placed on Final Reading.

**LEGISLATIVE BILL 389.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 390.** Title read. Considered.

Committee [AM447](#), found on page 633, was adopted with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 92.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 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 132A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 132, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 498A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 498, One Hundred Seventh Legislature, First Session, 2021.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Final Reading.

**LEGISLATIVE BILL 368.** Placed on Final Reading.

**LEGISLATIVE BILL 369.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 197.** Title read. Considered.

Committee [AM51](#), found on page 497, was adopted with 33 ayes, 0 nays, 8 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.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 25.** Read. Considered.

LR25 was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE RESOLUTION 29.** Read. Considered.

Committee [AM595](#), found on page 687, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Hughes offered the following amendment:

[FA6](#)

On page 2, line 12 after "testimony" add: "but only after authorization by the Executive Board".  
And page 2, line 31, after the period add: "The committee shall terminate on December 31, 2021."

**SENATOR LINDSTROM PRESIDING**

Senator Flood requested a division of the question on the Hughes amendment.

The Chair sustained the division of the question.

The first Hughes amendment is as follows:

[FA8](#)

Amend AM595 to LR29.

On page 2, line 31, after the period add: "The committee shall terminate on December 31, 2021".

The second Hughes amendment is as follows:

[FA7](#)

Amend AM595 to LR29.

Page 2, line 12 after "testimony" add: "but only after authorization by the Executive Board".

The first Hughes amendment, [FA8](#), found in this day's Journal, was offered.

Senator M. Hansen offered the following amendment to the first Hughes amendment, [FA8](#):

[FA9](#)

Amendment to FA8.

Strike "2021" and insert "2022".

The M. Hansen amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

The first Hughes amendment, as amended, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 76.** Introduced by Hansen, M., 26; Cavanaugh, J., 9.

**PURPOSE:** The purpose of this resolution is to complete a comprehensive interim study of court fees as a funding source for the court system and the judicial branch. Nebraska assesses fees as part of the court costs for most, if not all, civil and criminal cases, including those related to traffic citations. Nebraska is not alone in imposing court fees, as other states also assess court fees as a revenue source. Most of the court fees imposed go to fund

the court system, including, but not limited to, funds dedicated to automation costs of the court computer system and to the judges' retirement fund. However, some court costs are earmarked for other state agencies that work with the court system. Nebraska law does provide for the waiver of court costs in certain circumstances due to indigent status or for the discharge of costs that are deemed uncollectible due to the financial inability to pay. In some instances court costs are also paid to the state by counties or cities.

The study shall examine:

- (1) Whether fees should be assessed on all cases or only certain types of cases;
- (2) How court costs and fees in Nebraska compare to other states;
- (3) Whether court fees are an appropriate or effective means of providing funds for the court system or other agencies;
- (4) Whether the current waiver or discharge provisions for court fees are adequate to protect indigent or poor individuals and whether any reform is necessary; and
- (5) How much political subdivisions pay in court fees and whether any adjustment should be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 77.** Introduced by Hansen, M., 26.

WHEREAS, Annunciation Greek Orthodox Church has been a landmark in northeast Lincoln for over seventy-five years; and

WHEREAS, March 25, 2021, is the two hundredth anniversary of Greek independence from the Ottoman Empire; and

WHEREAS, the Annunciation to the Theotokos, when Archangel Gabriel appeared to Mary, is also celebrated on March 25th; and

WHEREAS, the Greek Revolution from the Ottoman Empire began when Bishop Germanos of Patras raised the flag of revolution over the Monastery of Agia Lavra; and

WHEREAS, the battle cry of "freedom or death" became the motto of the revolution and of Greece; and

WHEREAS, the revolution ended with the Treaty of Edirne establishing an independent Greek state; and

WHEREAS, Greece and its people have made significant contributions to democracy, debate, and law.

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

1. That the Legislature recognizes March 25, 2021, as the two hundredth anniversary of Greek independence.
2. That a copy of this resolution be sent to Annunciation Greek Orthodox Church in Lincoln, Nebraska.

Laid over.

### AMENDMENT(S) - Print in Journal

Senator Flood filed the following amendment to LB83:  
AM750

(Amendments to E & R amendments, ER23)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 31-727.02, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 31-727.02 (1) Except as provided in subsection (5) of section
- 5 84-1411, the ~~The~~ clerk or administrator of each sanitary and improvement
- 6 district shall notify any municipality or county within whose zoning
- 7 jurisdiction such district is located of all meetings of the district
- 8 board of trustees or called by the administrator by sending a notice of
- 9 such meeting to the clerk of the municipality or county not less than
- 10 seven days prior to the date set for any meeting. In the case of meetings
- 11 called by the administrator, notice shall be provided to the clerk of the
- 12 district not less than seven days prior to the date set for any meeting.
- 13 (2) Except as provided in subsection (5) of section 84-1411, within
- 14 ~~Within~~ thirty days after any meeting of a sanitary and improvement
- 15 district board of trustees or called by the administrator, the clerk or
- 16 administrator of the district shall transmit to the municipality or
- 17 county within whose zoning jurisdiction the sanitary and improvement
- 18 district is located a copy of the minutes of such meeting.
- 19 2. On page 1, lines 10 and 11; and page 2, line 15, strike
- 20 "teleconference or virtual conference", show the old matter as stricken,
- 21 and insert "virtual conferencing".
- 22 3. On page 2, lines 29 and 30, strike "telephone conference call or
- 23 videoconference or virtual conference", show the old matter as stricken,
- 24 and insert "virtual conferencing".
- 25 4. On page 3, line 30; and page 4, lines 2 and 3, strike "telephone
- 26 conference call or virtual conference", show the old matter as stricken,
- 1 and insert "virtual conferencing".
- 2 5. On page 4, line 18, strike "or telephone conference" and show as
- 3 stricken.
- 4 6. On page 5, line 21, strike beginning with "notwithstanding"
- 5 through "84-1411", show the old matter as stricken, and after the
- 6 stricken "84-1411" insert "as defined in section 84-1409".
- 7 7. On page 6, strike beginning with "telephone" in line 8 through
- 8 "or" in line 9 and show the old matter as stricken; and in line 9 after
- 9 "conferencing" insert "as defined in section 84-1409".
- 10 8. On page 10, line 18, after "including" insert "reasonable"; and
- 11 in line 31, after "subdivision" insert "or subsection (4) of section
- 12 79-2204".
- 13 9. On page 18, line 8, strike "The", show as stricken, and insert
- 14 "Each"; and in line 10 strike "the", show as stricken, and insert "a".
- 15 10. Renumber the remaining sections and correct the repealer
- 16 accordingly.

Senator Murman filed the following amendment to [LB529](#):  
[AM719](#)

(Amendments to Standing Committee amendments, AM495)

1 1. Insert the following new sections:  
2 Sec. 7. (1) Teachers and other school personnel may use reasonable  
3 physical intervention to safely manage the behavior of a student to:  
4 (a) Protect such student, another student, a teacher or other school  
5 personnel, or another person from physical injury; or  
6 (b) Secure property in the possession of such student if the  
7 possession of such property by such student poses a threat of physical  
8 injury to such student, another student, a teacher or other school  
9 personnel, or another person.  
10 (2) Any physical intervention by a teacher or other school personnel  
11 pursuant to subdivision (1)(a) or (b) of this section shall not be used  
12 for the purpose of inflicting bodily pain as a penalty for disapproved  
13 behavior.  
14 (3) Following the use of physical intervention pursuant to this  
15 section, a teacher or other school personnel shall contact and notify the  
16 affected parent or guardian of the use of physical intervention.  
17 (4) No teacher or other school personnel shall be subject to  
18 professional or administrative discipline if such physical intervention  
19 was reasonable. Nothing in this section shall be construed to limit any  
20 defense that may be available under any provision of law, including, but  
21 not limited to, any defense relating to self-protection or the protection  
22 of others.  
23 Sec. 8. (1) Beginning in school year 2021-22, each school district  
24 shall have a policy that describes the process of removing a student from  
25 a class and returning a student to a class. Such policy shall: (a)  
26 Describe how and when a student may be removed from a class and returned  
1 to a class; (b) prescribe a discipline process that is proactive,  
2 instructive, and restorative; and (c) require appropriate communication  
3 between administrators, teachers or other school personnel, students, and  
4 parents or guardians. Such policy shall be made available to the public.  
5 (2) Unless prohibited by the federal Individuals with Disabilities  
6 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to  
7 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
8 acts existed on January 1, 2021, an administrator or administrator's  
9 designee shall immediately remove a student from a class upon request by  
10 a teacher or other school personnel if such teacher or other school  
11 personnel has followed school policy in requesting the removal of such  
12 student.  
13 (3) When a student is removed from a class, the goal must be to  
14 return the student to the class as soon as possible after appropriate  
15 instructional or behavioral interventions or supports have been  
16 implemented to increase the likelihood the student will be successful.  
17 For a student with a pattern of disruptive behavior, the school shall  
18 provide additional interventions or supports.  
19 (4) No teacher or other school personnel shall be subject to  
20 professional or administrative discipline if such teacher or other school  
21 personnel acted in a reasonable manner and in accordance with school  
22 policy.  
23 Sec. 9. The State Department of Education may adopt and promulgate  
24 rules and regulations to carry out the Behavioral Awareness and  
25 Intervention Training and Teacher Support Act.  
26 Sec. 10. Section 79-258, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:  
28 79-258 Administrative and teaching personnel may take actions  
29 regarding student behavior, other than those specifically provided in the  
30 Behavioral Awareness and Intervention Training and Teacher Support Act

31 and the Student Discipline Act, which are reasonably necessary to aid the  
 1 student, further school purposes, or prevent interference with the  
 2 educational process. Such actions may include, but need not be limited  
 3 to, counseling of students, parent conferences, referral to restorative  
 4 justice practices or services, rearrangement of schedules, requirements  
 5 that a student remain in school after regular hours to do additional  
 6 work, restriction of extracurricular activity, or requirements that a  
 7 student receive counseling, psychological evaluation, or psychiatric  
 8 evaluation upon the written consent of a parent or guardian to such  
 9 counseling or evaluation.

10 Sec. 11. Section 79-2,144, Revised Statutes Cumulative Supplement,  
 11 2020, is amended to read:

12 79-2,144 The state school security director appointed pursuant to  
 13 section 79-2,143 shall be responsible for providing leadership and  
 14 support for safety and security for the public schools. Duties of the  
 15 director include, but are not limited to:

16 (1) Collecting safety and security plans, required pursuant to rules  
 17 and regulations of the State Department of Education relating to  
 18 accreditation of schools, and other school security information from each  
 19 school system in Nebraska. School districts shall provide the state  
 20 school security director with the safety and security plans of the school  
 21 district and any other security information requested by the director,  
 22 but any plans or information submitted by a school district may be  
 23 withheld by the department pursuant to subdivision (8) of section  
 24 84-712.05;

25 (2) Recommending minimum standards for school security on or before  
 26 January 1, 2016, to the State Board of Education;

27 (3) Conducting an assessment of the security of each public school  
 28 building, which assessment shall be completed by August 31, 2019;

29 (4) Identifying deficiencies in school security based on the minimum  
 30 standards adopted by the State Board of Education and making  
 31 recommendations to school boards for remedying such deficiencies;

1 (5) Establishing security awareness and preparedness tools and  
 2 training programs for public school staff;

3 (6) Establishing research-based model instructional programs for  
 4 staff, students, and parents to address the underlying causes for violent  
 5 attacks on schools;

6 (7) Overseeing suicide awareness and prevention training in public  
 7 schools pursuant to section 79-2,146;

8 (8) Establishing tornado preparedness standards which shall include,  
 9 but not be limited to, ensuring that every school conducts at least two  
 10 tornado drills per year;

11 (9) Collecting behavioral awareness and intervention training plans  
 12 and certifying compliance or noncompliance with section 4 of this act to  
 13 the Commissioner of Education for each school district;

14 ~~(10) (9)~~ Responding to inquiries and requests for assistance  
 15 relating to school security from private, denominational, and parochial  
 16 schools; and

17 ~~(11) (10)~~ Recommending curricular and extracurricular materials to  
 18 assist school districts in preventing and responding to cyberbullying and  
 19 digital citizenship issues.

20 Sec. 21. Section 79-1001, Revised Statutes Cumulative Supplement,  
 21 2020, is amended to read:

22 79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall  
 23 be known and may be cited as the Tax Equity and Educational Opportunities  
 24 Support Act.

25 Sec. 23. (1) For school fiscal year 2021-22 and each school fiscal  
 26 year thereafter, using data from the fall personnel report filed pursuant  
 27 to section 79-804 for the immediately preceding school fiscal year, each  
 28 school district shall receive funding for behavioral awareness and

29 intervention training paid from the Behavioral Training Cash Fund for  
30 each school within such school district that has any grade above  
31 kindergarten, including, but not limited to, a special education school,  
1 an alternative school, or a focus school.  
2 (2) Except as otherwise provided in subsection (6) of this section,  
3 the behavioral training funding for each school described in subsection  
4 (1) of this section shall equal the base training reimbursement plus any  
5 additional training reimbursement units calculated pursuant to this  
6 section.  
7 (3) The base training reimbursement shall be two thousand dollars.  
8 (4) Each school that has a full-time teacher equivalent greater than  
9 or equal to eighty teachers shall qualify for additional training  
10 reimbursement units as follows:  
11 (a) Three additional training reimbursement units for each school  
12 with a full-time teacher equivalent greater than or equal to two hundred  
13 forty teachers;  
14 (b) Two additional training reimbursement units for each school with  
15 a full-time teacher equivalent greater than or equal to one hundred sixty  
16 teachers but less than two hundred forty teachers; and  
17 (c) One additional training reimbursement unit for each school with  
18 a full-time teacher equivalent greater than or equal to eighty teachers  
19 but less than one hundred sixty teachers.  
20 (5) The amount to be paid for each additional training reimbursement  
21 unit for each school fiscal year shall equal the ratio of (a) the  
22 difference of the amount available for distribution in the Behavioral  
23 Training Cash Fund on August 10 immediately preceding such school fiscal  
24 year minus the total of the base training reimbursements for all school  
25 districts divided by (b) the total additional training reimbursement  
26 units for all school districts.  
27 (6) For any school fiscal year when the amount available for  
28 distribution in the Behavioral Training Cash Fund on August 10  
29 immediately preceding such school fiscal year is less than the total of  
30 the base training reimbursements for all schools as calculated pursuant  
31 to subsection (3) of this section, the base training reimbursements shall  
1 be reduced proportionally such that the total of the base training  
2 reimbursements for all schools equals the amount available for  
3 distribution. Payment shall not be made for any additional training  
4 reimbursement units pursuant to subsections (4) and (5) of this section  
5 for such school fiscal year.  
6 (7) For school fiscal year 2021-22, each school district shall  
7 qualify for behavioral training funding. For school fiscal year 2022-23  
8 and each school fiscal year thereafter, each school district in  
9 compliance with the behavioral awareness and intervention training  
10 requirements provided in section 4 of this act, as certified by the state  
11 school security director, shall be eligible for behavioral training  
12 funding.  
13 (8) Funds received from the Behavioral Training Cash Fund pursuant  
14 to this section shall be considered special grant funds and shall not be  
15 included in the calculation of formula resources pursuant to section  
16 79-1017.01.  
17 (9) Behavioral training funding shall be distributed directly to  
18 school districts from the Behavioral Training Cash Fund in the same  
19 manner as and in conjunction with funds distributed pursuant to section  
20 79-1022.  
21 Sec. 24. Section 79-1022, Revised Statutes Cumulative Supplement,  
22 2020, is amended to read:  
23 79-1022 (1) On or before June 10, 2021 May 1, 2020, and on or before  
24 March 1 of each year thereafter, the department shall determine the  
25 amounts to be distributed to each local system for the ensuing school  
26 fiscal year pursuant to the Tax Equity and Educational Opportunities

27 Support Act and shall certify the amounts to the Director of  
 28 Administrative Services, the Auditor of Public Accounts, and each local  
 29 system. On or before ~~June 10, 2021~~ ~~May 1, 2020~~, and on or before March 1  
 30 of each year thereafter, the department shall report the necessary  
 31 funding level for the ensuing school fiscal year to the Governor, the  
 1 Appropriations Committee of the Legislature, and the Education Committee  
 2 of the Legislature. The report submitted to the committees of the  
 3 Legislature shall be submitted electronically. Except as otherwise  
 4 provided in this subsection, certified state aid amounts, including  
 5 adjustments pursuant to section 79-1065.02, shall be shown as budgeted  
 6 non-property-tax receipts and deducted prior to calculating the property  
 7 tax request in the local system's general fund budget statement as  
 8 provided to the Auditor of Public Accounts pursuant to section 79-1024.  
 9 (2) Except as provided in this subsection, subsection (8) of section  
 10 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts  
 11 certified pursuant to subsection (1) of this section shall be distributed  
 12 in ten as nearly as possible equal payments on the last business day of  
 13 each month beginning in September of each ensuing school fiscal year and  
 14 ending in June of the following year, except that when a local system is  
 15 to receive a monthly payment of less than one thousand dollars, such  
 16 payment shall be one lump-sum payment on the last business day of  
 17 December during the ensuing school fiscal year.  
 18 Sec. 25. Section 79-1022.02, Revised Statutes Cumulative Supplement,  
 19 2020, is amended to read:  
 20 79-1022.02 Notwithstanding any other provision of law, any  
 21 certification of state aid pursuant to section 79-1022, ~~certification of~~  
 22 ~~budget authority pursuant to section 79-1023, and certification of~~  
 23 ~~applicable allowable reserve percentages pursuant to section 79-1027~~  
 24 ~~completed prior to the operative date of this section February 13, 2020,~~  
 25 ~~for school fiscal year 2021-22 is 2020-21 are null and void.~~  
 26 Sec. 26. Section 79-1031.01, Revised Statutes Cumulative Supplement,  
 27 2020, is amended to read:  
 28 79-1031.01 The Appropriations Committee of the Legislature shall  
 29 annually include the amount necessary to fund the state aid that will be  
 30 certified to school districts on or before ~~June 10, 2021~~ ~~May 1, 2020~~, and  
 31 on or before March 1 of each year thereafter for each ensuing school  
 1 fiscal year in its recommendations to the Legislature to carry out the  
 2 requirements of the Tax Equity and Educational Opportunities Support Act.  
 3 Sec. 73. Original sections 9-812, 79-258, 79-2,144, 79-1001,  
 4 79-1022, 79-1022.02, and 79-1031.01, Revised Statutes Cumulative  
 5 Supplement, 2020, are repealed.  
 6 2. On page 7, line 27, strike "6" and insert "9"; and strike  
 7 beginning with "the" in line 30 through "(i)" in line 31 and insert "each  
 8 school district shall".  
 9 3. On page 8, strike beginning with "statewide" in line 1 through  
 10 "system" in line 3 and insert "to such school district's administrators,  
 11 teachers, paraprofessionals, school nurses, and counselors"; after line  
 12 13 insert the following new subdivision:  
 13 "(c) Any protections and defenses found in the Behavioral Awareness  
 14 and Intervention Training and Teacher Support Act shall not be made  
 15 contingent on whether or not an employee of a school district has  
 16 completed behavioral awareness and intervention training."; in line 14  
 17 strike "(c)" and insert "(d)"; in line 21 strike the second "and"; after  
 18 line 21 insert the following new subdivisions:  
 19 "(iv) Clear guidelines on removing students from and returning  
 20 students to a class;  
 21 (v) Behavioral interventions and supports that will take place when  
 22 a student has been removed from a class;  
 23 (vi) Physical intervention for safety; and"; in line 22 strike  
 24 "(iv)" and insert "(vii)"; and after line 31 insert the following new



25 subdivision:

26 (e) In addition to the requirements contained in subdivision (1)(d)  
 27 of this section, behavioral awareness and intervention training shall be  
 28 consistent with the Behavioral Awareness and Intervention Training and  
 29 Teacher Support Act, include an awareness of the protections for school  
 30 personnel found in the act, include an awareness of the requirement for  
 31 written consent of a parent or guardian pursuant to section 79-258, and  
 1 include the identification and role of each employee designated as a  
 2 behavioral awareness point of contact."  
 3 4. On page 9, lines 3 and 4 and 8, strike "Educational Service Unit  
 4 Coordinating Council" and insert "state school security director"; in  
 5 line 5 strike the second "and" and insert an underscored comma; in line 6  
 6 after "section" insert ", and provide any other information required by  
 7 rules and regulations adopted and promulgated pursuant to section 9 of  
 8 this act"; in line 17 strike "with funding" and after "Fund" insert  
 9 "pursuant to section 23 of this act".  
 10 5. On page 10, line 12, strike the comma and insert "and"; strike  
 11 beginning with the comma in line 14 through "Act" in line 17; and in line  
 12 17 after the period insert "The department shall distribute money in the  
 13 fund pursuant to section 23 of this act to school districts for  
 14 behavioral awareness and intervention training required pursuant to  
 15 section 4 of this act."  
 16 6. On page 70, line 27, strike "35 to 59" and insert "45 to 69"; and  
 17 in line 29 strike "This act becomes" and insert "Sections 2, 12, 13, 14,  
 18 15, 16, 17, 18, 19, 20, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
 19 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55,  
 20 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, and 74 of  
 21 this act become" and after the period insert "The other sections of this  
 22 act become operative on their effective date."  
 23 7. Renumber the remaining sections and correct internal references  
 24 and the repealer accordingly.

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

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

Senator DeBoer name added to LB108.  
 Senator McKinney name added to LB108.  
 Senator Day name added to LB108.  
 Senator Cavanaugh, J. name added to LB108.  
 Senator Aguilar name added to LB247.  
 Senator Kolterman name added to LB338.  
 Senator Kolterman name added to LB398.  
 Senator McDonnell name added to LB398.  
 Senator Halloran name added to LB398.

#### VISITOR(S)

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 5:01 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-NINTH DAY - MARCH 24, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 24, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Erdman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, M. Hansen, and Lindstrom who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 37.** Placed on Final Reading.

**LEGISLATIVE BILL 100.** Placed on Final Reading.

[ST4](#)

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

1. On page 1, line 1, "the Medical Assistance Act" has been struck and "public health and welfare" inserted; in line 2 "to provide requirements for insurance coverage of prescribed contraceptives and obtaining prescribed contraceptives under the medical assistance program;" has been inserted after the semicolon; and in line 4 "under the Medical Assistance Act" has been inserted after "practices".

**LEGISLATIVE BILL 101.** Placed on Final Reading.

**LEGISLATIVE BILL 351.** Placed on Final Reading.

**LEGISLATIVE BILL 401.** Placed on Final Reading.

**LEGISLATIVE BILL 476.** Placed on Final Reading.

[ST5](#)

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

1. On page 3, line 29, "and" has been struck and shown as stricken; and in line 31 an underscored comma has been inserted after "Act".

**LEGISLATIVE BILL 533.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 529.** Title read. Considered.

Committee [AM495](#), found on page 666, was offered.

Senator Walz asked unanimous consent to withdraw her amendment, [AM677](#), found on page 667, to the committee amendment, and replace it with her substitute amendment, [FA10](#). No objections. So ordered.

[FA10](#)

Amend AM495

On page 11, line 8, strike "schizophrenia, bipolar disorder,".

On page 11, line 12, strike "health care" and insert "intervention".

#### SENATOR WILLIAMS PRESIDING

Pending.

#### BILL ON FIRST READING

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

**LEGISLATIVE BILL 544A.** 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 544, One Hundred Seventh Legislature, First Session, 2021.

#### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 673.** Indefinitely postponed.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 169.** Placed on Final Reading.**LEGISLATIVE BILL 255.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 281.** Placed on Select File with amendment.[ER26](#)

1 1. On page 1, line 2, strike "instructional" and after "staff"  
 2 insert "; and to provide powers and duties for the State Department of  
 3 Education".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 647.** Placed on General File.**LEGISLATIVE BILL 549.** Placed on General File with amendment.[AM741](#)

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 Municipal Natural Gas System Emergency Assistance Act.  
 5 Sec. 2. The purpose of the Municipal Natural Gas System Emergency  
 6 Assistance Act is to assist municipalities which own and operate a  
 7 natural gas plant or natural gas system in addressing extraordinary costs  
 8 due to extreme weather events.  
 9 Sec. 3. For purposes of the Municipal Natural Gas System Emergency  
 10 Assistance Act:  
 11 (1) Extraordinary costs means expenses that exceed the usual,  
 12 average, or budgeted costs related to procuring and delivering natural  
 13 gas, including the purchase of spot or incremental natural gas, the  
 14 purchase of gas to replenish depleted storage, overtime pay for utility  
 15 workers, costs related to propane injection, and pipeline charges beyond  
 16 the scope of normal and customary charges;  
 17 (2) Extreme weather event means a weather event occurring on or  
 18 after January 1, 2021, including, but not limited to, snow, rain,  
 19 drought, flood, storm, extreme heat, or extreme cold, that generates  
 20 extraordinary costs related to such event; and  
 21 (3) Municipality means any city of the first class, city of the  
 22 second class, or village which owns or operates a natural gas plant or  
 23 natural gas system.  
 24 Sec. 4. A municipality may apply to the State Treasurer for a grant  
 25 under the Municipal Natural Gas System Emergency Assistance Act to cover  
 26 up to ninety percent of the extraordinary costs incurred by such  
 27 municipality as a result of an extreme weather event. Applications shall  
 1 be submitted on a form prescribed by the State Treasurer. Each  
 2 application shall include the amount of grant funds requested, the date

3 or dates of the extreme weather event, and documentation of the  
 4 extraordinary costs incurred as a result of such extreme weather event.  
 5 The State Treasurer shall consider applications in the order in which  
 6 they are received and may approve applications within the limits of  
 7 available appropriations. The State Treasurer shall not be required to  
 8 verify the information provided in the application.  
 9 Sec. 5. The Municipal Natural Gas System Emergency Assistance Fund  
 10 is created. The fund shall be used by the State Treasurer to make grants  
 11 to municipalities under the Municipal Natural Gas System Emergency  
 12 Assistance Act and to defray any administrative expenses incurred by the  
 13 State Treasurer in carrying out the act. The fund shall consist of  
 14 appropriations made by the Legislature, transfers authorized by the  
 15 Legislature, and any federal funds which may become available for the  
 16 purposes of the act. Any money in the fund available for investment shall  
 17 be invested by the state investment officer pursuant to the Nebraska  
 18 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 19 Sec. 6. The State Treasurer shall transfer ten million dollars from  
 20 the General Fund to the Municipal Natural Gas System Emergency Assistance  
 21 Fund on the effective date of this act or as soon thereafter as  
 22 administratively practicable.  
 23 Sec. 7. On or before December 31 of each year, the State Treasurer  
 24 shall electronically submit a report to the Urban Affairs Committee of  
 25 the Legislature documenting the grants approved under the Municipal  
 26 Natural Gas System Emergency Assistance Act during the calendar year.  
 27 Sec. 8. The State Treasurer may adopt and promulgate rules and  
 28 regulations to carry out the Municipal Natural Gas System Emergency  
 29 Assistance Act.  
 30 Sec. 9. The Municipal Natural Gas System Emergency Assistance Act  
 31 terminates on June 30, 2023. The State Treasurer shall transfer any  
 1 unobligated money remaining in the Municipal Natural Gas System Emergency  
 2 Assistance Fund on such date to the General Fund.  
 3 Sec. 10. The Revisor of Statutes shall assign sections 1 to 9 of  
 4 this act to a new article in Chapter 19.  
 5 Sec. 11. Since an emergency exists, this act takes effect when  
 6 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

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

Senator Briese filed the following amendment to LB408:

FA12

Amend AM371

On page 4, line 29, strike "a" and insert "any".

#### EASE

The Legislature was at ease from 11:00 a.m. until 11:20 a.m.

#### SPEAKER HILGERS PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 529.** Senator Walz renewed her amendment, FA10, found in this day's Journal, to the committee amendment.

The Walz amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Murman offered his amendment, [AM719](#), found on page 733, to the committee amendment.

Senator Morfeld requested a ruling of the Chair on whether the Murman amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

Pending.

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

Senator Flood filed the following amendment to [LB503](#):

[AM733](#)

(Amendments to Final Reading copy)

1 1. On page 3, line 2, strike "subsection (1) of this section" and  
2 insert "section 1 of this act".

#### **COMMITTEE REPORT(S)**

Business and Labor

The Business and Labor 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.

Johnie Jason Girmus - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Aaron L. Jazyinka - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Martin Kasl - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Gerald Whitlock - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ben Hansen, Chairperson

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

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

Senator Bostar name added to LB108.  
Senator Blood name added to LB392.  
Senator Clements name added to LB398.  
Senator Hansen, M. name added to LB463.  
Senator McCollister name added to LB639.

#### **RECESS**

At 12:00 p.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., Speaker Hilgers presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senator Slama who was excused until she arrives.

#### **GENERAL FILE**

**LEGISLATIVE BILL 529.** Senator Murman renewed his amendment, [AM719](#), found on page 733 and considered in this day's Journal, to the committee amendment.

Senator Morfeld renewed his request for a ruling of the Chair on whether the Murman amendment, [AM719](#), would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Murman amendment is substantially the same as LB673, which was indefinitely postponed by the Education Committee, and



would, therefore, require 30 votes.

Senator Murman withdrew his amendment to the committee amendment.

Senator Groene offered the following amendment to the committee amendment:

[AM731](#)

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 7, strike beginning with "the" in line 30 through "(i)"
- 2 in line 31 and insert "each school district shall".
- 3 2. On page 8, strike beginning with "statewide" in line 1 through
- 4 "system" in line 3 and insert "to such school district's administrators,
- 5 teachers, paraprofessionals, school nurses, and counselors".
- 6 3. On page 9, lines 3 and 4; and in line 8, strike "Educational
- 7 Service Unit Coordinating Council" and insert "state school security
- 8 director".
- 9 4. On page 10, line 12, strike the comma and insert "and"; strike
- 10 beginning with the comma in line 14 through "Act" in line 17 and insert
- 11 ". The department shall distribute money in the fund proportionally to
- 12 school districts based on the most recently available fall membership
- 13 numbers for behavioral awareness and intervention training required
- 14 pursuant to section 4 of this act"; and strike beginning with "or" in
- 15 line 24 through "unit" in line 25.

Senator Groene withdrew his amendment.

Committee [AM495](#), found on page 666 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 6 nays, 14 present and not voting, and 1 excused and not voting.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, 66, and 67 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 25, 64, 65, 66, and 67.

### GENERAL FILE

**LEGISLATIVE BILL 156.** Title read. Considered.

Committee [AM223](#), found on page 737, was offered.

Senator Wayne offered the following amendment to the committee amendment:

[AM737](#) is available in the Bill Room.

#### **SENATOR LINDSTROM PRESIDING**

The Wayne amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, 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 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 29.** The Hughes amendment, [FA7](#), found on page 730, was offered.

Pending.

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

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

Senator Hunt name added to LB156.

Senator Cavanaugh, M. name added to LB639.

#### **ADJOURNMENT**

At 5:01 p.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTIETH DAY - MARCH 25, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 25, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**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 Brewer who was excused; and Senators B. Hansen and Hunt who were excused until they arrive.

**SPEAKER HILGERS PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth 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 24, 2021, 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

Dillon, John  
Home Depot, The (Withdrawn 03/23/2021)

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 214.** Placed on General File.

**LEGISLATIVE BILL 291.** Placed on General File.

**LEGISLATIVE BILL 521.** Placed on General File.

**LEGISLATIVE BILL 181.** Placed on General File with amendment.

[AM763](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-6703, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 77-6703 (1) For taxable years beginning or deemed to begin on or  
6 after January 1, 2020, under the Internal Revenue Code of 1986, as  
7 amended, there shall be allowed to each eligible taxpayer a refundable  
8 credit against the income tax imposed by the Nebraska Revenue Act of 1967  
9 or against the franchise tax imposed by sections 77-3801 to 77-3807. The  
10 credit shall be equal to the credit percentage for the taxable year, as  
11 set by the department under subsection (2) of this section, multiplied by  
12 the amount of school district taxes paid by the eligible taxpayer during  
13 such taxable year.  
14 (2)(a) For taxable years beginning or deemed to begin during  
15 calendar year 2020, the department shall set the credit percentage so  
16 that the total amount of credits for such taxable years shall be one  
17 hundred twenty-five million dollars;  
18 (b) For taxable years beginning or deemed to begin during calendar  
19 year 2021, the department shall set the credit percentage so that the  
20 total amount of credits for such taxable years shall be one hundred  
21 twenty-five million dollars plus either (i) the amount calculated for  
22 such calendar year under subdivision (3)(b)(ii)(B) of section 77-4602 or  
23 (ii) the amount calculated for such calendar year under subdivision (3)  
24 (c)(ii)(B) of section 77-4602, whichever is applicable;  
25 (c) For taxable years beginning or deemed to begin during calendar  
26 year 2022, the department shall set the credit percentage so that the  
27 total amount of credits for such taxable years shall be the maximum  
1 amount of credits allowed under subdivision (2)(b) of this section plus  
2 either (i) the amount calculated for such calendar year under subdivision  
3 (3)(b)(ii)(B) of section 77-4602 or (ii) the amount calculated for such  
4 calendar year under subdivision (3)(c)(ii)(B) of section 77-4602,  
5 whichever is applicable;  
6 (d) For taxable years beginning or deemed to begin during calendar  
7 year 2023, the department shall set the credit percentage so that the  
8 total amount of credits for such taxable years shall be the maximum  
9 amount of credits allowed under subdivision (2)(c) of this section plus  
10 either (i) the amount calculated for such calendar year under subdivision  
11 (3)(b)(ii)(B) of section 77-4602 or (ii) the amount calculated for such  
12 calendar year under subdivision (3)(c)(ii)(B) of section 77-4602,  
13 whichever is applicable;  
14 (e) For taxable years beginning or deemed to begin during calendar  
15 year 2024, the department shall set the credit percentage so that the  
16 total amount of credits for such taxable years shall be three hundred  
17 seventy-five million dollars; and

18 (f) For taxable years beginning or deemed to begin during calendar  
 19 year 2025 and each calendar year thereafter, the department shall set the  
 20 credit percentage so that the total amount of credits for such taxable  
 21 years shall be the maximum amount of credits allowed in the prior year  
 22 increased by the allowable growth percentage.

23 (3) If the school district taxes are paid by a corporation having an  
 24 election in effect under subchapter S of the Internal Revenue Code, a  
 25 partnership, a limited liability company, a trust, or an estate, the  
 26 amount of school district taxes paid during the taxable year ~~may~~ shall be  
 27 allocated to the shareholders, partners, members, or beneficiaries in the  
 28 same proportion that income is distributed for taxable years beginning or  
 29 deemed to begin before January 1, 2021, under the Internal Revenue Code  
 30 of 1986, as amended. The department shall provide forms and schedules  
 31 necessary for verifying eligibility for the credit provided in this  
 1 section and for allocating the school district taxes paid. For taxable  
 2 years beginning or deemed to begin on or after January 1, 2021, under the  
 3 Internal Revenue Code of 1986, as amended, the refundable credit shall be  
 4 claimed by the corporation having an election in effect under subchapter  
 5 S of the Internal Revenue Code, the partnership, the limited liability  
 6 company, the trust, or the estate that paid the school district taxes.

7 (4) For any fiscal year or short year taxpayer, the credit may be  
 8 claimed in the first taxable year that begins following the calendar year  
 9 for which the credit percentage was determined. The credit shall be taken  
 10 for the school district taxes paid by the taxpayer during the immediately  
 11 preceding calendar year.

12 (5) For the first taxable year beginning or deemed to begin on or  
 13 after January 1, 2021, and before January 1, 2022, under the Internal  
 14 Revenue Code of 1986, as amended, for a corporation having an election in  
 15 effect under subchapter S of the Internal Revenue Code, a partnership, a  
 16 limited liability company, a trust, or an estate that paid school  
 17 district taxes in calendar year 2020 but did not claim the credit  
 18 directly or allocate such school district taxes to the shareholders,  
 19 partners, members, or beneficiaries as permitted under subsection (3) of  
 20 this section, there shall be allowed an additional refundable credit.  
 21 This credit shall be equal to six percent, multiplied by the amount of  
 22 school district taxes paid during 2020 by the eligible taxpayer.

23 Sec. 2. This act becomes operative for all taxable years beginning  
 24 or deemed to begin on or after January 1, 2020, under the Internal  
 25 Revenue Code of 1986, as amended.

26 Sec. 3. Original section 77-6703, Revised Statutes Cumulative  
 27 Supplement, 2020, is repealed.

28 Sec. 4. Since an emergency exists, this act takes effect when passed  
 29 and approved according to law.

**LEGISLATIVE BILL 292.** Placed on General File with amendment.

AM601

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 77-204, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 77-204 (1) One-half of the taxes due under section 77-203 shall  
 6 become delinquent on May 1 and the second half on September 1 next  
 7 following the date the taxes become due, except that in counties having a  
 8 population of more than one hundred thousand, the first half shall become  
 9 delinquent April 1 and the second half August 1 next following the date  
 10 the taxes become due.

11 (2) If a payment is made on or before the delinquency date for less  
 12 than the taxes due, the county treasurer shall apply the payment and  
 13 notify the person paying the tax and the person or entity to whom the tax  
 14 statement was mailed of the unpaid amount within thirty days after the

15 application of the payment. Interest at the rate specified in section  
 16 45-104.01, as such rate may from time to time be adjusted by the  
 17 Legislature, shall begin to accrue on the unpaid amount from the  
 18 delinquency date until payment is received for the remaining amount due  
 19 and the accrued interest. If payment for the remaining amount due and the  
 20 accrued interest is not received on or before thirty days after the  
 21 county treasurer's notice to the taxpayer, the county treasurer shall  
 22 return to the taxpayer the amount of taxes that were previously paid, and  
 23 the full amount of the taxes due, along with interest and penalties,  
 24 shall be collected in the same manner as other delinquent property taxes.  
 25 Payments made pursuant to this subsection are not considered partial  
 26 payments under section 77-1704.02. If a payment is made for less than the  
 27 taxes due on an undivided share of real property, notice shall be given  
 1 to all parties or entities to whom tax statements are mailed.  
 2 Sec. 2. Original section 77-204, Reissue Revised Statutes of  
 3 Nebraska, is repealed.

**LEGISLATIVE BILL 466.** Placed on General File with amendment.

[AM157](#)

1 1. On page 2, line 1, strike "assessor" and insert "treasurer".

**LEGISLATIVE BILL 644.** Placed on General File with amendment.

[AM755](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB22](#):

[AM716](#)

1 1. Insert the following new sections:  
 2 Section 1. Section 44-8101, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 44-8101 Sections 44-8101 to 44-8109 and section 8 of this act shall  
 5 be known and may be cited as the Nebraska Protection in Annuity  
 6 Transactions Act.  
 7 Sec. 8. (1) A person aggrieved by a violation of the Nebraska  
 8 Protection in Annuity Transactions Act may bring a civil action against  
 9 the violator.  
 10 (2) A plaintiff who prevails in an action under this section shall  
 11 be entitled to:  
 12 (a) Actual damages;  
 13 (b) Such preliminary and other equitable or declaratory relief as  
 14 may be appropriate; and  
 15 (c) Reasonable attorney's fees and other litigation costs reasonably  
 16 incurred.  
 17 2. On page 2, line 3, strike "(1)"; and strike lines 12 through 16.  
 18 3. Renumber the remaining sections and correct the repealer  
 19 accordingly.

Senator Wayne filed the following amendment to [LB22](#):

[AM715](#)

1 1. On page 2, line 3, strike "(1)"; and strike lines 12 through 16.

**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 LB14 with 37 ayes, 7 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 14.**

A BILL FOR AN ACT relating to audiology and speech-language pathology; to amend sections 38-513, 38-515, and 38-520, Reissue Revised Statutes of Nebraska, and sections 38-518 and 38-1509, Revised Statutes Cumulative Supplement, 2020; to adopt the Audiology and Speech-Language Pathology Interstate Compact; to change provisions of the Uniform Credentialing Act, the Audiology and Speech-Language Pathology Practice Act, and the Hearing Instrument Specialists Practice 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, 47:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          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 35.**

A BILL FOR AN ACT relating to state history; to amend section 82-803, Revised Statutes Cumulative Supplement, 2020; to change a membership provision of the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          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 LB66 with 33 ayes, 8 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 66.** With Emergency Clause.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2391, 77-2393, 77-23,105, and 77-23,106, Reissue Revised Statutes of Nebraska, and sections 77-2394, 77-2395, 77-2397, 77-2399, 77-23,100, 77-23,101, and 77-23,102, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to deposits, bonds, custodial officials, and pooled collateral; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            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.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 93.**

A BILL FOR AN ACT relating to vital statistics; to amend section 71-614, Reissue Revised Statutes of Nebraska; to eliminate a reporting requirement regarding marriages; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Hansen, B.

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

#### **LEGISLATIVE BILL 94.**

A BILL FOR AN ACT relating to the Online Notary Public Act; to amend section 64-401, Revised Statutes Cumulative Supplement, 2020; to prohibit invalidation of certain online notarial acts performed pursuant to Executive Order No. 20-13 and certain written instruments for the conveyance or encumbrance of real estate; 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, 47:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer 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 LB113 with 35 ayes, 9 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 113.** With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 60-4,183 and 60-4,188, Reissue Revised Statutes of Nebraska, and sections 37-1285.01, 60-164.01, 60-301, 60-3,104.01, 60-3,120, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,135.01, 60-3,198, 60-3,202, 60-3,224, 60-3,227, 60-3,231, 60-3,235, 60-3,238, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, 60-3,254, 60-4,114, 60-4,115, 60-4,126, 60-4,146.01, 60-4,157, and 75-3,100, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to electronic certificates of title, postage and handling fees for specialty license plates, examination of operator's license applicants, seasonal permits, driver's education and training courses, and the unified carrier registration plan and agreement; to change apportionable vehicle fees and the distribution of fee revenue; to rename a fund; to authorize the building, implementation, and maintenance of a new motor carrier services system for issuing vehicle registrations and assessment of fuel tax; to create a fund; to eliminate temporary farm permits; to change provisions relating to driving skills examinations; to eliminate a fee; to eliminate obsolete provisions; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 113A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer 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 LB148 with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 148.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3254, 38-108, 38-157, 38-158, 38-167, 38-179, 38-1,107, 38-1,115, 38-1,119, 46-1011, 46-1201, 46-1204.01, 46-1207, 46-1227.01, 46-1229, 46-1231, 46-1235, 46-1238, 71-1910, 71-2619, 71-2621, 71-2622, 71-3101, 71-3102, 71-3103, 71-3104, 71-3105, 71-3106, 71-3107, 71-4301, 71-4302, 71-4303, 71-4304, 71-4305, 71-4306, 71-4307, 71-4621, 71-4622, 71-4623, 71-4624, 71-4625, 71-4626, 71-4627, 71-4629, 71-4630, 71-4631, 71-4632, 71-4633, 71-4634, 71-4635, 71-5301, 71-5301.01, 71-5304, 71-5306, 71-5308, 71-5309, 71-5310, 71-5312.01, and 81-2121, Reissue Revised Statutes of Nebraska, and sections 2-2626, 38-101, 38-121, 38-151, 38-155, 38-1,143, 46-602, 46-705, 46-1224, 71-5302, and 81-502, Revised Statutes Cumulative Supplement, 2020; to adopt the Environmental Safety Act; to transfer powers and duties from the Department of Health and Human Services to the Department of Environment and Energy; to define and redefine terms; to change provisions relating to testing of water samples, issuance of licenses and permits, fees, water well contractors, recreation camps, swimming pools, mobile home parks, and drinking water; to provide powers and duties regarding conflicts of interest and expenses of the Water Well Standards and Contractors' Licensing Board; to create funds; 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, 47:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            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 LB163 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 163.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-131, 18-305, 18-306, 18-307, 18-308, 18-309, 18-310, 18-311, 18-401, 18-402, 18-403, 18-404, 18-405, 18-407, 18-408, 18-409, 18-410, 18-411, 18-412, 18-412.02, 18-412.07, 18-412.08, 18-412.09, 18-412.10, 18-413, 18-501, 18-502, 18-503, 18-504, 18-505, 18-506, 18-506.01, 18-507, 18-508, 18-509, 18-510, 18-511, 18-512, 18-602, 18-603, 18-604, 18-610, 18-611, 18-612, 18-614, 18-617, 18-618, 18-619, 18-620, 18-621, 18-622, 18-623, 18-624, 18-625, 18-626, 18-627, 18-633, 18-634, 18-635, 18-636, 18-1001, 18-1002, 18-1003, 18-1004, 18-1005, 18-1006, 18-1101, 18-1102, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1206, 18-1207, 18-1215, 18-1216, 18-1501, 18-1502, 18-1503, 18-1504, 18-1508, 18-1509, 18-1701, 18-1702, 18-1705, 18-1706, 18-1707, 18-1708, 18-1709, 18-1712, 18-1713, 18-1714, 18-1716, 18-1718, 18-1721, 18-1722.01, 18-1723, 18-1724, 18-1729, 18-1741.03, 18-1743, 18-1748, 18-1750, 18-1752, 18-1754, 18-1755, 18-1757, 18-1801, 18-1802, 18-1803, 18-1804, 18-1905, 18-1907, 18-1909, 18-1910, 18-1912, 18-1913, 18-1915, 18-1919, 18-2003, 18-2004, 18-2005, 18-2123, 18-2124, 18-2131, 18-2135, 18-2136, 18-2201, 18-2202, 18-2203, 18-2204, 18-2206, 18-2301, 18-2302, 18-2303, 18-2304, 18-2305,

18-2306, 18-2307, 18-2308, 18-2309, 18-2310, 18-2311, 18-2312, 18-2313, 18-2314, 18-2315, 18-2402, 18-2443, 18-2476, 18-2501, 18-2502, 18-2504, 18-2505, 18-2506, 18-2518, 18-2520, 18-2521, 18-2522, 18-2523, 18-2524, 18-2525, 18-2526, 18-2527, 18-2528, 18-2529, 18-2530, 18-2532, 18-2533, 18-2534, 18-2535, 18-2536, 18-2537, 18-2538, 18-2708, 18-2722, 18-2737, 18-2803, 18-2806, 18-2807, and 71-3305, Reissue Revised Statutes of Nebraska, and sections 16-6,108, 18-132, 18-201, 18-406, 18-601, 18-613, 18-1719, 18-1720, 18-1751, 18-1902, 18-2133, 18-2409, 18-2507, 18-2705, 18-2709, 18-2717, and 18-3001, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to cities, villages, and metropolitan utilities districts; to change a federal reference; to change and eliminate provisions relating to publication of notice and requirements for application; to name an act; to define and redefine terms relating to initiatives and referendums; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          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 177.**

A BILL FOR AN ACT relating to liens; to amend section 52-1202, Reissue Revised Statutes of Nebraska, and section 52-1103, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to filing and perfection of liens; 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:

Aguilar	Clements	Hansen, M.	McCollister	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	McKinney	Walz
Blood	Dorn	Hughes	Morfeld	Wayne
Bostar	Erdman	Hunt	Moser	Williams
Bostelman	Flood	Kolterman	Murman	Wishart
Brandt	Friesen	Lathrop	Pahls	
Briese	Geist	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Gragert	Linehan	Sanders	
Cavanaugh, M.	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer          Hansen, B.

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

#### **LEGISLATIVE BILL 297.**

A BILL FOR AN ACT relating to banking and finance; to adopt the Nebraska Protection of Vulnerable Adults from Financial Exploitation 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, 47:



Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Hansen, B.

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

### **LEGISLATIVE BILL 337.**

A BILL FOR AN ACT relating to prescription drug coverage; to adopt the Step-Therapy Reform Act; 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, 47:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Hansen, B.

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 368.**

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304.01, Reissue Revised Statutes of Nebraska; to provide for a late fee and audit powers 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:

Aguilar	Day	Hansen, M.	McCollister	Stinner
Albrecht	DeBoer	Hilgers	McDonnell	Vargas
Arch	Dorn	Hilkemann	McKinney	Walz
Blood	Erdman	Hughes	Morfeld	Wayne
Bostar	Flood	Hunt	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Clements	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Brewer Hansen, B.

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

**LEGISLATIVE BILL 369.**

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-305.01, Revised Statutes Cumulative Supplement, 2020; to provide for access to working papers and audit files as prescribed; to provide for a late fee and other enforcement powers; 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, 46:

Aguilar	Day	Hansen, M.	McCollister	Stinner
Albrecht	DeBoer	Hilgers	McDonnell	Vargas
Arch	Dorn	Hilkemann	McKinney	Walz
Blood	Erdman	Hughes	Morfeld	Wayne
Bostar	Flood	Hunt	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Clements	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Brewer Hansen, B.

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

#### **LEGISLATIVE BILL 389.**

A BILL FOR AN ACT relating to teachers; to amend section 79-813, Reissue Revised Statutes of Nebraska; to require the issuance of certificates and permits to military spouses 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:

Aguilar	Day	Hansen, M.	McCollister	Stinner
Albrecht	DeBoer	Hilgers	McDonnell	Vargas
Arch	Dorn	Hilkemann	McKinney	Walz
Blood	Erdman	Hughes	Morfeld	Wayne
Bostar	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	
Clements	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 2:

Brewer 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 LB509 with 36 ayes, 7 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 509.**

A BILL FOR AN ACT relating to the State Treasurer and treasury management; to amend sections 44-2839, 72-1250.01, 77-3,119, 77-2205, 77-27,139.04, 77-3523, 79-1044, 79-1047, 79-1051, 81-118, and 86-527, Reissue Revised Statutes of Nebraska, and sections 13-518, 39-2215, 54-603, 57-705, 60-396, 60-3,202, 77-2602, 77-4212, 79-1035, 82-331, 84-602, and 84-612, Revised Statutes Cumulative Supplement, 2020; to change how certain disbursements, reimbursements, remittances, and distributions are made; to change and eliminate duties of the State Treasurer; to rename a fund; to change provisions relating to warrants, the distribution of cigarette tax proceeds, unused property tax credits, and payments into the state treasury; 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, and 79-1034, 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer            Hansen, B.

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

### GENERAL FILE

**LEGISLATIVE BILL 320.** Title read. Considered.

Committee [AM450](#), found on page 601, was offered.

Senator J. Cavanaugh offered his amendment, [AM676](#), found on page 686, to the committee amendment.

The J. Cavanaugh amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 14, 35, 66, 93, 94, 113, 113A, 148, 163, 177, 297, 337, 368, 369, 389, and 509.

**GENERAL FILE**

**LEGISLATIVE BILL 507.** Title read. Considered.

Committee [AM256](#), found on page 454, was offered.

Senator J. Cavanaugh withdrew his amendment, [AM323](#), found on page 479, to the committee amendment.

Senator Hughes offered his amendment, [AM365](#), found on page 677, to the committee amendment.

**SENATOR WILLIAMS PRESIDING**

The Hughes amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**SPEAKER HILGERS PRESIDING**

Senator J. Cavanaugh offered his amendment, [AM567](#), found on page 703, to the committee amendment.

The J. Cavanaugh amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, 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 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 630A.** Introduced by Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, One Hundred Seventh Legislature, First Session, 2021.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 364.** Placed on General File with amendment. [AM762](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 78.** Introduced by Geist, 25.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Tournament was held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, junior Brandon Baustert wrestled for the Lincoln East High School wrestling team as coached by Jeff Rutledge and Keenan McCurdy; and

WHEREAS, Brandon earned a state title, winning the Class A 113-pound championship match; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brandon Baustert on winning the 2021 Class A 113-pound State Wrestling Championship.

2. That copies of this resolution be sent to Lincoln East High School and Brandon Baustert.

Laid over.

**LEGISLATIVE RESOLUTION 79.** Introduced by Geist, 25.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Tournament was held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Evan Canoyer and junior Trevor Brown wrestled for the Waverly High School wrestling team as coached by Eric Dolezal; and

WHEREAS, Evan earned his second state title, winning the Class B 170-pound championship match; and

WHEREAS, Trevor earned his first state title, winning the Class B 285-pound championship match; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Evan Canoyer on winning the 2021 Class B 170-pound State Wrestling Championship and Trevor Brown on winning the 2021 Class B 285-pound Wrestling Championship.

2. That copies of this resolution be sent to Evan Canoyer, Trevor Brown, and coach Eric Dolezal.

Laid over.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 25, 2021, at 10:50 a.m. were the following: LBs 14, 35, 66e, 93, 94, 113e, 113Ae, 148e, 163, 177, 297, 337, 368, 369, 389, and 509.

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

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

Senator Walz filed the following amendment to LB528:

[AM770](#)

(Amendments to Standing Committee amendments, AM556)

1 1. On page 55, lines 28 and 29, reinstate the stricken matter.

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

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

Senator Pansing Brooks name added to LB306.  
Senator Blood name added to LR5.

**ADJOURNMENT**

At 11:31 a.m., on a motion by Senator Geist, the Legislature adjourned until 10:00 a.m., Monday, March 29, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 29, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 29, 2021

**PRAYER**

The prayer was offered by Senator Moser.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Geist.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Arch who was excused; and Senators Bostar, M. Cavanaugh, Hunt, Pansing Brooks, and Wayne who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 572.** Placed on Select File with amendment.  
[ER29](#) is available in the Bill Room.

**LEGISLATIVE BILL 40.** Placed on Select File.  
**LEGISLATIVE BILL 40A.** Placed on Select File.

**LEGISLATIVE BILL 544.** Placed on Select File with amendment.  
[ER30](#)  
1 1. On page 5, line 18, strike "An" and insert "Include an".

**LEGISLATIVE BILL 390.** Placed on Select File with amendment.ER27

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 38-101 Sections 38-101 to 38-1,145 and section 3 of this act and the  
6 following practice acts shall be known and may be cited as the Uniform  
7 Credentialing Act:  
8 (1) The Advanced Practice Registered Nurse Practice Act;  
9 (2) The Alcohol and Drug Counseling Practice Act;  
10 (3) The Athletic Training Practice Act;  
11 (4) The Audiology and Speech-Language Pathology Practice Act;  
12 (5) The Certified Nurse Midwifery Practice Act;  
13 (6) The Certified Registered Nurse Anesthetist Practice Act;  
14 (7) The Chiropractic Practice Act;  
15 (8) The Clinical Nurse Specialist Practice Act;  
16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
17 Body Art Practice Act;  
18 (10) The Dentistry Practice Act;  
19 (11) The Dialysis Patient Care Technician Registration Act;  
20 (12) The Emergency Medical Services Practice Act;  
21 (13) The Environmental Health Specialists Practice Act;  
22 (14) The Funeral Directing and Embalming Practice Act;  
23 (15) The Genetic Counseling Practice Act;  
24 (16) The Hearing Instrument Specialists Practice Act;  
25 (17) The Licensed Practical Nurse-Certified Practice Act until  
26 November 1, 2017;  
27 (18) The Massage Therapy Practice Act;  
1 (19) The Medical Nutrition Therapy Practice Act;  
2 (20) The Medical Radiography Practice Act;  
3 (21) The Medicine and Surgery Practice Act;  
4 (22) The Mental Health Practice Act;  
5 (23) The Nurse Practice Act;  
6 (24) The Nurse Practitioner Practice Act;  
7 (25) The Nursing Home Administrator Practice Act;  
8 (26) The Occupational Therapy Practice Act;  
9 (27) The Optometry Practice Act;  
10 (28) The Perfusion Practice Act;  
11 (29) The Pharmacy Practice Act;  
12 (30) The Physical Therapy Practice Act;  
13 (31) The Podiatry Practice Act;  
14 (32) The Psychology Practice Act;  
15 (33) The Respiratory Care Practice Act;  
16 (34) The Surgical First Assistant Practice Act;  
17 (35) The Veterinary Medicine and Surgery Practice Act; and  
18 (36) The Water Well Standards and Contractors' Practice Act.  
19 If there is any conflict between any provision of sections 38-101 to  
20 38-1,145 and section 3 of this act and any provision of a practice act,  
21 the provision of the practice act shall prevail except as otherwise  
22 specifically provided in section 3 of this act.  
23 The Revisor of Statutes shall assign the Uniform Credentialing Act,  
24 including the practice acts enumerated in subdivisions (1) through (35)  
25 of this section, to articles within Chapter 38.  
26 Sec. 2. Section 38-129.01, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:  
28 38-129.01 (1) The department, with the recommendation of the  
29 appropriate board, shall issue a temporary credential to a military  
30 spouse who complies with and meets the requirements of this section  
31 pending issuance of the applicable credential under the Uniform

1 Credentialing Act. This section shall not apply to a license to practice  
2 dentistry, including a temporary license under section 38-1123.

3 (2) A military spouse shall submit the following with his or her  
4 application for the applicable credential:

5 (a) A copy of his or her military dependent identification card  
6 which identifies him or her as the spouse of an active duty member of the  
7 United States Armed Forces;

8 (b) A copy of his or her spouse's military orders reflecting an  
9 active-duty assignment in Nebraska;

10 (c) A copy of his or her credential from another jurisdiction and  
11 the applicable statutes, rules, and regulations governing the credential;  
12 and

13 (d) A copy of his or her fingerprints for a criminal background  
14 check if required under section 38-131.

15 (3) If the department, with the recommendation of the appropriate  
16 board, determines that the applicant is a resident of Nebraska, is the  
17 spouse of an active duty member of the United States Armed Forces who is  
18 assigned to a duty station in Nebraska, holds a valid credential in  
19 another jurisdiction which has similar standards for the profession to  
20 the Uniform Credentialing Act and the rules and regulations adopted and  
21 promulgated under the act, and has submitted fingerprints for a criminal  
22 background check if required under section 38-131, the department shall  
23 issue a temporary credential to the applicant. The applicant shall not be  
24 required to pay any fees pursuant to the Uniform Credentialing Act for  
25 the temporary credential or the initial regular credential except the  
26 actual cost of the fingerprinting and criminal background check for an  
27 initial license under section 38-131.

28 (4) A temporary credential issued under this section shall be valid  
29 until the application for the regular credential is approved or rejected,  
30 not to exceed one year.

31 Sec. 3. (1) This section provides an additional method of issuing a  
1 credential based on reciprocity and is supplemental to the methods of  
2 credentialing found in the various practice acts within the Uniform  
3 Credentialing Act. Any person required to be credentialed under any of  
4 the various practice acts who meets the requirements of this section  
5 shall be issued a credential subject to the provisions of this section.

6 (2) A person who has a credential that is current and valid in  
7 another state, a territory of the United States, or the District of  
8 Columbia may apply to the department for the equivalent credential under  
9 the Uniform Credentialing Act. The department, with the recommendation of  
10 the board with jurisdiction over the equivalent credential, shall  
11 determine the appropriate level of credential for which the applicant  
12 qualifies under this section. The department shall determine the  
13 documentation required to comply with subsection (3) of this section. The  
14 department shall issue the credential if the applicant meets the  
15 requirements of subsections (3) and (4) of this section and section  
16 38-129 and submits the appropriate fees for issuance of the credential,  
17 including fees for a criminal background check if required for the  
18 profession. A credential issued under this section shall not be valid for  
19 purposes of an interstate compact or for reciprocity provisions of any  
20 practice act under the Uniform Credentialing Act.

21 (3) The applicant shall provide documentation of the following:

22 (a) The credential held in the other state, territory, or District  
23 of Columbia, the level of such credential, and the profession for which  
24 credentialed;

25 (b) Such credential is valid and current and has been valid for at  
26 least one year;

27 (c) Educational requirements;

28 (d) The minimum work experience and clinical supervision  
29 requirements, if any, required for such credential and verification of

30 the applicant's completion of such requirements;

31 (e) The passage of an examination for such credential if such  
1 passage is required to obtain the credential in the other jurisdiction;

2 (f) Such credential is not and has not been subject to revocation or  
3 any other disciplinary action or voluntarily surrendered while the  
4 applicant was under investigation for unprofessional conduct or any other  
5 conduct which would be subject to section 38-178 if the conduct occurred  
6 in Nebraska;

7 (g) Such credential has not been subject to disciplinary action. If  
8 another jurisdiction has taken disciplinary action against the applicant  
9 on any credential the applicant has held, the appropriate board under the  
10 Uniform Credentialing Act shall determine if the cause for the  
11 disciplinary action was corrected and the matter resolved. If the matter  
12 has not been resolved, the applicant is not eligible for a credential  
13 under this section until the matter is resolved; and

14 (h) Receipt of a passing score on a credentialing examination  
15 specific to the laws of Nebraska if required by the appropriate board  
16 under the Uniform Credentialing Act.

17 (4) An applicant who obtains a credential upon compliance with  
18 subsections (2) and (3) of this section shall establish residency in  
19 Nebraska within one hundred eighty days after the issuance of the  
20 credential and shall provide proof of residency in a manner and within  
21 the time period required by the department. The department shall  
22 automatically revoke the credential of any credential holder who fails to  
23 comply with this subsection.

24 (5) In addition to failure to submit the required documentation in  
25 subsection (3) of this section, an applicant shall not be eligible for a  
26 credential under this section if:

27 (a) The applicant had a credential revoked, subject to any other  
28 disciplinary action, or voluntarily surrendered due to an investigation  
29 in any jurisdiction for unprofessional conduct or any other conduct which  
30 would be subject to section 38-178 if the conduct occurred in Nebraska;

31 (b) The applicant has a complaint, allegation, or investigation  
1 pending before any jurisdiction that relates to unprofessional conduct or  
2 any other conduct which would be subject to section 38-178 if the conduct  
3 occurred in Nebraska. If the matter has not been resolved, the applicant  
4 is not eligible for a credential under this section until the matter is  
5 resolved; or

6 (c) The person has a disqualifying criminal history as determined by  
7 the appropriate board pursuant to the Uniform Credentialing Act and rules  
8 and regulations adopted and promulgated under the act.

9 (6) A person who holds a credential under this section shall be  
10 subject to the Uniform Credentialing Act and other laws of this state  
11 relating to the person's practice under the credential and shall be  
12 subject to the jurisdiction of the appropriate board.

13 (7) This section applies to credentials for:

14 (a) Professions governed by the Advanced Practice Registered Nurse  
15 Practice Act, the Certified Nurse Midwifery Practice Act, the Certified  
16 Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist  
17 Practice Act, the Dentistry Practice Act, the Dialysis Patient Care  
18 Technician Registration Act, the Emergency Medical Services Practice Act,  
19 the Medical Nutrition Therapy Practice Act, the Medical Radiography  
20 Practice Act, the Nurse Practitioner Practice Act, the Optometry Practice  
21 Act, the Perfusion Practice Act, the Pharmacy Practice Act, the Podiatry  
22 Practice Act, the Psychology Practice Act, and the Surgical First  
23 Assistant Practice Act; and

24 (b) Physician assistants and acupuncturists credentialed pursuant to  
25 the Medicine and Surgery Practice Act.

26 Sec. 4. Original sections 38-101 and 38-129.01, Revised Statutes

27 Cumulative Supplement, 2020, are repealed.

**LEGISLATIVE BILL 92.** Placed on Select File.

**LEGISLATIVE BILL 197.** Placed on Select File with amendment.

[ER28](#)

1 1. On page 1, strike beginning with "participants" in line 3 through  
2 "Program" in line 4 and insert "award recipients from the National  
3 Service Trust".

(Signed) Terrell McKinney, Chairperson

#### **COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 432.** Placed on General File with amendment.

[AM774](#) is available in the Bill Room.

**LEGISLATIVE BILL 595.** Placed on General File with amendment.

[AM776](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Briese filed the following amendment to [LB561](#):

[FA13](#)

Amend ER25

On page 1, line 5, strike "a" and insert "the".

#### **ATTORNEY GENERAL'S OPINION**

Opinion 21-003

**SUBJECT:** Does LB 528, as Amended, Violate the Single Subject Requirement in Neb. Const. art. III, § 14?

**REQUESTED BY:** Senator Lynne Walz  
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 on the constitutionality of LB 528, titled: "Provide, change, and eliminate provisions relating to education." A proposed amendment, AM556, was filed on March 16, 2021, and would replace the bill. You have specifically asked whether LB 528, as amended, would violate Neb. Const. art. III, § 14, which requires that no bill shall contain more than one subject.

LB 528, as amended, amends Nebraska statutes concerning various topics which include the following: (1) updating references to "accredited" instead of "regionally accredited" postsecondary institutions in numerous state statute; (2) leasing of school lands; (3) school district budgets and budget hearings; (4) mandatory school attendance; (5) temporary teaching certificates; (6) changes to the Tax Equity and Educational Opportunities Support Act; (7) valuation of and distribution of funds to educational service units; (8) school classifications; (9) use and reporting of income from solar and wind agreements on school lands; (10) college savings plans; (11) scholarship programs; and, (12) the contents of school student identification cards.

Neb. Const. art. III, § 14 provides, in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title." You have referred to LB 528, as amended, as a "Christmas tree bill" and you are correct that a variety of statutes would be amended by this bill. However, as this office has noted in prior opinions, the Nebraska Supreme Court has adopted a liberal construction with respect to this constitutional requirement. *See, e.g.*, Op. Att'y Gen. No. 03012 (May 7, 2003), Op. Att'y Gen. No. 89003 (January 23, 1989), Op. Att'y Gen. No. 87018 (February 11, 1987), Op. Att'y Gen. No. 86029 (March 6, 1986).

In *Midwest Popcorn Co. v. Johnson*, 152 Neb. 867, 43 N.W.2d 174 (1950), the Court considered the Tax Appraisal Board Act, which dealt with taxation of property and the establishment of a tax appraisal board, and held that it did not violate the single subject rule and was constitutional. "An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose." *Id.* at 872, 43 N.W.2d at 178. Here, other provisions of the act were found to be incidental and germane to the subject of taxation.

Similarly, in *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967), *appeal dismissed*, 390 U.S. 714 (1968), the Court considered a bill providing for a sales tax, a use tax, an income tax, and a franchise tax and found it constitutional. The Court found that all of the provisions in the bill related to the general subject of taxation stated in the bill's title. "If an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Art. III, Section 14, of the Constitution (citation omitted) . . . . This Court holds that the provisions of LB 377 contain but one general subject, taxation, and that it does not violate the Constitution of Nebraska." *Id.* at 408-409, 155 N.W.2d at 332.

More recently, the Court considered a bill which included provisions relating to several different taxes, as well as provisions on tax refund procedures and the retroactive application of judicial decisions finding tax provisions to be unconstitutional, and held that the bill did not violate the

single subject rule of Neb. Const. art. III, § 14. The Court found that all provisions of the bill were germane to the broad subject of taxation. *Jaksha v. State*, 241 Neb. 106, 486 N.W. 2d 858 (1992).<sup>1</sup>

Here, although the provisions of LB 528, as amended, might be said to relate to the broad subject of "education" as stated in the bill's title, the bill now touches on at least a dozen different areas. While the Court has adopted a liberal construction of art. III, § 14, the number and variety of the different topics included in LB 528 may distinguish it from the bills considered by the Court in the cases discussed above. As the connection of these various provisions appears tenuous, we have some concerns regarding the constitutionality of the legislation. However, we cannot say that LB 528 clearly violates Neb. Const. art. III, § 14.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-761-29

<sup>1</sup>We note that the single subject rule for constitutional amendments is different than the single subject rule for legislative bills. *State ex rel. Loontjer v. Gale*, 288 Neb. 973, 853 N.W.2d 494 (2014). Therefore, the Nebraska Supreme Court's discussion of a single subject rule in *Loontjer*; or in the more recent case of *State ex rel. Wagner v. Evnen*, 307 Neb. 142, 948 N.W.2d 244 (2020), is not applicable here.

#### GENERAL FILE

**LEGISLATIVE BILL 274A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 324A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 544A.** Title read. Considered.

Senator Wayne offered the following amendment:

[AM777](#)

1 1. On page 2, after line 13 insert the following new paragraph:

<sup>2</sup> "Total expenditures for permanent and temporary salaries and per  
<sup>3</sup> diems from funds appropriated in this section shall not exceed \$144,980  
<sup>4</sup> for FY2021-22 or \$198,120 for FY2022-23."

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 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 561A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 70, 71, 72, and 73 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 70, 71, 72, and 73.

### GENERAL FILE

**LEGISLATIVE BILL 41.** 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.

**LEGISLATIVE BILL 461.** Title read. Considered.

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

**LEGISLATIVE BILL 78.** Title read. Considered.

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

**LEGISLATIVE BILL 405.** 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 252.** 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 70.** Title read. Considered.

Committee [AM276](#), found on page 465, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendment, [AM15](#), found on page 315.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

**SENATOR LINDSTROM PRESIDING**

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

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

Senator Hilkemann filed the following amendment to [LB390](#):  
[AM753](#)

(Amendments to E&R amendments, ER27)

1 1. On page 6, lines 21 and 22, strike "the Podiatry Practice Act.".

Senator Wayne filed the following amendment to [LB544](#):  
[AM747](#)

1 1. Strike original section 16 and insert the following new section:  
2 Sec. 16. Taxpayer means any person subject to sales and use taxes  
3 under the Nebraska Revenue Act of 1967 and subject to withholding under  
4 section 77-2753 and any entity that is or would otherwise be a member of  
5 the same unitary group, if incorporated, that is subject to such sales  
6 and use taxes and such withholding. Taxpayer does not include a political  
7 subdivision or an organization that is exempt from income taxes under  
8 section 501(a) of the Internal Revenue Code of 1986, as amended. For  
9 purposes of this section, political subdivision includes any public  
10 corporation created for the benefit of a political subdivision and any  
11 group of political subdivisions forming a joint public agency, organized  
12 by interlocal agreement, or utilizing any other method of joint action.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 320A.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 320, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 156A.** 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 156, One Hundred Seventh Legislature, First Session, 2021.

#### EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 14, 35, 66e, 93, 94, 113Ae, 148e, 163, 177, 297, 337, 368, 369, 389, and 509.

(Signed) Ben Hansen

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 29.** Senator Hughes asked unanimous consent to withdraw the second Hughes amendment, [FA7](#), found on page 730, and considered on page 746, and replace it with his substitute amendment, [AM771](#). No objections. So ordered.

[AM771](#)

(Amendments to Standing Committee amendments, AM595)

1 1. On page 2, line 10, strike "and" and insert ". After  
2 authorization by the executive board, the committee may".

Senator Hughes moved for a call of the house. The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Senator Hughes requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Albrecht	Dorn	Groene	Linehan	Sanders
Bostelman	Erdman	Halloran	Lowe	Slama
Brandt	Flood	Hansen, B.	McDonnell	Stinner
Brewer	Friesen	Hilgers	Moser	Wishart
Briese	Geist	Hilkemann	Murman	
Clements	Gragert	Hughes	Pahls	

Voting in the negative, 6:

DeBoer	Hunt	Morfeld
Hansen, M.	Lathrop	Vargas

Present and not voting, 14:

Aguilar	Cavanaugh, J.	Kolterman	McKinney	Wayne
Blood	Cavanaugh, M.	Lindstrom	Pansing Brooks	Williams
Bostar	Day	McCollister	Walz	

Excused and not voting, 1:

Arch

The Hughes amendment was adopted with 28 ayes, 6 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:

[FA14](#)

On page 2, paragraph 1, after "testimony." add, each subpoena issued by the committee shall be approved by the Executive Board unless the subpoena attempts to secure documents or the attendance of witnesses outside the scope of the resolution or is not in proper form.

Pending.

### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 529.** Placed on Select File with amendment.

[ER31](#)

1 1. On page 1, line 9, after "Behavioral" insert "Awareness and"; and  
2 in line 23 after the first semicolon insert "to adopt the Door to College  
3 Scholarship Act;".

(Signed) Terrell McKinney, Chairperson

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

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

Senator Morfeld name added to LB64.

Senator Brandt name added to LB103.

Senator Kolterman name added to LB108.

Senator Kolterman name added to LB121.

Senator Blood name added to LB143.

Senator Brandt name added to LB454.

### **RECESS**

At 12:06 p.m., on a motion by Senator Brewer, 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 Arch who was excused; and Senators Bostelman, Brewer, Briese, Geist, and Wayne who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 29.** Senator Lathrop renewed his amendment, [FA14](#), found in this day's Journal.

Senator Lathrop moved for a call of the house. The motion prevailed with 30 ayes, 7 nays, and 12 not voting.

Senator Lathrop requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Aguilar	Cavanaugh, M.	Hunt	McKinney	Vargas
Blood	Day	Kolterman	Morfeld	Walz
Bostar	DeBoer	Lathrop	Pahls	Wayne
Cavanaugh, J.	Hansen, M.	McCollister	Pansing Brooks	Wishart

Voting in the negative, 18:

Albrecht	Friesen	Hansen, B.	McDonnell	Slama
Clements	Geist	Hilgers	Moser	Stinner
Erdman	Groene	Hughes	Murman	
Flood	Halloran	Linehan	Sanders	

Present and not voting, 9:

Brandt	Briese	Gragert	Lindstrom	Williams
Brewer	Dorn	Hilkemann	Lowe	

Excused and not voting, 2:

Arch	Bostelman
------	-----------

The Lathrop amendment lost with 20 ayes, 18 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Clements requested that a majority of the elected members be required for the adoption of LR29, pursuant to Rule 4, Sec. 5.

LR29, as amended, was adopted with 40 ayes, 6 nays, 1 present and not voting, and 2 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 423A.** 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 423, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 359A.** 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 359, One Hundred Seventh Legislature, First Session, 2021.

### **GENERAL FILE**

**LEGISLATIVE BILL 273.** Title read. Considered.

Committee [AM600](#), found on page 656, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

### **SPEAKER HILGERS PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 639.** Title read. Considered.

Committee [AM541](#), found on page 631, was offered.

Senator Day withdrew her amendment, [AM683](#), found on page 719, to the committee amendment.

The committee amendment was adopted with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 154.** Title read. Considered.

**SENATOR HUGHES PRESIDING**

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**SPEAKER HILGERS PRESIDING**

**LEGISLATIVE BILL 143.** Title read. Considered.

Committee [AM105](#), found on page 442, 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 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 298.** Placed on General File with amendment.

[AM251](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 4-109, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 4-109 For purposes of sections 4-108 to 4-113:  
6 (1) ~~Public~~ ~~public~~ benefits means any grant, contract, loan,  
7 professional license, commercial license, welfare benefit, health payment  
8 or financial assistance benefit, disability benefit, public or assisted  
9 housing benefit, postsecondary education benefit involving direct payment  
10 of financial assistance, food assistance benefit, or ~~unemployment benefit~~  
11 ~~or~~ any other similar benefit provided by or for which payments or  
12 assistance are provided to an individual, a household, or a family  
13 eligibility unit by an agency of the United States, the State of  
14 Nebraska, or a political subdivision of the State of Nebraska; ~~and~~ -  
15 (2) ~~Public benefits does not include unemployment benefits provided~~  
16 ~~pursuant to the Employment Security Law.~~  
17 Sec. 2. Section 48-628.04, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:  
19 48-628.04 (1) An individual shall be disqualified for unemployment  
20 benefits for any week if the services upon which such benefits are based  
21 are performed by an alien, ~~This section shall apply~~ unless such alien:  
22 (a) Is an individual who was lawfully admitted for permanent  
23 residence at the time such services were performed;  
24 (b) Was lawfully present for purposes of performing such services,  
25 including, pursuant to 8 U.S.C. 1621(d), all such aliens authorized to  
26 work as provided by 8 C.F.R. 274a.12, as such regulation existed on  
27 January 1, 2021; or  
1 (c) Was permanently residing in the United States under color of law  
2 at the time such services were performed, including an alien who was  
3 lawfully present in the United States as a result of the application of  
4 section 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C.  
5 1182(d)(5).  
6 (2) Any data or information required of individuals applying for

7 benefits to determine whether benefits are not payable to them because of  
 8 their alien status shall be uniformly required from all applicants for  
 9 benefits. In the case of an individual whose application for benefits  
 10 would otherwise be approved, no determination that benefits to such  
 11 individual are not payable because of his or her alien status shall be  
 12 made except upon a preponderance of the evidence.

13 (3) Any individual who qualifies for benefits under subsection (1)  
 14 of this section shall have his or her employment authorization document  
 15 verified through the Systematic Alien Verification for Entitlements  
 16 Program operated by the United States Department of Homeland Security or  
 17 an equivalent program designated by the United States Department of  
 18 Homeland Security.

19 Sec. 3. Original section 4-109, Reissue Revised Statutes of  
 20 Nebraska, and section 48-628.04, Revised Statutes Cumulative Supplement,  
 21 2020, are repealed.

**LEGISLATIVE BILL 567.** Placed on General File with amendment.

**AM301**

1 1. Insert the following new section:

2 Section 1. Section 48-625, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:

4 48-625 (1) Except as provided in subsection (4) of this section,

5 each ~~Each~~ eligible individual who is unemployed in any week shall be paid  
 6 with respect to such week a benefit in an amount equal to his or her full  
 7 weekly benefit amount if he or she has wages payable to him or her with  
 8 respect to such week equal to one-fourth of such benefit amount or less.

9 In the event he or she has wages payable to him or her with respect to  
 10 such week greater than one-fourth of such benefit amount, he or she shall  
 11 be paid with respect to that week an amount equal to the individual's  
 12 weekly benefit amount less that part of wages payable to the individual  
 13 with respect to that week in excess of one-fourth of the individual's  
 14 weekly benefit amount. In the event there is any deduction from such  
 15 individual's weekly benefit amount because of earned wages pursuant to  
 16 this subsection or as a result of the application of section 48-628.02,  
 17 the resulting benefit payment, if not an exact dollar amount, shall be  
 18 computed to the next lower dollar amount.

19 (2) Any amount of unemployment compensation payable to any  
 20 individual for any week, if not an even dollar amount, shall be rounded  
 21 to the next lower full dollar amount.

22 (3) The percentage of benefits and the percentage of extended  
 23 benefits which are federally funded may be adjusted in accordance with  
 24 the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law  
 25 99-177.

26 (4) To the extent authorized under federal law, if an individual is  
 27 eligible for an equal or greater weekly benefit amount under a federal  
 1 unemployment program than the weekly benefit amount which the individual  
 2 is eligible for under the Employment Security Law, the commissioner shall  
 3 suspend the payment of state unemployment benefits to such individual  
 4 while such individual is receiving the federal unemployment benefit. Such  
 5 suspension shall terminate upon the individual's exhaustion of benefits  
 6 available under the federal unemployment program. An individual shall not  
 7 be eligible to receive the federal weekly benefit and the state  
 8 unemployment weekly benefit during the same week. The provisions of this  
 9 subsection shall not apply to any federal unemployment benefit which is  
 10 paid in addition to the state weekly benefit amount.

11 2. Renumber the remaining sections and correct the repealer  
 12 accordingly.

(Signed) Ben Hansen, Chairperson

## Revenue

**LEGISLATIVE BILL 454.** Placed on General File with amendment.AM789

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 School Property Tax Stabilization Act.

5 Sec. 2. (1) On or before September 15, 2021, the State Department  
 6 of Education shall determine the total school property tax stabilization  
 7 payment to be paid to each eligible school district for the 2021-22  
 8 school fiscal year. On or before June 30, 2022, and on or before June 30  
 9 of each year thereafter, the State Department of Education shall  
 10 determine the total school property tax stabilization payment to be paid  
 11 to each eligible school district for the ensuing school fiscal year.

12 (2) A school district is eligible for a school property tax  
 13 stabilization payment if the school district property tax requirement  
 14 exceeds:

15 (a) For school fiscal year 2021-22, seventy percent of the formula  
 16 need calculated for such school district;

17 (b) For school fiscal year 2022-23, sixty-five percent of the  
 18 formula need calculated for such school district;

19 (c) For school fiscal year 2023-24, sixty percent of the formula  
 20 need calculated for such school district; and

21 (d) For school fiscal year 2024-25 and each school fiscal year  
 22 thereafter, fifty-five percent of the formula need calculated for such  
 23 school district.

24 (3) The school district property tax requirement for each school  
 25 district shall equal the formula need calculated pursuant to section  
 26 79-1007.11 minus the sum of the amount to be distributed pursuant to the  
 27 Tax Equity and Educational Opportunities Support Act as certified  
 1 pursuant to section 79-1022 and other actual receipts as determined  
 2 pursuant to section 79-1018.01 for such school district for the school  
 3 fiscal year for which a total school property tax stabilization payment  
 4 is being calculated.

5 (4) The school property tax stabilization base for an eligible  
 6 school district shall equal the amount by which the school district  
 7 property tax requirement exceeds:

8 (a) For school fiscal year 2021-22, seventy percent of the formula  
 9 need calculated for such school district;

10 (b) For school fiscal year 2022-23, sixty-five percent of the  
 11 formula need calculated for such school district;

12 (c) For school fiscal year 2023-24, sixty percent of the formula  
 13 need calculated for such school district; and

14 (d) For school fiscal year 2024-25 and each school fiscal year  
 15 thereafter, fifty-five percent of the formula need calculated for such  
 16 school district.

17 (5) The total school property tax stabilization payment to be paid  
 18 to an eligible school district shall equal the school property tax  
 19 stabilization base for such school district multiplied by fifty percent.

20 Sec. 3. The total school property tax stabilization payment  
 21 calculated pursuant to section 2 of this act for each eligible school  
 22 district shall be certified to the Director of Administrative Services,  
 23 the Auditor of Public Accounts, and each school district. The amounts  
 24 certified pursuant to this section shall be divided and distributed in  
 25 ten as nearly as possible equal monthly school property tax stabilization  
 26 payments on the last business day of each month beginning in September of  
 27 the school fiscal year for which such school property tax stabilization



28 payments were certified and ending in June of such school fiscal year,  
29 except that a school district that would receive monthly school property  
30 tax stabilization payments of less than one thousand dollars shall  
31 receive the total school property tax stabilization payment on the last  
1 business day of December during such school fiscal year. The amounts  
2 certified pursuant to this section shall be shown as budgeted non-  
3 property-tax receipts and deducted prior to calculating the property tax  
4 request in the school district's general fund budget statement as  
5 provided to the Auditor of Public Accounts pursuant to section 79-1024.  
6 Sec. 4. It is the intent of the Legislature to appropriate the  
7 amount necessary to carry out the School Property Tax Stabilization Act  
8 for each school fiscal year. It is also the intent of the Legislature to  
9 fully fund the Tax Equity and Educational Opportunities Support Act  
10 before funding the School Property Tax Stabilization Act.  
11 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:  
13 79-1018.01 Except as otherwise provided in this section, local  
14 system formula resources include other actual receipts available for the  
15 funding of general fund operating expenditures as determined by the  
16 department for the second school fiscal year immediately preceding the  
17 school fiscal year in which aid is to be paid. Other actual receipts  
18 include:  
19 (1) Public power district sales tax revenue;  
20 (2) Fines and license fees;  
21 (3) Tuition receipts from individuals, other districts, or any other  
22 source except receipts derived from adult education, receipts derived  
23 from summer school tuition, receipts derived from early childhood  
24 education tuition, tuition receipts from converted contracts beginning  
25 with the calculation of state aid to be distributed in school fiscal year  
26 2011-12, and receipts from educational entities as defined in section  
27 79-1201.01 for providing distance education courses through the  
28 Educational Service Unit Coordinating Council to such educational  
29 entities;  
30 (4) Transportation receipts;  
31 (5) Interest on investments;  
1 (6) Other miscellaneous noncategorical local receipts, not including  
2 receipts from private foundations, individuals, associations, or  
3 charitable organizations;  
4 (7) Special education receipts;  
5 (8) Special education receipts and non-special education receipts  
6 from the state for wards of the court and wards of the state;  
7 (9) All receipts from the temporary school fund. Receipts from the  
8 temporary school fund shall only include (a) receipts pursuant to section  
9 79-1035 and (b) the receipt of funds pursuant to section 79-1036 for  
10 property leased for a public purpose as set forth in subdivision (1)(a)  
11 of section 77-202;  
12 (10) Motor vehicle tax receipts received;  
13 (11) Pro rata motor vehicle license fee receipts;  
14 (12) Other miscellaneous state receipts excluding revenue from the  
15 School Property Tax Stabilization Act and the textbook loan program  
16 authorized by section 79-734;  
17 (13) Impact aid entitlements for the school fiscal year which have  
18 actually been received by the district to the extent allowed by federal  
19 law;  
20 (14) All other noncategorical federal receipts;  
21 (15) Receipts under the federal Medicare Catastrophic Coverage Act  
22 of 1988, as such act existed on January 1, 2014, as authorized pursuant  
23 to sections 43-2510 and 43-2511 for services to school-age children,  
24 excluding amounts designated as reimbursement for costs associated with  
25 the implementation and administration of the billing system pursuant to

26 section 43-2511;  
 27 (16) Receipts for accelerated or differentiated curriculum programs  
 28 pursuant to sections 79-1106 to 79-1108.03; and  
 29 (17) Revenue received from the nameplate capacity tax distributed  
 30 pursuant to section 77-6204.  
 31 Sec. 6. Original section 79-1018.01, Revised Statutes Cumulative  
 1 Supplement, 2020, is repealed.

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT**  
 Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR29.

(Signed) Terrell McKinney, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 29.** Introduced by Cavanaugh, M., 6;  
 Hansen, M., 26.

WHEREAS, Saint Francis Ministries was awarded a five-year, 197-million-dollar child welfare contract to serve abused and neglected children in the eastern service area of Douglas and Sarpy counties as designated pursuant to section 81-3116 by the Department of Health and Human Services; and

WHEREAS, under that contract Saint Francis Ministries has responsibility for approximately 2,500 children who are wards of the State of Nebraska or are in Nebraska families who are in need of services to keep their children safe and healthy; and

WHEREAS, Saint Francis Ministries has been accused in the State of Kansas of gross mismanagement of funds; and

WHEREAS, Saint Francis Ministries has estimated a 27-million-dollar operating loss for the first year of the contract with the Department of Health and Human Services and may be at risk of bankruptcy.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to appoint a special committee of the Legislature to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature. Members shall include two members of the Health and Human Services Committee of the Legislature, two members of the Appropriations Committee of the Legislature, two members of the Judiciary Committee of the Legislature, two members of the Government, Military and Veterans Affairs Committee of the Legislature,

and one at-large member of the Legislature. The at-large member shall be a resident of the eastern service area. The Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee shall elect a chairperson and vice-chairperson from the membership of the committee. The executive board may provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board may authorize the committee to hire outside legal counsel, consultants, and investigators as required by the committee. The committee may hold hearings. After authorization by the executive board, the committee may issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

2. The Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature is hereby authorized to study the Department of Administrative Services and Department of Health and Human Services with respect to the award, implementation, and oversight of the child welfare contract. The committee is also hereby authorized to study the circumstances surrounding the creation and submission of the bid by Saint Francis Ministries including, but not limited to, the actions of Saint Francis Ministries and the communications of its employees and agents. The scope of this authorization expressly includes the communications of former employees or agents of Saint Francis Ministries. 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 investigate placement and quality of care received by the children served by the eastern service area through the contract services agreement with Saint Francis Ministries.

3. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2021. The committee shall terminate on December 31, 2022.

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

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

Senator Hansen, M. name added to LB271.

Senator Hansen, M. name added to LB639.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Rob Messbarger of Kearney.

**ADJOURNMENT**

At 4:50 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SECOND DAY - MARCH 30, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 30, 2021

**PRAYER**

The prayer was offered by Senator Murman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Gragert.

**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 Bostar, M. Cavanaugh, M. Hansen, Hunt, McCollister, McKinney, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 68, 74, 75, and 77 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 29, 68, 74, 75, and 77.

**GENERAL FILE**

**LEGISLATIVE BILL 70A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 156A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 320A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 4 present and not voting, and 5 excused and not voting.

**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 555:

Nebraska Investment Council  
Keith Olson

Voting in the affirmative, 39:

Aguilar	Cavanaugh, J.	Gragert	Lowe	Slama
Albrecht	Clements	Halloran	McDonnell	Stinner
Arch	Day	Hansen, B.	Morfeld	Vargas
Blood	DeBoer	Hilgers	Moser	Walz
Bostelman	Dorn	Hilkemann	Murman	Wayne
Brandt	Flood	Hughes	Pahls	Williams
Brewer	Friesen	Kolterman	Pansing Brooks	Wishart
Briese	Geist	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 5:

Erdman	Groene	Lathrop	Lindstrom	McCollister
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Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
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The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 632:

Stem Cell Research Advisory Committee  
Dennis Roop

Voting in the affirmative, 35:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Pansing Brooks
Albrecht	Clements	Halloran	Lowe	Sanders
Arch	Day	Hansen, B.	McCollister	Slama
Blood	DeBoer	Hilgers	McDonnell	Stinner
Brandt	Dorn	Hilkemann	Morfeld	Vargas
Brewer	Flood	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Bostelman	Friesen	Lathrop	Pahls	Wayne
Erdman	Groene	Lindstrom	Walz	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 632:

Stem Cell Research Advisory Committee  
David Owens

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Stinner
Arch	Day	Hansen, B.	McCollister	Vargas
Blood	DeBoer	Hilgers	McDonnell	Williams
Brandt	Dorn	Hilkemann	Moser	Wishart
Brewer	Flood	Hughes	Murman	
Briese	Geist	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 11:

Bostelman	Groene	Morfeld	Walz
Erdman	Lathrop	Pahls	Wayne
Friesen	Lindstrom	Slama	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board  
Johnie Jason Girmus

Voting in the affirmative, 37:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Bostelman	Dorn	Hilkemann	Morfeld	Williams
Brandt	Erdman	Hughes	Moser	Wishart
Brewer	Flood	Kolterman	Murman	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Groene	Pahls	Wayne
Friesen	Lindstrom	Walz	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
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The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board  
Aaron L. Jazyuka



Voting in the affirmative, 39:

Aguilar	Clements	Gragert	Lathrop	Pansing Brooks
Albrecht	Day	Groene	Linehan	Sanders
Arch	DeBoer	Halloran	Lowe	Slama
Blood	Dorn	Hansen, B.	McCollister	Stinner
Brandt	Erdman	Hilgers	McDonnell	Vargas
Brewer	Flood	Hilkemann	Morfeld	Williams
Briese	Friesen	Hughes	Moser	Wishart
Cavanaugh, J.	Geist	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Bostelman	Lindstrom	Pahls	Walz	Wayne
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Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
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The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board  
Martin Kasl

Voting in the affirmative, 38:

Aguilar	Cavanaugh, J.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	DeBoer	Hansen, B.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	Morfeld	Williams
Brandt	Flood	Hughes	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Day	Lindstrom	Walz
Friesen	Pahls	Wayne

Excused and not voting, 5:

Bostar          Cavanaugh, M.    Hansen, M.    Hunt          McKinney

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 744:

Boiler Safety Code Advisory Board  
Gerald Whitlock

Voting in the affirmative, 38:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Sanders
Albrecht	Clements	Groene	Lowe	Slama
Arch	Day	Halloran	McCollister	Stinner
Blood	DeBoer	Hansen, B.	McDonnell	Vargas
Bostelman	Dorn	Hilgers	Morfeld	Williams
Brandt	Erdman	Hilkemann	Moser	Wishart
Brewer	Flood	Hughes	Murman	
Briese	Geist	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Friesen	Lindstrom	Walz
Lathrop	Pahls	Wayne

Excused and not voting, 5:

Bostar          Cavanaugh, M.    Hansen, M.    Hunt          McKinney

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 9.** Title read. Considered.

Committee [AM231](#), found on page 436, was adopted with 38 ayes, 0 nays, 9 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 152.** Title read. Considered.

Senator Slama moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Slama requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 40:

Aguilar	Clements	Halloran	Lindstrom	Murman
Arch	DeBoer	Hansen, B.	Linehan	Pansing Brooks
Bostar	Dorn	Hansen, M.	Lowe	Slama
Bostelman	Erdman	Hilgers	McCollister	Vargas
Brandt	Flood	Hilkemann	McDonnell	Walz
Brewer	Friesen	Hughes	McKinney	Wayne
Briese	Geist	Kolterman	Morfeld	Williams
Cavanaugh, J.	Gragert	Lathrop	Moser	Wishart

Voting in the negative, 3:

Albrecht	Hunt	Stinner
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Present and not voting, 5:

Blood	Cavanaugh, M.	Day	Pahls	Sanders
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Excused and not voting, 1:

Groene

Advanced to Enrollment and Review Initial with 40 ayes, 3 nays, 5 present and not voting, and 1 excused and not voting.

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

Senator Gragert filed the following amendment to [LB507](#):  
[AM786](#)

(Amendments to E & R amendments, ER32)

- 1 1. Strike sections 10 and 11 and insert the following new sections:
- 2 Sec. 10. Original sections 46-102 and 61-222, Revised Statutes
- 3 Cumulative Supplement, 2020, are repealed.
- 4 Sec. 11. Original sections 37-448, 37-456, and 66-1330, Reissue
- 5 Revised Statutes of Nebraska, and section 37-201, Revised Statutes
- 6 Cumulative Supplement, 2020, are repealed.
- 7 2. On page 8, line 19 strike "1, 2, 3, 4,".

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 156.** Placed on Select File with amendment.

[ER33](#)

1 1. In the Wayne amendment, AM737:  
2 a. On page 6, line 9, after "board" insert "or boards"; and  
3 b. On page 12, line 1, strike the last occurrence of "county"; and  
4 in lines 29 and 30 strike "section 81-12,146" and insert "this section".  
5 2. On page 1, strike beginning with "cities" in line 1 through line  
6 2 and insert: "economic development; to amend section 81-12,148, Reissue  
7 Revised Statutes of Nebraska, and sections 81-12,146, 81-12,147, and  
8 81-12,149, Revised Statutes Cumulative Supplement, 2020; to adopt the  
9 Municipal Inland Port Authority Act; to state legislative intent for the  
10 transfer of funds; to change provisions relating to use of the Site and  
11 Building Development Fund and provide duties for the Department of  
12 Economic Development; to harmonize provisions; to provide a duty for the  
13 Revisor of Statutes; and to repeal the original sections."

**LEGISLATIVE BILL 320.** Placed on Select File with amendment.

[ER34](#) is available in the Bill Room.

**LEGISLATIVE BILL 507.** Placed on Select File with amendment.

[ER32](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section  
6 4 of this act and the State Park System Construction Alternatives Act  
7 shall be known and may be cited as the Game Law.  
8 Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is  
9 amended to read:  
10 37-448 (1) Subject to rules and regulations adopted and promulgated  
11 by the commission, the secretary of the commission may designate, by  
12 order, special deer, antelope, and elk depredation seasons or extensions  
13 of existing ~~deer~~ hunting seasons. The secretary may designate a  
14 depredation season or an extension of an existing ~~deer~~ hunting season  
15 whenever he or she determines that deer, antelope, or elk are causing  
16 excessive property damage. The secretary shall specify the number of  
17 permits to be issued, the species, sex, and number or quota of animals  
18 ~~deer~~ allowed to be taken, the bag limit for such species ~~including deer~~  
19 ~~for donation in accordance with the deer donation program established~~  
20 ~~pursuant to sections 37-1501 to 37-1510, the beginning and ending dates~~  
21 for the depredation season or hunting season extension, shooting hours,  
22 the length of the depredation season or hunting season extension, and the  
23 geographic area in which hunting will be permitted. The Hunting during a  
24 ~~special depredation season or hunting season extension shall be limited~~  
25 ~~to residents, and the rules and regulations shall allow use of any weapon~~  
26 ~~permissible for use during the regular deer, antelope, or elk season.~~  
27 (2) The depredation season may commence not less than five days  
1 after the first public announcement that the depredation season has been  
2 established. Permits shall be issued in an impartial manner at a location  
3 determined by the secretary. The commission shall, pursuant to section  
4 37-327, establish and charge a fee of not more than twenty-five dollars  
5 for a resident special depredation season permit and a fee of not more  
6 than seventy-five dollars for a nonresident special depredation season

7 ~~permit. The commission shall use the income from the sale of special~~  
 8 ~~deprecation season permits for abatement of damage caused by deer. The~~  
 9 ~~commission shall, pursuant to section 37-327, establish and charge a fee~~  
 10 ~~of not more than ten dollars for a landowner special deprecation season~~  
 11 ~~permit also provide for an unlimited number of free permits for the~~  
 12 ~~taking of antlerless deer and antelope for upon request to any person~~  
 13 ~~owning or operating at least twenty acres of farm or ranch land within~~  
 14 ~~the geographic area in which hunting will be permitted and to any member~~  
 15 ~~of the immediate family of any such person as defined in subdivision (2)~~  
 16 ~~(a) of section 37-455, and for the taking of elk for any person owning or~~  
 17 ~~operating at least eighty acres of farm or ranch land within the~~  
 18 ~~geographic area in which hunting will be permitted and to any member of~~  
 19 ~~the immediate family of such person as defined in subdivision (2)(a) of~~  
 20 ~~section 37-455. A special deprecation season free permit shall be valid~~  
 21 ~~only within such area and only during the designated deer deprecation~~  
 22 ~~season. The commission shall use the income from the sale of special~~  
 23 ~~deprecation season permits for abatement of damage caused by deer,~~  
 24 ~~antelope, and elk. Receipt of a deprecation season permit shall not in~~  
 25 ~~any way affect a person's eligibility for a regular season permit issued~~  
 26 ~~under section 37-447, 37-449, 37-450, or 37-455.~~

27 Sec. 3. Section 37-456, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:

29 37-456 The issuance of limited antelope permits pursuant to section  
 30 37-455 in any management unit shall not exceed ~~seventy-five~~ ~~fifty~~ percent  
 31 of the regular permits authorized for such antelope management unit. The  
 1 issuance of limited elk permits pursuant to section 37-455 in any  
 2 management unit shall not exceed ~~seventy-five~~ ~~fifty~~ percent of the  
 3 regular permits authorized for such elk management unit.

4 Sec. 4. (1) The commission may issue one free-earned landowner elk  
 5 permit for the taking of either sex of elk to any person owning or  
 6 leasing at least eighty acres of farm or ranch land used for agricultural  
 7 purposes, or to any member of the immediate family of such person as  
 8 defined in subdivision (2)(a) of section 37-455, when the qualifying  
 9 number of antlerless elk have been harvested on such land by hunters with  
 10 a permit issued under section 37-448 or 37-450. Such permit shall be  
 11 limited to hunting on the lands owned or leased by the qualifying  
 12 landowner. Receipt of a free-earned landowner elk permit shall not in any  
 13 way affect a person's eligibility for a permit issued under section  
 14 37-450 or 37-455.

15 (2) The commission shall adopt and promulgate rules and regulations  
 16 prescribing procedures, forms, and requirements for documentation by  
 17 landowners or lessees as described in subsection (1) of this section to  
 18 annually report antlerless elk harvested on their property for  
 19 eligibility, and the number of antlerless elk required to be harvested on  
 20 such property to qualify for a free-earned landowner elk permit. The  
 21 number of antlerless elk harvested to qualify shall accumulate each year  
 22 until such time as a free-earned landowner elk permit is awarded.

23 Sec. 5. Section 46-102, Revised Statutes Cumulative Supplement,  
 24 2020, is amended to read:

25 46-102 (1) For purposes of the Irrigation District Act:

26 (a) Elector means:

27 (i) For any irrigation district or proposed irrigation district not  
 28 described in subdivision (1)(a)(ii) of this section, any resident of the  
 29 State of Nebraska who:

30 (A) Owns, ~~owning~~ not less than fifteen acres of land within any  
 31 such district;

1 (B) Is, ~~or who is~~ an entryman of government land, within any such  
 2 irrigation district or proposed irrigation district; or

3 (C) Holds any resident of the State of Nebraska holding a leasehold  
 4 estate in not less than forty acres of state land within any such

5 irrigation district for a period of not less than five years from the  
6 date at which such elector seeks to exercise the elective franchise; and  
7 (ii) For any irrigation district or proposed irrigation district  
8 which borders another state and comprises less than two thousand acres  
9 and in which one-half or more of the landowners, leaseholders, or  
10 entrymen of government lands are not residents of the State of Nebraska,  
11 any person who:  
12 (A) Owns not less than fifteen acres of land within any such  
13 district;  
14 (B) Is an entryman of government land within any such district; or  
15 (C) Holds a leasehold estate in not less than forty acres of state  
16 land within any such district for a period of not less than five years  
17 from the date at which such elector seeks to exercise the elective  
18 franchise; and  
19 (b) Residence means (i) that place in which a person is actually  
20 domiciled, which is the residence of an individual or family, with which  
21 a person has a settled connection for the determination of his or her  
22 civil status or other legal purposes because it is actually or legally  
23 his or her permanent and principal home, and to which, whenever he or she  
24 is absent, he or she has the intention of returning, or (ii) the place  
25 where a person has his or her family domiciled even if he or she does  
26 business in another place.  
27 (2) Status as an elector, including residency, shall be established  
28 as provided by this section and section 46-110.  
29 (3) (2) If an elector resides outside of the irrigation district,  
30 the elector shall be considered an elector in the division of the  
31 irrigation district in which his or her land is situated or, if the  
1 elector is the owner of land in more than one division of the irrigation  
2 district, the elector shall be considered an elector in the division of  
3 the district in which the majority of his or her land is situated.  
4 (4) (3) In the case of land owned or leased by joint tenants, each  
5 joint tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
6 entitled to vote if the total acreage owned or leased per joint tenant is  
7 equal to or exceeds the minimum acreage requirements of subsection (1) of  
8 this section.  
9 (5) (4) In the case of land owned or leased by tenants in common,  
10 each tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
11 entitled to vote if the total acreage owned or leased per tenant is equal  
12 to or exceeds the minimum acreage requirements of subsection (1) of this  
13 section.  
14 (6) (5) In the case of land owned or leased by a corporation,  
15 limited liability company, limited liability partnership, joint venture,  
16 or other legal entity which meets the minimum acreage requirements of  
17 subsection (1) of this section, the entity shall designate a shareholder,  
18 member, or partner of the entity ~~who is a resident of the State of~~  
19 ~~Nebraska~~ to act as the elector on behalf of the entity. The entity shall  
20 identify its elector-designee in writing to the secretary of the board of  
21 directors of the irrigation district not less than thirty days prior to  
22 an irrigation district election.  
23 (7) (6) In the case of land owned or leased under a life tenancy,  
24 each remainderman ~~who is a resident of the State of Nebraska~~ is an  
25 elector and entitled to vote if the total acreage owned or leased per  
26 remainderman is equal to or exceeds the minimum acreage requirements of  
27 subsection (1) of this section.  
28 (8) (7) In the case of land held by a buyer in possession pursuant  
29 to a land-purchase contract when the total acreage under the land-  
30 purchase contract meets the minimum acreage requirements of subsection  
31 (1) of this section and the buyer in possession ~~is a resident of the~~  
1 ~~State of Nebraska~~ and is responsible for paying the real property taxes  
2 and the irrigation fees and assessments, the buyer in possession is the

3 elector.

4 ~~(9) (8)~~ In the case of land owned or leased by a trust which meets  
 5 the minimum acreage requirements of subsection (1) of this section, the  
 6 trustee shall designate a trustor, beneficiary, or trustee of the trust  
 7 ~~who is a resident of the State of Nebraska~~ to act as the elector on  
 8 behalf of the trust. The trust shall identify its elector-designee in  
 9 writing to the secretary of the board of directors not less than thirty  
 10 days prior to an irrigation district election.

11 ~~(10) (9)~~ In the case of a pending estate of a deceased elector  
 12 involving land which meets the minimum acreage requirements of subsection  
 13 (1) of this section, the duly appointed personal representative of the  
 14 estate ~~who is a resident of the State of Nebraska~~ shall act as the  
 15 elector on behalf of the estate.

16 ~~(11) (40)~~ Prior to formation of an irrigation district, if two or  
 17 more persons claim conflicting rights to vote on the same acreage, the  
 18 election commissioner or county clerk shall determine the party entitled  
 19 to vote. In such cases, the determination of the election commissioner or  
 20 county clerk shall be conclusive. After formation of an irrigation  
 21 district, if two or more persons claim conflicting rights to vote on the  
 22 same acreage or any other conflict arises regarding the qualification of  
 23 an elector, the secretary of the board of directors of the irrigation  
 24 district shall determine the party entitled to vote. The secretary's  
 25 determination shall be conclusive. If a claim involves the secretary of  
 26 the board, the board of election for the affected irrigation district  
 27 precinct shall determine the party entitled to vote. In such cases, the  
 28 determination of the board of election shall be conclusive.

29 Sec. 6. Section 61-222, Revised Statutes Cumulative Supplement,  
 30 2020, is amended to read:

31 61-222 The Water Sustainability Fund is created in the Department of  
 1 Natural Resources. The fund shall be used in accordance with the  
 2 provisions established in sections 2-1506 to 2-1513 Laws 2014, LB1098,  
 3 and for costs directly related to the administration of the fund. The  
 4 Legislature shall not appropriate or transfer money from the Water  
 5 Sustainability Fund for any other purpose, except that transfers may be  
 6 made from the Water Sustainability Fund to the Department of Natural  
 7 Resources Cash Fund and as a one-time transfer to the General Fund as  
 8 described fund as provided in this section.

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

19 It is the intent of the Legislature that twenty-one million dollars  
 20 be transferred from the General Fund to the Water Sustainability Fund in  
 21 fiscal year 2014-15 and that eleven million dollars be transferred from  
 22 the General Fund to the Water Sustainability Fund each fiscal year  
 23 beginning in fiscal year 2015-16. ~~It is the intent of the Legislature~~  
 24 ~~that three million dollars be transferred annually from the Water~~  
 25 ~~Sustainability Fund to the Nebraska Resources Development Fund in~~  
 26 ~~FY2015-16 and in FY2016-17.~~

27 The State Treasurer shall transfer one hundred seventy-five thousand  
 28 dollars from the Water Sustainability Fund to the Department of Natural  
 29 Resources Cash Fund on or before June 30, 2021, on such dates and in such  
 30 amounts as directed by the budget administrator of the budget division of  
 31 the Department of Administrative Services.

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

11 Sec. 7. Section 66-1330, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall  
 14 be known and may be cited as the Ethanol Development Act.

15 Sec. 8. The use of seed that is treated, as defined in section  
 16 81-2,147.01, in the production of agricultural ethyl alcohol shall be  
 17 prohibited if such use results in the generation of a byproduct that is  
 18 deemed unsafe for livestock consumption or land application.

19 Sec. 9. Sections 1, 2, 3, 4, 5, 6, and 10 of this act become  
 20 operative three calendar months after the adjournment of this legislative  
 21 session. The other sections of this act become operative on their  
 22 effective date.

23 Sec. 10. Original sections 37-448 and 37-456, Reissue Revised  
 24 Statutes of Nebraska, and sections 37-201, 46-102, and 61-222, Revised  
 25 Statutes Cumulative Supplement, 2020, are repealed.

26 Sec. 11. Original section 66-1330, Reissue Revised Statutes of  
 27 Nebraska, is repealed.

28 Sec. 12. Since an emergency exists, this act takes effect when  
 29 passed and approved according to law.

30 2. On page 1, strike beginning with "Ethanol" in line 1 through line  
 31 5 and insert "regulation of resources; to amend sections 37-448, 37-456,  
 1 and 66-1330, Reissue Revised Statutes of Nebraska, and sections 37-201,  
 2 46-102, and 61-222, Revised Statutes Cumulative Supplement, 2020; to  
 3 provide for and change provisions relating to hunting permits; to provide  
 4 powers and duties for the Game and Parks Commission; to redefine elector  
 5 under the Irrigation District Act; to change provisions relating to the  
 6 use of the Water Sustainability Fund; to prohibit the use of treated seed  
 7 in the production of agricultural ethyl alcohol as prescribed; to  
 8 harmonize provisions; to provide operative dates; to repeal the original  
 9 sections; and to declare an emergency."

**LEGISLATIVE BILL 274A.** Placed on Select File.

**LEGISLATIVE BILL 324A.** Placed on Select File.

**LEGISLATIVE BILL 544A.** Placed on Select File.

**LEGISLATIVE BILL 561A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 583.** Title read. Considered.

Committee [AM116](#), found on page 496, was adopted with 38 ayes, 0 nays, 9 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 500.** Title read. Considered.

Committee [AM633](#), found on page 621, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Geist withdrew her amendment, [AM528](#), found on page 541, to the committee amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 411.** Title read. Considered.

### **SPEAKER HILGERS PRESIDING**

Committee [AM584](#), found on page 656, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 247.** Title read. Considered.

Committee [AM558](#), found on page 600, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused 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.

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

Senator Halloran filed the following amendment to [LB572](#):  
[AM813](#)

(Amendments to E&R amendments, ER29)

- 1 1. On page 1, line 14, after "identification" insert "approved by  
2 the Nebraska Brand Committee"; and in line 16 strike "approved by the  
3 Nebraska Brand Committee".
- 4 2. On page 1, line 24; and page 2, line 8, after the first comma  
5 insert "and".
- 6 3. On page 11, line 22, strike "A" and insert "Beginning October 1,  
7 2021, a"; in line 26 strike the second "or", show as stricken, and insert  
8 an underscored comma; in line 27 strike the second "or", show as  
9 stricken, and insert ", inspected"; and in line 29 after "or" insert  
10 "inspected".
- 11 4. On page 13, line 10, strike "An" and insert "Beginning October 1,  
12 2021, an".
- 13 5. On page 24, line 13, strike "such person"; and in line 14 strike  
14 "Willfully" and insert "Such person willfully".

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

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

Senator Albrecht name added to LB388.

Senator Albrecht name added to LB549.

**RECESS**

At 12:01 p.m., on a motion by Senator J. Cavanaugh, 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 Day, Groene, Linehan, and Walz who were excused until they arrive.

**SPEAKER HILGERS PRESIDING****COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 569.** Placed on General File.

**LEGISLATIVE BILL 485.** Placed on General File with amendment.

[AM764](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,  
 4 2020, is 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.  
 13 (2)(a) As part of the provision of social services authorized by  
 14 section 68-1202, the department shall participate in the federal child  
 15 care assistance program under 42 U.S.C. 9857 et seq. 648, as such  
 16 ~~sections~~ ~~section~~ existed on January 1, ~~2021~~ ~~2013~~, and provide child care  
 17 assistance to families with incomes up to (i) one hundred eighty-five  
 18 ~~twenty-five~~ percent of the federal poverty level for fiscal years 2021-22  
 19 through 2023-24 ~~FY2013-14~~ and (ii) one hundred thirty percent of the  
 20 federal poverty level for fiscal year 2024-25 ~~FY2014-15~~ and each fiscal  
 21 year thereafter.  
 22 (b) ~~(2)~~ As part of the provision of social services authorized by

23 this section and section 68-1202, the department shall participate in the  
24 federal Child Care Subsidy program. A child care provider seeking to  
25 participate in the federal Child Care Subsidy program shall comply with  
26 the criminal history record information check requirements of the Child  
27 Care Licensing Act. In determining ongoing eligibility for this program,  
1 ten percent of a household's gross earned income shall be disregarded  
2 after twelve continuous months on the program and at each subsequent  
3 redetermination. In determining ongoing eligibility, if a family's income  
4 exceeds one hundred eighty-five percent of the federal poverty level for  
5 fiscal years 2021-22 through 2023-24 or one hundred thirty percent of the  
6 federal poverty level for fiscal year 2024-25 and each fiscal year  
7 thereafter, the family shall receive transitional child care assistance  
8 through the remainder of the family's eligibility period or until the  
9 family's income exceeds eighty-five percent of the state median income  
10 for a family of the same size as reported by the United States Bureau of  
11 the Census, whichever occurs first. When the family's eligibility period  
12 ends, the family shall continue to be eligible for transitional child  
13 care assistance if the family's income is below two hundred percent of  
14 the federal poverty level for fiscal years 2021-22 through 2023-24 or one  
15 hundred eighty-five percent of the federal poverty level for fiscal year  
16 2024-25 and each fiscal year thereafter. The family shall receive  
17 transitional child care assistance through the remainder of the  
18 transitional eligibility period or until the family's income exceeds  
19 eighty-five percent of the state median income for a family of the same  
20 size as reported by the United States Bureau of the Census, whichever  
21 occurs first. The amount of such child care assistance shall be based on  
22 a cost-shared plan between the recipient family and the state and shall  
23 be based on a sliding-scale methodology. A recipient family may be  
24 required to contribute a percentage of such family's gross income for  
25 child care that is no more than the cost-sharing rates in the  
26 transitional child care assistance program as of January 1, 2015, for  
27 those no longer eligible for cash assistance as provided in section  
28 68-1724. ~~Initial program eligibility standards shall not be impacted by~~  
29 ~~the provisions of this subsection.~~  
30 (c) For fiscal years 2021-22 through 2023-24, funds provided to the  
31 State of Nebraska pursuant to the Child Care and Development Block Grant  
1 Act of 1990, 42 U.S.C. 9857 et seq., as such act and sections existed on  
2 March 24, 2021, shall be used to pay the costs to the state resulting  
3 from the income eligibility changes made in subdivisions (2)(a) and (b)  
4 of this section by this legislative bill. If the available amount of such  
5 funds is insufficient to pay such costs, then funds provided to the state  
6 for the Temporary Assistance for Needy Families program established in 42  
7 U.S.C. 601 et seq. may also be used.  
8 (d) The Department of Health and Human Services shall collaborate  
9 with a private nonprofit organization with expertise in early childhood  
10 care and education for an independent evaluation of the income  
11 eligibility changes made in subdivisions (2)(a) and (b) of this section  
12 by this legislative bill, if private funding is made available for such  
13 purpose. The evaluation shall be completed by December 15, 2023, and  
14 shall be submitted electronically to the department and to the Health and  
15 Human Services Committee of the Legislature.  
16 (3) In determining the rate or rates to be paid by the department  
17 for child care as defined in section 43-2605, the department shall adopt  
18 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
19 of the state applicable to each child care program category of provider  
20 as defined in section 71-1910 which may claim reimbursement for services  
21 provided by the federal Child Care Subsidy program, except that the  
22 department shall not pay a rate higher than that charged by an individual  
23 provider to that provider's private clients. The schedule may provide  
24 separate rates for care for infants, for children with special needs,

25 including disabilities or technological dependence, or for other  
26 individual categories of children. The schedule may also provide tiered  
27 rates based upon a quality scale rating of step three or higher under the  
28 Step Up to Quality Child Care Act. The schedule shall be effective on  
29 October 1 of every year and shall be revised annually by the department.  
30 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 68-1724 (1) Cash assistance shall be provided for a period or  
2 periods of time not to exceed a total of sixty months for recipient  
3 families with children subject to the following:  
4 (a) If the state fails to meet the specific terms of the self-  
5 sufficiency contract developed under section 68-1719, the sixty-month  
6 time limit established in this section shall be extended;  
7 (b) The sixty-month time period for cash assistance shall begin  
8 within the first month of eligibility;  
9 (c) When no longer eligible to receive cash assistance, assistance  
10 shall be available to reimburse work-related child care expenses even if  
11 the recipient family has not achieved economic self-sufficiency. The  
12 amount of such assistance shall be based on a cost-shared plan between  
13 the recipient family and the state which shall provide assistance up to  
14 two hundred percent of the federal poverty level for fiscal years 2021-22  
15 through 2023-24 or one hundred eighty-five percent of the federal poverty  
16 level for fiscal year 2024-25 and each fiscal year thereafter. A  
17 recipient family may be required to contribute up to twenty percent of  
18 such family's gross income for child care. It is the intent of the  
19 Legislature that transitional health care coverage be made available on a  
20 sliding-scale basis to individuals and families with incomes up to one  
21 hundred eighty-five percent of the federal poverty level if other health  
22 care coverage is not available; and  
23 (d) The self-sufficiency contract shall be revised and cash  
24 assistance extended when there is no job available for adult members of  
25 the recipient family. It is the intent of the Legislature that available  
26 job shall mean a job which results in an income of at least equal to the  
27 amount of cash assistance that would have been available if receiving  
28 assistance minus unearned income available to the recipient family.  
29 The department shall develop policy guidelines to allow for cash  
30 assistance to persons who have received the maximum cash assistance  
31 provided by this section and who face extreme hardship without additional  
1 assistance. For purposes of this section, extreme hardship means a  
2 recipient family does not have adequate cash resources to meet the costs  
3 of the basic needs of food, clothing, and housing without continuing  
4 assistance or the child or children are at risk of losing care by and  
5 residence with their parent or parents.  
6 (2) Cash assistance conditions under the Welfare Reform Act shall be  
7 as follows:  
8 (a) Adults in recipient families shall mean individuals at least  
9 nineteen years of age living with and related to a child eighteen years  
10 of age or younger and shall include parents, siblings, uncles, aunts,  
11 cousins, or grandparents, whether the relationship is biological,  
12 adoptive, or step;  
13 (b) The payment standard shall be based upon family size;  
14 (c) The adults in the recipient family shall ensure that the minor  
15 children regularly attend school. Education is a valuable personal  
16 resource. The cash assistance provided to the recipient family may be  
17 reduced when the parent or parents have failed to take reasonable action  
18 to encourage the minor children of the recipient family ages sixteen and  
19 under to regularly attend school. No reduction of assistance shall be  
20 such as may result in extreme hardship. It is the intent of the  
21 Legislature that a process be developed to insure communication between  
22 the case manager, the parent or parents, and the school to address issues

23 relating to school attendance;  
 24 (d) Two-parent families which would otherwise be eligible under  
 25 section 43-504 or a federally approved waiver shall receive cash  
 26 assistance under this section;  
 27 (e) For minor parents, the assistance payment shall be based on the  
 28 minor parent's income. If the minor parent lives with at least one  
 29 parent, the family's income shall be considered in determining  
 30 eligibility and cash assistance payment levels for the minor parent. If  
 31 the minor parent lives independently, support shall be pursued from the  
 1 parents of the minor parent. If the absent parent of the minor's child is  
 2 a minor, support from his or her parents shall be pursued. Support from  
 3 parents as allowed under this subdivision shall not be pursued when the  
 4 family income is less than three hundred percent of the federal poverty  
 5 guidelines; and  
 6 (f) For adults who are not biological or adoptive parents or  
 7 stepparents of the child or children in the family, if assistance is  
 8 requested for the entire family, including the adults, a self-sufficiency  
 9 contract shall be entered into as provided in section 68-1719. If  
 10 assistance is requested for only the child or children in such a family,  
 11 such children shall be eligible after consideration of the family's  
 12 income and if (i) the family cooperates in pursuing child support and  
 13 (ii) the minor children of the family regularly attend school.  
 14 Sec. 3. This act becomes operative on July 1, 2021.  
 15 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes  
 16 Cumulative Supplement, 2020, are repealed.  
 17 Sec. 5. Since an emergency exists, this act takes effect when  
 18 passed and approved according to law.

**LEGISLATIVE BILL 516.** Placed on General File with amendment.

[AM577](#)

1 1. On page 2, line 19, strike "subsection" and insert "subdivision";  
 2 and strike lines 21 through 26 and insert the following new subsection:  
 3 "(3) For an applicant engaged in remote or online coursework  
 4 permitted under subsection (2) of this section, the Department of Health  
 5 and Human Services shall verify an applicant's participation as follows:  
 6 (a) Through an electronic tracking system, such as an applicant's  
 7 electronic log-in and log-out records from such applicant's educational  
 8 institution, to verify actual time spent completing remote or online  
 9 coursework if such method is available; or  
 10 (b) Through attendance timesheets indicating the actual time an  
 11 applicant spent completing remote or online coursework signed by the  
 12 applicant and a representative of such applicant's educational  
 13 institution; or  
 14 (c) If the options in both subdivisions (a) and (b) of this  
 15 subsection are not feasible, through reports to an applicant's case  
 16 manager. An applicant utilizing case manager documentation to verify such  
 17 applicant's participation shall report daily hours spent on remote or  
 18 online coursework to the case manager, which must include information on  
 19 an applicant's attendance and progress in class. An applicant shall have  
 20 contact with such applicant's case manager at least weekly under this  
 21 method. An applicant shall submit any midterm and final grades to the  
 22 case manager for each school term. If an applicant fails to demonstrate  
 23 satisfactory progress in such applicant's remote or online coursework,  
 24 the applicant is not allowed to use case manager documentation and is  
 25 required to verify coursework hours through a method described in  
 26 subdivision (a) or (b)."

**LEGISLATIVE BILL 626.** Placed on General File with amendment.AM642

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

3 Section 1. Section 71-3405, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 71-3405 For purposes of the Child and Maternal Death Review Act:

6 (1) Child means a person from birth to eighteen years of age;

7 (2) Investigation of child death means a review of existing records  
8 and other information regarding the child from relevant agencies,  
9 professionals, and providers of medical, dental, prenatal, and mental  
10 health care. The records to be reviewed may include, but not be limited  
11 to, medical records, coroner's reports, autopsy reports, social services  
12 records, records of alternative response cases under alternative response  
13 implemented in accordance with sections 28-710.01, 28-712, and 28-712.01,  
14 educational records, emergency and paramedic records, and law enforcement  
15 reports;

16 (3) Investigation of maternal death means a review of existing  
17 records and other information regarding the woman from relevant agencies,  
18 professionals, and providers of medical, dental, prenatal, and mental  
19 health care. The records to be reviewed may include, but not be limited  
20 to, medical records, coroner's reports, autopsy reports, social services  
21 records, educational records, emergency and paramedic records, and law  
22 enforcement reports;

23 (4) Maternal death means the death of a woman during pregnancy or  
24 the death of a postpartum woman;

25 (5) Postpartum woman means a woman during the period of time  
26 beginning when the woman ceases to be pregnant and ending one year after  
27 the woman ceases to be pregnant;

1 (6) Preventable child or maternal death means the death of any child  
2 or pregnant or postpartum woman which reasonable medical, social, legal,  
3 psychological, or educational intervention may have prevented.

4 Preventable child or maternal death includes, but is not limited to, the  
5 death of a child or pregnant or postpartum woman from (a) intentional and  
6 unintentional injuries, (b) medical misadventures, including untoward  
7 results, malpractice, and foreseeable complications, (c) lack of access  
8 to medical care, (d) neglect and reckless conduct, including failure to  
9 supervise and failure to seek medical care for various reasons, and (e)  
10 preventable premature birth;

11 (7) Preventable maternal death means the death of a pregnant or  
12 postpartum woman where there was at least some chance of the death being  
13 averted by one or more reasonable changes to (a) the patient, (b) the  
14 patient's family, (c) the health care provider, facility, or system, or  
15 (d) community factors;

16 (8) ~~(7)~~ Reasonable means taking into consideration the condition,  
17 circumstances, and resources available; and

18 (9) Teams ~~(8) Team~~ means the State Child Death Review Team and the  
19 State Maternal Death Review Team.

20 Sec. 2. Section 71-3406, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 71-3406 (1) The chief executive officer of the Department of Health  
23 and Human Services shall appoint a minimum of twelve ~~and a maximum of~~  
24 ~~fifteen~~ members each to the State Child Death Review Team and the State  
25 Maternal Death Review Team.

26 (2) The core members shall serve on both teams and shall be (a) a  
27 physician employed by the department, who shall be a permanent member and  
28 shall serve as the chairperson of the teams team, (b) a senior staff  
29 member with child protective services of the department, (c) a forensic  
30 pathologist, (c) ~~(d)~~ a law enforcement representative, (d) a mental  
31 health provider (e) the Inspector General of Nebraska Child Welfare, and

1 (e) (f) an attorney. ~~The remaining members appointed may be, but shall~~  
 2 ~~not be limited to, the following: A county attorney; a Federal Bureau of~~  
 3 ~~Investigation agent responsible for investigations on Native American~~  
 4 ~~reservations; a social worker; and members of organizations which~~  
 5 ~~represent hospitals or physicians. The department shall be responsible~~  
 6 ~~for the general administration of the activities of the teams team and~~  
 7 ~~shall employ or contract with a team coordinators ~~coordinator~~ to provide~~  
 8 ~~administrative support for each the team and shall provide a team data~~  
 9 ~~abstractor for the teams.~~

10 (3) Additional required members appointed to the State Child Death  
 11 Review Team shall include the Inspector General of Nebraska Child Welfare  
 12 and a senior staff member with child protective services of the  
 13 department, who shall be permanent members. The remaining members  
 14 appointed to the State Child Death Review Team may include, but shall not  
 15 be limited to, the following: (a) A county attorney; (b) a Federal Bureau  
 16 of Investigation agent responsible for investigations on Native American  
 17 reservations; (c) a social worker; and (d) members of organizations which  
 18 represent hospitals or physicians.

19 (4) The remaining members appointed to the State Maternal Death  
 20 Review Team may be, but shall not be limited to, the following: (a)  
 21 County attorneys; (b) representatives of tribal organizations; (c) social  
 22 workers; (d) medical providers, including obstetrics, maternal-fetal  
 23 medicine, and anesthesiology; (e) public health workers; (f) community  
 24 birth workers; and (g) community advocates. In appointing members to the  
 25 State Maternal Death Review Team, the chief executive officer of the  
 26 department shall consider members working in and representing communities  
 27 that are diverse with regard to race, ethnicity, immigration status, and  
 28 English proficiency and include members from differing geographic regions  
 29 in the state, including both rural and urban areas.

30 (5) (2) Members shall serve four-year terms with the exception of  
 31 the permanent members ~~chairperson~~. Each team shall annually elect a  
 1 chairperson from among its members. In the absence of the chairperson, the  
 2 chief executive officer may appoint another member of the core team to  
 3 serve as chairperson.

4 (6) (3) The ~~teams team~~ shall not be considered a public body for  
 5 purposes of the Open Meetings Act. The ~~teams team~~ shall meet a minimum of  
 6 four times a year. Members of the ~~teams team~~ shall be reimbursed for  
 7 expenses as provided in sections 81-1174 to 81-1177.

8 Sec. 3. Section 71-3407, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 71-3407 (1) The ~~purpose purposes~~ of the ~~teams team~~ shall be to (a)  
 11 develop an understanding of the causes and incidence of child or maternal  
 12 deaths in this state, (b) develop recommendations for changes within  
 13 relevant agencies and organizations which may serve to prevent child or  
 14 maternal deaths, and (c) advise the Governor, the Legislature, and the  
 15 public on changes to law, policy, and practice which will prevent child  
 16 or maternal deaths.

17 (2) The ~~teams team~~ shall:

18 (a) Undertake annual statistical studies of the causes and incidence  
 19 of child or maternal deaths in this state. The studies shall include, but  
 20 not be limited to, an analysis of the records of community, public, and  
 21 private agency involvement with the children, the pregnant or postpartum  
 22 women, and their families prior to and subsequent to the child or  
 23 maternal deaths;

24 (b) Develop a protocol for retrospective investigation of child or  
 25 maternal deaths by the ~~teams team~~;

26 (c) Develop a protocol for collection of data regarding child or  
 27 maternal deaths by the ~~teams team~~;

28 (d) Consider training needs, including cross-agency training, and  
 29 service gaps;

30 (e) Include in its annual report recommended changes to any law,  
31 rule, regulation, or policy needed to decrease the incidence of  
1 preventable child or maternal deaths;  
2 (f) Educate the public regarding the incidence and causes of child  
3 or maternal deaths, the public role in preventing child or maternal  
4 deaths, and specific steps the public can undertake to prevent child or  
5 maternal deaths. The ~~teams team~~ may enlist the support of civic,  
6 philanthropic, and public service organizations in the performance of its  
7 educational duties;  
8 (g) Provide the Governor, the Legislature, and the public with  
9 annual reports which shall include the ~~teams' team's~~ findings and  
10 recommendations for each of ~~their~~ its duties. ~~Each~~ The team shall submit  
11 ~~an~~ provide the annual report on or before each ~~December 31~~ September 15.  
12 ~~The reports submitted to the Legislature shall be submitted~~  
13 electronically; and  
14 (h) When appropriate, make referrals to those agencies as required  
15 in section 28-711 or as otherwise required by state law.  
16 (3) The ~~teams team~~ may enter into consultation agreements with  
17 relevant experts to evaluate the information and records collected ~~by the~~  
18 ~~team~~. All of the confidentiality provisions of section 71-3411 shall  
19 apply to the activities of a consulting expert.  
20 (4) The ~~teams team~~ may enter into written agreements with entities  
21 to provide for the secure storage of electronic data ~~based on information~~  
22 ~~and records collected by the team~~, including data that contains personal  
23 or incident identifiers. Such agreements shall provide for the protection  
24 of the security and confidentiality of the content of the information,  
25 including access limitations, storage of the information, and destruction  
26 of the information. All of the confidentiality provisions of section  
27 71-3411 shall apply to the activities of the data storage entity.  
28 (5) The ~~teams team~~ may enter into agreements with a local public  
29 health department as defined in section 71-1626 to act as the agent of  
30 the ~~teams team~~ in conducting all information gathering and investigation  
31 necessary for the purposes of the Child and Maternal Death Review Act.  
1 All of the confidentiality provisions of section 71-3411 shall apply to  
2 the activities of the agent.  
3 (6) For purposes of this section, entity means an organization which  
4 provides collection and storage of data from multiple agencies but is not  
5 solely controlled by the agencies providing the data.  
6 Sec. 4. Section 71-3408, Reissue Revised Statutes of Nebraska, is  
7 amended to read:  
8 71-3408 (1) The chairperson of ~~each~~ the team shall:  
9 (a) Chair meetings of the ~~teams team~~; and  
10 (b) Ensure identification of strategies to prevent child or maternal  
11 deaths.  
12 (2) The team coordinator of each team provided under subsection (2)  
13 ~~(1)~~ of section 71-3406 shall:  
14 (a) Have the necessary information from investigative reports,  
15 medical records, coroner's reports, autopsy reports, educational records,  
16 and other relevant items made available to the team;  
17 (b) Ensure timely notification of the team members of an upcoming  
18 meeting;  
19 (c) Ensure that all team reporting and data-collection requirements  
20 are met;  
21 (d) Oversee adherence to the review process established by the Child  
22 and Maternal Death Review Act; and  
23 (e) Perform such other duties as the team deems appropriate.  
24 (3) The team data abstractor provided under subsection (2) of  
25 section 71-3406 shall:  
26 (a) Possess qualifying nursing experience, a demonstrated  
27 understanding of child and maternal outcomes, strong professional



28 communication skills, data entry and relevant computer skills, experience  
 29 in medical record review, flexibility and ability to accomplish tasks in  
 30 short time frames, appreciation of the community, knowledge of  
 31 confidentiality laws, the ability to serve as an objective unbiased  
 1 storyteller, and a demonstrated understanding of social determinants of  
 2 health;

3 (b) Request records for identified cases from sources described in  
 4 section 71-3410;

5 (c) Upon receipt of such records, review all pertinent records to  
 6 complete fields in child and maternal death data bases;

7 (d) Summarize findings in a maternal death case summary; and

8 (e) Report all findings to the team coordinators.

9 Sec. 5. Section 71-3409, Reissue Revised Statutes of Nebraska, is  
 10 amended to read:

11 71-3409 (1)(a) The team shall review all child deaths occurring on  
 12 or after January 1, 1993, and before January 1, 2014, in three phases as  
 13 provided in this subsection.

14 (b) Phase one shall be conducted by the core members. The core  
 15 members shall review the death certificate, birth certificate, coroner's  
 16 report or autopsy report if done, and indicators of child or family  
 17 involvement with the Department of Health and Human Services. The core  
 18 members shall classify the nature of the death, whether accidental,  
 19 homicide, suicide, undetermined, or natural causes, determine the  
 20 completeness of the death certificate, and identify discrepancies and  
 21 inconsistencies. The core members may select cases from phase one for  
 22 review in phase two.

23 (c) Phase two shall be completed by the core members and shall not  
 24 be conducted on any child death under active investigation by a law  
 25 enforcement agency or under criminal prosecution. The core members may  
 26 seek additional records described in section 71-3410. The core members  
 27 shall identify the preventability of death, the possibility of child  
 28 abuse or neglect, the medical care issues of access and adequacy, and the  
 29 nature and extent of interagency communication. The core members may  
 30 select cases from phase two for review by the team in phase three.

31 (d) Phase three shall be a review by the team of those cases  
 1 selected by the core members for further discussion, review, and  
 2 analysis.

3 (1)(a) The State Child Death Review Team (2)(a) The team shall  
 4 review all child deaths occurring on or after January 1, 2014, in the  
 5 manner provided in this subsection.

6 (b) The members shall review the death certificate, birth  
 7 certificate, coroner's report or autopsy report if done, and indicators  
 8 of child or family involvement with the department. The members shall  
 9 classify the nature of the death, whether accidental, homicide, suicide,  
 10 undetermined, or natural causes, determine the completeness of the death  
 11 certificate, and identify discrepancies and inconsistencies.

12 (c) A review shall not be conducted on any child death under active  
 13 investigation by a law enforcement agency or under criminal prosecution.  
 14 The members may seek records described in section 71-3410. The members  
 15 shall identify the preventability of death, the possibility of child  
 16 abuse or neglect, the medical care issues of access and adequacy, and the  
 17 nature and extent of interagency communication.

18 (2)(a) The State Maternal Death Review Team (3)(a) The team shall  
 19 review all maternal deaths occurring on or after January 1, 2014, in the  
 20 manner provided in this subsection.

21 (b) The members shall review the maternal death case abstracts in  
 22 accordance with evidence-based best practices in order to determine: (a)  
 23 If the death is pregnancy-related; (b) the cause of death; (c) if the  
 24 death was preventable; (d) the factors that contributed to the death; (e)  
 25 recommendations and actions that address those contributing factors; and

26 (f) ~~the anticipated impact of those actions if implemented death~~  
 27 ~~certificate, coroner's report or autopsy report if done, and indicators~~  
 28 ~~of the woman's involvement with the department. The members shall~~  
 29 ~~classify the nature of the death, whether accidental, homicide, suicide,~~  
 30 ~~undetermined, or natural causes, determine the completeness of the death~~  
 31 ~~certificate, and identify discrepancies and inconsistencies.~~

1 (c) A review shall not be conducted on any maternal death under  
 2 active investigation by a law enforcement agency or under criminal  
 3 prosecution. The members may seek records described in section 71-3410.  
 4 The members shall identify the preventability of death, the possibility  
 5 of domestic abuse, the medical care issues of access and adequacy, and  
 6 the nature and extent of interagency communication.

7 Sec. 6. Section 71-3410, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 71-3410 (1) Upon request, the ~~teams team~~ shall be immediately  
 10 provided:

11 (a) Information and records maintained by a provider of medical,  
 12 dental, prenatal, and mental health care, including medical reports,  
 13 autopsy reports, and emergency and paramedic records; and  
 14 (b) All information and records maintained by any agency of state,  
 15 county, or local government, any other political subdivision, any school  
 16 district, or any public or private educational institution, including,  
 17 but not limited to, birth and death certificates, law enforcement  
 18 investigative data and reports, coroner investigative data and reports,  
 19 educational records, parole and probation information and records, and  
 20 information and records of any social services agency that provided  
 21 services to the child, the pregnant or postpartum woman, or the family of  
 22 the child or woman.

23 (2) The Department of Health and Human Services shall have the  
 24 authority to issue subpoenas to compel production of any of the records  
 25 and information specified in subdivisions (1)(a) and (b) of this section,  
 26 except records and information on any child or maternal death under  
 27 active investigation by a law enforcement agency or which is at the time  
 28 the subject of a criminal prosecution, and shall provide such records and  
 29 information to the ~~teams team~~.

30 Sec. 7. Section 71-3411, Reissue Revised Statutes of Nebraska, is  
 31 amended to read:

1 71-3411 (1)(a) All information and records acquired by the ~~teams~~  
 2 ~~team~~ in the exercise of ~~their~~ its purposes and duties pursuant to the  
 3 Child and Maternal Death Review Act shall be confidential and exempt from  
 4 disclosure and may only be disclosed as provided in this section and as  
 5 provided in section 71-3407. Statistical compilations of data made by the  
 6 ~~teams team~~ which do not contain any information that would permit the  
 7 identification of any person to be ascertained shall be public records.

8 (b) De-identified information and records obtained by the ~~teams team~~  
 9 may be released to a researcher, upon proof of identity and  
 10 qualifications of the researcher, if the researcher is employed by a  
 11 research organization, university, institution, or government agency and  
 12 is conducting scientific, medical, or public health research and if there  
 13 is no publication or disclosure of any name or facts that could lead to  
 14 the identity of any person included in the information or records. Such  
 15 release shall provide for a written agreement with the Department of  
 16 Health and Human Services providing protection of the security of the  
 17 content of the information, including access limitations, storage of the  
 18 information, destruction of the information, and use of the information.  
 19 The release of such information pursuant to this subdivision shall not  
 20 make otherwise confidential information a public record.

21 (c) De-identified information and records obtained by the ~~teams team~~  
 22 may be released to the United States Public Health Service or its  
 23 successor, a government health agency, or a local public health

24 department as defined in section 71-1626 if there is no publication or  
 25 disclosure of any name or facts that could lead to the identity of any  
 26 person included in the information or records. Such release shall provide  
 27 for protection of the security of the content of the information,  
 28 including access limitations, storage of the information, destruction of  
 29 the information, and use of the information. The release of such  
 30 information pursuant to this subdivision shall not make otherwise  
 31 confidential information a public record.

1 (2) Except as necessary to carry out the teams' ~~a team's~~ purposes  
 2 and duties, members of ~~the teams~~ ~~a team~~ and persons attending a team  
 3 ~~meetings~~ ~~meeting~~ may not disclose what transpired at ~~the meetings~~ ~~a~~  
 4 ~~meeting~~ and shall not disclose any information the disclosure of which is  
 5 prohibited by this section.

6 (3) Members of ~~the teams~~ ~~a team~~ and persons attending ~~team meetings~~  
 7 ~~a team meeting~~ shall not testify in any civil, administrative, licensure,  
 8 or criminal proceeding, including depositions, regarding information  
 9 reviewed in or opinions formed as a result of ~~team meetings~~ ~~a team~~  
 10 ~~meeting~~. This subsection shall not be construed to prevent a person from  
 11 testifying to information obtained independently of the ~~teams~~ ~~team~~ or  
 12 which is public information.

13 (4) Information, documents, and records of the ~~teams~~ ~~team~~ shall not  
 14 be subject to subpoena, discovery, or introduction into evidence in any  
 15 civil or criminal proceeding, except that information, documents, and  
 16 records otherwise available from other sources shall not be immune from  
 17 subpoena, discovery, or introduction into evidence through those sources  
 18 solely because they were presented during proceedings of the ~~teams~~ ~~team~~  
 19 or are maintained by the ~~teams~~ ~~team~~.

20 Sec. 8. Original sections 71-3407, 71-3408, 71-3409, 71-3410, and  
 21 71-3411, Reissue Revised Statutes of Nebraska, and sections 71-3405 and  
 22 71-3406, Revised Statutes Cumulative Supplement, 2020, are repealed.

(Signed) John Arch, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 650.** Title read. Considered.

**PRESIDENT FOLEY PRESIDING**

Committee [AM548](#), found on page 622, 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 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 650A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

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

Senator McDonnell filed the following amendment to [LB566](#):  
[AM344](#)

1 1. On page 2, line 11, after "facilities" insert "or restoration"

2 work on a facility designated as a National Historic Landmark"; and  
 3 strike lines 22 through 29 and insert the following new subdivisions:  
 4 "(5) Qualified nonprofit organization means a tax-exempt  
 5 organization under section 501(c)(3) of the Internal Revenue Code that:  
 6 (a) Is related to arts, culture, or the humanities, including any  
 7 organization formed for the purpose of developing and promoting the work  
 8 of artists and the humanities in various visual and performing forms,  
 9 such as film, sculpture, dance, painting, horticulture, multimedia,  
 10 poetry, photography, performing arts, zoology, or botany; or  
 11 (b) Owns a sports complex;  
 12 (6) Sports complex means property that:  
 13 (a) Includes indoor areas, outdoor areas, or both;  
 14 (b) Is primarily used for competitive sports; and  
 15 (c) Contains at least twelve separate sports venues; and  
 16 (7) Sports venue includes, but is not limited to:  
 17 (a) A baseball field;  
 18 (b) A softball field;  
 19 (c) A soccer field;  
 20 (d) An outdoor stadium primarily used for competitive sports;  
 21 (e) An outdoor arena primarily used for competitive sports; and  
 22 (f) An enclosed, temperature-controlled building primarily used for  
 23 competitive sports."

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 41.** Placed on Select File.

**LEGISLATIVE BILL 461.** Placed on Select File.

**LEGISLATIVE BILL 78.** Placed on Select File.

**LEGISLATIVE BILL 405.** Placed on Select File with amendment.

#### [ER35](#)

1 1. On page 2, line 14, after "employment" insert an underscored  
 2 comma.

**LEGISLATIVE BILL 252.** Placed on Select File.

**LEGISLATIVE BILL 70.** Placed on Select File.

**LEGISLATIVE BILL 5.** Placed on Select File with amendment.

#### [ER36](#)

1 1. On page 1, line 2, after "Act" insert "; and to provide a duty  
 2 for the Revisor of Statutes".

(Signed) Terrell McKinney, Chairperson

### COMMITTEE REPORT(S)

#### Urban Affairs

**LEGISLATIVE BILL 131.** Placed on General File with amendment.

[AM751](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 338.** Title read. Considered.

Committee [AM110](#), found on page 691, was offered.

Senator Bostelman offered the following amendment to the committee amendment:

[AM803](#)

(Amendments to Standing Committee amendments, AM110)

- 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 86-103.01, Reissue Revised Statutes of Nebraska,
- 5 is amended to read:
- 6 86-103.01 Advanced telecommunications capability service means high-
- 7 speed, broadband service at a minimum download speed of one hundred
- 8 megabits per second and a minimum upload speed of twenty megabits per
- 9 second telecommunications capability provided by a local exchange carrier
- 10 that enables users to originate and receive high-quality voice, data,
- 11 graphics, and video communications using any technology.
- 12 Sec. 2. Section 86-316, Revised Statutes Cumulative Supplement,
- 13 2020, is amended to read:
- 14 86-316 Sections 86-316 to 86-329 and section 3 of this act shall be
- 15 known and may be cited as the Nebraska Telecommunications Universal
- 16 Service Fund Act.
- 17 Sec. 3. Any recipient of ongoing high-cost support from the Nebraska
- 18 Telecommunications Universal Service Fund shall agree to submit to speed
- 19 tests as determined by the Public Service Commission. Upon the
- 20 commission's request, such recipient shall conduct the speed tests and
- 21 submit the results to the commission. The speed tests shall be conducted
- 22 for one week using a random sample of locations of consumers who
- 23 subscribe to services provided over infrastructure for which ongoing
- 24 high-cost support is received.
- 25 Sec. 4. Section 86-330, Revised Statutes Cumulative Supplement,
- 26 2020, is amended to read:
- 1 86-330 (1) Based on consumer complaints or upon its own motion, the
- 2 Public Service Commission may open a docket to consider the
- 3 implementation and operation of a funding redirection reverse auction
- 4 program that awards funding to broadband Internet service providers to
- 5 support high-speed Internet infrastructure deployment projects in
- 6 unserved or underserved exchanges within the State of Nebraska. The
- 7 commission may, in its discretion, withhold funding from the Nebraska
- 8 Telecommunications Universal Service Fund to any telecommunications
- 9 company that has not served, to the commission's satisfaction, those
- 10 areas with service that meets the criteria for successful investment of
- 11 funding from the Nebraska Telecommunications Universal Service Fund.
- 12 (2) The commission shall adopt and promulgate rules and regulations
- 13 that establish standards governing the withholding of funding from the
- 14 Nebraska Telecommunications Universal Service Fund from any recipient,
- 15 including the provision of notice and the right to a hearing prior to the
- 16 issuance of an order withdrawing such funding. If the commission
- 17 withdraws funding from the Nebraska Telecommunications Universal Service
- 18 Fund from any telecommunications company, the commission may redirect the
- 19 withdrawn funding through a reverse auction or rural-based plan to
- 20 another eligible telecommunications company use the funding that is
- 21 withdrawn to implement and operate a reverse auction program, except that
- 22 any funding that is withdrawn shall be utilized in the exchange area for

23 which the funding was originally granted. The commission shall have wide  
 24 discretion in the design, implementation, and operation of a funding  
 25 redirection reverse-auction program but may use as a guide the reverse  
 26 auction program designed by the Federal Communications Commission in its  
 27 Connect America Fund Phase II Auction process.

28 (3)(a) In redirecting funding that has been withheld from an  
 29 eligible telecommunications company, the commission may consider rural-  
 30 based plans. To qualify for commission consideration, a rural-based plan  
 31 shall include an eligible telecommunications company.

1 (b) The commission shall consider rural-based plans based on the  
 2 following scoring criteria:

3 (i) The history of the participating eligible telecommunications  
 4 company in providing quality and affordable telecommunications and  
 5 broadband services in rural areas;

6 (ii) The capability of the eligible telecommunications company to  
 7 use the proposed technology to provide broadband services to every  
 8 location in the exchange area on a reasonably comparable basis;

9 (iii) The support of local businesses, hospitals, schools, colleges,  
 10 agricultural producers, and residents;

11 (iv) Other sources of funding;  
 12 (v) Partnerships and other cooperative arrangements with local  
 13 public power providers;

14 (vi) Partnerships and other cooperative arrangements with local  
 15 wireless Internet service providers; and

16 (vii) Cooperation by the incumbent local exchange carrier from which  
 17 funding has been withheld.

18 (c) In entering an order redirecting funding, the commission shall  
 19 establish a timeline for deployment that includes periodic milestones for  
 20 ensuring timely deployment and shall require the eligible  
 21 telecommunications company to file reports sufficient to assess  
 22 compliance with deployment milestones.

23 (d) The commission shall adopt and promulgate rules and regulations  
 24 to carry out this subsection.

25 (4) For purposes of this section, rural-based plan means a proposal  
 26 for redirecting funding as described in this section which is made by  
 27 rural residential and business users of telecommunications and broadband  
 28 services in high-cost areas of the exchange.

29 Sec. 5. Section 86-577, Revised Statutes Cumulative Supplement,  
 30 2020, is amended to read:

31 86-577 (1) For purposes of this section:

1 (a) Served location means a location receiving, or at the time the  
 2 lease is filed with the Public Service Commission able to receive,  
 3 communications service at a minimum download speed of ~~one hundred twenty-~~  
 4 ~~five~~ megabits per second and a minimum upload speed of ~~twenty three~~  
 5 megabits per second or higher speeds, as determined by the Public Service  
 6 Commission; and

7 (b) Unserved location means a location not receiving, and at the  
 8 time the lease is filed with the Public Service Commission not able to  
 9 receive, communications service at a minimum download speed of ~~one~~  
 10 ~~hundred twenty-five~~ megabits per second and a minimum upload speed of  
 11 ~~twenty three~~ megabits per second or higher speeds, as determined by the  
 12 Public Service Commission.

13 (2) Any agency or political subdivision of the state may lease its  
 14 dark fiber if:

15 (a) The lessee is a certificated telecommunications common carrier  
 16 or a permitted telecommunications contract carrier pursuant to section  
 17 86-128 or an Internet service provider;

18 (b) The lease terms are fair, reasonable, and nondiscriminatory; and

19 (c) The lease complies with this section.

20 (3)(a) Before a lease of dark fiber under this section becomes

21 effective, it shall be filed with the commission which shall  
 22 expeditiously cause notice of the lease, including lease rates, to be  
 23 published.

24 (b)(i) The lease shall become effective fourteen business days after  
 25 the date of the published notice unless a protest is filed with the  
 26 commission, in which event the commission shall consider the lease as a  
 27 contested matter and consider the contested lease according to the  
 28 commission's rules of procedure.

29 (ii) If the allocation of served location and unserved location in  
 30 the lease is contested, the commission shall determine such allocation  
 31 under the lease as a contested matter and consider the contested lease  
 1 according to the commission's rules of procedure.

2 (4) For the lease of dark fiber:

3 (a) The commission shall establish a safe harbor range of market  
 4 rates for all dark fiber leases using a competitive price determination  
 5 comparison. When conducting a competitive price determination comparison,  
 6 the commission, in its discretion, shall use rate schedules,  
 7 interconnection agreements, or other documents within its regulatory  
 8 oversight and shall gather other market rate information as deemed  
 9 necessary. If a lease utilizes rates within the safe harbor range, such  
 10 rates shall be deemed approved. Any other term of the lease may be

11 contested pursuant to subdivision (3)(b) of this section; and  
 12 (b) Fifty percent of the profit earned by the agency or political  
 13 subdivision under a lease of dark fiber leased to serve a served location  
 14 shall be remitted to the State Treasurer for credit to the Nebraska  
 15 Telecommunications Universal Service Fund. For purposes of this  
 16 subdivision, profit earned by the agency or political subdivision means  
 17 the lease price less the cost of infrastructure deployment. This  
 18 subdivision does not apply to a lease or portion of a lease of dark fiber  
 19 leased to exclusively serve unserved locations.

20 (5) The lessee shall make every reasonable effort to activate the  
 21 maximum amount of the leased fiber as is possible, within one year after  
 22 entering into the lease, unless good cause is shown.

23 Sec. 6. Section 86-1101, Revised Statutes Cumulative Supplement,  
 24 2020, is amended to read:

25 86-1101 (1) The Legislature finds and declares that:

26 (a) (1) The availability, quality, and affordability of broadband  
 27 telecommunications service is important to the residents of Nebraska; and

28 (b) (2) Because availability, quality, and affordability of  
 29 broadband telecommunications service is lacking in certain rural areas in  
 30 Nebraska, combined with greater investment in urban areas, the state may  
 31 be facing a digital divide.

1 (2) It is the intent of the Legislature that broadband  
 2 telecommunications service in rural areas of the state should be  
 3 comparable in download and upload speed and price to urban areas in the  
 4 state where possible and that state resources should be utilized to  
 5 ensure that the rural residents of the state should not be penalized  
 6 simply because of their rural residence. It is further the intent of the  
 7 Legislature that the residents of this state should have access to  
 8 broadband telecommunications service at a minimum download speed of one  
 9 hundred twenty-five megabits per second and a minimum upload speed of one  
 10 hundred three megabits per second.

11 (3) The changes made to this section by this legislative bill shall  
 12 not be construed to affect, abrogate, or alter any commitments by the  
 13 Public Service Commission made prior to the effective date of this act to  
 14 provide ongoing high-cost support from the Nebraska Telecommunications  
 15 Universal Service Fund for infrastructure capable of providing broadband  
 16 service at a minimum download speed of twenty-five megabits per second  
 17 and a minimum upload speed of three megabits per second.

18 Sec. 7. Section 86-1102, Revised Statutes Cumulative Supplement,

19 2020, is amended to read:

20 86-1102 (1) The Rural Broadband Task Force is hereby created. Task  
 21 force members shall include the chairperson of the Transportation and  
 22 Telecommunications Committee of the Legislature and a member of the  
 23 Legislature selected by the Executive Board of the Legislative Council  
 24 who shall both serve as nonvoting, ex officio members, a member of the  
 25 Public Service Commission who shall be selected by the chairperson of  
 26 such commission, the chairperson of the Nebraska Information Technology  
 27 Commission or his or her designee who shall act as chairperson of the  
 28 task force, the Director of Economic Development or his or her designee,  
 29 the Director of Agriculture or his or her designee, and the following  
 30 members to be appointed by the Governor: A representative of the  
 31 agribusiness community, a representative of the Nebraska business  
 1 community, a representative of the regulated wireline telecommunications  
 2 industry, a representative of the wireless telecommunications industry, a  
 3 representative of the public power industry, a representative of health  
 4 care providers, a representative of Nebraska postsecondary educational  
 5 institutions, and a representative of rural schools offering kindergarten  
 6 through grade twelve. The members appointed by the Governor shall serve  
 7 for a term of two years and may be reappointed.

8 (2) The task force may appoint advisory groups to assist the task  
 9 force in providing technical expertise and advice on any issue. The  
 10 advisory groups may be composed of representatives of stakeholder groups  
 11 which may include, but not necessarily be limited to, representatives  
 12 from small and large wireline companies, wireless companies, public power  
 13 districts, electric cooperative corporations, cable television companies,  
 14 Internet service providers, low-income telecommunications and electric  
 15 utility customers, health care providers, and representatives of  
 16 educational sectors. No compensation or expense reimbursement shall be  
 17 provided to any member of any advisory group appointed by the task force.

18 (3) The Nebraska Information Technology Commission shall provide  
 19 staff assistance to the task force in consultation with staff from the  
 20 Public Service Commission and other interested parties. The task force  
 21 may hire consultants to assist in carrying out its duties. The task force  
 22 shall review issues relating to availability, adoption, and affordability  
 23 of broadband services in rural areas of Nebraska. In particular, the task  
 24 force shall:

25 (a) Determine how Nebraska rural areas compare to neighboring states  
 26 and the rest of the nation in average download and upload speeds and in  
 27 subscription rates to higher speed tiers, when available;

28 (b) Examine the role of the Nebraska Telecommunications Universal  
 29 Service Fund in bringing comparable and affordable broadband services to  
 30 rural residents and any effect of the fund in deterring or delaying  
 31 capital formation, broadband competition, and broadband deployment;

1 (c) Review the feasibility of alternative technologies and providers  
 2 in accelerating access to faster and more reliable broadband service for  
 3 rural residents;

4 (d) Examine alternatives for deployment of broadband services to  
 5 areas that remain unserved or underserved, such as funding redirection  
 6 ~~reverse auction~~ programs described in section 86-330, public-private  
 7 partnerships, funding for competitive deployment, and other measures, and  
 8 make recommendations to the Public Service Commission to encourage  
 9 deployment in such areas;

10 (e) Recommend state policies to effectively utilize state universal  
 11 service fund dollars to leverage federal universal service fund support  
 12 and other federal funding;

13 (f) Make recommendations to the Governor and Legislature as to the  
 14 most effective and efficient ways that federal broadband rural  
 15 infrastructure funds received after July 1, 2018, should be expended if  
 16 such funds become available; and



17 (g) Determine other issues that may be pertinent to the purpose of  
 18 the task force.  
 19 (4) Task force members shall serve on the task force without  
 20 compensation but shall be entitled to receive reimbursement for expenses  
 21 incurred for such service as provided in sections 81-1174 to 81-1177.  
 22 (5) The task force shall meet at the call of the chairperson and  
 23 shall present its findings in a report to the Executive Board of the  
 24 Legislative Council no later than November 1, 2019, and by November 1  
 25 every odd-numbered year thereafter. The report shall be submitted  
 26 electronically.  
 27 (6) For purposes of this section, broadband services means high-  
 28 speed telecommunications capability at a minimum download speed of one  
 29 hundred twenty-five megabits per second and a minimum upload speed of one  
 30 hundred three megabits per second, and that enables users to originate  
 31 and receive high-quality voice, data, and video telecommunications using  
 1 any technology.  
 2 (7) The changes made to this section by this legislative bill shall  
 3 not be construed to affect, abrogate, or alter any commitments by the  
 4 Public Service Commission made prior to the effective date of this act to  
 5 provide ongoing high-cost support from the Nebraska Telecommunications  
 6 Universal Service Fund for infrastructure capable of providing broadband  
 7 service at a minimum download speed of twenty-five megabits per second  
 8 and a minimum upload speed of three megabits per second.  
 9 Sec. 8. Original section 86-103.01, Reissue Revised Statutes of  
 10 Nebraska, and sections 86-316, 86-330, 86-577, 86-1101, and 86-1102,  
 11 Revised Statutes Cumulative Supplement, 2020, are repealed.

Senator Wayne offered the following motion:

[MO16](#)

Recommit to the Transportation and Telecommunications Committee.

Senator Wayne withdrew his motion to recommit to committee.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 587A.** 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 587, One Hundred Seventh Legislature, First Session, 2021.

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

Senator Geist filed the following amendment to [LB274](#):

[AM668](#)

(Amendments to Standing Committee amendments, AM427)

1 1. On page 4, after line 27, insert the following new subsection:  
 2 "(6) A licensee intending to sell alcoholic liquor in the manner  
 3 authorized under subsections (4) and (5) of this section shall provide  
 4 notice of such intention to the commission during initial licensure or  
 5 upon the licensee's annual renewal."

6 2. On page 6, line 19, after the period insert "A farm winery which  
 7 sells alcoholic liquor authorized under a farm winery license not in its  
 8 original package for consumption off the premises shall provide notice to  
 9 the commission during a farm winery licensee's initial licensure or at  
 10 the time of the annual renewal of such license regarding such sales.".

Senator Lowe filed the following amendment to LB274:

AM667

(Amendments to Standing Committee amendments, AM427)

1 1. Insert the following new section:  
 2 Sec. 17. Section 53-178.01, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 53-178.01 (1) No licensee shall sell alcoholic liquor, including  
 5 beer, to any person for consumption off the licensed premises while such  
 6 person is in any manner within any motor vehicle except as provided in  
 7 subsection (2) of this section.  
 8 (2)(a) A business holding a Class B, Class C, Class D, Class L,  
 9 Class Y, or Class Z license to sell alcoholic liquor at retail may sell  
 10 alcoholic liquor authorized under such license to a person twenty-one  
 11 years of age or older within a motor vehicle if (a) the alcoholic liquor  
 12 is sold along with food, (b) the motor vehicle is in park, and (c) the  
 13 alcoholic liquor is placed in the trunk of the motor vehicle or the area  
 14 behind the last upright seat of such motor vehicle if the area is not  
 15 normally occupied by the driver or a passenger and the motor vehicle is  
 16 not equipped with a trunk.  
 17 (b) A licensee which sells alcoholic liquor in the manner authorized  
 18 under this section shall provide notice to the commission during initial  
 19 licensure or at the time of the licensee's annual renewal regarding such  
 20 sales.  
 21 (3) This section shall not apply to sales to handicapped persons in  
 22 a motor vehicle displaying a current handicapped license plate issued by  
 23 the Department of Motor Vehicles.  
 24 2. Renumber the remaining sections, correct internal references, and  
 25 correct the repealer accordingly.

Senator Friesen filed the following amendment to LB338:

AM828

(Amendments to Standing Committee amendments, AM110)

1 1. In the Bostelman amendment, AM803:  
 2 a. Strike section 5.  
 3 b. On page 9, line 10, strike "86-577,".  
 4 c. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to LB338:

AM834

1 1. Insert the following new sections:  
 2 Section 1. A municipality may provide broadband services or  
 3 Internet services on a retail or wholesale basis. For purposes of this  
 4 section, broadband services and Internet services have the same meaning  
 5 as in section 86-593.  
 6 Sec. 2. Section 86-594, Reissue Revised Statutes of Nebraska, is  
 7 amended to read:  
 8 86-594 (1) Except as provided in the Educational Service Units Act  
 9 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501  
 10 to 85-1542, ~~and 86-575,~~ and section 1 of this act, an agency or political  
 11 subdivision of the state that is not a public power supplier shall not  
 12 provide on a retail or wholesale basis any broadband services, Internet  
 13 services, telecommunications services, or video services.

14 (2) The provisions of subsection (1) of this section shall not apply  
 15 to services which an agency or political subdivision of the state was  
 16 authorized to provide and was providing prior to January 1, 2005.  
 17 Sec. 3. The Revisor of Statutes shall assign section 1 of this act  
 18 to Chapter 18.  
 19 2. Renumber the remaining sections and correct the repealer  
 20 accordingly.

Senator Friesen filed the following amendment to [LB338](#):  
[AM836](#)

(Amendments to Standing Committee amendments, AM110)

1 1. In the Bostelman amendment, AM803:  
 2 a. Strike sections 1, 2, 3, 5, 6, and 7 and insert the following new  
 3 sections:  
 4 Section 1. Section 86-316, Revised Statutes Cumulative Supplement,  
 5 2020, is amended to read:  
 6 86-316 Sections 86-316 to 86-329 and section 2 of this act shall be  
 7 known and may be cited as the Nebraska Telecommunications Universal  
 8 Service Fund Act.  
 9 Sec. 2. Beginning on January 1, 2022, the Public Service Commission  
 10 shall ensure that funds distributed from the Nebraska Telecommunications  
 11 Universal Service Fund for construction of new broadband infrastructure  
 12 shall go to projects that provide broadband service scalable to one  
 13 hundred megabits per second or greater for downloading and one hundred  
 14 megabits per second or greater for uploading.  
 15 2. Renumber the remaining sections and correct the repealer  
 16 accordingly.

Senator Morfeld filed the following amendment to [LB501](#):  
[AM794](#)

(Amendments to Standing Committee amendments, AM526)

1 1. On page 28, lines 4 and 5, strike the new matter and reinstate  
 2 the stricken matter.

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

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

Senator Lathrop name added to LB108.  
 Senator Pansing Brooks name added to LB354.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Rob Rhodes of Lincoln.

#### **ADJOURNMENT**

At 3:57 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 2021.

Patrick J. O'Donnell  
 Clerk of the Legislature



**FIFTY-THIRD DAY - MARCH 31, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 31, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance 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 Senator Hughes who was excused; and Senators Bostar, Briese, M. Hansen, Pansing Brooks, and Wishart 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 273.** Placed on Select File with amendment.

[ER39](#)

1 1. On page 1, line 3, strike "43-407" and insert "43-403, 43-407,  
2 43-408"; and strike lines 5 and 6 and insert "change provisions relating  
3 to youth rehabilitation and treatment centers; to authorize an emergency  
4 change of placement to another youth rehabilitation".

**LEGISLATIVE BILL 639.** Placed on Select File with amendment.

[ER37](#)

1 1. On page 2, line 1, strike "8" and insert "7".  
2 2. On page 3, line 5, strike "and".

**LEGISLATIVE BILL 154.** Placed on Select File with amendment.

[ER38](#)

- 1 1. On page 2, line 19, after "the" insert "state"; and in line 24
- 2 after "The" insert "state".

**LEGISLATIVE BILL 143.** Placed on Select File with amendment.

[ER41](#)

- 1 1. On page 1, line 3, strike "to a school district".

(Signed) Terrell McKinney, Chairperson

### COMMITTEE REPORT(S)

Judiciary

**LEGISLATIVE BILL 51.** Placed on General File with amendment.

[AM745](#) is available in the Bill Room.

**LEGISLATIVE BILL 474.** Placed on General File with amendment.

[AM824](#)

- 1 1. Strike section 24 and insert the following new section:
- 2 Sec. 24. Qualifying medical condition means a current diagnosis of
- 3 any of the following conditions:
- 4 (1) Amyotrophic lateral sclerosis;
- 5 (2) Autism with frequent or severe self-injurious or aggressive
- 6 behavior;
- 7 (3) Cancer;
- 8 (4) Crohn's disease or ulcerative colitis;
- 9 (5) Epilepsy or epileptic seizures;
- 10 (6) Glaucoma;
- 11 (7) Hepatitis C that causes moderate to severe nausea or cachexia;
- 12 (8) Human immunodeficiency virus or acquired immune deficiency
- 13 syndrome;
- 14 (9) Huntington's disease;
- 15 (10) Parkinson's disease;
- 16 (11) Post-traumatic stress disorder that has failed all other
- 17 conventional treatments;
- 18 (12) Spinal cord injury or disease with residual neurological
- 19 deficits;
- 20 (13) Terminal illness with a probable life expectancy of under one
- 21 year;
- 22 (14) Tourette's syndrome;
- 23 (15) A serious medical condition, or the treatment of a serious
- 24 medical condition, that causes severe nausea or cachexia;
- 25 (16) Severe and persistent muscle spasms caused by multiple
- 26 sclerosis, spinal cord injury, or muscular dystrophy; or
- 27 (17) Severe or chronic pain lasting longer than six months that is
- 1 not adequately managed, in the opinion of a health care practitioner,
- 2 despite treatment attempts using (a) conventional medications other than
- 3 opioids or opiates or (b) physical interventions.
- 4 2. On page 16, strike beginning with "who" in line 5 through the
- 5 second "a" in line 6 and insert "shall complete a minimum of eight hours
- 6 of"; in lines 7 and 8 strike "course" and insert "courses"; in line 8
- 7 strike "the eleventh" and insert "a"; strike beginning with "a" in line
- 8 11 through line 12 and insert "at least twenty-five patients,"; in line
- 9 18 strike "eleven or more"; and in line 19 strike "three" and insert
- 10 "eight".

**LEGISLATIVE BILL 525.** Placed on General File with amendment.

AM602

1 1. On page 2, line 18, after the semicolon insert "and"; strike  
 2 lines 19 through 21 and insert the following new subdivisions:  
 3 "(g)(i) Transitional housing facility means a building that houses  
 4 five or more residents, except as provided in subdivision (1)(g)(ii) of  
 5 this section.  
 6 (ii) Transitional housing facility does not include a:  
 7 (A) Substance abuse treatment center as defined in section 44-772;  
 8 or  
 9 (B) Building that houses more than fifteen residents and that is  
 10 operated by a provider that is a nonprofit organization."; in line 24  
 11 strike "zoning and"; in line 30 after "housing" insert "facility"; and in  
 12 line 31 strike "the transitional housing" and insert "such facility".  
 13 2. On page 3, strike lines 5 through 9 and insert the following new  
 14 subsection:  
 15 "(3) A community supervision agency or its employees, agents, or  
 16 designees may, if such agency has jurisdiction over a resident of a  
 17 transitional housing facility or is paying for the housing of a resident  
 18 of such facility, enter and inspect such facility with twenty-four hours'  
 19 prior notice in order to ensure that such facility is in compliance with  
 20 occupancy standards."

(Signed) Steve Lathrop, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 80.** Introduced by Clements, 2.

WHEREAS, the Weeping Water Public School girls' basketball team won the 2021 Class D-1 Girls State Basketball Championship; and

WHEREAS, the Weeping Water Indians ended the season with a 24 and 5 record after a victory over the Pleasanton Public Schools Bulldogs in the championship game by a score of 40 to 39; and

WHEREAS, senior all-state guard, Grace Cave, scored the game-winning basket; and

WHEREAS, this is the first girls' state basketball title for Weeping Water Public School; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Weeping Water Public School girls' basketball team and its coaches for winning the 2021 Class D-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Weeping Water Public School girls' basketball team.

Laid over.

**MOTION(S) - Confirmation Report(s)**

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Department of Natural Resources  
Thomas E. Riley - Director

Voting in the affirmative, 33:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	McCollister	Slama
Arch	Dorn	Hilgers	McDonnell	Stinner
Bostelman	Erdman	Hilkemann	Morfeld	Vargas
Brandt	Flood	Kolterman	Moser	Walz
Brewer	Geist	Lathrop	Murman	
Cavanaugh, J.	Gragert	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 10:

Blood	DeBoer	Groene	Lowe	Wayne
Cavanaugh, M.	Friesen	Hunt	McKinney	Williams

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Nebraska Power Review Board  
Charles Hutchison  
Gregory Eugene Moen

Voting in the affirmative, 39:



Aguilar	Clements	Groene	Lindstrom	Pahls
Albrecht	Day	Halloran	Linehan	Sanders
Arch	Dorn	Hansen, B.	Lowe	Slama
Blood	Erdman	Hilgers	McCollister	Stinner
Bostelman	Flood	Hilkemann	McDonnell	Vargas
Brandt	Friesen	Hunt	Morfeld	Walz
Brewer	Geist	Kolterman	Moser	Williams
Cavanaugh, J.	Gragert	Lathrop	Murman	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. DeBoer McKinney Wayne

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission  
Stanley A. Clouse  
Bradley B. Dunbar  
Thomas L. Knutson  
Scott Smathers

Senator Erdman requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission  
Stanley A. Clouse  
Bradley B. Dunbar  
Thomas L. Knutson

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Geist	Lowe	Stinner
Albrecht	Clements	Gragert	McDonnell	Vargas
Arch	Day	Groene	Moser	Walz
Blood	DeBoer	Halloran	Murman	Wayne
Bostelman	Dorn	Hilkemann	Pahls	Williams
Brandt	Erdman	Lindstrom	Sanders	
Brewer	Friesen	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	Hansen, B.	Hunt	Lathrop	McKinney
Flood	Hilgers	Kolterman	McCollister	Morfeld

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission  
Scott Smathers

Voting in the affirmative, 30:

Aguilar	Cavanaugh, J.	Groene	McCollister	Slama
Albrecht	DeBoer	Hansen, B.	McDonnell	Stinner
Arch	Flood	Hilkemann	Morfeld	Vargas
Bostelman	Friesen	Kolterman	Moser	Walz
Brandt	Geist	Lindstrom	Pahls	Wayne
Brewer	Gragert	Linehan	Sanders	Williams

Voting in the negative, 4:

Clements	Dorn	Erdman	Halloran
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Present and not voting, 9:

Blood	Day	Hunt	Lowe	Murman
Cavanaugh, M.	Hilgers	Lathrop	McKinney	

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 464:

Nebraska Natural Resources Commission  
 Joseph L. Citta Jr.  
 Timothy E. Krause  
 Rick Kubat  
 LeRoy W. Sievers

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	McDonnell	Stinner
Albrecht	Clements	Groene	Morfeld	Vargas
Arch	DeBoer	Hansen, B.	Moser	Walz
Blood	Dorn	Kolterman	Murman	Wayne
Bostelman	Erdman	Lindstrom	Pahls	Williams
Brandt	Friesen	Linehan	Sanders	
Brewer	Geist	McCollister	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	Flood	Hilgers	Hunt	Lowe
Day	Halloran	Hilkemann	Lathrop	McKinney

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 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 546:

Board of Educational Lands and Funds  
 Duane L. Kime

Voting in the affirmative, 32:

Aguilar	Cavanaugh, J.	Groene	McCollister	Stinner
Albrecht	Clements	Hansen, B.	McDonnell	Vargas
Arch	DeBoer	Hilkemann	Moser	Walz
Blood	Dorn	Kolterman	Murman	Williams
Bostelman	Friesen	Lathrop	Pahls	
Brandt	Geist	Lindstrom	Sanders	
Brewer	Gragert	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 11:

Cavanaugh, M.	Flood	Hunt	Morfeld
Day	Halloran	Lowe	Wayne
Erdman	Hilgers	McKinney	

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

State Board of Health  
Mark R. Patefield

Voting in the affirmative, 29:

Aguilar	Clements	Hansen, B.	Lowe	Pahls
Albrecht	Dorn	Hilgers	McCollister	Slama
Arch	Geist	Hilkemann	McDonnell	Stinner
Bostelman	Gragert	Kolterman	Morfeld	Walz
Brandt	Groene	Lindstrom	Moser	Williams
Brewer	Halloran	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Flood	Lathrop	Wayne
Cavanaugh, J.	DeBoer	Friesen	McKinney	
Cavanaugh, M.	Erdman	Hunt	Vargas	

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

State Board of Health  
Timothy A. Tesmer

Voting in the affirmative, 30:

Aguilar	Brewer	Gragert	Kolterman	Murman
Albrecht	Clements	Groene	Linehan	Pahls
Arch	DeBoer	Halloran	Lowe	Slama
Blood	Dorn	Hansen, B.	McCollister	Stinner
Bostelman	Friesen	Hilgers	Morfeld	Walz
Brandt	Geist	Hilkemann	Moser	Williams

Voting in the negative, 0.

Present and not voting, 12:

Cavanaugh, J.	Erdman	Lathrop	McKinney
Cavanaugh, M.	Flood	Lindstrom	Vargas
Day	Hunt	McDonnell	Wayne

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

State Board of Health  
Russell Crotty

Voting in the affirmative, 28:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Dorn	Hansen, B.	McCollister	Stinner
Arch	Friesen	Hilgers	McDonnell	Walz
Bostelman	Geist	Hilkemann	Morfeld	Williams
Brandt	Gragert	Kolterman	Moser	
Brewer	Groene	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 14:

Blood	Day	Flood	Lindstrom	Vargas
Cavanaugh, J.	DeBoer	Hunt	McKinney	Wayne
Cavanaugh, M.	Erdman	Lathrop	Pahls	

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

State Board of Health  
Michael Kotopka

Voting in the affirmative, 29:

Aguilar	Clements	Halloran	McCollister	Pansing Brooks
Albrecht	Dorn	Hansen, B.	McDonnell	Slama
Arch	Friesen	Hilgers	Morfeld	Stinner
Bostelman	Geist	Kolterman	Moser	Walz
Brandt	Gragert	Linehan	Murman	Williams
Brewer	Groene	Lowe	Pahls	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Flood	Lathrop	Wayne
Cavanaugh, J.	DeBoer	Hilkemann	McKinney	
Cavanaugh, M.	Erdman	Hunt	Vargas	

Excused and not voting, 7:

Bostar	Hansen, M.	Lindstrom	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

State Board of Health  
Dan Vehle

Voting in the affirmative, 27:

Aguilar	Erdman	Hilkemann	Moser	Wayne
Albrecht	Geist	Kolterman	Pansing Brooks	Williams
Arch	Groene	Lowe	Slama	Wishart
Bostelman	Halloran	McCollister	Stinner	
Clements	Hansen, B.	McDonnell	Vargas	
Dorn	Hilgers	Morfeld	Walz	

Voting in the negative, 0.

Present and not voting, 15:

Blood	Cavanaugh, M.	Flood	Hunt	McKinney
Brewer	Day	Friesen	Lathrop	Murman
Cavanaugh, J.	DeBoer	Gragert	Linchan	Pahls

Excused and not voting, 7:

Bostar	Briese	Hughes	Sanders
Brandt	Hansen, M.	Lindstrom	

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 537:

Division of Developmental Disabilities - Health and Human Services  
Anthony (Tony) R. Green - Director

Voting in the affirmative, 29:

Aguilar	DeBoer	Hansen, B.	Lowe	Stinner
Albrecht	Dorn	Hilgers	McCollister	Vargas
Arch	Erdman	Hilkemann	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Cavanaugh, M.	Groene	Kolterman	Moser	Williams
Clements	Halloran	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Gragert	Murman	Wishart
Brewer	Flood	Linehan	Pahls	
Cavanaugh, J.	Friesen	McKinney	Pansing Brooks	

Excused and not voting, 7:

Bostar	Briese	Hughes	Sanders
Brandt	Hansen, M.	Lindstrom	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 538:

Division of Medicaid and Long Term Care - Department of Health and Human Services  
Kevin Bagley - Director

Voting in the affirmative, 34:

Aguilar	Clements	Groene	McDonnell	Stinner
Albrecht	Day	Halloran	Morfeld	Vargas
Arch	DeBoer	Hansen, B.	Moser	Walz
Bostelman	Dorn	Hilkemann	Murman	Wayne
Brewer	Erdman	Hunt	Pansing Brooks	Williams
Briese	Geist	Linehan	Sanders	Wishart
Cavanaugh, M.	Gragert	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Blood	Flood	Hilgers	Lathrop	McKinney
Cavanaugh, J.	Friesen	Kolterman	McCollister	Pahls

Excused and not voting, 5:



Bostar Brandt Hansen, M. Hughes Lindstrom

The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 546:

State Board of Health  
Robert (Bud) Synhorst

**SPEAKER HILGERS PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Geist 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 confirmation report.

Senator M. Cavanaugh offered the following motion:  
Recommit the confirmation report of Robert Synhorst to the Health and Human Services Committee.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 70A.** Placed on Select File.

**LEGISLATIVE BILL 156A.** Placed on Select File.

**LEGISLATIVE BILL 320A.** Placed on Select File.

**LEGISLATIVE BILL 9.** Placed on Select File.

**LEGISLATIVE BILL 152.** Placed on Select File with amendment.

[ER40](#)

1 1. On page 1, line 4, strike "update references to" and insert  
2 "adopt certain provisions of".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 18.** Placed on General File.

**LEGISLATIVE RESOLUTION 11CA.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Slama filed the following amendment to LB152:

[AM840](#)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

**RECESS**

At 12:00 p.m., on a motion by Senator Dorn, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Briese, Lathrop, McCollister, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

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

Senator Blood filed the following amendment to LB100:

[AM817](#)

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 68-901 Sections 68-901 to 68-9,100 and section 2 of this act shall
- 6 be known and may be cited as the Medical Assistance Act.
- 7 Sec. 2. (1) For purposes of this section, multiple procedure
- 8 payment reduction policy means a policy used in the federal medicare
- 9 program under Title XVIII of the federal Social Security Act for
- 10 outpatient rehabilitation service codes where full payment is made for
- 11 the unit or procedure with the highest rate and subsequent units and
- 12 procedures are paid at a reduction of the published rates when more than
- 13 one unit procedure is provided to the same patient on the same day.
- 14 (2) A multiple procedure payment reduction policy shall not be
- 15 implemented under the Medical Assistance Act as it applies to therapy
- 16 services provided by physical therapy, occupational therapy, or speech-
- 17 language pathology.
- 18 Sec. 3. Original section 68-901, Revised Statutes Cumulative
- 19 Supplement, 2020, is repealed.
- 20 2. On page 1, strike beginning with "public" in line 1 through line
- 21 8 and insert "the Medical Assistance Act; to amend section 68-901,
- 22 Revised Statutes Cumulative Supplement, 2020; to provide for limits on
- 23 provider contracts pertaining to the utilization of certain billing

24 practices; to harmonize provisions; and to repeal the original section."

Senator Brewer filed the following amendment to [LB235](#):  
[AM799](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 54-1901, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 54-1901 Sections 54-1901 to 54-1915 and section 2 of this act may be  
6 cited as the Nebraska Meat and Poultry Inspection Law.  
7 Sec. 2. (1) It is the intent of the Legislature to appropriate one  
8 million dollars each fiscal year from the General Fund for fiscal years  
9 2022-23 and 2023-24 to the department for purposes of a pilot program for  
10 establishing a cooperative state inspection program under 21 U.S.C. 661,  
11 and 21 U.S.C. 454, as such sections existed on January 1, 2021. The  
12 unexpended and unobligated balance of the funds appropriated for the  
13 pilot program shall lapse to the General Fund at the end of each fiscal  
14 year.  
15 (2) For purposes of the pilot program, the administrator shall be a  
16 licensed veterinarian employed by the department. The department shall  
17 provide staff support for the administrator. The administrator shall  
18 provide for certification of inspectors for the pilot program, including  
19 a program of instruction, an examination, and fees. In order to be  
20 eligible to be certified as an inspector for the pilot program, an  
21 individual shall be a licensed veterinarian who has experience with large  
22 animals.  
23 (3) Up to ten licensed establishments may participate in the pilot  
24 program. A licensed establishment which chooses to participate in the  
25 pilot program shall contract with one or more certified inspectors for  
26 inspections under the pilot program. A certified inspector contracting  
27 with a licensed establishment shall not be considered an employee,  
1 official, or agent of the department.  
2 (4) The department may adopt and promulgate rules and regulations  
3 for the pilot program.  
4 Sec. 3. Original section 54-1901, Reissue Revised Statutes of  
5 Nebraska, is repealed.

Senator Brewer filed the following amendment to [LB409](#):  
[AM381](#)

1 1. On page 5, line 9, strike "2023" and insert "2022".  
2 2. On page 6, lines 11 and 12, strike "2022" and insert "2021".

### **MOTION(S) - Confirmation Report(s)**

Senator Arch renewed his motion to adopt the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 546 and considered in this day's Journal:

State Board of Health  
Robert (Bud) Synhorst

Senator M. Cavanaugh renewed her motion, found in this day's Journal, to recommit the confirmation report of Robert Synhorst to the Health and Human Services Committee.

**PRESIDENT FOLEY PRESIDING**

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

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 3:

Cavanaugh, J.    Hansen, M.    Hunt

Voting in the negative, 34:

Aguilar	Clements	Geist	Hughes	Murman
Albrecht	Day	Gragert	Kolterman	Pahls
Arch	DeBoer	Groene	Lindstrom	Sanders
Bostelman	Dorn	Halloran	Linehan	Slama
Brandt	Erdman	Hansen, B.	Lowe	Stinner
Brewer	Flood	Hilgers	McDonnell	Williams
Briese	Friesen	Hilkemann	Moser	

Present and not voting, 8:

Blood	Lathrop	Morfeld	Walz
Cavanaugh, M.	McKinney	Vargas	Wishart

Excused and not voting, 4:

Bostar        McCollister    Pansing Brooks    Wayne

The M. Cavanaugh motion to recommit to committee failed with 3 ayes, 34 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:  
Reconsider the vote just taken to recommit.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 16 ayes, 17 nays, and 16 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 35 nays, 7 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 7 nays, and 24 not voting.

Senator Hunt requested a roll call vote on the confirmation report.

Voting in the affirmative, 37:

Aguilar	Day	Groene	Linehan	Slama
Albrecht	DeBoer	Halloran	Lowe	Stinner
Arch	Dorn	Hansen, B.	McDonnell	Walz
Bostelman	Erdman	Hilgers	Morfeld	Williams
Brandt	Flood	Hilkemann	Moser	Wishart
Brewer	Friesen	Hughes	Murman	
Briese	Geist	Kolterman	Pahls	
Clements	Gragert	Lindstrom	Sanders	

Voting in the negative, 7:

Blood	Cavanaugh, M.	Hunt	Wayne
Cavanaugh, J.	Hansen, M.	McKinney	

Present and not voting, 3:

Lathrop	Pansing Brooks	Vargas
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Excused and not voting, 2:

Bostar	McCollister
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The appointment was confirmed with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S) Revenue

**LEGISLATIVE BILL 542.** Placed on General File with amendment.

[AM401](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. The Legislature finds that safe and modern highway  
4 infrastructure is of great importance to Nebraska's residents,  
5 agricultural economy, business economy, and future economic growth.  
6 Furthermore, the Legislature finds that it is in the interest of Nebraska  
7 taxpayers to leverage historically low interest rates to offset the  
8 challenges that construction inflation and uncertain federal highway  
9 funding pose to adequately financing the state's infrastructure needs. It  
10 is the intent of the Legislature to conservatively utilize bond financing  
11 by issuing bonds, not to exceed four hundred fifty million dollars in  
12 principal and thirty million dollars in annual debt service for a period  
13 of not more than nineteen years, in order to accelerate completion of the  
14 highway construction projects identified and to be identified for funding  
15 under the Build Nebraska Act.  
16 Sec. 2. Upon the recommendation of the Department of Transportation

17 and the commission, the commission acting for and on behalf of the state  
18 may issue from time to time bonds under the Nebraska Highway Bond Act in  
19 such principal amounts as determined by the commission for the purpose of  
20 accelerating completion of the highway construction projects identified  
21 and to be identified for funding under the Build Nebraska Act. The  
22 principal amounts, interest rates, maturities, redemption provisions,  
23 sale prices, and other terms of the bonds so authorized to be issued  
24 shall be in accordance with terms or conditions established by the  
25 commission. No bonds shall be issued after June 30, 2027, except for  
26 refunding bonds issued in accordance with the Nebraska Highway Bond Act.  
27 The proceeds from the sale of any bonds issued, net of costs of issuance,  
1 capitalized interest, and necessary or appropriate reserve funds, shall  
2 be deposited in the State Highway Capital Improvement Fund for use  
3 pursuant to the Build Nebraska Act. The commission is hereby granted all  
4 powers necessary or convenient to carry out the purposes and exercise the  
5 powers granted by the Nebraska Highway Bond Act. Bonds shall be paid off  
6 by June 30, 2040.

7 Sec. 3. The bonds issued pursuant to section 2 of this act shall be  
8 special obligations of the state payable solely and only from the State  
9 Highway Capital Improvement Fund and any other funds specifically pledged  
10 by the commission for such purpose, and neither the members of the  
11 commission nor any person executing the bonds shall be liable thereon.  
12 Such bonds shall not be a general obligation or debt of the state, and  
13 they shall contain on the face thereof a statement to such effect. Such  
14 bonds are declared to be issued for an essential public and governmental  
15 purpose and, together with interest thereon and income therefrom, shall  
16 be exempt from state income taxes.

17 Sec. 4. Section 39-2205, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 39-2205 Bonds may be issued under the Nebraska Highway Bond Act only  
20 to the extent that the annual aggregate principal and interest  
21 requirements, in the calendar year in which such bonds are issued and in  
22 each calendar year thereafter until the scheduled maturity of such bonds,  
23 on such bonds and on all other bonds theretofore issued and to be  
24 outstanding and unpaid upon the issuance of such bonds shall not exceed  
25 the amount which is equal to fifty percent of the money deposited in the  
26 fund, the State Highway Capital Improvement Fund, or the bond fund, as  
27 the case may be, from which such bonds shall be paid during the calendar  
28 year preceding the issuance of the bonds proposed to be issued. This  
29 section shall not apply to the first issuance of each series of bonds  
30 authorized by the Legislature.

31 If short-term bonds are issued in anticipation of the issuance of  
1 long-term refunding bonds and such short-term bonds are secured by  
2 insurance or a letter of credit or similar guarantee issued by a  
3 financial institution rated by a national rating agency in one of the two  
4 highest categories of bond ratings, then, for the purposes of the  
5 Nebraska Highway Bond Act, when determining the amount of short-term  
6 bonds that may be issued and the amount of taxes, fees, or other money to  
7 be deposited in any fund for the payment of bonds issued under the act,  
8 the annual aggregate principal and interest payments on the short-term  
9 bonds shall be deemed to be such payments thereon, except that the final  
10 principal payment shall not be that specified in the short-term bonds but  
11 shall be the principal and all interest payments required to reimburse  
12 the issuer of the insurance policy or letter of credit or similar  
13 guarantee pursuant to the reimbursement agreement between the commission  
14 and such issuer.

15 Sec. 5. Section 39-2209, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 39-2209 Any resolution or resolutions of the commission authorizing  
18 any bonds or any issue thereof may contain provisions, consistent with

19 the Nebraska Highway Bond Act and not in derogation or limitation of such  
20 act, which shall be a part of the contract with the holders thereof, as  
21 to:

22 (1) Pledging all or any part of the money in the fund, the State  
23 Highway Capital Improvement Fund, or the ~~or~~ bond fund, as the case may  
24 be, to secure the payment of the bonds, subject to such agreements with  
25 the bondholders as may then prevail;

26 (2) The use and disposition of money in the fund, the State Highway  
27 Capital Improvement Fund, or the ~~or~~ bond fund;

28 (3) The setting aside of reserves, sinking funds, or arbitrage  
29 rebate funds and the funding, regulation, and disposition thereof;

30 (4) Limitations on the purpose to which the proceeds from the sale  
31 of bonds may be applied;

1 (5) Limitations on the issuance of additional bonds and on the  
2 retirement of outstanding or other bonds pursuant to the Nebraska Highway  
3 Bond Act;

4 (6) The procedure by which the terms of any agreement with  
5 bondholders may be amended or abrogated, the amount of bonds the holders  
6 of which must consent thereto, and the manner in which such consent may  
7 be given;

8 (7) Vesting in a bank or trust company as paying agent such rights,  
9 powers, and duties as the commission may determine, vesting in a trustee  
10 appointed by the bondholders pursuant to the Nebraska Highway Bond Act  
11 such rights, powers, and duties as the commission may determine, and  
12 limiting or abrogating the right of the bondholders to appoint a trustee  
13 under such act or limiting the rights, powers, and duties of such  
14 trustee;

15 (8) Providing for a municipal bond insurance policy, surety bond,  
16 letter of credit, or other credit support facility or liquidity facility;  
17 and

18 (9) Any other matters, of like or different character, which in any  
19 way affect the security or protection of the bonds.

20 Sec. 6. Section 39-2211, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 39-2211 In addition to the powers conferred upon the commission to  
23 secure the bonds in the Nebraska Highway Bond Act, the commission shall  
24 have power in connection with the issuance of bonds to enter into such  
25 agreements, consistent with the act and not in derogation or limitation  
26 of the act, as it may deem necessary, convenient, or desirable concerning  
27 the use or disposition of the money in the fund, the State Highway  
28 Capital Improvement Fund, or the ~~or~~ bond fund including the pledging or  
29 creation of any security interest in such money and the doing of or  
30 refraining from doing any act which the commission would have the right  
31 to do to secure the bonds in the absence of such agreements. The  
1 commission shall have the power to enter into amendments of any such  
2 agreements, consistent with the Nebraska Highway Bond Act and not in  
3 derogation or limitation of the act, within the powers granted to the  
4 commission by the act and to perform such agreements. The provisions of  
5 any such agreements may be made a part of the contract with the holders  
6 of the bonds.

7 Sec. 7. Section 39-2212, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 39-2212 Any pledge or security instrument made by the commission  
10 shall be valid and binding from the time when the pledge or security  
11 instrument is made. The money in the fund, the State Highway Capital  
12 Improvement Fund, or the ~~or~~ bond fund so pledged and entrusted shall  
13 immediately be subject to the lien of such pledge or security instrument  
14 upon the deposit thereof in the fund without any physical delivery  
15 thereof or further act. The lien of any such pledge or security  
16 instrument shall be valid and binding as against all parties having

17 subsequently arising claims of any kind in tort, contract, or otherwise,  
18 irrespective of whether such parties have notice thereof. Neither the  
19 resolution nor any security instrument or other instrument by which a  
20 pledge or other security is created need be recorded or filed and the  
21 commission shall not be required to comply with any of the provisions of  
22 the Uniform Commercial Code.

23 Sec. 8. Section 39-2213, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 39-2213 The bonds shall be special obligations of the state payable  
26 solely and only from the fund, the State Highway Capital Improvement  
27 Fund, or the or bond fund, as the case may be, and neither the members of  
28 the commission nor any person executing the bonds shall be liable  
29 thereon. Such bonds shall not be a general obligation debt of this state  
30 and they shall contain on the face thereof a statement to such effect.

31 Sec. 9. Section 39-2216, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 39-2216 The Legislature hereby irrevocably pledges and agrees with  
3 the holders of the bonds issued under the Nebraska Highway Bond Act that  
4 so long as such bonds remain outstanding and unpaid it shall not repeal,  
5 diminish, or apply to any other purposes the motor vehicle fuel taxes,  
6 diesel fuel taxes, compressed fuel taxes, and alternative fuel fees  
7 related to highway use, motor vehicle registration fees, sales and use  
8 taxes, and such other highway-user taxes which may be imposed by state  
9 law and allocated to the fund, the State Highway Capital Improvement  
10 Fund, or the or bond fund, as the case may be, if to do so would result  
11 in fifty percent of the amount deposited in the fund, the State Highway  
12 Capital Improvement Fund, or the or bond fund in each year being less  
13 than the amount equal to the maximum annual principal and interest  
14 requirements of such bonds.

15 Sec. 10. Section 39-2222, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 39-2222 Sections 39-2201 to 39-2226 and sections 1 to 3 of this act  
18 shall be known and may be cited as the Nebraska Highway Bond Act.

19 Sec. 11. Section 39-2223, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 39-2223 (1) Under the authority granted by Article XIII, section 1,  
22 of the Constitution of Nebraska, the Legislature hereby authorizes the  
23 issuance of bonds in the principal amount of twenty million dollars in  
24 1969 and in the principal amount of twenty million dollars on or before  
25 June 30, 1977, with the proceeds thereof to be used for the construction  
26 of highways in this state, the Legislature expressly finding that the  
27 need for such construction requires such action. Such bonds shall in all  
28 respects comply with the provisions of Article XIII, section 1, of the  
29 Constitution of Nebraska.

30 (2) Under the authority granted by Article XIII, section 1, of the  
31 Constitution of Nebraska, the Legislature hereby authorizes after July 1,  
1 1988, the issuance of bonds in a principal amount to be determined by the  
2 commission, not to exceed fifty million dollars. The outstanding  
3 principal amount of such bonds may exceed such limit if and to the extent  
4 that the commission determines that the issuance of advance refunding  
5 bonds under section 39-2226 in a principal amount greater than the bonds  
6 to be refunded would reduce the aggregate bond principal and interest  
7 requirements payable from the bond fund. The proceeds of such issues  
8 shall be used exclusively (a) for the construction, resurfacing,  
9 reconstruction, rehabilitation, and restoration of highways in this  
10 state, the Legislature expressly finding that the need for such  
11 construction and reconstruction work and the vital importance of the  
12 highway system to the welfare and safety of all Nebraskans requires such  
13 action, or (b) to eliminate or alleviate cash-flow problems resulting  
14 from the receipt of federal funds. Such bonds shall in all respects



15 comply with the provisions of Article XIII, section 1, of the  
16 Constitution of Nebraska.

17 (3) Under the authority granted by Article XIII, section 1, of the  
18 Constitution of Nebraska, the Legislature hereby authorizes after July 1,  
19 2021, in addition to the authority granted in subsections (1) and (2) of  
20 this section, the issuance of bonds in one or more series in an aggregate  
21 principal amount to be determined by the commission, not to exceed four  
22 hundred fifty million dollars. The outstanding principal amount of such  
23 bonds may exceed such limit if and to the extent that the commission  
24 determines that the issuance of advance refunding bonds under section  
25 39-2226 in a principal amount greater than the bonds to be refunded would  
26 reduce the aggregate bond principal and interest requirements payable  
27 from the State Highway Capital Improvement Fund. The proceeds of such  
28 issues shall be used exclusively for purposes of the Build Nebraska Act,  
29 the Legislature expressly finding that the need for such construction and  
30 reconstruction work and the vital importance of the highway system to the  
31 welfare and safety of all Nebraskans requires such action. Such bonds  
1 shall in all respects comply with the provisions of Article XIII, section  
2 1, of the Constitution of Nebraska.

3 Sec. 12. Section 39-2224, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 39-2224 (1) The proceeds of the sale of bonds authorized by  
6 subsection (1) of section 39-2223 are hereby appropriated to the Highway  
7 Cash Fund of the Department of Transportation, for the biennium ending  
8 June 30, 1977, for expenditure for the construction of highways.  
9 (2) The proceeds of the sale of bonds authorized by subsection (2)  
10 of section 39-2223 are hereby appropriated to the Highway Cash Fund of  
11 the Department of Transportation for expenditure for highway  
12 construction, resurfacing, reconstruction, rehabilitation, and  
13 restoration and for the elimination or alleviation of cash-flow problems  
14 resulting from the receipt of federal funds.

15 (3) The proceeds of the sale of bonds authorized by subsection (3)  
16 of section 39-2223 are hereby appropriated to the State Highway Capital  
17 Improvement Fund of the Department of Transportation for use pursuant to  
18 the Build Nebraska Act.

19 Sec. 13. Section 39-2703, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 39-2703 (1) The State Highway Capital Improvement Fund is created.  
22 The fund shall consist of money credited to the fund pursuant to section  
23 77-27,132, proceeds of bonds issued pursuant to subsection (3) of section  
24 39-2223, and any other money as determined by the Legislature.  
25 (2) The department may create or direct the creation of accounts  
26 within the fund as the department determines to be appropriate and useful  
27 in administering the fund.  
28 (3) Any money in the fund available for investment shall be invested  
29 by the state investment officer pursuant to the Nebraska Capital  
30 Expansion Act and the Nebraska State Funds Investment Act. Investment  
31 earnings from investment of money in the fund shall be credited to the  
1 fund.

2 Sec. 14. Section 39-2704, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 39-2704 (1) The money credited to the fund pursuant to section  
5 77-27,132 shall be used for repayment of bonds issued pursuant to  
6 subsection (3) of section 39-2223. If any of the money credited to the  
7 fund pursuant to section 77-27,132 remains after repayment of such bonds,  
8 such money shall be used as follows:

9 (a) ~~(1)~~ At least twenty-five percent of the money credited to the  
10 fund pursuant to section 77-27,132 each fiscal year shall be used, as  
11 determined by the department, for construction of the expressway system  
12 and federally designated high priority corridors; and

13 (b) (2) The remaining money credited to the fund pursuant to section  
 14 77-27,132 each fiscal year shall be used to pay for surface  
 15 transportation projects of the highest priority as determined by the  
 16 department.  
 17 (2) The proceeds of bonds issued pursuant to subsection (3) of  
 18 section 39-2223 which are credited to the fund shall be used as follows:  
 19 (a) At least seventy-five percent of the proceeds from such bonds  
 20 shall be used, as determined by the department, for construction of the  
 21 expressway system and federally designated high priority corridors; and  
 22 (b) The remaining proceeds shall be used to pay for surface  
 23 transportation projects of the highest priority as determined by the  
 24 department.  
 25 Sec. 15. Original sections 39-2205, 39-2209, 39-2211, 39-2212,  
 26 39-2213, 39-2216, 39-2222, 39-2223, 39-2703, and 39-2704, Reissue Revised  
 27 Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative  
 28 Supplement, 2020, are repealed.  
 29 Sec. 16. Since an emergency exists, this act takes effect when  
 30 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 583.** Placed on Select File.

**LEGISLATIVE BILL 500.** Placed on Select File with amendment.

[ER42](#)

1 1. On page 1, strike beginning with "crimes" in line 1 through line  
 2 8 and insert "criminal procedure; to amend section 29-1301, Reissue  
 3 Revised Statutes of Nebraska; to provide venue for prosecution of  
 4 offenses committed using an electronic communication device; to define  
 5 terms; to harmonize provisions; and to repeal the original section."

**LEGISLATIVE BILL 411.** Placed on Select File.

**LEGISLATIVE BILL 247.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

Senator Slama filed the following amendment to [LB250](#):

[AM415](#)

(Amendments to Standing Committee amendments, AM232)

1 1. On page 34, lines 9, 11, and 12, strike the new matter and  
 2 reinstate the stricken matter.

**GENERAL FILE**

**LEGISLATIVE BILL 338.** Committee [AM110](#), found on page 691 and  
 considered on page 813, was renewed.

Senator Bostelman withdrew his amendment, [AM803](#), found on page 813.

Senator Friesen withdrew his amendment, [AM828](#), found on page 818.

Senator Wayne withdrew his amendment, [AM834](#), found on page 818.

Senator Friesen withdrew his amendment, [AM836](#), found on page 819.

Senator Bostelman offered the following amendment:

[AM845](#)

(Amendments to Standing Committee amendments, AM110)

- 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 86-103, Revised Statutes Cumulative Supplement,
- 5 2020, is amended to read:
- 6 86-103 For purposes of the Nebraska Telecommunications Regulation
- 7 Act, unless the context otherwise requires, the definitions found in
- 8 sections ~~86-104 86-103.04~~ to 86-121.01 apply.
- 9 Sec. 2. Section 86-135, Reissue Revised Statutes of Nebraska, is
- 10 amended to read:
- 11 86-135 (1) For purposes of sections 86-135 to 86-138, advanced
- 12 telecommunications capability service means high-speed, broadband service
- 13 at a minimum download speed of one hundred megabits per second and a
- 14 minimum upload speed of twenty megabits per second provided by a local
- 15 exchange carrier that enables users to originate and receive high-quality
- 16 voice, data, graphics, and video communications using any technology.
- 17 (2) (1) Any person may file an application with the commission to
- 18 obtain advanced telecommunications capability service furnished by a
- 19 telecommunications company in the local exchange area adjacent to the
- 20 local exchange area in which the applicant resides.
- 21 (3) (2) The commission shall serve upon each telecommunications
- 22 company directly affected a copy of the application and notice of the
- 23 hearing at least thirty days prior to the hearing on the application,
- 24 which shall be held if all of the telecommunications companies involved
- 25 do not consent to the application.
- 26 (4) (3) If an application for the revision of an exchange service
- 1 area includes more than one customer in a particular exchange, the
- 2 commission shall consider the circumstances of each customer and the
- 3 impact to the obligations of any affected telecommunications company
- 4 which has not consented to the application.
- 5 Sec. 3. Section 86-316, Revised Statutes Cumulative Supplement,
- 6 2020, is amended to read:
- 7 86-316 Sections 86-316 to 86-329 and sections 4 and 5 of this act
- 8 shall be known and may be cited as the Nebraska Telecommunications
- 9 Universal Service Fund Act.
- 10 Sec. 4. Beginning on January 1, 2022, the commission shall ensure
- 11 that funds distributed from the Nebraska Telecommunications Universal
- 12 Service Fund for construction of new broadband infrastructure shall go to
- 13 projects that provide broadband service scalable to one hundred megabits
- 14 per second or greater for downloading and one hundred megabits per second
- 15 or greater for uploading.
- 16 Sec. 5. Any recipient of ongoing high-cost support from the
- 17 Nebraska Telecommunications Universal Service Fund shall agree to submit
- 18 to speed tests as determined by the commission. Upon the commission's
- 19 request, such recipient shall conduct the speed tests and submit the
- 20 results to the commission. The speed tests shall be conducted for one
- 21 week using a random sample of locations of consumers who subscribe to
- 22 services provided over infrastructure for which ongoing high-cost support
- 23 is received.
- 24 Sec. 6. Section 86-330, Revised Statutes Cumulative Supplement,

25 2020, is amended to read:

26 86-330 (1) Based on consumer complaints or upon its own motion, the  
 27 Public Service Commission may open a docket to consider the  
 28 implementation and operation of a ~~funding redirection reverse auction~~  
 29 program that awards funding to broadband Internet service providers to  
 30 support high-speed Internet infrastructure deployment projects in  
 31 unserved or underserved exchanges within the State of Nebraska. The  
 1 commission may, in its discretion, withhold funding from the Nebraska  
 2 Telecommunications Universal Service Fund to any telecommunications  
 3 company that has not served, to the commission's satisfaction, those  
 4 areas with service that meets the criteria for successful investment of  
 5 funding from the Nebraska Telecommunications Universal Service Fund.  
 6 (2) The commission shall adopt and promulgate rules and regulations  
 7 that establish standards governing the withholding of funding from the  
 8 Nebraska Telecommunications Universal Service Fund from any recipient,  
 9 including the provision of notice and the right to a hearing prior to the  
 10 issuance of an order withdrawing such funding. If the commission  
 11 withdraws funding from the Nebraska Telecommunications Universal Service  
 12 Fund from any telecommunications company, the commission may ~~redirect the~~  
 13 ~~withdrawn funding through a reverse auction or rural-based plan to~~  
 14 ~~another eligible telecommunications company use the funding that is~~  
 15 ~~withdrawn to implement and operate a reverse auction program~~, except that  
 16 any funding that is withdrawn shall be utilized in the exchange area for  
 17 which the funding was originally granted. The commission shall have wide  
 18 discretion in the design, implementation, and operation of a funding  
 19 redirection reverse auction program but may use as a guide the reverse  
 20 auction program designed by the Federal Communications Commission in its  
 21 Connect America Fund Phase II Auction process.  
 22 (3)(a) In redirecting funding that has been withheld from an  
 23 eligible telecommunications company, the commission may consider rural-  
 24 based plans. To qualify for commission consideration, a rural-based plan  
 25 shall include an eligible telecommunications company.  
 26 (b) The commission shall consider rural-based plans based on the  
 27 following scoring criteria:  
 28 (i) The history of the participating eligible telecommunications  
 29 company in providing quality and affordable telecommunications and  
 30 broadband services in rural areas;  
 31 (ii) The capability of the eligible telecommunications company to  
 1 use the proposed technology to provide broadband services to every  
 2 location in the exchange area on a reasonably comparable basis;  
 3 (iii) The support of local businesses, hospitals, schools, colleges,  
 4 agricultural producers, and residents;  
 5 (iv) Other sources of funding;  
 6 (v) Partnerships and other cooperative arrangements with local  
 7 public power providers;  
 8 (vi) Partnerships and other cooperative arrangements with local  
 9 wireless Internet service providers; and  
 10 (vii) Cooperation by the incumbent local exchange carrier from which  
 11 funding has been withheld.  
 12 (c) In entering an order redirecting funding, the commission shall  
 13 establish a timeline for deployment that includes periodic milestones for  
 14 ensuring timely deployment and shall require the eligible  
 15 telecommunications company to file reports sufficient to assess  
 16 compliance with deployment milestones.  
 17 (d) The commission shall adopt and promulgate rules and regulations  
 18 to carry out this subsection.  
 19 (4) Funding support shall not be withheld from an eligible  
 20 telecommunications company for infrastructure found by the commission to  
 21 be capable of reliably providing broadband service at a minimum download  
 22 speed of one hundred megabits per second and a minimum upload speed of

23 twenty megabits per second that enables users to originate and receive  
24 high-quality voice, data, graphics, and video communications using any  
25 technology.

26 (5) For purposes of this section, rural-based plan means a proposal  
27 for redirecting funding as described in this section which is made by  
28 rural residential and business users of telecommunications and broadband  
29 services in high-cost areas of the exchange.

30 Sec. 7. Section 86-1102, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 86-1102 (1) The Rural Broadband Task Force is hereby created. Task  
2 force members shall include the chairperson of the Transportation and  
3 Telecommunications Committee of the Legislature and a member of the  
4 Legislature selected by the Executive Board of the Legislative Council  
5 who shall both serve as nonvoting, ex officio members, a member of the  
6 Public Service Commission who shall be selected by the chairperson of  
7 such commission, the chairperson of the Nebraska Information Technology  
8 Commission or his or her designee who shall act as chairperson of the  
9 task force, the Director of Economic Development or his or her designee,  
10 the Director of Agriculture or his or her designee, and the following  
11 members to be appointed by the Governor: A representative of the  
12 agribusiness community, a representative of the Nebraska business  
13 community, a representative of the regulated wireline telecommunications  
14 industry, a representative of the wireless telecommunications industry, a  
15 representative of the public power industry, a representative of health  
16 care providers, a representative of Nebraska postsecondary educational  
17 institutions, and a representative of rural schools offering kindergarten  
18 through grade twelve. The members appointed by the Governor shall serve  
19 for a term of two years and may be reappointed.

20 (2) The task force may appoint advisory groups to assist the task  
21 force in providing technical expertise and advice on any issue. The  
22 advisory groups may be composed of representatives of stakeholder groups  
23 which may include, but not necessarily be limited to, representatives  
24 from small and large wireline companies, wireless companies, public power  
25 districts, electric cooperative corporations, cable television companies,  
26 Internet service providers, low-income telecommunications and electric  
27 utility customers, health care providers, and representatives of  
28 educational sectors. No compensation or expense reimbursement shall be  
29 provided to any member of any advisory group appointed by the task force.

30 (3) The Nebraska Information Technology Commission shall provide  
31 staff assistance to the task force in consultation with staff from the  
1 Public Service Commission and other interested parties. The task force  
2 may hire consultants to assist in carrying out its duties. The task force  
3 shall review issues relating to availability, adoption, and affordability  
4 of broadband services in rural areas of Nebraska. In particular, the task  
5 force shall:

6 (a) Determine how Nebraska rural areas compare to neighboring states  
7 and the rest of the nation in average download and upload speeds and in  
8 subscription rates to higher speed tiers, when available;

9 (b) Examine the role of the Nebraska Telecommunications Universal  
10 Service Fund in bringing comparable and affordable broadband services to  
11 rural residents and any effect of the fund in deterring or delaying  
12 capital formation, broadband competition, and broadband deployment;

13 (c) Review the feasibility of alternative technologies and providers  
14 in accelerating access to faster and more reliable broadband service for  
15 rural residents;

16 (d) Examine alternatives for deployment of broadband services to  
17 areas that remain unserved or underserved, such as funding redirection  
18 ~~reverse-auction~~ programs described in section 86-330, public-private  
19 partnerships, funding for competitive deployment, and other measures, and  
20 make recommendations to the Public Service Commission to encourage

21 deployment in such areas;  
 22 (e) Recommend state policies to effectively utilize state universal  
 23 service fund dollars to leverage federal universal service fund support  
 24 and other federal funding;  
 25 (f) Make recommendations to the Governor and Legislature as to the  
 26 most effective and efficient ways that federal broadband rural  
 27 infrastructure funds received after July 1, 2018, should be expended if  
 28 such funds become available; and  
 29 (g) Determine other issues that may be pertinent to the purpose of  
 30 the task force.  
 31 (4) Task force members shall serve on the task force without  
 1 compensation but shall be entitled to receive reimbursement for expenses  
 2 incurred for such service as provided in sections 81-1174 to 81-1177.  
 3 (5) The task force shall meet at the call of the chairperson and  
 4 shall present its findings in a report to the Executive Board of the  
 5 Legislative Council no later than November 1, 2019, and by November 1  
 6 every odd-numbered year thereafter. The report shall be submitted  
 7 electronically.  
 8 (6) For purposes of this section, broadband services means high-  
 9 speed telecommunications capability at a minimum download speed of  
 10 twenty-five megabits per second and a minimum upload speed of three  
 11 megabits per second, and that enables users to originate and receive  
 12 high-quality voice, data, and video telecommunications using any  
 13 technology.  
 14 Sec. 8. The Legislature declares that it is in the public interest  
 15 for the state, cities of all classes, villages, and counties to expend  
 16 federal funds received for the creation and expansion of high-speed  
 17 broadband services throughout the state. Except as provided in section  
 18 86-594, any political subdivision that directly receives federal funds  
 19 used for broadband service enhancement purposes shall construct any new  
 20 infrastructure to provide broadband service scalable to one hundred  
 21 megabits per second or greater for downloading and one hundred megabits  
 22 per second or greater for uploading.  
 23 Sec. 9. Original section 86-135, Reissue Revised Statutes of  
 24 Nebraska, and sections 86-103, 86-316, 86-330, and 86-1102, Revised  
 25 Statutes Cumulative Supplement, 2020, are repealed.  
 26 Sec. 10. The following section is outright repealed: Section  
 27 86-103.01, Reissue Revised Statutes of Nebraska.

The Bostelman amendment was adopted with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

Senator Wayne reoffered his amendment, [AM834](#), found on page 818, and withdrawn in this day's Journal.

Senator Wayne withdrew his amendment.

The committee amendment, AM110, as amended, was adopted with 40 ayes, 0 nays, 5 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.

**SELECT FILE**

**LEGISLATIVE BILL 400.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 274.** [ER18](#), found on page 623, was adopted.

Senator Geist offered her amendment, [AM668](#), found on page 817.

The Geist amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Lowe offered his amendment, [AM667](#), found on page 818.

**SPEAKER HILGERS PRESIDING**

The Lowe amendment was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Senator Hilkemann offered his amendment, [AM646](#), found on page 648.

Pending.

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

Senator Groene filed the following amendment to [LB154](#):

[AM841](#)

1 1. On page 2, line 30, strike "contact" and insert "intervention".

Senator Lowe filed the following amendment to [LB274A](#):

[AM818](#)

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.

Senator Arch filed the following amendment to [LB428](#):

[AM810](#)

(Amendments to Standing Committee amendments, AM566)

1 1. On page 4, line 31, strike "15" and insert "1".

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

Senator Halloran filed the following motion to [LR14](#):

[MO17](#)

Place on General File pursuant to Rule 3, Section 20(b).

**MESSAGE(S) FROM THE GOVERNOR**

March 31, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 35, 66e, 93, 94, 113e, 113Ae, 148e, 163, 177, 337, 368, 369, and 509 were received in my office on March 25, 2021.

These bills were signed and delivered to the Secretary of State on March 31, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

March 31, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 297 and 389 were received in my office on March 25, 2021.

These bills were signed and delivered to the Secretary of State on March 31, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

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

Senator Brandt name added to LB366.



**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FOURTH DAY - APRIL 1, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 1, 2021

**PRAYER**

The prayer was offered by Senator Bostelman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator B. Hansen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Hilkemann and Pansing Brooks who were excused; and Senators Hunt, Lathrop, McDonnell, McKinney, Stinner, Walz, and Wishart who were excused until they arrive.

**SENATOR HUGHES PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORT(S)**  
Appropriations

**LEGISLATIVE BILL 379.** Placed on General File with amendment.  
[AM392](#) is available in the Bill Room.

**LEGISLATIVE BILL 381.** Placed on General File.

**LEGISLATIVE BILL 382.** Placed on General File with amendment.  
[AM394](#) is available in the Bill Room.

**LEGISLATIVE BILL 383.** Placed on General File with amendment.  
[AM395](#) is available in the Bill Room.

**LEGISLATIVE BILL 384.** Placed on General File with amendment.  
[AM396](#) is available in the Bill Room.

**LEGISLATIVE BILL 385.** Placed on General File with amendment.  
[AM705](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,  
 4 2020, is amended to read:  
 5 84-612 (1) There is hereby created within the state treasury a fund  
 6 known as the Cash Reserve Fund which shall be under the direction of the  
 7 State Treasurer. The fund shall only be used pursuant to this section.  
 8 (2) The State Treasurer shall transfer funds from the Cash Reserve  
 9 Fund to the General Fund upon certification by the Director of  
 10 Administrative Services that the current cash balance in the General Fund  
 11 is inadequate to meet current obligations. Such certification shall  
 12 include the dollar amount to be transferred. Any transfers made pursuant  
 13 to this subsection shall be reversed upon notification by the Director of  
 14 Administrative Services that sufficient funds are available.  
 15 (3) In addition to receiving transfers from other funds, the Cash  
 16 Reserve Fund shall receive federal funds received by the State of  
 17 Nebraska for undesignated general government purposes, federal revenue  
 18 sharing, or general fiscal relief of the state.  
 19 (4) ~~The State Treasurer, at the direction of the budget~~  
 20 ~~administrator of the budget division of the Department of Administrative~~  
 21 ~~Services, shall transfer not to exceed forty million seven hundred~~  
 22 ~~fifteen thousand four hundred fifty nine dollars in total from the Cash~~  
 23 ~~Reserve Fund to the Nebraska Capital Construction Fund between July 1,~~  
 24 ~~2013, and June 30, 2018.~~  
 25 (4) (5) The State Treasurer shall transfer ~~fifty-four million seven~~  
 26 ~~hundred thousand dollars on or after July 1, 2019, but before June 15,~~  
 27 ~~2021, the following amounts from the Cash Reserve Fund to the Nebraska~~  
 1 Capital Construction Fund on such dates and in such amounts as directed  
 2 by the budget administrator of the budget division of the Department of  
 3 Administrative Services. :  
 4 (a) ~~Seven million eight hundred four thousand two hundred ninety-two~~  
 5 ~~dollars on or after June 15, 2016, but before June 30, 2016;~~  
 6 (b) ~~Five million fifty-eight thousand four hundred five dollars on~~  
 7 ~~or after July 1, 2018, but before June 30, 2019, on such dates and in~~  
 8 ~~such amounts as directed by the budget administrator of the budget~~  
 9 ~~division of the Department of Administrative Services;~~  
 10 (c) ~~Fifteen million three hundred seventy-eight thousand three~~  
 11 ~~hundred nine dollars on or after January 1, 2019, but before June 30,~~  
 12 ~~2019, on such dates and in such amounts as directed by the budget~~  
 13 ~~administrator of the budget division of the Department of Administrative~~  
 14 ~~Services; and~~  
 15 (d) ~~Fifty-four million seven hundred thousand dollars on or after~~  
 16 ~~July 1, 2019, but before June 15, 2021, on such dates and in such amounts~~  
 17 ~~as directed by the budget administrator of the budget division of the~~  
 18 ~~Department of Administrative Services.~~  
 19 (6) ~~The State Treasurer shall transfer seventy-five million two~~  
 20 ~~hundred fifteen thousand three hundred thirteen dollars from the Cash~~  
 21 ~~Reserve Fund to the Nebraska Capital Construction Fund on or before July~~  
 22 ~~31, 2017, on such date as directed by the budget administrator of the~~  
 23 ~~budget division of the Department of Administrative Services.~~  
 24 (7) ~~The State Treasurer shall transfer thirty-one million dollars~~  
 25 ~~from the Cash Reserve Fund to the General Fund after July 1, 2017, but~~  
 26 ~~before July 15, 2017, on such date as directed by the budget~~

27 administrator of the budget division of the Department of Administrative  
 28 Services.  
 29 (8) The State Treasurer shall transfer thirty-one million dollars  
 30 from the Cash Reserve Fund to the General Fund after October 1, 2017, but  
 31 before October 15, 2017, on such date as directed by the budget  
 1 administrator of the budget division of the Department of Administrative  
 2 Services.  
 3 (9) The State Treasurer shall transfer thirty-one million dollars  
 4 from the Cash Reserve Fund to the General Fund after January 1, 2018, but  
 5 before January 15, 2018, on such date as directed by the budget  
 6 administrator of the budget division of the Department of Administrative  
 7 Services.  
 8 (10) The State Treasurer shall transfer thirty-two million dollars  
 9 from the Cash Reserve Fund to the General Fund after April 1, 2018, but  
 10 before April 15, 2018, on such date as directed by the budget  
 11 administrator of the budget division of the Department of Administrative  
 12 Services.  
 13 (11) The State Treasurer shall transfer one hundred million dollars  
 14 from the Cash Reserve Fund to the General Fund on or before June 30,  
 15 2018, on such dates and in such amounts as directed by the budget  
 16 administrator of the budget division of the Department of Administrative  
 17 Services.  
 18 (12) The State Treasurer shall transfer forty-eight million dollars  
 19 from the Cash Reserve Fund to the General Fund after March 1, 2019, but  
 20 before March 15, 2019, on such date as directed by the budget  
 21 administrator of the budget division of the Department of Administrative  
 22 Services.  
 23 (13) The State Treasurer shall transfer eighty-three million six  
 24 hundred nineteen thousand six hundred dollars from the Cash Reserve Fund  
 25 to the Governor's Emergency Cash Fund on or before June 30, 2020, on such  
 26 dates and in such amounts as directed by the budget administrator of the  
 27 budget division of the Department of Administrative Services.  
 28 (5) (14) The State Treasurer shall transfer thirty million dollars  
 29 from the Cash Reserve Fund to the General Fund after November 15, 2020,  
 30 but before December 31, 2020, on such date as directed by the budget  
 31 administrator of the budget division of the Department of Administrative  
 1 Services. Except for the transfer authorized in this subsection, no funds  
 2 shall be transferred from the Cash Reserve Fund to fulfill the  
 3 obligations created under the Nebraska Property Tax Incentive Act unless  
 4 the balance in the Cash Reserve Fund after such transfer will be at least  
 5 equal to five hundred million dollars.  
 6 (6) The State Treasurer shall transfer fifty million dollars from  
 7 the Cash Reserve Fund to the United States Space Command Headquarters  
 8 Assistance Fund on or before June 30, 2023, but not before July 1, 2022,  
 9 on such dates and in such amounts as directed by the budget administrator  
 10 of the budget division of the Department of Administrative Services. The  
 11 transfer in this subsection shall not occur unless the State of Nebraska  
 12 is selected as the site of the United States Space Command headquarters.  
 13 Sec. 2. Original section 84-612, Revised Statutes Cumulative  
 14 Supplement, 2020, is repealed.  
 15 Sec. 3. Since an emergency exists, this act takes effect when  
 16 passed and approved according to law.

**LEGISLATIVE BILL 380.** Placed on General File with amendment.  
[AM393](#) is available in the Bill Room.

(Signed) John Stinner, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 108A.** 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 108, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 442A.** Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 442, One Hundred Seventh Legislature, First Session, 2021.

**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 31, 2021, 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

Husch Blackwell Strategies  
OpenSky Policy Institute  
Luedtke, Joselyn  
Zulkoski Weber LLC  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
Apple Inc.

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

Senator Briese filed the following amendment to LB2:

[FA15](#)

Amend AM638

On page 1, line 12, after "for" insert "any".

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 37.**

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1253, 81-538, and 81-551, Reissue Revised Statutes of Nebraska, and

sections 81-503.01, 81-505.01, and 81-5,167, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain rules and regulations and fees; to eliminate provisions relating to standpipe requirements for hotels and apartments and certain definitions; to change qualifications of the state boiler inspector; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-534, 81-5,136, and 81-5,137, 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, 40:

Aguilar	Briese	Friesen	Hughes	Moser
Albrecht	Cavanaugh, J.	Geist	Hunt	Murman
Arch	Clements	Gragert	Kolterman	Pahls
Blood	Day	Groene	Lindstrom	Sanders
Bostar	DeBoer	Halloran	Linehan	Slama
Bostelman	Dorn	Hansen, B.	Lowe	Vargas
Brandt	Erdman	Hansen, M.	McCollister	Wayne
Brewer	Flood	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

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

**SPEAKER HILGERS PRESIDING**

**LEGISLATIVE BILL 169.**

A BILL FOR AN ACT relating to offenses relating to property; to eliminate locksmith registration requirements; to eliminate a penalty relating to failure by a locksmith to register; and to outright repeal sections 28-1402, 28-1403, 28-1404, and 28-1405, 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, 40:

Aguilar	Cavanaugh, J.	Friesen	Hughes	Moser
Albrecht	Cavanaugh, M.	Geist	Hunt	Murman
Arch	Clements	Gragert	Kolterman	Pahls
Blood	Day	Groene	Lindstrom	Sanders
Bostar	DeBoer	Halloran	Linehan	Slama
Bostelman	Dorn	Hansen, B.	Lowe	Vargas
Brandt	Erdman	Hansen, M.	McCollister	Wayne
Brewer	Flood	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

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

### LEGISLATIVE BILL 351.

A BILL FOR AN ACT relating to the Step Up to Quality Child Care Act; to amend section 71-1958, Reissue Revised Statutes of Nebraska; to change provisions relating to quality scale ratings 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, 41:

Aguilar	Cavanaugh, J.	Geist	Kolterman	Sanders
Albrecht	Cavanaugh, M.	Gragert	Lindstrom	Slama
Arch	Clements	Groene	Linehan	Vargas
Blood	Day	Halloran	Lowe	Wayne
Bostar	DeBoer	Hansen, B.	McCollister	Williams
Bostelman	Dorn	Hansen, M.	Morfeld	
Brandt	Erdman	Hilgers	Moser	
Brewer	Flood	Hughes	Murman	
Briese	Friesen	Hunt	Pahls	

Voting in the negative, 0.

Excused and not voting, 8:



Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

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

#### **LEGISLATIVE BILL 401.**

A BILL FOR AN ACT relating to state institutions; to amend sections 83-305 and 83-363, Reissue Revised Statutes of Nebraska; to eliminate designation of the Hastings Regional Center as a state hospital for the mentally ill; to redefine a term; 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, 40:

Aguilar	Briese	Flood	Hilgers	Moser
Albrecht	Cavanaugh, J.	Friesen	Hughes	Murman
Arch	Cavanaugh, M.	Geist	Hunt	Pahls
Blood	Clements	Gragert	Kolterman	Sanders
Bostar	Day	Groene	Lindstrom	Slama
Bostelman	DeBoer	Halloran	Linehan	Vargas
Brandt	Dorn	Hansen, B.	McCollister	Wayne
Brewer	Erdman	Hansen, M.	Morfeld	Williams

Voting in the negative, 0.

Excused and not voting, 9:

Hilkemann	Lowe	McKinney	Stinner	Wishart
Lathrop	McDonnell	Pansing Brooks	Walz	

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

#### **LEGISLATIVE BILL 476.**

A BILL FOR AN ACT relating to the Stroke System of Care Act; to amend sections 71-4201 and 81-664, Reissue Revised Statutes of Nebraska; to provide for a quality improvement plan, registry, and data oversight process; to provide powers and duties; 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, 40:

Aguilar	Briese	Flood	Hughes	Moser
Albrecht	Cavanaugh, J.	Friesen	Hunt	Murman
Arch	Cavanaugh, M.	Geist	Kolterman	Pahls
Blood	Clements	Gragert	Lathrop	Sanders
Bostar	Day	Groene	Lindstrom	Slama
Bostelman	DeBoer	Hansen, B.	Linchan	Vargas
Brandt	Dorn	Hansen, M.	McCollister	Wayne
Brewer	Erdman	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Halloran

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lowe	McKinney	Stinner	Wishart

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

### **LEGISLATIVE BILL 533.**

A BILL FOR AN ACT relating to public assistance; to amend section 68-1201, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for public assistance; 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, 41:

Aguilar	Cavanaugh, J.	Geist	Kolterman	Sanders
Albrecht	Cavanaugh, M.	Gragert	Lathrop	Slama
Arch	Clements	Groene	Lindstrom	Vargas
Blood	Day	Halloran	Linchan	Wayne
Bostar	DeBoer	Hansen, B.	McCollister	Williams
Bostelman	Dorn	Hansen, M.	Morfeld	
Brandt	Erdman	Hilgers	Moser	
Brewer	Flood	Hughes	Murman	
Briese	Friesen	Hunt	Pahls	

Voting in the negative, 0.

Excused and not voting, 8:

Hilkemann    McDonnell    Pansing Brooks    Walz  
Lowe        McKinney        Stinner            Wishart

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

**MOTION(S) - Return LB503 to Select File**

Senator Flood moved to return LB503 to Select File for his specific amendment, [AM733](#), found on page 743.

The Flood motion to return prevailed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 503.** The Flood specific amendment, [AM733](#), found on page 743, 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.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 37, 169, 351, 401, 476, and 533.

**MOTION(S) - Return LB106 to Select File**

Senator B. Hansen moved to return LB106 to Select File for his specific amendment, [AM586](#), found on page 668.

**PRESIDENT FOLEY PRESIDING**

The B. Hansen motion to return failed with 16 ayes, 18 nays, 10 present and not voting, and 5 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 106.** With Emergency Clause.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Revised Statutes Cumulative Supplement, 2020; to add a certified abstract fee and provide for the distribution of fee revenue; to authorize the building, implementation, and maintenance of a new operator's license services system for issuing operators' licenses and

state identification cards; to create a fund; to harmonize provisions; 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, 36:

Aguilar	Briese	Geist	Lathrop	Stinner
Albrecht	Cavanaugh, M.	Gragert	Lindstrom	Vargas
Arch	Clements	Halloran	McCollister	Williams
Blood	Day	Hansen, B.	McDonnell	Wishart
Bostar	DeBoer	Hilgers	Morfeld	
Bostelman	Dorn	Hughes	Moser	
Brandt	Flood	Hunt	Pahls	
Brewer	Friesen	Kolterman	Sanders	

Voting in the negative, 4:

Erdman	Hansen, M.	McKinney	Wayne
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Present and not voting, 4:

Cavanaugh, J.	Groene	Linehan	Slama
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Excused and not voting, 5:

Hilkemann	Lowe	Murman	Pansing Brooks	Walz
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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.

**LEGISLATIVE BILL 106A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Seventh Legislature, First Session, 2021; 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, 38:

Aguilar	Briese	Friesen	Kolterman	Sanders
Albrecht	Cavanaugh, J.	Geist	Lathrop	Slama
Arch	Cavanaugh, M.	Gragert	Lindstrom	Stinner
Blood	Clements	Halloran	McCollister	Vargas
Bostar	Day	Hansen, B.	McDonnell	Williams
Bostelman	DeBoer	Hilgers	Morfeld	Wishart
Brandt	Dorn	Hughes	Moser	
Brewer	Flood	Hunt	Pahls	

Voting in the negative, 0.

Present and not voting, 6:

Erdman	Hansen, M.	McKinney
Groene	Linehan	Wayne

Excused and not voting, 5:

Hilkemann	Lowe	Murman	Pansing Brooks	Walz
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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.

#### **MOTION(S) - Return LB22 to Select File**

Senator Wayne moved to return LB22 to Select File for his specific amendment, [AM716](#), found on page 750.

Senator Wayne withdrew his motion to return.

#### **WITHDRAW - Amendment to LB22**

Senator Wayne withdrew his amendment, [AM715](#), found on page 750, to LB22.

#### **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 LB22 with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 22.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Protection in Annuity

Transactions Act; to amend sections 44-8102, 44-8103, 44-8105, 44-8106, 44-8107, 44-8108, and 44-8109, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the purpose of the act; to limit liability; to change applicability of the act; to authorize rules and regulations; to provide, change, and eliminate definitions; to change producer and insurer obligations, supervision, prohibited practices, and record keeping; to provide for safe harbor requirements; to change the powers of the Director of Insurance; to change penalties and training requirements; to provide for applicability; 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, 42:

Aguilar	Cavanaugh, J.	Gragert	Lathrop	Sanders
Albrecht	Clements	Groene	Lindstrom	Stinner
Arch	Day	Halloran	Linehan	Vargas
Blood	DeBoer	Hansen, B.	McCollister	Wayne
Bostar	Dorn	Hansen, M.	McDonnell	Williams
Bostelman	Erdman	Hilgers	McKinney	Wishart
Brandt	Flood	Hughes	Morfeld	
Brewer	Friesen	Hunt	Moser	
Briese	Geist	Kolterman	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Slama

Excused and not voting, 5:

Hilkemann Lowe Murman Pansing Brooks Walz

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 106, 106A, and 22.

#### **GENERAL FILE**

**LEGISLATIVE BILL 501.** Title read. Considered.

Committee [AM526](#), found on page 572, was offered.

Senator Flood offered his amendment, [AM671](#), found on page 677, to the committee amendment.

The Flood amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Morfeld offered his amendment, [AM794](#), found on page 819, to the committee amendment.

The Morfeld amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORT(S) Enrollment and Review

**LEGISLATIVE BILL 650.** Placed on Select File with amendment.

[ER44](#)

- 1 1. On page 1, line 2, strike "and"; and in line 3 after "penalties"
- 2 insert "; and to provide severability".
- 3 2. On page 11, line 26, strike the underscored semicolon and insert
- 4 an underscored period.

**LEGISLATIVE BILL 650A.** Placed on Select File.

**LEGISLATIVE BILL 338.** Placed on Select File with amendment.

[ER43](#)

- 1 1. On page 1, strike lines 2 through 7 and insert "section 86-135,
- 2 Reissue Revised Statutes of Nebraska, and sections 86-103, 86-316,
- 3 86-330, and 86-1102, Revised Statutes Cumulative Supplement, 2020; to
- 4 redefine a term under the Nebraska Telecommunications Regulation Act; to
- 5 provide powers and duties to the Public Service Commission relating to
- 6 broadband infrastructure and speed testing under the Nebraska
- 7 Telecommunications Universal Service Fund Act; to change provisions
- 8 relating to the withholding of funding from the Nebraska
- 9 Telecommunications Universal Service Fund and provide for rural-based
- 10 plans as prescribed; to change a duty of the Rural Broadband Task Force;
- 11 to state intent relating to broadband service; to harmonize provisions;
- 12 to repeal the original sections; and to outright repeal section
- 13 86-103.01, Reissue Revised Statutes of Nebraska."

(Signed) Terrell McKinney, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 19A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 19, One Hundred Seventh Legislature, First Session, 2021.

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

Senator Clements filed the following amendment to LB92:  
AM835

1 1. Strike original section 2 and insert the following new section:  
2 Sec. 2. Section 85-607, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 85-607 No publicly funded college or university in this state shall  
5 prohibit the admission of any student, or discriminate against any  
6 student with regard to determinations of residency status or scholarship  
7 eligibility, on the basis that such student was educated in a any school  
8 which elects to meet the requirements of subsections (2) through (6) of  
9 section 79-1601 if the student is qualified for admission as shown by  
10 testing results.

Senator McDonnell filed the following amendment to LB406:  
AM848

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. The Legislature finds and declares as follows:  
4 (1) The future vibrancy of the people, communities, and businesses  
5 of Nebraska depends on reliable sources of water;  
6 (2) While it is in the state's best interest to retain control over  
7 its water supplies, much of the state's water is currently used outside  
8 of the state;  
9 (3) Well-planned flood control is critical to the future of the  
10 people, communities, and businesses of Nebraska;  
11 (4) The state's water resources provide economic benefit to the  
12 people, communities, and businesses of Nebraska by helping to attract  
13 visitors from other states and boost local economies;  
14 (5) Nebraska has tremendous water resources across the state,  
15 including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the  
16 Platte River, the Republican River, and the Missouri River. The state's  
17 lakes and rivers help Nebraskans enjoy the water resources in our state  
18 and make Nebraska an even more attractive place to live and raise a  
19 family; and  
20 (6) In light of the disruption from the COVID-19 coronavirus  
21 pandemic and the trend toward a remote workforce around the country,  
22 people around the country are rethinking where they want to work, live,  
23 and raise a family. As people consider where to live, access to  
24 sustainable water resources and outdoor recreational opportunities will  
25 be important considerations in making Nebraska a competitive choice for  
26 the future.  
27 Sec. 2. (1) The Statewide Tourism and Recreational Water Access and  
1 Resource Sustainability Special Committee of the Legislature is hereby  
2 established as a special legislative committee to exercise the powers and



3 perform the duties provided in this section. The committee shall consist  
4 of the Speaker of the Legislature, who shall serve as chairperson of the  
5 committee, and six members of the Legislature appointed by the Executive  
6 Board of the Legislative Council, with two members appointed from each  
7 congressional district.

8 (2) The Executive Board of the Legislative Council shall provide  
9 staff as required by the committee from existing legislative staff. In  
10 addition, the committee may hire additional staff, make expenditures for  
11 travel, and enter into contracts for consulting, engineering, and  
12 development studies. The contracts shall be approved by the executive  
13 board upon the recommendation of a majority of the members of the  
14 committee. It is the intent of the Legislature to appropriate two million  
15 dollars for fiscal year 2021-22 to carry out the purposes of this  
16 section.

17 (3)(a) Studies shall be conducted on:

18 (i) The need to protect public and private property, enhance  
19 economic development, and promote private investment and the creation of  
20 jobs along the Platte River and its tributaries from Columbus, Nebraska,  
21 to Plattsmouth, Nebraska;

22 (ii) The need to provide for public safety, public infrastructure,  
23 land-use planning, and economic development in the Lake McConaughy region  
24 of Keith County, Nebraska; and

25 (iii) The socioeconomic conditions, recreational and tourism  
26 opportunities, and public investment necessary to enhance economic  
27 development and to catalyze private investment in the region in Knox  
28 County, Nebraska, that lies north of State Highway 12 and extends to the  
29 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
30 Park.

31 (b) The studies for Lake McConaughy in Keith County and Lewis and  
1 Clark Lake and Niobrara State Park in Knox County shall evaluate the  
2 outcomes and the economic benefits of proposed development and  
3 improvements to residents, the local region, and state tourism.

4 (4) The committee shall hold hearings and request and receive  
5 reports from state, county, and city agencies regarding matters  
6 pertaining to its studies. The committee may hold one or more closed  
7 sessions for the receipt of confidential information if at least one-half  
8 of the members of the committee vote in open session to hold a closed  
9 session. The committee may appoint a subcommittee for the purpose of  
10 receiving public input as it relates to protection from flooding along  
11 the Platte River from Columbus, Nebraska, to Plattsmouth, Nebraska.

12 (5) Any studies conducted by the committee shall be completed on or  
13 before December 31, 2021. The committee shall seek input from the  
14 Statewide Water Resources Infrastructure Task Force regarding its study  
15 of the Platte River region described in subsection (2) of section 3 of  
16 this act.

17 Sec. 3. (1) The Statewide Water Resources Infrastructure Task Force  
18 is created. The task force shall consist of the following members: (a)  
19 Four directors or general managers of natural resources districts, each  
20 from the board of directors or offices of four natural resources  
21 districts with boundaries that include river basins along the lower  
22 Platte River, (b) the dean of the College of Engineering at the  
23 University of Nebraska-Lincoln or the dean's designee, (c) the mayor of a  
24 city of the primary class, (d) the mayor of a city of the second class,  
25 (e) three representatives from a city or village located adjacent to the  
26 lower Platte River, (f) one member of a metropolitan utilities district  
27 board, and (g) the Director of Natural Resources as a nonvoting, ex  
28 officio member. The Director of Natural Resources shall appoint the  
29 members listed in subdivisions (a) and (c) through (f) of this  
30 subsection. The task force shall select a chairperson from the members of  
31 the task force and may hire consultants with funds appropriated by the

1 Legislature. The task force shall convene within forty-five days after  
2 the effective date of this act at the call of the chairperson of the task  
3 force. Task force members shall receive no compensation for their service  
4 on the task force other than reimbursement for expenses incurred in  
5 carrying out their duties as provided in sections 81-1174 to 81-1177.  
6 (2) The task force shall study three to five potential flood-control  
7 infrastructure projects along the river basin of the lower Platte River  
8 selected as provided in subsection (3) of this section. For purposes of  
9 this section, the lower Platte River or lower Platte River basin is that  
10 corridor of the lower Platte River from Columbus, Nebraska, to  
11 Plattsmouth, Nebraska, as identified by the Department of Natural  
12 Resources. For each project, the task force shall gather information as  
13 required by subsections (4) through (6) of this section and gather the  
14 following data and information to compile an analysis:  
15 (a) Hydrology and water supply;  
16 (b) Topography of the project area;  
17 (c) Geotechnical information;  
18 (d) Existing infrastructure that may be impacted;  
19 (e) Existing and future recreation and economic needs of the project  
20 area;  
21 (f) Existing and expected economic data of the project area;  
22 (g) Existing and expected demographic data of the project area;  
23 (h) Environmental data of flood sites and regional environmental  
24 data;  
25 (i) Future land-use master plans;  
26 (j) Existing and planned transportation infrastructure; and  
27 (k) Land ownership data.  
28 (3)(a) The task force shall (i) identify potential project locations  
29 and project size based on existing constraints, (ii) develop threshold  
30 criteria for project size to be of adequate scale to serve regional, or  
31 at a minimum, subregional populations, with appropriate amenities, and  
1 (iii) establish criteria for regional and subregional projects.  
2 (b) The task force shall consider the following factors in  
3 determining which projects to study:  
4 (i) Location, including the proximity to urban areas and centers of  
5 economic development;  
6 (ii) Size, including the opportunities to serve regional or  
7 subregional populations;  
8 (iii) Water supply and land availability, including minimum water  
9 supplies required to sustain and support a water-based project in  
10 addition to sediment storage for reservoir sustainability and contiguous  
11 land areas for a project;  
12 (iv) Infrastructure considerations, including public and private  
13 infrastructure that present opportunities or pose constraints and the  
14 degree of such opportunities or constraints;  
15 (v) Socioeconomic considerations, including socioeconomic factors  
16 that are opportunities or constraints;  
17 (vi) Environmental considerations, including environmental resources  
18 that may be augmented, or possibly impacted, and that may influence  
19 siting;  
20 (vii) Public acceptance, including the general likelihood of public  
21 acceptance of a project in a proposed area; and  
22 (viii) Property protections.  
23 (c) No potential intervention for a project may harm or relocate any  
24 city of the second class, and protecting private property shall be  
25 prioritized.  
26 (4) The task force shall define project elements to maximize project  
27 benefits within the physical constraints of a project, including concept-  
28 level definition of project features sufficient to estimate costs and  
29 benefits and anticipated water-based project benefits that could include

30 flood control, water supply, water quality, and hydropower benefits. An  
 31 event-based hydrologic model shall be developed and used in conjunction  
 1 with existing hydrologic models to define flood-risk-reduction benefits.  
 2 A long-term hydrologic model shall be used to determine firm yield of a  
 3 potential site for assessing pool viability, water supply, water quality,  
 4 and hydropower benefits. The definition of project features shall include  
 5 type and size of project infrastructure, property acquisition, existing  
 6 infrastructure impacts, recreation amenities, relocations if applicable  
 7 or required, and an estimate of costs.  
 8 (5) The task force shall also perform an economic analysis to assess  
 9 project economic benefits, including:  
 10 (a) Flood-risk reduction;  
 11 (b) Water supply;  
 12 (c) Hydropower;  
 13 (d) Increased flat water recreational opportunities near the major  
 14 population centers of Nebraska;  
 15 (e) Enhanced tourism in Nebraska from surrounding areas,  
 16 capitalizing on and complementing existing state recreational facilities  
 17 in eastern Nebraska;  
 18 (f) Direct and indirect regional economic benefits associated with  
 19 development of major recreational opportunities in eastern Nebraska;  
 20 (g) Population and workforce retention; and  
 21 (h) Any other relevant benefits.  
 22 (6) The task force shall also perform an environmental analysis to  
 23 identify environmental constraints, impacts, and challenges to project  
 24 development, including a general socioeconomic and natural resource  
 25 assessment and evaluation of potential project-related effects. Such  
 26 assessment and evaluation shall be performed in the context of a federal  
 27 National Environmental Policy Act evaluation and evaluate typical social  
 28 and natural resource categories, identify federal, state, and local  
 29 regulatory authorizations that would be required, and evaluate the  
 30 complexity of obtaining any regulatory authorizations.  
 31 (7) The task force shall report its findings to the Clerk of the  
 1 Legislature no later than December 31, 2021. The report shall be  
 2 submitted electronically.  
 3 Sec. 4. Since an emergency exists, this act takes effect when  
 4 passed and approved according to law.

#### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 2021, at 10:30 a.m. were the following: LBs 37, 169, 351, 401, 476, and 533.

Presented to the Governor on April 1, 2021, at 11:30 a.m. were the following: LBs 106e, 106Ae, and 22.

(Signed) Dallas Mehling  
 Clerk of the Legislature's Office

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 81.** Introduced by Arch, 14.

WHEREAS, Doug Lewis has been a member of the Papillion La Vista Community Schools team since 1982, and has served as the Assistant Superintendent for Business Services for the past thirteen years; and

WHEREAS, Doug always represents the Papillion La Vista Community Schools with integrity, honesty, and purpose and has advocated for school safety and student well-being before the Nebraska Legislature; and

WHEREAS, Doug is currently the president of the boards of trustees for the All Lines Interlocal Cooperative Aggregate Pool and the Nebraska Joint Utility Management Program and is a former chairperson of the Nebraska Council of School Administrators and of the Nebraska Association of School Officials; and

WHEREAS, Doug is retiring after a thirty-nine-year career in public education.

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

1. That the Legislature recognizes Doug Lewis for his service to Papillion La Vista Community Schools and the State of Nebraska and congratulates him on his retirement from public education.

2. That a copy of this resolution be sent to Doug Lewis.

Laid over.

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

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

Senator Linehan name added to LB283.

Senator McCollister name added to LB644.

**VISITOR(S)**

The Doctor of the Day was Dr. Christi Keim of Lincoln.

**ADJOURNMENT**

At 11:36 a.m., on a motion by Senator McKinney, the Legislature adjourned until 10:00 a.m., Tuesday, April 6, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - APRIL 6, 2021**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 6, 2021

**PRAYER**

The prayer was offered by Senator Hughes.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Hilkemann.

**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 Bostar, M. Cavanaugh, Kolterman, Linehan, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 400.** Placed on Final Reading.  
**LEGISLATIVE BILL 503.** Placed on Final Reading Second.

(Signed) Terrell McKinney, Chairperson

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

Senator Briese filed the following amendment to [LB561](#):  
[AM863](#)

(Amendments to E & R amendments, ER25)

- 1 1. Strike sections 27 to 31.
- 2 2. On page 5, strike lines 22 through 24.

3 3. On page 34, strike beginning with "any" in line 5 through  
 4 "participant" in line 7 and insert "a sporting event at the high school  
 5 level or below regardless of the age of any individual participant, or  
 6 any sporting event excluded by the commission".  
 7 4. On page 35, after line 4 insert the following new subsection:  
 8 "(12) Prohibited participant means any individual whose  
 9 participation may undermine the integrity of the wagering or the sporting  
 10 event or any person who is prohibited from sports wagering for other good  
 11 cause shown as determined by the commission, including, but not limited  
 12 to: (a) Any individual placing a wager as an agent or proxy; (b) any  
 13 person who is an athlete, coach, referee, or player in any sporting event  
 14 overseen by the sports governing body of such person based on publicly  
 15 available information; (c) a person who holds a paid position of  
 16 authority or influence sufficient to exert influence over the  
 17 participants in a sporting event, including, but not limited to, any  
 18 coach, manager, handler, or athletic trainer, or a person with access to  
 19 certain types of exclusive information, on any sporting event overseen by  
 20 the sports governing body of such person based on publicly available  
 21 information; or (d) a person identified as prohibited from sports  
 22 wagering by any list provided by a sports governing body to the  
 23 commission;" in line 5, strike "(12)" and insert "(13)"; in line 7  
 24 strike "(13)" and insert "(14)"; and strike starting with "or" in line 12  
 25 through line 15 and insert ", (b) placing an in-game wager on any game or  
 26 match of a collegiate sporting event in which a collegiate team from this  
 1 state is participating. (c) placing a wager on the performance or  
 2 nonperformance of any individual athlete under eighteen years of age  
 3 participating in a professional or international sporting event, or (d)  
 4 placing a wager on the performance of athletes in an individual sporting  
 5 event excluded by the commission."  
 6 5. On page 38, strike lines 26 through 28; in line 29 strike "(24)"  
 7 and insert "(23)".  
 8 6. On page 39, line 1, strike "(25)" and insert "(24)"; and in line  
 9 27 after the period insert "The commission shall require an authorized  
 10 gaming operator or applicant for an authorized gaming operator license to  
 11 demonstrate in the license application and internal controls application  
 12 the ability to restrict credit card transactions."  
 13 7. On page 40, after line 25 insert the following new subsection:  
 14 "(4) The commission shall develop policies and procedures to ensure  
 15 a prohibited participant is unable to place a sports wager."  
 16 8. On page 42, line 21, strike the comma and insert "or"; and in  
 17 line 22 strike "or a directive issued by the commission."  
 18 9. Renumber the remaining sections, correct internal references, and  
 19 correct the repealer accordingly.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 82.** Introduced by Gragert, 40.

WHEREAS, the Stuart Public School speech team won the 2021 Nebraska School Activities Association Class D-2 State Speech Championship; and

WHEREAS, under the direction of Coach Brenda Larabee, the Stuart Broncos outscored runner-up Chambers Public School 140 to 134; and

WHEREAS, individuals on the team placed in seven different categories; and

WHEREAS, two members of the Broncos team earned individual state champion honors: Alyssa King in Oral Interpretation of Poetry and Taya Schmaderer in Persuasive Speaking; and

WHEREAS, such team and individual achievements are 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Stuart Public School speech team for winning the 2021 Nebraska School Activities Association Class D-2 State Speech Championship.

2. That copies of this resolution be sent to the Stuart Public School speech team, Coach Brenda Larabee, Alyssa King, and Taya Schmaderer.

Laid over.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 78 and 79 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 78 and 79.

### **GENERAL FILE**

**LEGISLATIVE BILL 65.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 105.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 224.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 414.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 265.** Title read. Considered.

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

**LEGISLATIVE BILL 312.** Title read. Considered.

Committee [AM227](#), found on page 466, 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 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 180.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 41.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 461.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 78.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 405.** [ER35](#), found on page 812, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 252.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 70.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 70A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 5.** [ER36](#), found on page 812, was adopted.

Advanced to Enrollment and Review for Engrossment.



**GENERAL FILE**

**LEGISLATIVE BILL 497.** Title read. Considered.

Committee [AM132](#), found on page 414, 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 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 527.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 664.** Title read. Considered.

Committee [AM303](#), found on page 488, was adopted with 39 ayes, 1 nay, 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 423.** Title read. Considered.

Committee [AM433](#), found on page 515, 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 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 81.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

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

Senator Hughes filed the following amendment to [LB507](#):  
[AM859](#)

(Amendments to E&R amendments, ER32)

- 1 1. Strike sections 9 to 11 and insert the following new section:
- 2 Sec. 9. Original sections 37-448, 37-456, and 66-1330, Reissue
- 3 Revised Statutes of Nebraska, and sections 37-201, 46-102, and 61-222,
- 4 Revised Statutes Cumulative Supplement, 2020, are repealed.
- 5 2. Renumber the remaining section accordingly.

Senator Briese filed the following amendment to LB2:

AM868

(Amendments to Standing Committee amendments, AM638)

- 1 1. On page 3, line 5, strike "through 2023" and insert "and 2021";
- 2 and in line 7 strike "2024" and insert "2022, the minimum amount of
- 3 relief granted under the act shall be three hundred thirteen million
- 4 dollars. For tax year 2023".

Senator Flood filed the following amendment to LB51:

AM872

(Amendments to Standing Committee amendments, AM745)

- 1 1. On page 35, strike line 24; and in line 25, strike "(d)" and
- 2 insert "(c)".
- 3 2. On page 36, line 7, strike "(e)" and insert "(d)"; in line 9
- 4 strike "(6)(d)" and insert "(6)(c)"; in line 11 strike "(f)" and insert
- 5 "(e)"; in line 15 strike "(g)" and insert "(f)"; and in line 21 strike
- 6 "(h)" and insert "(g)".
- 7 3. On page 37, line 9, strike "(i)" and insert "(h)"; and in line 12
- 8 strike "(j)" and insert "(i)".

Senator Flood filed the following amendment to LB466:

AM873

- 1 1. On page 2, line 6, after "taxes" insert "or the sale involves
- 2 agricultural land and horticultural land as defined in section 77-1359".

Senator Friesen filed the following amendment to LB247:

AM857

- 1 1. On page 3, line 14, strike "and"; and in line 16 after "district"
- 2 insert ", and (vii) telecommunications providers".

Senator Morfeld filed the following amendment to LB271:

AM853

(Amendments to Standing Committee amendments, AM490)

- 1 1. Strike amendments 1 through 3 and insert the following new
- 2 amendments:
- 3 1. Strike original sections 8, 9, 16, 17, 18, and 19 and insert the
- 4 following new sections:
- 5 Sec. 14. Section 60-1513, Revised Statutes Cumulative Supplement,
- 6 2020, is amended to read:
- 7 60-1513 The Department of Motor Vehicles Cash Fund is hereby
- 8 created. The fund shall be administered by the Director of Motor
- 9 Vehicles. In addition to money credited or remitted to the fund, the fund
- 10 may also receive reimbursement from counties. The fund shall be used by
- 11 the Department of Motor Vehicles to carry out its duties as deemed
- 12 necessary by the Director of Motor Vehicles, except that transfers from
- 13 the fund to the General Fund or the Vehicle Title and Registration System
- 14 Replacement and Maintenance Cash Fund may be made at the direction of the
- 15 Legislature. Any money in the Department of Motor Vehicles Cash Fund
- 16 available for investment shall be invested by the state investment
- 17 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 18 State Funds Investment Act.
- 19 The State Treasurer shall transfer five million three hundred
- 20 twenty-five thousand dollars from the Department of Motor Vehicles Cash
- 21 Fund to the Vehicle Title and Registration System Replacement and
- 22 Maintenance Cash Fund on or before June 30, 2017, as directed by the
- 23 budget administrator of the budget division of the Department of
- 24 Administrative Services.

25 Sec. 15. This act becomes operative on July 1, 2022.  
 26 Sec. 16. Original sections 29-901, 60-480, 60-498.01, 60-4,115,  
 1 60-6,197.05, 60-6,197.06, 60-6,211.11, and 60-1513, Revised Statutes  
 2 Cumulative Supplement, 2020, are repealed.  
 3 2. On page 2, line 28, strike "or" and insert "and"; in line 29  
 4 strike "and"; in line 30 strike "and drugs"; and in line 31 after the  
 5 semicolon insert "and  
 6 (c) Be subject to drug testing if indicated by best practices;".  
 7 3. On page 3, line 4, strike "through a form of evidence-based  
 8 technology"; strike lines 27 through 30; and in line 31 strike "(5)" and  
 9 insert "(4)".  
 10 4. On page 4, line 9, strike "(6)" and insert "(5)".  
 11 5. On page 4, line 16, after the underscored period insert "A 24/7  
 12 sobriety program permit shall only be issued if the individual's  
 13 operator's license has been revoked pursuant to section 60-498.01 for the  
 14 pending offense."; and after line 28 insert the following new subsection:  
 15 "(5) A person shall be eligible to be issued a 24/7 sobriety program  
 16 permit allowing operation of a motor vehicle if he or she is not subject  
 17 to any other suspension, cancellation, required no-driving period, or  
 18 period of revocation and has successfully completed the application for a  
 19 24/7 sobriety program permit."  
 20 6. On page 18, after line 16, insert the following new subdivision:  
 21 "(d) A person subject to administrative license revocation under  
 22 sections 60-498.01 to 60-498.04 shall be eligible for a 24/7 sobriety  
 23 program permit."  
 24 7. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB428.

### RECESS

At 11:52 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., Speaker Hilgers presiding.

### ROLL CALL

The roll was called and all members were present except Senators Day, Lindstrom, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

### SELECT FILE

**LEGISLATIVE BILL 274.** Senator Hilkemann withdrew his amendment, [AM646](#), found on page 648, and considered on page 847.

Senator Groene offered the following amendment:

[AM870](#)

(Amendments to Standing Committee amendments, AM427)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 53-103.22, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 53-103.22 Microdistillery means a distillery located in Nebraska
- 5 that is licensed to distill liquor on the premises of the distillery
- 6 licensee and produces one hundred ~~ten~~ thousand or fewer gallons of liquor
- 7 annually.
- 8 2. On page 7, line 29, strike "ten", show as stricken, and insert
- 9 "one hundred".
- 10 3. Renumber the remaining sections, correct internal references, and
- 11 correct the repealer accordingly.

The Groene amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 274A.** Senator Lowe offered his amendment, [AM818](#), found on page 847.

The Lowe 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 322.** [ER22](#), found on page 667, was adopted.

Senator Williams offered his amendment, [AM718](#), found on page 707.

The Williams 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 487.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 83.** [ER23](#), found on page 688, was adopted.

Senator Flood offered his amendment, [AM750](#), found on page 732.

The Flood amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 371.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 324.** [ER24](#), found on page 702, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 324A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 40.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 40A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 544.** [ER30](#), found on page 769, was adopted.

Senator Wayne offered his amendment, [AM747](#), found on page 777.

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 for Engrossment.

**LEGISLATIVE BILL 544A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 92.** Senator Clements offered his amendment, [AM835](#), found on page 864.

The Clements amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 390.** [ER27](#), found on page 770, was adopted.

Senator Hilkemann offered his amendment, [AM753](#), found on page 777.

The Hilkemann amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 197.** [ER28](#), found on page 773, was adopted.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 260.** Title read. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Hunt requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Blood	DeBoer	Hilkemann	McCollister	Walz
Bostar	Dorn	Hunt	McDonnell	Williams
Brandt	Flood	Kolterman	McKinney	Wishart
Cavanaugh, J.	Gragert	Lathrop	Morfeld	
Cavanaugh, M.	Hansen, M.	Lindstrom	Pansing Brooks	
Day	Hilgers	Linehan	Vargas	

Voting in the negative, 11:

Albrecht	Friesen	Hughes	Murman
Clements	Groene	Lowe	Slama
Erdman	Halloran	Moser	

Present and not voting, 7:

Aguilar	Bostelman	Briese	Sanders
Arch	Brewer	Hansen, B.	

Absent and not voting, 1:

Pahls

Excused and not voting, 3:

Geist	Stinner	Wayne
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Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 131A.** 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 131, One Hundred

Seventh Legislature, First Session, 2021; and to declare an emergency.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 83.** Introduced by Hansen, M., 26; Cavanaugh, J., 9; Cavanaugh, M., 6; Hunt, 8; Wayne, 13.

**PURPOSE:** The purpose of this resolution is to examine the appointment process by which members of boards, commissions, and similar entities created by law are filled. Nebraska has more than two hundred such entities which provide oversight of governmental programs, regulate licensed professionals, carry out studies, oversee implementation of new programs, advocate for certain constituencies, and advise state agencies.

The Legislature plays a pivotal role in the establishment, administration, and operation of boards, commissions, and similar entities created by law, including the responsibility to conduct hearings and determine whether to approve or disapprove of certain gubernatorial appointments as part of the appointment process.

This study shall include, but not be limited to:

1. An examination of the process by which individuals are appointed by the Governor, including the recruitment process, how the public learns of opportunities to serve, the application process, and the review and vetting process by the executive branch;
2. An examination of the process by which appointments are confirmed by the Legislature;
3. Identification of any potential barriers that may exist to the process of filling vacancies;
4. An analysis of potential changes that could be made to the process to more efficiently fill vacancies; and
5. An exploration of procedural changes that could result in more diversity within such entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

## ATTORNEY GENERAL'S OPINION

Opinion 21-004

SUBJECT:               Constitutionality of Authorizing Electronic Keno  
                              Tickets – LB 561 (AM639).

REQUESTED BY:       Senator John Lowe  
                              Nebraska Legislature

WRITTEN BY:           Douglas J. Peterson, Attorney General  
                              L. Jay Bartel, Assistant Attorney General

## INTRODUCTION

A pending amendment to LB 561 (AM639) would allow keno to be played using an electronic ticket in addition to play on a paper ticket. AM639, § 28. Purchase of a ticket, whether paper or electronic, could only be made by a person present at the location of the lottery operator or a licensed sales location. AM639, § 31. Reasonable safeguards must be approved by the Department of Revenue to ensure that electronic tickets are only accessible to individuals nineteen years of age or older, and only within the confines of the location detection procedures which establish permitted boundaries for play. AM639, § 31. Payment for ticket purchases would be expanded from cash only to allow the use of debit cards or a direct link to an account with a financial institution in the name of the player. AM639, § 29. Credit card payments are prohibited. *Id.*

Noting a prior opinion from this office addressing proposed legislation to authorize "electronic keno" (Op. Att'y Gen. No. 97013 (Feb. 13, 1997)), you ask if allowing electronic keno tickets and expanding the methods to pay for tickets converts keno from a permissible "lottery" to a "game of chance" under Neb. Const. art. III, § 24. You also ask whether, if these changes make keno a "game of chance," it would be allowed only within a licensed casino, and, if so, how this would affect the age requirement to play keno, which is currently nineteen years of age. Finally, you ask if a licensed casino operator could conduct keno within a casino and, if so, whether the current statutory requirement that keno games be conducted five minutes apart would apply to the play of keno at a licensed casino.

For the reasons explained below, we conclude that allowing use of an electronic ticket in the play of keno would not change the game's status as a permissible form of lottery for community betterment purposes. Our prior opinion addressing a proposal to permit "electronic keno" involved authorization of player-activated games which utilized stand-alone mechanical, computer, electronic, or video gaming devices. We have not addressed the mere authorization of an electronic ticket as an alternative to use of a paper ticket to play the game of keno currently described in Neb.



Rev. Stat. § 9-607(2)(c)(ii) (2012). Unlike the previous proposal which we determined would allow the use of gambling devices constituting "games of chance," authorizing electronic tickets would merely permit players present at a keno location an alternative means to purchase a ticket utilizing new technology. This would not fundamentally alter the nature of the game of keno currently permitted in statute as a ticket is still required which satisfies the requirement for a permissible lottery. As to expanding the method of payment for keno tickets, this has no bearing on the determination of the game's status as a lottery. Finally, conduct of keno by authorized gaming operators at licensed racetracks would not involve a lottery conducted by a county, city, or village for community betterment purposes under the Nebraska County and City Lottery Act. Thus, the five-minute time limit between keno games required by Neb. Rev. Stat. § 9-607(2)(c)(ii) would not apply to keno conducted by authorized gaming operators at licensed racetracks.

### ANALYSIS

In November, Nebraska voters approved three initiative measures related to expanded gambling. Initiative Measure 429 amended Neb. Const. art. III, § 24, by adding a new subsection (5) permitting legislative authorization "of all forms of games of chance when such games of chance are conducted by authorized gaming operators within a licensed racetrack enclosure." Initiative Measure 430 enacted a statute (known as the "Nebraska Racetrack Gaming Act" or "NRGA") permitting the operation of games of chance by authorized gaming operators within licensed racetrack enclosures. Initiative Measure 431 enacted a statute providing for the taxation of revenue generated by authorized gaming operators conducting games of chance at licensed racetrack locations, and the distribution of those tax revenues.

LB 561, as amended by AM641, proposes changes to the NRGA, including combining the Nebraska Gaming Commission created by the NRGA with the State Racing Commission to establish a State Racing and Gaming Commission to regulate both horseracing and the new gaming authorized by the NRGA. AM641, §§ 1, 2, 4, 33, 34. AM641 also adds "sports wagering" to the definition of "game of chance" in the NRGA. AM641, § 33. AM640 to LB 561 provides requirements for the conduct of sports wagering. AM639 would allow keno players to purchase electronic tickets in addition to paper tickets. Your initial question is whether allowing electronic keno tickets would convert keno from a permissible "lottery" to a "game of chance" under Neb. Const. art. III, § 24.

Recently, in Op. Att'y Gen. No. 21001 (February 5, 2021), we addressed whether Initiative Measure 430, which permits the operation of "games of chance" only by authorized gaming operators within licensed racetrack enclosures "[n]otwithstanding any other provision of law," removed the authorization to conduct other forms of gaming which had been previously permitted. We noted that the Constitution distinguishes "games of chance" from other forms of gaming, including "lotteries":

Subsection (1) of art. III, § 24, prohibits "any game of chance or any lottery or gift enterprise" unless an exception is allowed in that section of the Constitution. As noted, exceptions have been carved out for parimutuel wagering on horse races, bingo conducted by qualified nonprofit associations, the state lottery, and lotteries, raffles and gift enterprises conducted for specified purposes. Initiative 429 added a new exception allowing games of chance when conducted by authorized gaming operators at licensed racetracks.

In Op. Att'y Gen. No. 95085 (Nov. 17, 1995), this office considered whether slot machines or other electronic gaming devices could be authorized as "lotteries" if operated for community betterment purposes. Recognizing that "games of chance" and "lotteries" both share the common elements of prize, chance, and consideration, we concluded that, if the term "lottery" in the Constitution was "construed to authorize any scheme involving the elements of prize, chance, and consideration, the prohibition against 'games of chance' would be rendered meaningless." *Id.* at 22. Thus, we concluded that, "in order to give effect to the separate recognition of 'games of chance' and 'lotteries' under art. III, § 24, the term 'games of chance' must be interpreted as a broad prohibition against gambling activities, and the term 'lotteries,' under the exception allowing such for community betterment purposes, must be interpreted in a narrower sense, as involving schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing." *Id.* at 23.

Op. Att'y Gen. No. 21001 at 4-5.

We concluded that the forms of gaming previously authorized under the specific exceptions in art. III, § 24, including the State Lottery 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," were distinct from the broad "games of chance" permitted by Initiative Measure 429, and were thus still authorized gaming activities:

[T]he forms of gaming the Legislature has authorized under exceptions in art. III, § 24, include parimutuel wagering on horse races, bingo, lotteries (including a state lottery), raffles, and gift enterprises. There was no exception permitting legislative authorization of any "game of chance" prior to adoption of Initiative Measure 429.

The statutes authorizing these forms of gaming reflect their distinction from the broad term "games of chance." In particular, the various statutes pertaining to permissible "lotteries" are limited to schemes involving some form of tickets where winners are either predetermined or selected by random drawing. *See, e.g.*, Neb. Rev. Stat. §§ 9-312 and 315 (2012); Neb. Rev. Stat. § 9-411(1) (2012); Neb. Rev. Stat. § 9-507(1) (2012); Neb. Rev. Stat. § 9-607(1)(c)(i) (2012); Neb. Rev. Stat. § 9-803(4) (2012).

\* \* \*

The Nebraska Supreme Court has recognized the distinction drawn by the Constitution between keno, a form of lottery authorized under the Nebraska County and City Lottery Act, and "games of chance." In *Stewart v. Advanced Gaming Technologies, Inc.*, 272 Neb. 471, 723 N.W.2d 65 (2006), the Court held a video keno initiative did not violate the resubmission clause in Neb. Const. art. III, § 2, because it proposed to amend statutes authorizing a lottery and was thus different from a prior measure proposing to allow games of chance at casinos.

\* \* \*

The initiative did not alter or amend any of the language in art. III, § 24, permitting the Legislature to allow gaming in the form of parimutuel wagering on horse races, bingo, lotteries, raffles, and gift enterprises. As these are distinct forms of gaming for purposes of art. III, § 24, the authorization of "games of chance" at licensed racetracks under Initiative Measure 429 did not affect the constitutional authorization for these other forms of gaming or limit their conduct to racetracks.

Op. Att'y Gen. No. 21001 at 5-6 (footnote omitted).

The Nebraska County and City Lottery Act, in addition to permitting lotteries involving random ticket drawings, also permits a keno lottery "in which a player selects up to twenty numbers from a total of eighty numbers on a paper ticket and a computer, other electronic selection device, or electrically operated blower machine which is not player-activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers on the paper ticket selected by the players with the numbers randomly selected by the computer, other electronic selection device, or electrically operated blower machine." Neb. Rev. Stat. § 9-607(1)(c)(ii) (2012) (emphasis added). AM639 would add the option for players to participate in a keno game via an "electronic" ticket. "Any electronic ticket shall be clearly associated with the county, city, or village conducting the lottery during the purchase of the ticket, or if an electronic ticket is represented by a printable image, the name of the county, city, or village conducting the lottery shall be clearly visible on the printable image." AM639, § 30.

Your request mentions a previous opinion from this office addressing the constitutionality of legislation to authorize "electronic" keno. Op. Att'y Gen. No. 97013 (Feb. 13, 1997). The bill (LB 522) proposed to "amend the provisions of the Nebraska County and City Lottery Act to eliminate the 'paper ticket' requirement currently contained in the act, as well as the prohibitions against 'player activation' and the use of 'mechanical',

'computer', 'electronic', or 'video' gaming devices, to permit 'electronic keno.'" *Id.* at 1. Discussing this issue, we referenced an earlier opinion concluding that the term "lottery" in the constitutional provision authorizing lotteries for community betterment purposes should be interpreted to mean "schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing." *Id.* at 12 (*quoting* Op. Att'y Gen. No. 95085 at 23). Applying this definition, we concluded "that the 'electronic' keno proposed . . . [did] not constitute a form of 'lottery' which the Legislature may authorize under art. III, § 24." *Id.* at 12. In reaching this conclusion we noted the bill would "eliminate the current 'paper ticket' requirement" which was "one part of the definition" of lottery noted in our previous opinion. We went on to state:

Of greater significance, however, is the elimination of the "player-activation" restriction. You state that these "provisions are not intended to change the essential nature" of the authorized lottery. . . . We cannot accept the premise that elimination of the "player-activation" prohibition does not "change the essential nature" of the activity. While it is true that a computer or electronic device may be used to select winning numbers under current law, we believe it is significant that these devices are not activated by the players, but, rather, are used by the keno operator. The concept of individual players activating gambling devices utilizing random-generation of numbers to determine winners at each device is, in our view, inconsistent with what we believe is the narrow manner in which the people, through their Constitution, intended to grant the Legislature power to permit "lotteries" for community betterment purposes. *Id.* at 12-13.

While our 1997 opinion does identify a "paper ticket" as "one part of the definition" of lottery, the actual definition from our 1995 opinion referred only to "tickets" or "tokens." In the twenty-four years that have passed since issuance of our 1997 opinion, technology has advanced to the point where it is now possible for players to purchase a ticket in an electronic format in addition to the traditional paper ticket. The Supreme Court has recognized that the terms and provisions of the Constitution must be read in a manner which reflects changed circumstances:

A Constitution is intended to meet and be applied to any conditions and circumstances as they arise in the course of the progress of the community. The terms and provisions are constantly expanded and enlarged by construction to meet the advancing affairs of men. While the powers granted thereby do not change, they do apply in different periods to all things to which they are in their nature applicable. *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. 333, 338, 37 N.W.2d 502, 506 (1949).

Unlike our earlier opinion, which addressed the authorization of a totally new form of keno using stand-alone machines activated by players in which

no ticket was involved, AM639 would only permit an additional means to play a traditional keno game by purchasing an electronic ticket rather than a paper one. Providing an additional means to purchase a ticket in this manner does not fundamentally alter the nature of the game. Accordingly, we conclude that the addition of an option to play keno using an electronic ticket does not place the game outside a permissible lottery under art. III, § 24.<sup>1</sup>

Your second question is premised on finding that use of an electronic ticket makes keno a game of chance and not a lottery. As we have concluded it does not, there is no need to address this question.

Finally, you ask whether a licensed casino operator could conduct keno within a casino and, if so, whether the current statutory requirement that keno games be conducted five minutes apart would apply to the play of keno at a licensed casino.

Initiative Measure 429 amended Neb. Const. art. III, § 24, by adding a new subsection (5) permitting legislative authorization "of all forms of games of chance when such games of chance are conducted by authorized gaming operators within a licensed racetrack enclosure." AM641 would define "[g]ame of chance" as "any game which has the elements of chance, prize, and consideration," including specified games. AM641, § 33. As noted above, we have distinguished "games of chance" from "lotteries" in art. III, § 24, by interpreting "game of chance" as a broad term referencing "all gambling activities" and "lottery" in a narrower sense where tickets are sold and prize winners are either secretly predetermined or selected by some form of random drawing. Op. Att'y Gen. No. 95085 at 23. The new constitutional amendment permits "all forms of games of chance" when conducted by authorized gaming operators at licensed racetracks, and the implementing statute would define "game of chance" to broadly include "any game which has the elements of prize, chance, and consideration."

While keno conducted pursuant to the County and City Lottery Act is a "lottery" permitted by separate constitutional exception, the broad authorization of "all games of chance" in new subsection (5) of art. III, § 24, and the broad definition of "game of chance" as "any" game with the elements of prize, chance, and consideration, should allow authorized gaming operators to conduct keno within licensed racetrack enclosures. If allowed, we presume this would be subject to regulation by the proposed State Racing and Gaming Commission as it would not be a lottery conducted by a county, city, or village for community betterment purposes under the Nebraska County and City Lottery Act. Thus, the five-minute time limit between keno games required by Neb. Rev. Stat. § 9-607(2)(c)(ii) would not apply to keno conducted by authorized gaming operators at licensed racetracks.

**CONCLUSION**

We conclude that allowing use of an electronic ticket in the play of keno would not change the game's status as a permissible form of lottery for community betterment purposes. Allowing this option in lieu of purchasing a paper ticket would not fundamentally alter the nature of the game of keno currently permitted in statute as a ticket is still required which satisfies the requirement for a permissible lottery. As to expanding the method of payment for keno tickets, this has no bearing on the determination of the game's status as a lottery. Finally, the five minute time limit between keno games required by Neb. Rev. Stat. § 9-607(2)(c)(ii) would not apply to keno conducted by an authorized gaming operator at a licensed racetrack because it would not involve a lottery conducted by a county, city, or village for community betterment purposes under the Nebraska County and City Lottery Act.

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

07-1396-29

<sup>1</sup>In connection with the allowance of electronic keno tickets, you also ask whether allowing payment for keno ticket purchases to be expanded from cash only to authorize the use of debit cards or a direct link to an account with a financial institution in the name of the player violates art. III, § 24. The means used to purchase tickets does not impact the nature of the game and has no constitutional significance.

**GENERAL FILE**

**LEGISLATIVE BILL 451.** Title read. Considered.

Committee [AM550](#), found on page 694, was adopted with 32 ayes, 0 nays, 12 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.

**LEGISLATIVE BILL 644.** Title read. Considered.

Committee [AM755](#), found on page 750, was offered.

Senator Halloran offered the following amendment to the committee amendment:

[AM854](#)

(Amendments to Standing Committee amendments, AM755)

1 1. Insert the following new section:

2 Sec. 20. Section 77-1736.06, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 77-1736.06 The following procedure shall apply when making a  
5 property tax refund:

6 (1) Within thirty days of the entry of a final nonappealable order,  
7 an unprotested determination of a county assessor, an unappealed decision  
8 of a county board of equalization, or other final action requiring a  
9 refund of real or personal property taxes paid or, for property valued by  
10 the state, within thirty days of a recertification of value by the  
11 Property Tax Administrator pursuant to section 77-1775 or 77-1775.01, the  
12 county assessor shall determine the amount of refund due the person  
13 entitled to the refund, certify that amount to the county treasurer, and  
14 send a copy of such certification to the person entitled to the refund.

15 Within thirty days from the date the county assessor certifies the amount  
16 of the refund, the county treasurer shall notify each political  
17 subdivision, including any school district receiving a distribution  
18 pursuant to section 79-1073 and any land bank receiving real property  
19 taxes pursuant to subdivision (3)(a) of section 18-3411, of its  
20 respective share of the refund, except that for any political subdivision  
21 whose share of the refund is two hundred dollars or less, the county  
22 board may waive this notice requirement. Notification shall be by first-  
23 class mail, postage prepaid, to the last-known address of record of the  
24 political subdivision. The county treasurer shall pay the refund from  
25 funds in his or her possession belonging to any political subdivision,  
26 including any school district receiving a distribution pursuant to

1 section 79-1073 and any land bank receiving real property taxes pursuant  
2 to subdivision (3)(a) of section 18-3411, which received any part of the  
3 tax or penalty being refunded. If sufficient funds are not available ~~or~~  
4 ~~the political subdivision, within thirty days of the mailing of the~~  
5 ~~notice by the county treasurer if applicable, certifies to the county~~  
6 ~~treasurer that a hardship would result and create a serious interference~~  
7 ~~with its governmental functions if the refund of the tax or penalty is~~  
8 ~~paid, the county treasurer shall register the refund or portion thereof~~  
9 which remains unpaid as a claim against such political subdivision and  
10 shall issue the person entitled to the refund a receipt for the  
11 registration of the claim. ~~The certification by a political subdivision~~  
12 ~~declaring a hardship shall be binding upon the county treasurer;~~

13 (2) The refund of a tax or penalty or the receipt for the  
14 registration of a claim made or issued pursuant to this section shall be  
15 satisfied in full as soon as practicable ~~and in no event later than five~~  
16 ~~years from the date the final order or other action approving a refund is~~  
17 ~~entered. If a receipt for the registration of a claim is given:~~

18 (a) The governing body of the political subdivision shall make  
19 provisions in its next budget for the amount of such ~~any refund or claim;~~  
20 ~~or to be satisfied pursuant to this section. If a receipt for the~~  
21 ~~registration of a claim is given:~~

22 (b) ~~If mutually agreed to by the governing body of the political~~  
23 ~~subdivision and the person holding the receipt, such (a) Such~~ receipt  
24 shall be applied to satisfy any tax levied or assessed by that political  
25 subdivision which becomes next falling due from the person holding the  
26 receipt until the claim is satisfied in full; ~~after the sixth next~~  
27 ~~succeeding levy is made on behalf of the political subdivision following~~  
28 ~~the final order or other action approving the refund; and~~

29 (b) ~~To the extent the amount of such receipt exceeds the amount of~~  
30 ~~such tax liability, the unsatisfied balance of the receipt shall be paid~~

31 and satisfied within the five-year period prescribed in this subdivision  
 1 from a combination of a credit against taxes anticipated to be due to the  
 2 political subdivision during such period and cash payment from any funds  
 3 expected to accrue to the political subdivision pursuant to a written  
 4 plan to be filed by the political subdivision with the county treasurer  
 5 no later than thirty days after the claim against the political  
 6 subdivision is first reduced by operation of a credit against taxes due  
 7 to such political subdivision.

8 If a political subdivision fails to fully satisfy the refund or  
 9 claim prior to the sixth next succeeding levy following the entry of a  
 10 final nonappealable order or other action approving a refund, interest  
 11 shall accrue on the unpaid balance commencing on the sixth next  
 12 succeeding levy following such entry or action at the rate set forth in  
 13 section 45-103;

14 (3) The county treasurer shall mail the refund or the receipt by  
 15 first-class mail, postage prepaid, to the last-known address of the  
 16 person entitled thereto. Multiple refunds to the same person may be  
 17 combined into one refund or credit. If a refund is not claimed by June 1  
 18 of the year following the year of mailing, the refund shall be canceled  
 19 and the resultant amount credited to the various funds originally  
 20 charged;

21 (4) When the refund involves property valued by the state, the Tax  
 22 Commissioner shall be authorized to negotiate a settlement of the amount  
 23 of the refund or claim due pursuant to this section on behalf of the  
 24 political subdivision from which such refund or claim is due. Any  
 25 political subdivision which does not agree with the settlement terms as  
 26 negotiated may reject such terms, and the refund or claim due from the  
 27 political subdivision then shall be satisfied as set forth in this  
 28 section as if no such negotiation had occurred;

29 (5) In the event that the Legislature appropriates state funds to be  
 30 disbursed for the purposes of satisfying all or any portion of any refund  
 31 or claim, the Tax Commissioner shall order the county treasurer to  
 1 disburse such refund amounts directly to the persons entitled to the  
 2 refund in partial or total satisfaction of such persons' claims. The  
 3 county treasurer shall disburse such amounts within forty-five days after  
 4 receipt thereof; and

5 (6) If all or any portion of the refund is reduced by way of  
 6 settlement or forgiveness by the person entitled to the refund, the  
 7 proportionate amount of the refund that was paid by an appropriation of  
 8 state funds shall be reimbursed by the county treasurer to the State  
 9 Treasurer within forty-five days after receipt of the settlement  
 10 agreement or receipt of the forgiven refund. The amount so reimbursed  
 11 shall be credited to the General Fund; and -

12 (7) For any refund or claim due under this section, interest shall  
 13 accrue on the unpaid balance at the rate of nine percent beginning thirty  
 14 days after the date of entry of the final nonappealable order or other  
 15 action approving the refund.

16 2. Renumber the remaining sections and correct the repealer  
 17 accordingly.

**SENATOR WILLIAMS PRESIDING**

**SPEAKER HILGERS PRESIDING**

Pending.



## AMENDMENT(S) - Print in Journal

Senator Flood filed the following amendment to LB307:  
AM882

(Amendments to Standing Committee amendments, AM273)

1 1. Insert the following new sections:  
2 Section 1. Section 43-251.01, Revised Statutes Cumulative  
3 Supplement, 2020, is amended to read:  
4 43-251.01 All placements and commitments of juveniles for  
5 evaluations or as temporary or final dispositions are subject to the  
6 following:  
7 (1) No juvenile shall be confined in an adult correctional facility  
8 as a disposition of the court;  
9 (2) A juvenile who is found to be a juvenile as described in  
10 subdivision (3) of section 43-247 shall not be placed in an adult  
11 correctional facility, the secure youth confinement facility operated by  
12 the Department of Correctional Services, or a youth rehabilitation and  
13 treatment center or committed to the Office of Juvenile Services;  
14 (3) A juvenile who is found to be a juvenile as described in  
15 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or  
16 transferred to an adult correctional facility or the secure youth  
17 confinement facility operated by the Department of Correctional Services;  
18 (4) A juvenile under the age of fourteen years shall not be placed  
19 with or committed to a youth rehabilitation and treatment center unless  
20 the juvenile poses a significant risk to the physical safety of other  
21 persons;  
22 (5)(a) A court of competent jurisdiction may detain a juvenile at  
23 any hearing pursuant to this subsection. When a juvenile has been taken  
24 into temporary custody and must appear before a court of competent  
25 jurisdiction pursuant to section 43-253 for a hearing to determine if  
26 continued detention, services, or supervision is necessary, the following  
1 shall apply before such hearing:  
2 (i) The juvenile shall be detained if the juvenile was arrested for  
3 or charged with:  
4 (A) An offense involving a firearm or an offense that is a Class IA,  
5 IB, IC, ID, II, or IIA felony; or  
6 (B) Any felony when such juvenile's whereabouts were unknown by the  
7 juvenile's probation officer or the juvenile is currently missing or  
8 currently has an active capias; and  
9 (ii) The juvenile may be detained if:  
10 (A) The physical safety of persons in the community would be  
11 threatened;  
12 (B) Necessary to secure the presence of the juvenile at the next  
13 hearing as evidenced by the fact that the juvenile has failed to appear,  
14 has run away from the parental or custodial home, has fled from a court-  
15 ordered placement, or has been unsuccessfully discharged from a court-  
16 ordered placement within the last year;  
17 (C) The juvenile has been arrested for or charged with any offense  
18 other than a felony and such juvenile's whereabouts are unknown by the  
19 juvenile's probation officer or the juvenile is currently missing or  
20 currently has an active capias; or  
21 (D) The juvenile poses a serious threat to himself or herself or to  
22 the property of others;  
23 (5)(a) Before July 1, 2019, a juvenile shall not be detained in  
24 secure detention or placed at a youth rehabilitation and treatment center  
25 unless detention or placement of such juvenile is a matter of immediate  
26 and urgent necessity for the protection of such juvenile or the person or  
27 property of another or if it appears that such juvenile is likely to flee  
28 the jurisdiction of the court; and

29 (b) On and after July 1, 2019:

30 (i) ~~A juvenile shall not be detained unless the physical safety of~~  
31 ~~persons in the community would be seriously threatened or detention is~~  
1 ~~necessary to secure the presence of the juvenile at the next hearing, as~~  
2 ~~evidenced by a demonstrable record of willful failure to appear at a~~  
3 ~~scheduled court hearing within the last twelve months;~~

4 (b) (ii) A child twelve years of age or younger shall not be placed  
5 in detention ~~unless the child poses a severe threat to the physical~~  
6 ~~safety of other persons, the community, or himself or herself under any~~  
7 ~~circumstances; and~~

8 (c) (iii) A juvenile shall not be placed into detention:

9 (i) (A) To allow a parent or guardian to avoid his or her legal  
10 responsibility;

11 (ii) (B) To punish, treat, or rehabilitate such juvenile;

12 (iii) (C) To permit more convenient administrative access to such  
13 juvenile;

14 (iv) (D) To facilitate further interrogation or investigation; or

15 (v) (E) Due to a lack of more appropriate facilities except in case  
16 of an emergency as provided in section 43-430;

17 (6) A juvenile alleged to be a juvenile as described in subdivision  
18 (3) of section 43-247 shall not be placed in a juvenile detention  
19 facility, including a wing labeled as staff secure at such facility,  
20 unless the designated staff secure portion of the facility fully complies  
21 with subdivision (5) of section 83-4,125 and the ingress and egress to  
22 the facility are restricted solely through staff supervision; and

23 (7) A juvenile alleged to be a juvenile as described in subdivision  
24 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his  
25 or her home as a dispositional order of the court unless:

26 (a) All available community-based resources have been exhausted to  
27 assist the juvenile and his or her family; and

28 (b) Maintaining the juvenile in the home presents a significant risk  
29 of harm to the juvenile or community.

30 Sec. 2. Section 43-253, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 43-253 (1) Upon delivery to the probation officer of a juvenile who  
2 has been taken into temporary custody under section 29-401, 43-248, or  
3 43-250, the probation officer shall immediately investigate the situation  
4 of the juvenile and the nature and circumstances of the events  
5 surrounding his or her being taken into custody. Such investigation may  
6 be by informal means when appropriate.

7 (2) The probation officer's decision to release the juvenile from  
8 custody or place the juvenile in detention or an alternative to detention  
9 shall be based upon the results of the standardized juvenile detention  
10 screening instrument described in section 43-260.01.

11 (3) No juvenile who has been taken into temporary custody under  
12 subdivision (1)(c) of section 43-250 or subsection (6) of section  
13 43-286.01 or pursuant to an alleged violation of an order for conditional  
14 release shall be detained in any detention facility or be subject to an  
15 alternative to detention infringing upon the juvenile's liberty interest  
16 for longer than twenty-four hours, excluding nonjudicial days, after  
17 having been taken into custody unless such juvenile has appeared  
18 personally before a court of competent jurisdiction for a hearing to  
19 determine if continued detention, services, or supervision is necessary.  
20 The juvenile shall be represented by counsel at the hearing. Whether such  
21 counsel shall be provided at the cost of the county shall be determined  
22 as provided in subsection (1) of section 43-272. If continued secure  
23 detention is ordered, such detention shall be in a juvenile detention  
24 facility, except that a juvenile charged with a felony as an adult in  
25 county or district court may be held in an adult jail as set forth in  
26 subdivision (1)(c)(v) of section 43-250. A juvenile who must appear

27 before a court of competent jurisdiction need not have formal service of  
 28 the hearing but the Office of Probation Administration shall ensure the  
 29 juvenile has notice of such hearing A juvenile placed in an alternative  
 30 to detention, but not in detention, may waive this hearing through  
 31 counsel.

1 (4) When the probation officer deems it to be in the best interests  
 2 of the juvenile, the probation officer shall immediately release such  
 3 juvenile to the custody of his or her parent. If the juvenile has both a  
 4 custodial and a noncustodial parent and the probation officer deems that  
 5 release of the juvenile to the custodial parent is not in the best  
 6 interests of the juvenile, the probation officer shall, if it is deemed  
 7 to be in the best interests of the juvenile, attempt to contact the  
 8 noncustodial parent, if any, of the juvenile and to release the juvenile  
 9 to such noncustodial parent. If such release is not possible or not  
 10 deemed to be in the best interests of the juvenile, the probation officer  
 11 may release the juvenile to the custody of a legal guardian, a  
 12 responsible relative, or another responsible person.

13 (5) The court may admit such juvenile to bail by bond in such amount  
 14 and on such conditions and security as the court, in its sole discretion,  
 15 shall determine, or the court may proceed as provided in section 43-254.

16 In no case shall the court or probation officer release such juvenile if  
 17 it appears that:

18 (a) Before July 1, 2019, further detention or placement of such  
 19 juvenile is a matter of immediate and urgent necessity for the protection  
 20 of such juvenile or the person or property of another or if it appears  
 21 that such juvenile is likely to flee the jurisdiction of the court; and

22 (b) On or after July 1, 2019, the physical safety of persons in the  
 23 community would be seriously threatened or that detention is necessary to  
 24 secure the presence of the juvenile at the next hearing, as evidenced by  
 25 a demonstrable record of willful failure to appear at a scheduled court  
 26 hearing within the last twelve months.

27 2. Renumber the remaining sections and correct the repealer  
 28 accordingly.

#### ANNOUNCEMENT

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Wednesday, April 7, 2021, upon morning Recess, in Room 1524.

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

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

Senator DeBoer name added to LB501.

#### VISITOR(S)

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SIXTH DAY - APRIL 7, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 7, 2021

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Hughes.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, DeBoer, B. Hansen, M. Hansen, Hunt, Linehan, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 869, line 22, after Reading insert "Second".  
The Journal for the fifty-fifth day was approved as corrected.

**GENERAL FILE**

**LEGISLATIVE BILL 423A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Committee [AM461](#), found on page 554, was offered.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

[AM884](#)

(Amendments to Standing Committee amendments, AM461)

- 1 1. On page 10, line 23, after the last comma insert "and"; and
- 2 strike beginning with "ten" in line 24 through the last comma in line 26.

### SENATOR HUGHES PRESIDING

Senator J. Cavanaugh withdrew his amendment.

Senator Wayne offered the following amendment to the committee amendment:

[AM900](#)

(Amendments to Standing Committee amendments, AM461)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 24-702, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 24-702 (1) There is hereby created in the state treasury a fund to
- 5 be known as the Nebraska Retirement Fund for Judges which shall be
- 6 administered by the board and to which shall be credited all money
- 7 appropriated or transferred by law thereto. The fund is hereby
- 8 appropriated and made available to the board for the uses and purposes
- 9 prescribed by the provisions of the Judges Retirement Act.
- 10 (2) The employer contribution to the fund shall consist of the
- 11 amounts remitted pursuant to subsection (3) of section 24-703.
- 12 (3) The Nebraska Judges Retirement Act Expense Fund is created. The
- 13 fund shall be credited with money from the retirement system assets and
- 14 income sufficient to pay the pro rata share of administrative expenses
- 15 incurred as directed by the board for the proper administration of the
- 16 Judges Retirement Act and necessary in connection with the administration
- 17 and operation of the retirement system.
- 18 (4) On July 1, 2021, or as soon thereafter as administratively
- 19 possible, the State Treasurer shall transfer three million dollars from
- 20 the General Fund to the Nebraska Retirement Fund for Judges.
- 21 2. On page 10, lines 22 through 26, strike the new matter.
- 22 3. Renumber the remaining sections and correct the repealer
- 23 accordingly.

Senator Wayne withdrew his amendment.

Senator Kolterman moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Kolterman requested a roll call vote on the committee amendment.

Voting in the affirmative, 38:

Albrecht	Dorn	Hansen, B.	Lowe	Sanders
Arch	Erdman	Hansen, M.	McCollister	Slama
Bostar	Flood	Hilkemann	McDonnell	Stinner
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Williams
Brewer	Gragert	Lathrop	Murman	Wishart
Clements	Groene	Lindstrom	Pahls	
DeBoer	Halloran	Linehan	Pansing Brooks	

Voting in the negative, 2:

McKinney Wayne

Present and not voting, 7:

Aguilar	Cavanaugh, J.	Day	Vargas
Blood	Cavanaugh, M.	Hunt	

Excused and not voting, 2:

Briese Hilgers

The committee amendment was adopted with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 501.** Placed on Select File with amendment.  
[ER45](#) is available in the Bill Room.

**LEGISLATIVE BILL 65.** Placed on Select File.  
**LEGISLATIVE BILL 105.** Placed on Select File.  
**LEGISLATIVE BILL 224.** Placed on Select File.  
**LEGISLATIVE BILL 414.** Placed on Select File.  
**LEGISLATIVE BILL 265.** Placed on Select File.  
**LEGISLATIVE BILL 312.** Placed on Select File.  
**LEGISLATIVE BILL 180.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 84.** Introduced by Williams, 36; Aguilar, 35; Bostar, 29; Flood, 19; Kolterman, 24; Lindstrom, 18; McCollister, 20; Pahls, 31; Slama, 1.

WHEREAS, Director of Insurance Bruce Ramage is the longest-serving Director of Insurance in Nebraska's history having served in that role for the past ten years; and

WHEREAS, Director Ramage began his career in public service at the Nebraska Department of Insurance in 1984 working in the Market Conduct Division, accepting the position of Chief of Market Regulation in 1999, and becoming the Deputy Director in January 2008 prior to being appointed Director of Insurance in November 2010 by former Governor Dave Heineman. In January 2015, he was reappointed as Director of Insurance by Governor Pete Ricketts; and

WHEREAS, Governor Ricketts stated, "Under Bruce's leadership, Nebraska has gained a reputation for having fair and consistent insurance regulation. He has done great work to help Nebraska's insurance industry grow into one of the largest in the nation, bringing jobs and economic opportunities to the state. States across the country now look to Nebraska for guidance on their regulatory frameworks for insurance, which is a testament to Bruce's successful tenure with the agency."; and

WHEREAS, Director Ramage has had many notable accomplishments over his years of service to the Nebraska Department of Insurance, which include maintaining a seamless continuity of service and operations following a fire that caused a sudden loss of office space, facilitating the regulatory processes for the formation of twelve new Nebraska insurance companies and the move of twenty insurers from other locations into Nebraska, earning two rounds of accreditation from the National Association of Insurance Commissioners, overseeing the implementation of federal requirements relating to the Affordable Care Act and educating Nebraska citizens through town hall meetings across this state, and keeping Nebraska in line with growing international insurance supervisory standards and initiating and maintaining ongoing regulatory information sharing with insurance supervisors from Japan, Germany, and Great Britain; and

WHEREAS, the consumer liaison representatives of the National Association of Insurance Commissioners recognized Director Ramage for his work on behalf of insurance consumers and awarded him the Excellence in Consumer Advocacy award, citing his active leadership on a wide range of issues affecting consumers, his instrumental work as chair of the Market Conduct Examination Working Group in preparing market regulators for the transition from implementation to oversight of key Affordable Care Act provisions, and his work as chair of the Title Insurance Task Force, leading the Task Force through the most active period of engagement on title insurance issues in decades; and

WHEREAS, after thirty-six years of service to the State of Nebraska, Director Ramage will retire on April 9, 2021.



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

1. That the Legislature recognizes Director of Insurance Bruce Ramge for his longstanding and distinguished service to the State of Nebraska and wishes him the very best upon his retirement.
2. That a copy of this resolution be sent to Director Bruce Ramge.

Laid over.

#### GENERAL FILE

**LEGISLATIVE BILL 644.** Senator Halloran renewed his amendment, [AM854](#), found on page 887.

**SENATOR WILLIAMS PRESIDING**

**SENATOR HUGHES PRESIDING**

Pending.

#### MESSAGE(S) FROM THE GOVERNOR

April 7, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22e, 37, 106e, 106Ae, 169, 351, 401, 476, and 533 were received in my office on April 1, 2021.

These bills were signed and delivered to the Secretary of State on April 7, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### RECESS

At 11:57 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., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bostelman, M. Hansen, Morfeld, Pansing Brooks, Slama, Stinner, and Wishart who were excused until they arrive.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 322A.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 322, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 85.** Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostelman, 23; Brandt, 32; Brewer, 43; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilkemann, 4; Hughes, 44; Hunt, 8; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Pansing Brooks, 28; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36; Wishart, 27.

WHEREAS, The United States of America consists of people from all over the world who have chosen to make this country their home; and

WHEREAS, Nebraska communities were founded and established by people of a wide variety of races, ethnicities, ages, religions, and backgrounds; and

WHEREAS, Nebraskans value residents of all religions, ancestries, and ethnicities; and

WHEREAS, Nebraska is a welcoming state for people from diverse backgrounds, including Asian-Americans; and

WHEREAS, since the 2010 census, the number of Asian-Americans living in Nebraska has grown by over twenty-three percent, from approximately 33,000 people in 2010 to nearly 41,000 people in 2017; and

WHEREAS, Asian-Americans and people of Asia-Pacific descent live and work in communities all across this state, contribute to the economy of this state, and have children who attend public and private schools in this state; and

WHEREAS, in both 2018 and 2019, according to the Nebraska Crime Commission, there were zero reported hate crimes against Asian-Americans in Nebraska; and

WHEREAS, there are significant and growing concerns in the Asian-American community based upon recent national reports of a rise in anti-Asian-American hate crimes; and

WHEREAS, Nebraskans reject racism and bigotry and affirm our commitment to a diverse, supportive, inclusive, and protective community and state; and

WHEREAS, Nebraskans want to reassure residents and visitors that this state celebrates diversity and inclusion; and

WHEREAS, Nebraskans will not tolerate any prejudice, racism, bigotry, hatred, bullying, or violence towards any groups within our state; and

WHEREAS, Nebraskans extend our sympathy, empathy, and support to any victim of discrimination or violence based on prejudice or race-motivated hate.

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

1. That the Legislature rejects hate, discrimination, and acts of violence, including violence against Asian-Americans, based on race, national origin, or religion.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR85 was referred to the Reference Committee.

#### **GENERAL FILE**

**LEGISLATIVE BILL 644.** Senator Halloran renewed his amendment, [AM854](#), found on page 887 and considered in this day's Journal.

#### **PRESIDENT FOLEY PRESIDING**

The Halloran amendment was adopted with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

Senator Wayne offered the following amendment to the committee amendment:

[FA17](#)

Amend AM755

Create new section:

"All counties shall create and charge a user fee of .25¢ (twenty-five cents) to the general public upon entry to a county building".

Senator Wayne withdrew his amendment.

Committee [AM755](#), found on page 750 and considered on page 886, was renewed.

The committee amendment, as amended, was adopted with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 307.** Title read. Considered.

Committee [AM273](#), found on page 619, was offered.

Senator Flood withdrew his amendment, [AM882](#), found on page 889.

Senator Groene offered the following amendment to the committee amendment:

[AM898](#)

(Amendments to Standing Committee amendments, AM273)

1 1. Insert the following new section:

2 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 43-272 (1) ~~When (1)(a) In counties having a population of less than~~

5 ~~one hundred fifty thousand inhabitants, when~~ any juvenile shall be

6 brought without counsel before a juvenile court, the court shall advise

7 such juvenile and his or her parent or guardian of their right to retain

8 counsel and shall inquire of such juvenile and his or her parent or

9 guardian as to whether they desire to retain counsel. The court shall

10 inform such juvenile and his or her parent or guardian of such juvenile's

11 right to counsel at county expense if none of them is able to afford

12 counsel. If the juvenile or his or her parent or guardian desires to have

13 counsel appointed for such juvenile, or the parent or guardian of such

14 juvenile cannot be located, and the court ascertains that none of such

15 persons are able to afford an attorney, the court shall forthwith appoint

16 an attorney to represent such juvenile for all proceedings before the

17 juvenile court, except that if an attorney is appointed to represent such

18 juvenile and the court later determines that a parent of such juvenile is

19 able to afford an attorney, the court shall order such parent or juvenile

20 to pay for services of the attorney to be collected in the same manner as

21 provided by section 43-290. If the parent willfully refuses to pay any

22 such sum, the court may commit him or her for contempt, and execution may

23 issue at the request of the appointed attorney or the county attorney or

24 by the court without a request.

25 ~~(b) In counties having a population of one hundred fifty thousand or~~

26 ~~more inhabitants, when any juvenile court petition is filed alleging~~

1 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or

2 (4) of section 43-247, counsel shall be appointed for such juvenile. The

3 court shall inform such juvenile and his or her parent or guardian of

4 such juvenile's right to counsel at county expense if none of them is

5 able to afford counsel. If the juvenile or his or her parent or guardian

6 desires to have counsel appointed for such juvenile, or the parent or

7 guardian of such juvenile cannot be located, and the court ascertains

8 that none of such persons are able to afford an attorney, the court shall

9 forthwith appoint an attorney to represent such juvenile for all

10 proceedings before the juvenile court, except that if an attorney is

11 appointed to represent such juvenile and the court later determines that

12 a parent of such juvenile is able to afford an attorney, the court shall  
 13 order such parent or juvenile to pay for services of the attorney to be  
 14 collected in the same manner as provided by section 43-290. If the parent  
 15 willfully refuses to pay any such sum, the court may commit him or her  
 16 for contempt, and execution may issue at the request of the appointed  
 17 attorney or the county attorney or by the court without a request.  
 18 (2) The court, on its own motion or upon application of a party to  
 19 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)  
 20 If the juvenile has no parent or guardian of his or her person or if the  
 21 parent or guardian of the juvenile cannot be located or cannot be brought  
 22 before the court; (b) if the parent or guardian of the juvenile is  
 23 excused from participation in all or any part of the proceedings; (c) if  
 24 the parent is a juvenile or an incompetent; (d) if the parent is  
 25 indifferent to the interests of the juvenile; or (e) in any proceeding  
 26 pursuant to the provisions of subdivision (3)(a) of section 43-247.  
 27 A guardian ad litem shall have the duty to protect the interests of  
 28 the juvenile for whom he or she has been appointed guardian, and shall be  
 29 deemed a parent of the juvenile as to those proceedings with respect to  
 30 which his or her guardianship extends.  
 31 (3) The court shall appoint an attorney as guardian ad litem. A  
 1 guardian ad litem shall act as his or her own counsel and as counsel for  
 2 the juvenile, unless there are special reasons in a particular case why  
 3 the guardian ad litem or the juvenile or both should have separate  
 4 counsel. In such cases the guardian ad litem shall have the right to  
 5 counsel, except that the guardian ad litem shall be entitled to appointed  
 6 counsel without regard to his or her financial ability to retain counsel.  
 7 Whether such appointed counsel shall be provided at the cost of the  
 8 county shall be determined as provided in subsection (1) of this section.  
 9 (4) By July 1, 2015, the Supreme Court shall provide by court rule  
 10 standards for guardians ad litem for juveniles in juvenile court  
 11 proceedings.  
 12 (5) By July 1, 2017, the Supreme Court shall provide guidelines  
 13 setting forth standards for all attorneys who practice in juvenile court.  
 14 2. On page 1, insert the following new subsection after line 23:  
 15 "(4) A waiver of the right to counsel shall be denied upon request  
 16 of the county attorney or city attorney."; and in line 24 strike "(4)"  
 17 and insert "(5)".  
 18 3. On page 2, line 1, strike "(5)" and insert "(6)"; in line 3  
 19 strike "(6)" and insert "(7)"; and in line 5 strike "(7)" and insert  
 20 "(8)".  
 21 4. Renumber the remaining sections and correct the repealer  
 22 accordingly.

Senator Groene withdrew his amendment.

The committee amendment was adopted with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**  
 Revenue

**LEGISLATIVE BILL 431.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 497.** Placed on Select File with amendment.

[ER46](#)

1 1. On page 1, line 5, strike "sexual assault or domestic assault"  
2 and insert "sexual assault, domestic assault, or child abuse".

**LEGISLATIVE BILL 527.** Placed on Select File.

**LEGISLATIVE BILL 664.** Placed on Select File.

**LEGISLATIVE BILL 423.** Placed on Select File with amendment.

[ER47](#)

1 1. On page 1, line 3, strike "provide for" and insert "require"; and  
2 in line 4 after the semicolon insert "to provide for rules and  
3 regulations;".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 5.** Placed on Final Reading.

**LEGISLATIVE BILL 41.** Placed on Final Reading.

**LEGISLATIVE BILL 70.** Placed on Final Reading.

**LEGISLATIVE BILL 70A.** Placed on Final Reading.

**LEGISLATIVE BILL 78.** Placed on Final Reading.

**LEGISLATIVE BILL 252.** Placed on Final Reading.

**LEGISLATIVE BILL 405.** Placed on Final Reading.

**LEGISLATIVE BILL 461.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 86.** Introduced by Vargas, 7.

WHEREAS, the week of April 5-11, 2021, is National Public Health Week; and

WHEREAS, the theme this year for National Public Health Week, in the midst of the ongoing COVID-19 pandemic, is "Building Bridges to Better Health"; and

WHEREAS, Nebraskans rely on local public health professionals to help communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats; and

WHEREAS, the work of local public health professionals includes stopping the spread of communicable diseases; establishing local prevention programs to address chronic disease and prevent injuries; responding to

public health emergencies and natural and human-caused disasters; working with partners to improve local community services, such as healthcare, education, housing, and employment opportunities; and reaching out to people who are at greatest risk for having poor health outcomes; and

WHEREAS, the COVID-19 pandemic has required extraordinary effort on the part of the leadership and staff of Nebraska's local public health departments; and

WHEREAS, the public health professionals of Nebraska's local public health departments have risen to the unprecedented challenges of the past year, working tirelessly to protect all who live in Nebraska from the spread of COVID-19; and

WHEREAS, due to their efforts, local public health professionals have spent an exceptional amount of time away from their families and loved ones to care for others during the course of the COVID-19 pandemic.

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

1. That the Legislature recognizes April 5-11, 2021, as National Public Health Week.
2. That the Legislature thanks the leadership and staff of Nebraska's local public health departments for their service to their communities and to the State of Nebraska.
3. That the Legislature thanks the families of Nebraska's local public health workforce for the sacrifices they have made to support family members who carry out core functions of public health, including responding to the COVID-19 pandemic.

Laid over.

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

Senator M. Cavanaugh filed the following amendment to [LB380](#):  
[AM896](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 25, Department of Health and Human Services,
- 2 Programs 348 and 424: Adjust funds for developmental disability aid.
- 3 Amendment:
- 4 a. On page 42, strike lines 6 and 7 and insert:
- 5 "FEDERAL FUND est. 1,801,052,977 1,875,083,283 PROGRAM TOTAL
- 6 2,743,095,464 2,869,036,037"; in line 14 strike "\$1,787,404,383" and
- 7 insert "\$1,801,052,977"; and in line 18 strike "\$1,861,248,974" and
- 8 insert "\$1,875,083,283".
- 9 b. On page 47, strike line 3 and insert "GENERAL FUND 211,999,159
- 10 222,099,641"; strike line 5 and insert "PROGRAM TOTAL 218,311,159
- 11 228,411,641"; in line 7 strike "\$157,634,528" and insert "\$211,999,159";
- 12 and in line 9 strike "\$167,735,010" and insert "\$222,099,641".

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

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

Senator Briese name added to LR85.

Senator Pahls name added to LR85.

**ADJOURNMENT**

At 4:17 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, April 8, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - APRIL 8, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 8, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Gragert.

**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 Bostar, Brewer, J. Cavanaugh, M. Cavanaugh, Day, DeBoer, B. Hansen, Hilgers, Hunt, McKinney, Pahls, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 666.** Placed on General File with amendment.  
[AM906](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. The following sums of money, or so much thereof as may  
4 be required, are 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 claims arising out of miscellaneous items of indebtedness  
7 owing by the State of Nebraska.  
8 \$318,140.37 for Miscellaneous Claim Number 2021-20829, against the  
9 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"  
10 Street, Lincoln, NE 68508-1266, out of the General Fund.

11 \$101,143.68 for Miscellaneous Claim CI 18-2161, against the State of  
 12 Nebraska, pay to Joy Shiffermiller and Razak Aljanabi, Shiffermiller Law  
 13 Office, P.C., L.L.O., Attn: Joy Shiffermiller, 1002 G Street, Lincoln, NE  
 14 68508, out of the General Fund.

15 The claims included in this section shall be paid through Program

16 536 in Agency 65.

17 For informational purposes only, the appropriations contained in

18 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20	<u>GENERAL FUND</u>	<u>\$419,284.05</u>
21	<u>CASH FUND</u>	<u>\$-0-</u>
22	<u>REVOLVING FUND</u>	<u>\$-0-</u>
23	<u>TOTAL</u>	<u>\$419,284.05</u>

24 Sec. 2. The following sums of money, or so much thereof as may be  
 25 required, are hereby appropriated from the General Fund or from other  
 26 funds as indicated in the state treasury, not otherwise appropriated, for  
 27 the payment of workers' compensation claims which have been settled by  
 1 the Attorney General in the Nebraska Workers' Compensation Court or in  
 2 which court judgments have been entered and which require the approval of  
 3 the Legislature for payment.

4 \$115,000.00 for a workers' compensation claim, pay to Christa  
 5 Binstock Israel and Natalie Sieber, Atwood, Holsten, Brown, Deaver and  
 6 Spier Law Firm, PC, LLO, 575 Fallbrook Blvd., Ste. 206, Lincoln, NE  
 7 68512, out of the Workers' Compensation Claims Revolving Fund.

8 \$150,000.00 for a workers' compensation claim, pay to Jeanene Gieser  
 9 and Roger Moore, Rehm, Bennett, Moore and Rehm, P.C., L.L.O., 3701 Union  
 10 Drive, Suite 200, Lincoln, NE 68516, out of the Workers' Compensation  
 11 Claims Revolving Fund.

12 \$26,617.00 for a workers' compensation claim, pay to Richard Meidell  
 13 and James W. Ellison, Ellison, Kovarik and Turman Law Firm, P.C., L.L.O.,  
 14 1715 11th Street, P.O. Box 340, Gering, NE 69341-0340, out of the  
 15 Workers' Compensation Claims Revolving Fund.

16 The claims included in this section shall be paid through Program

17 593 in Agency 65.

18 For informational purposes only, the appropriations contained in

19 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20	<u>GENERAL FUND</u>	<u>\$-0-</u>
21	<u>CASH FUND</u>	<u>\$-0-</u>
22	<u>REVOLVING FUND</u>	<u>\$291,617.00</u>
23	<u>TOTAL</u>	<u>\$291,617.00</u>

25 Sec. 3. The following sums of money, or so much thereof as may be  
 26 required, are hereby appropriated from the General Fund or from other  
 27 funds as indicated in the state treasury, not otherwise appropriated, for  
 28 the payment of tort claims which have been settled by the State Claims  
 29 Board and approved by the district court, which have been settled by the  
 30 Attorney General in the district court, or in which court judgments have  
 1 been entered and which require the approval of the Legislature for  
 2 payment.

3 \$70,000 for Tort Claim Number 2019-18480, against the State of  
 4 Nebraska, pay to Annette Marking and Tessendorf and Tessendorf, PC, P.O.  
 5 Box 925, Columbus, NE 68602-0925, out of the State Insurance Fund.

6 \$18,717.50 for Tort Claim Number 2021-20511, against the State of  
 7 Nebraska, pay to Rita Perez and Knowles Law Firm, LLP, 11404 W. Dodge  
 8 Rd., Suite 450, Omaha, NE 68154, out of the State Insurance Fund.

9 The claims included in this section shall be paid through Program

10 594 in Agency 65.

11 For informational purposes only, the appropriations contained in

12 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
13		

14	<u>GENERAL FUND</u>	<u>\$-0-</u>
15	<u>CASH FUND</u>	<u>\$-0-</u>
16	<u>REVOLVING FUND</u>	<u>\$88,717.50</u>
17	<u>TOTAL</u>	<u>\$88,717.50</u>

18 Sec. 4. The Director of Administrative Services is hereby  
 19 authorized and directed to draw his or her warrants upon the funds in the  
 20 state treasury enumerated in this act, in favor of the several  
 21 beneficiaries named in this act for the amount set opposite their  
 22 respective names, upon the presentation of proper vouchers therefor. The  
 23 several amounts appropriated in this act shall be in full payment of any  
 24 and all claims, rights, causes of action, damages, and demands of every  
 25 character and kind owing by or against the State of Nebraska, its  
 26 officers, agents, and employees, and their successors and assigns with  
 27 respect to each of the beneficiaries respectively in whose favor the  
 28 appropriations are made. The director shall not deliver any warrant for  
 29 any items appropriated in this act until a receipt and release in full,  
 30 releasing the State of Nebraska, its officers, employees, and agents, and  
 1 their successors and assigns, has been filed by each of the beneficiaries  
 2 respectively. Upon presentation of the warrants, the State Treasurer is  
 3 hereby directed to pay the same out of money in the General Fund or out  
 4 of money in other funds indicated in this act not otherwise appropriated.  
 5 Sec. 5. The following requests were filed by state agencies seeking  
 6 permission to write off certain accounts. The State Claims Board reviewed  
 7 and approved the following requests:  
 8 \$2,982.24 for Request Number 2021-20733, made by the Board of  
 9 Educational Lands and Funds,  
 10 \$25.46 for Request Number 2021-20734, made by the Legislative  
 11 Council,  
 12 \$23,325.75 for Request Number 2021-20735, made by the Department of  
 13 Correctional Services,  
 14 \$115.00 for Request Number 2021-20736, made by the Supreme Court,  
 15 \$306.70 for Request Number 2021-20737, made by the Commission for  
 16 the Deaf and Hard of Hearing,  
 17 \$783,188.12 for Request Number 2021-20738, made by the Department of  
 18 Health and Human Services,  
 19 \$10,347.76 for Request Number 2021-20740, made by the Department of  
 20 Veterans' Affairs,  
 21 \$86,827.45 for Request Number 2021-20745, made by the Department of  
 22 Labor,  
 23 \$4,758.79 for Request Number 2021-20746, made by the Game and Parks  
 24 Commission,  
 25 \$18,350.50 for Request Number 2021-20747, made by the State Fire  
 26 Marshal,  
 27 \$172,318.19 for Request Number 2021-20748, made by the State  
 28 Treasurer,  
 29 \$637,508.42 for Request Number 2021-20749, made by the Department of  
 30 Labor,  
 31 \$37,056.74 for Request Number 2021-20806, made by the Department of  
 1 Environment and Energy,  
 2 \$25.00 for Request Number 2021-20807, made by the Department of  
 3 Insurance,  
 4 \$2,067.95 for Request Number 2021-20809, made by the Nebraska Public  
 5 Employees Retirement Systems,  
 6 \$202,748.22 for Request Number 2021-20851, made by the Department of  
 7 Transportation.  
 8 Sec. 6. Since an emergency exists, this act takes effect when  
 9 passed and approved according to law.

**LEGISLATIVE BILL 665.** Indefinitely postponed.

(Signed) Ben Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Select File with amendment.

[ER48](#)

1 1. On page 11, line 28, after the second comma insert "for".

(Signed) Terrell McKinney, Chairperson

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

Senator Moser filed the following amendment to [LB579](#):

[AM862](#)

1 1. Insert the following new section:

2 Sec. 4. Section 39-2703, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 39-2703 (1) The State Highway Capital Improvement Fund is created.

5 The fund shall consist of money credited to the fund pursuant to section

6 77-27,132, federal reimbursements for surface transportation projects,

7 and any other money as determined by the Legislature. The State Treasurer

8 shall transfer seventy million dollars from the General Fund to the State

9 Highway Capital Improvement Fund on or after July 1, 2021, but before

10 July 15, 2021, in such amounts as directed by the budget administrator of

11 the budget division of the Department of Administrative Services.

12 (2) The department may create or direct the creation of accounts

13 within the State Highway Capital Improvement Fund ~~fund~~ as the department

14 determines to be appropriate and useful in administering the fund.

15 Transfers may be made from the State Highway Capital Improvement Fund to

16 the General Fund at the direction of the Legislature through June 30,

17 2023. The State Treasurer shall transfer seventy million dollars from the

18 State Highway Capital Improvement Fund to the General Fund between July

19 1, 2021, and June 30, 2023, on such dates and in such amounts as directed

20 by the budget administrator of the budget division of the Department of

21 Administrative Services.

22 (3) Any money in the State Highway Capital Improvement Fund ~~fund~~

23 available for investment shall be invested by the state investment

24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

25 State Funds Investment Act. Investment earnings from investment of money

26 in the fund shall be credited to the fund.

27 2. On page 4, line 8, strike "Heartland Expressway" and insert

1 "expressway system"; and in line 11 strike "and" and after "letting"

2 insert ", and required funding for project completion".

3 3. Renumber the remaining section and correct the repealer

4 accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 322A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 379.** Title read. Considered.

Committee [AM392](#), found on page 851, 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 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 381.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 382.** Title read. Considered.

Committee [AM394](#), found on page 851, was adopted with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 384.** Title read. Considered.

Committee [AM396](#), found on page 852, was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 excused and not voting.

**LEGISLATIVE BILL 385.** Title read. Considered.

Committee [AM705](#), found on page 852, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 380.** Title read. Considered.

Committee [AM393](#), found on page 853, was offered.

Senator M. Cavanaugh offered her amendment, [AM896](#), found on page 903, to the committee amendment.

**SENATOR HUGHES PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 322A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 87.** Introduced by Briese, 41.

WHEREAS, Chuck Cone was the inaugural director of the Loup Basin Public Health Department and has been the director of the Loup Basin Public Health Department since September 2002; and

WHEREAS, Chuck always represents the nine counties within the Loup Basin Public Health Department with integrity, honesty, and a great sense of humor, and advocates for the best interests of public health before the Nebraska Legislature; and

WHEREAS, Chuck Cone has generously collaborated with fellow local health directors for the benefit of the statewide local public health system, including as a founding member of the Nebraska Association of Local Health Directors and as an integral voice within Friends of Public Health Nebraska; and

WHEREAS, Chuck is retiring on April 9th, 2021, as the director of Loup Basin Public Health Department.

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

1. That the Legislature recognizes Chuck Cone for his service to the Loup Basin Public Health District and the State of Nebraska and congratulates him on his retirement from public health.
2. That a copy of this resolution be sent to Chuck Cone.

Laid over.

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

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

Senator Flood name added to LB306.

Senator McCollister name added to LR85.

**RECESS**

At 11:59 a.m., on a motion by Senator Moser, 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 Bostelman, Hilgers, and Pansing Brooks who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR85	Judiciary

(Signed) Dan Hughes, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 380.** Senator M. Cavanaugh renewed her amendment, [AM896](#), found on page 903 and considered in this day's Journal.

Senator M. Cavanaugh withdrew her amendment.

Senator Flood offered the following amendment to the committee amendment:

[AM891](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 102, line 8, strike both occurrences of "1,005,346" and  
2 insert "1,905,346"; strike line 11 and insert "PROGRAM TOTAL 2,469,296  
3 2,476,146"; in lines 13 and 15 strike "\$1,005,346" and insert  
4 "\$1,905,346"; and in lines 18 and 19 strike "\$100,000" and insert  
5 "\$1,000,000".

**SPEAKER HILGERS PRESIDING**

Senator Flood moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

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

Voting in the affirmative, 28:

Aguilar	Day	Groene	Linehan	Pansing Brooks
Bostar	DeBoer	Halloran	Lowe	Sanders
Brandt	Flood	Hansen, M.	McCollister	Walz
Briese	Friesen	Hunt	McKinney	Wayne
Cavanaugh, J.	Geist	Lathrop	Morfeld	
Cavanaugh, M.	Gragert	Lindstrom	Moser	

Voting in the negative, 12:

Albrecht	Clements	Hilgers	Slama
Bostelman	Dorn	Hilkemann	Stinner
Brewer	Erdman	Murman	Williams

Present and not voting, 9:

Arch	Hansen, B.	Kolterman	Pahls	Wishart
Blood	Hughes	McDonnell	Vargas	

The Flood amendment was adopted with 28 ayes, 12 nays, and 9 present and not voting.

The Chair declared the call raised.

Pending.

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

Senator Pansing Brooks filed the following amendment to LB247:

#### AM740

- 1 1. On page 2, line 16, strike "wireless device" and insert
- 2 "telecommunications services, wireless device services, and Internet
- 3 protocol-enabled".
- 4 2. On page 3, line 14, strike "and"; and in line 16 after "district"
- 5 insert ", and (vii) telecommunications industry representatives".

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 88.** Introduced by Pansing Brooks, 28.

WHEREAS, Ethan Cotter, a senior in the Lincoln Public Schools Science Focus Program and member of Troop 54 of Lincoln, has completed the requirements for the rank of Eagle Scout in 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, Ethan collaborated with the American Legion to identify veterans buried without a veteran designation in Stromsburg Cemetery and then procured and placed appropriate markings at those gravesites to designate the wars in which those veterans fought; and

WHEREAS, Ethan, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ethan Cotter on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ethan Cotter.

Laid over.

**LEGISLATIVE RESOLUTION 89.** Introduced by Pansing Brooks, 28.

WHEREAS, Caden Connelly, a junior in the International Baccalaureate Program at Lincoln High School and member of Troop 54 of Lincoln, has completed the requirements for the rank of Eagle Scout in 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, Caden planned and planted a pollinator garden in a local park to combat the loss of habitat for pollinators in Nebraska; and

WHEREAS, Caden, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Caden Connelly on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Caden Connelly.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 380.** Senator M. Cavanaugh offered the following motion:

[MO19](#)

Bracket until May 4, 2021.

**SENATOR WILLIAMS PRESIDING**

**SPEAKER HILGERS PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 44:

Aguilar	Cavanaugh, J.	Gragert	Lindstrom	Pahls
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Kolterman	Moser	Wishart
Briese	Geist	Lathrop	Murman	

Present and not voting, 4:

Cavanaugh, M.    Hunt                    Pansing Brooks    Wayne

Excused and not voting, 1:

Groene

The M. Cavanaugh motion to bracket failed with 0 ayes, 44 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO20](#)

Reconsider the vote on MO19.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 39:

Aguilar	Clements	Hansen, B.	Linehan	Sanders
Arch	Day	Hansen, M.	Lowe	Slama
Blood	DeBoer	Hilgers	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Kolterman	Morfeld	Williams
Brewer	Geist	Lathrop	Moser	Wishart
Briese	Gragert	Lindstrom	Murman	

Present and not voting, 5:

Cavanaugh, J. Cavanaugh, M. Hunt Pansing Brooks Wayne

Excused and not voting, 5:

Albrecht Erdman Groene Halloran Pahls

The M. Cavanaugh motion to reconsider failed with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Flood offered the following amendment to the committee amendment:

[AM890](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 71, line 28, strike "253,235,630" and insert  
 2 "252,490,894".  
 3 2. On page 72, line 3, strike "277,926,659" and insert  
 4 "277,181,923".  
 5 3. On page 73, after line 1 insert the following new paragraph:  
 6 "It is the intent of the Legislature that the Department of  
 7 Correctional Services contract for services related to electronic health  
 8 records."

Senator Flood withdrew his amendment.

Committee [AM393](#), found on page 853 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 20 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 41:

Aguilar	Clements	Hansen, M.	Lowe	Stinner
Arch	Day	Hilgers	McCollister	Vargas
Blood	DeBoer	Hilkemann	McDonnell	Walz
Bostar	Dorn	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	
Cavanaugh, J.	Hansen, B.	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

Excused and not voting, 5:

Albrecht Erdman Groene Halloran Pahls

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORT(S) Enrollment and Review

#### LEGISLATIVE BILL 274. Placed on Final Reading.

##### ST6

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

1. In the E&R amendments, ER18, on page 1, line 1, "53-103.22 and 53-178.01, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "sections"; in line 4 "and redefine" has been inserted after "define"; and in line 7 "to authorize alcohol sales to persons within a motor vehicle as prescribed;" has been inserted after "duties;"
2. In the Lowe amendment, AM667, section 17 has been renumbered as section 18.
3. In the Standing Committee amendments, AM427:
  - a. On page 1, line 5, the new matter has been struck and "and sections 3, 4, 6, 7, 13, and 14" inserted;
  - b. On page 6, line 31; page 7, line 21; page 8, line 12; page 10, line 16; and page 15, line 8, "12" has been struck and "13" inserted;
  - c. On page 8, line 26; page 10, line 12; page 15, line 9; and page 19, line 1, "13" has been struck and "14" inserted; and

d. On page 19, line 4, "53-103.22 and 53-178.01, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "sections".

**LEGISLATIVE BILL 274A.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 209.** Placed on General File with amendment.

AM880

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 48-1401, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 48-1401 (1)(a) (†) Any county, municipality, or other political  
6 subdivision, instrumentality, or agency of the State of Nebraska, except  
7 any agency subject to sections 84-1504 to 84-1506 or section 85-106,  
8 85-320, or 85-606.01, may enter into an agreement to defer a portion of  
9 any individual's compensation derived from such county, municipality, or  
10 other political subdivision, instrumentality, or agency to a future  
11 period in time pursuant to section 457 of the Internal Revenue Code. Such  
12 plan of deferred compensation may provide for the deferral of an  
13 individual's compensation on either a pretax basis or an after-tax Roth  
14 contribution basis under a qualified Roth contribution program pursuant  
15 to section 402A of the Internal Revenue Code. Such deferred compensation  
16 shall be voluntary and shall be available to all regular employees  
17 and elected officials except as otherwise provided in this section.  
18 (b) This section shall not authorize an entity excepted from this  
19 section pursuant to subdivision (1)(a) of this section to modify a plan  
20 of deferred compensation or establish a separate plan of deferred  
21 compensation. This section shall not require either the Public Employees  
22 Retirement Board or the Nebraska Public Employees Retirement Systems to  
23 modify a plan of deferred compensation established pursuant to sections  
24 84-1504 to 84-1506 to allow for after-tax Roth contributions pursuant to  
25 a qualified Roth contributions program under section 402A of the Internal  
26 Revenue Code.  
27 (2) All The compensation to be deferred under this section may never  
1 exceed the total compensation to be received by the individual from the  
2 employer or exceed the limits established by the Internal Revenue Code  
3 for such a plan.  
4 (3) All compensation deferred under the plan, all property and  
5 rights purchased with the deferred compensation, and all investment  
6 income attributable to the deferred compensation, property, or rights  
7 shall be held in trust for the exclusive benefit of participants and  
8 their beneficiaries by the county, municipality, or other political  
9 subdivision, instrumentality, or agency until such time as payments are  
10 made under the terms of the deferred compensation plan.  
11 (4) The county, municipality, or other political subdivision,  
12 instrumentality, or agency shall designate its treasurer or an equivalent  
13 official, including the State Treasurer, to be the custodian of the funds  
14 and securities of the deferred compensation plan.  
15 (5) The county, municipality, or other political subdivision,  
16 instrumentality, or agency may invest the compensation to be deferred  
17 under an agreement in or with: (a) Annuities; (b) mutual funds; (c)  
18 banks; (d) savings and loan associations; (e) trust companies qualified  
19 to act as fiduciaries in this state; (f) an organization established for

20 the purpose of administering public employee deferred compensation  
21 retirement plans and authorized to do business in the State of Nebraska;  
22 or (g) investment advisers as defined in the federal Investment Advisers  
23 Act of 1940.

24 (6) The deferred compensation program authorized under this section  
25 shall exist and serve in addition to, and shall not be a part of, any  
26 existing retirement or pension system provided for state, county,  
27 municipal, or other political subdivision, instrumentality, or agency  
28 employees, or any other benefit program.

29 (7) Any compensation deferred under such a deferred compensation  
30 plan including an individual's compensation deferred on either a pretax  
31 basis or an after-tax Roth contribution basis under a qualified Roth  
1 contribution program pursuant to section 402A of the Internal Revenue  
2 Code, shall continue to be included as regular compensation for the  
3 purpose of computing the retirement, pension, or social security  
4 contributions made or benefits earned by any employee.

5 (8)(a) ~~(8)~~ Any sum so deferred on a pretax basis shall not be  
6 included in the computation of any federal or state taxes withheld on  
7 behalf of any such individual at the time of deferral.

8 (b) Any sum so deferred on an after-tax Roth contribution basis  
9 pursuant to a qualified Roth contribution program under section 402A of  
10 the Internal Revenue Code shall be included in the computation of any  
11 federal or state taxes withheld on behalf of any such individual at the  
12 time of deferral.

13 (9) The state, county, municipality, or other political subdivision,  
14 instrumentality, or agency shall not be responsible for any investment  
15 results entered into by the individual in the deferred compensation  
16 agreement.

17 (10) All compensation deferred under the plan including compensation  
18 deferred on either a pretax basis or an after-tax Roth contribution basis  
19 under a qualified Roth contribution program pursuant to section 402A of  
20 the Internal Revenue Code, all property and rights purchased with the  
21 deferred compensation, and all investment income attributable to the  
22 deferred compensation, property, or rights shall not be subject to  
23 garnishment, attachment, levy, the operation of bankruptcy or insolvency  
24 laws, or any other process of law whatsoever and shall not be assignable.

25 (11) Nothing contained in this section shall in any way limit,  
26 restrict, alter, amend, invalidate, or nullify any deferred compensation  
27 plan previously instituted by any county, municipality, or other  
28 political subdivision, instrumentality, or agency of the State of  
29 Nebraska, and any such plan is hereby authorized and approved.

30 (12) If a county has not established a deferred compensation plan  
31 pursuant to this section, each individual may require that the county  
1 enter into an agreement with the individual to defer a portion of such  
2 individual's compensation and place it under the management and  
3 supervision of the state deferred compensation plan created pursuant to  
4 sections 84-1504 to 84-1506. If such an agreement is made, the county  
5 shall designate the State Treasurer as custodian of such deferred  
6 compensation funds and such deferred compensation funds shall become a  
7 part of the trust administered by the Public Employees Retirement Board  
8 or the Nebraska Public Employees Retirement Systems pursuant to sections  
9 84-1504 to 84-1506. Nothing in this subsection shall require a plan of  
10 deferred compensation that is administered by the Public Employees  
11 Retirement Board or the Nebraska Public Employees Retirement Systems  
12 pursuant to sections 84-1504 to 84-1506 to provide for the ability of an  
13 individual to defer compensation on an after-tax Roth contribution basis  
14 pursuant to a qualified Roth contribution program under section 402A of  
15 the Internal Revenue Code.

16 (13) For purposes of this section, individual means (a) any person  
17 designated by the county, municipality, or other political subdivision,

18 instrumentality, or agency of the State of Nebraska, except any agency  
 19 subject to sections 84-1504 to 84-1506 or section 85-106, 85-320, or  
 20 85-606.01, as a permanent part-time or full-time employee of the county,  
 21 municipality, or other political subdivision, instrumentality, or agency  
 22 and (b) a person under contract providing services to the county,  
 23 municipality, or other political subdivision, instrumentality, or agency  
 24 of the State of Nebraska, except any agency subject to sections 84-1504  
 25 to 84-1506 or section 85-106, 85-320, or 85-606.01, and who has entered  
 26 into a contract with such county, municipality, political subdivision,  
 27 instrumentality, or agency to have compensation deferred prior to August  
 28 28, 1999.  
 29 Sec. 2. Original section 48-1401, Revised Statutes Cumulative  
 30 Supplement, 2020, is repealed.

(Signed) Mark Kolterman, Chairperson

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

Senator Stinner filed the following amendment to LB383:  
[AM911](#) is available in the Bill Room.

Senator Wayne filed the following amendment to LB383:  
[FA18](#)

Amend AM911

Strike Agency No. 46 page 2, lines 2 through 17.

### **EXECUTIVE BOARD REPORT**

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

#### Youth Rehabilitation and Treatment Special Oversight Committee (LR 25)

Senator Ben Hansen

Senator Patty Pansing Brooks

Senator Tony Vargas

Senator Lynne Walz

\*Pursuant to the resolution also included on the committee are: Senator Arch (chair HHS), Senator Lathrop (chair Judiciary), Senator Lowe, Senator Halloran, and Senator Wishart.

#### Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature (LR 29)

Senator John Arch

Senator Robert Clements

Senator Suzanne Geist

Senator Matt Hansen

Senator Mark Kolterman

Senator Terrell McKinney

Senator Dave Murman

Senator Rita Sanders

Senator Justin Wayne

(Signed) Dan Hughes, Chairperson  
Legislative Council, Executive Board

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

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

Senator Hansen, M. name added to LB247.  
Senator Aguilar name added to LB306.  
Senator Hansen, M. name added to LB307.  
Senator Hansen, M. name added to LB322.  
Senator Hansen, B. name added to LB388.  
Senator Linehan name added to LR85.

**VISITOR(S)**

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

**MOTION - Adjournment**

Senator B. Hansen moved to adjourn until 9:00 a.m., Friday, April 9, 2021.

Senator Wayne requested a record vote on the motion to adjourn.

Voting in the affirmative, 38:

Aguilar	Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks
Arch	Clements	Hansen, B.	Lindstrom	Sanders
Blood	Day	Hansen, M.	Linehan	Slama
Bostar	DeBoer	Hilgers	McCollister	Stinner
Bostelman	Dorn	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Moser	
Briese	Geist	Kolterman	Murman	

Voting in the negative, 4:

Cavanaugh, M.	Lowe	McKinney	Wayne
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Present and not voting, 2:

Walz	Wishart
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Excused and not voting, 5:

Albrecht	Erdman	Groene	Halloran	Pahls
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The B. Hansen motion to adjourn prevailed with 38 ayes, 4 nays, 2 present and not voting, and 5 excused and not voting, and at 6:52 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 9, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



FIFTY-EIGHTH DAY - APRIL 9, 2021

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 9, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance 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 Bostar, B. Hansen, M. Hansen, Hilgers, Linehan, Morfeld, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 920, line 17, strike "return" and insert "adjourn".  
The Journal for the fifty-seventh day was approved as corrected.

**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 April 8, 2021, 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

Lato, Kari  
Bristol Myers Squibb Co. (Withdrawn 04/07/2021)

**SELECT FILE**

**LEGISLATIVE BILL 322A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 383.** Title read. Considered.

Committee [AM395](#), found on page 851, was offered.

Senator Stinner offered his amendment, [AM911](#), found on page 919, to the committee amendment.

Pending.

**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.

Pamela E. Lancaster - Public Employees Retirement Board

Aye: 6. Clements, Kolterman, Lindstrom, McDonnell, Slama, 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.

Thomas E. Zimmerman - Public Employees Retirement Board

Aye: 6. Clements, Kolterman, Lindstrom, McDonnell, Slama, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Natural Resources  
Room 1525

Tuesday, April 20, 2021 12:00 p.m.  
AM848 to LB406

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 40.** Placed on Final Reading.

**LEGISLATIVE BILL 40A.** Placed on Final Reading.

**LEGISLATIVE BILL 83.** Placed on Final Reading.

[ST7](#)

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

1. In the E&R amendments, ER23, on page 20, line 5, "31-727.02," has been inserted after the first comma.

2. On page 1, line 1, "virtual conferencing" has been struck and "public meetings" inserted; in line 2 "31-727.02," has been inserted after the first comma; in line 5 "to change certain notice of meeting provisions for sanitary and improvement districts;" has been inserted after the last semicolon; and in line 6 "; to prohibit invalidation of public meetings held pursuant to a Governor's Executive Order as prescribed" has been inserted after "Act".

**LEGISLATIVE BILL 92.** Placed on Final Reading.

[ST8](#)

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

1. On page 1, line 6, "to prohibit discrimination as prescribed;" has been inserted after the semicolon.

**LEGISLATIVE BILL 197.** Placed on Final Reading.

**LEGISLATIVE BILL 322.** Placed on Final Reading.

**LEGISLATIVE BILL 322A.** Placed on Final Reading.

**LEGISLATIVE BILL 324.** Placed on Final Reading.

**LEGISLATIVE BILL 324A.** Placed on Final Reading.

**LEGISLATIVE BILL 371.** Placed on Final Reading.

**LEGISLATIVE BILL 390.** Placed on Final Reading.

**LEGISLATIVE BILL 487.** Placed on Final Reading.

**LEGISLATIVE BILL 544.** Placed on Final Reading.

**LEGISLATIVE BILL 544A.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 379.** Placed on Select File with amendment.

[ER52](#)

1 1. In the Standing Committee amendments, AM392:

2 a. On page 4, line 16, after "2,000,000" insert an underscored 3 comma; and

4 b. On page 37, line 10, strike "96" and insert "106".

5 2. On page 1, line 2, strike "96" and insert "106".

**LEGISLATIVE BILL 381.** Placed on Select File.

**LEGISLATIVE BILL 382.** Placed on Select File.

**LEGISLATIVE BILL 384.** Placed on Select File with amendment.

[ER49](#)

1 1. On page 1, strike beginning with "61-222" in line 1 through line  
2 4 and insert "71-812, 72-729.01, 85-420, 85-426, and 86-594, Reissue  
3 Revised Statutes of Nebraska, and sections 9-1,101, 58-706, 61-222,  
4 71-7611, 81-1220, 82-331, 85-419, 85-421, 85-422, 85-423, 85-424, 85-425,  
5 86-324, and 86-1103, Revised Statutes Cumulative Supplement, 2020; to  
6 appropriate funds and provide and change uses and transfers of funds; to  
7 change and provide definitions; to change and eliminate provisions  
8 relating to deferred maintenance; to change provisions relating to the  
9 University of Nebraska Facilities Program and the State College  
10 Facilities Program; to rename programs; to create a fund; to repeal the  
11 original sections; to outright repeal sections 85-412, 85-413, 85-414,  
12 85-415, 85-416, 85-417, and 85-418, Reissue Revised Statutes of Nebraska;  
13 and to declare an emergency."

**LEGISLATIVE BILL 385.** Placed on Select File with amendment.

[ER50](#)

1 1. On page 1, strike beginning with "authorize" in line 2 through  
2 "intent" in line 3 and insert "provide a transfer to the United States  
3 Space Command Headquarters Assistance Fund as prescribed".

(Signed) Terrell McKinney, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 383.** Senator M. Cavanaugh offered the following motion:

[MO21](#)

Bracket until May 4, 2021.

#### SPEAKER HILGERS PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO22](#)

Bracket until May 5, 2021.

#### SENATOR WILLIAMS PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Pending.

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

Senator Bostelman filed the following amendment to [LB338](#):

[AM913](#)

(Amendments to AM845)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. The Legislature declares that it is in the public interest  
 3 for the state, cities of all classes, villages, and counties to expend  
 4 federal funds received for the creation and expansion of high-speed  
 5 broadband services throughout the state. Any political subdivision that  
 6 directly receives federal funds used for broadband service enhancement  
 7 purposes shall ensure that the construction of any new infrastructure to  
 8 provide broadband service is scalable to one hundred megabits per second  
 9 or greater for downloading and one hundred megabits per second or greater  
 10 for uploading. Such federal funds shall not be used to serve locations  
 11 currently capable of receiving broadband service at a minimum download  
 12 speed of one hundred megabits per second and a minimum upload speed of  
 13 twenty megabits per second that enables users to originate and receive  
 14 high-quality voice, data, graphics, and video communications using any  
 15 technology. Any broadband infrastructure built with federal funds is  
 16 subject to section 86-594.  
 17 2. On page 2, line 15, after the period insert: "This section shall  
 18 not apply to any disbursements from the Nebraska Telecommunications  
 19 Universal Service Fund wireless infrastructure grant program, the purpose  
 20 of which is to improve wireless telecommunications service coverage  
 21 through grants for the construction of wireless telecommunications  
 22 service facilities.".

Senator Wayne filed the following amendment to [LB156](#):  
[AM918](#)

(Amendments to AM737)

1 1. Insert the following new section:  
 2 Sec. 18. Section 81-12,150, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 81-12,150 The Department of Economic Development ~~may~~ shall adopt and  
 5 promulgate rules and regulations to carry out the Site and Building  
 6 Development Act, including rules and regulations relating to providing  
 7 financial assistance to any inland port authority created under the  
 8 Municipal Inland Port Authority Act.  
 9 2. On page 5, line 18, after the second comma insert "the department  
 10 shall evaluate the proposed inland port authority to determine whether  
 11 the proposal meets the criteria in subsection (1), (2), or (3) of this  
 12 section, whichever is applicable. Upon a determination that the proposed  
 13 inland port authority sufficiently meets such criteria,"; in line 22  
 14 after "authority" insert "sufficiently meets such criteria and"; and in  
 15 line 23 after the second occurrence of "authority" insert "does not  
 16 sufficiently meet such criteria or".  
 17 3. On page 7, line 19, after the comma insert "and construct  
 18 buildings and other structures".  
 19 4. On page 8, line 19, strike "and"; in line 22 strike the period  
 20 and insert "and"; and after line 22 insert the following subdivision:  
 21 "(p) Charge fees as required for the administration and operation of  
 22 the inland port authority.".  
 23 5. On page 9, line 6, after "facilities" insert ", buildings, and  
 24 infrastructure"; in line 8 after the period insert "An inland port  
 25 authority may pledge any revenue derived from the sale or lease of  
 26 property of such authority to the payment of such revenue bonds,"; and in  
 1 line 18 after "state" insert ", except for assessments under the Nebraska  
 2 Workers' Compensation Act and any combined tax due or payments in lieu of  
 3 contributions as required under the Employment Security Law".  
 4 6. On page 11, line 31, after "county" insert ", as applicable".  
 5 7. On page 12, line 14, strike "appropriations from", show as  
 6 stricken, and insert "transfers by"; and in line 23 after "and" insert  
 7 "five million dollars from the General Fund to the Site and Building  
 8 Development Fund for".  
 9 8. Renumber the remaining sections and correct the repealer  
 10 accordingly.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 260.** Placed on Select File.**LEGISLATIVE BILL 451.** Placed on Select File with amendment.[ER53](#)

1 1. On page 1, line 5, strike "to harmonize provisions;".

**LEGISLATIVE BILL 423A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 383.** Senator M. Cavanaugh offered the following motion:[MO23](#)

Bracket until May 6, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

The Stinner amendment, [AM911](#), found on page 919 and considered in this day's Journal, was renewed.

The Stinner amendment was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment to the committee amendment:

[FA21](#)

Amend AM395

Insert a new section. Agency 15. Program 358 General Fund FY 21-22 : 3,260,000 FY 22-23 : 3,160,000 Program Total FY 21-22 : 3,260,000 FY 22-23 : 3,160,000.

These funds shall be used for programs and grants for individuals residing in community work release and treatment centers.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bostar	Day	Hunt	Pahls	Wayne
Cavanaugh, J.	DeBoer	McKinney	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Morfeld	Walz	

Voting in the negative, 8:



Clements	Flood	Hilkemann	Lowe
Erdman	Halloran	Kolterman	Slama

Present and not voting, 23:

Aguilar	Brewer	Gragert	McCollister	Vargas
Arch	Briese	Hansen, B.	McDonnell	Williams
Blood	Dorn	Hilgers	Moser	Wishart
Bostelman	Friesen	Hughes	Sanders	
Brandt	Geist	Lathrop	Stinner	

Excused and not voting, 5:

Albrecht	Groene	Lindstrom	Linehan	Murman
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The Wayne amendment lost with 13 ayes, 8 nays, 23 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered his amendment, [FA18](#), found on page 919, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Blood	Cavanaugh, M.	Hunt	Wayne
Cavanaugh, J.	Hansen, M.	Vargas	

Voting in the negative, 27:

Aguilar	DeBoer	Gragert	Lathrop	Slama
Arch	Dorn	Halloran	Lowe	Stinner
Bostelman	Erdman	Hansen, B.	McCollister	Williams
Brandt	Flood	Hilkemann	McDonnell	
Brewer	Friesen	Hughes	Moser	
Clements	Geist	Kolterman	Sanders	

Present and not voting, 9:

Bostar	Day	McKinney	Pansing Brooks	Wishart
Briese	Hilgers	Morfeld	Walz	

Excused and not voting, 6:

Albrecht      Lindstrom      Murman  
Groene        Linehan        Pahls

The Wayne amendment lost with 7 ayes, 27 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

[FA19](#)

Amend AM911

On page 2, line 7 and 8, strike 14,917,000 in FY 2021-2022 and insert 14,917,000 to FY 2022-2023.

Senator Wayne withdrew his amendment.

Committee [AM395](#), found on page 851 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Committee [AM906](#), found on page 905, 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 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 386.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 386A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

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

Senator Bostelman filed the following amendment to [LB338](#):

[AM928](#)

(Amendments to AM845)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. The Legislature declares that it is in the public interest  
3 for the state, cities of all classes, villages, and counties to expend  
4 federal funds received for the creation and expansion of high-speed  
5 broadband services throughout the state. Any political subdivision that  
6 directly receives federal funds used for broadband service enhancement  
7 purposes shall ensure that the construction of any new infrastructure to  
8 provide broadband service is scalable to one hundred megabits per second  
9 or greater for downloading and one hundred megabits per second or greater  
10 for uploading. Such federal funds shall not be used to serve locations  
11 currently capable of receiving broadband service at a minimum download  
12 speed of one hundred megabits per second and a minimum upload speed of  
13 twenty megabits per second that enables users to originate and receive  
14 high-quality voice, data, graphics, and video communications using any  
15 technology. Any broadband infrastructure built with federal funds is  
16 subject to section 86-594.  
17 2. On page 2, line 15, after the period insert: "This section shall  
18 not apply to any disbursements from any Nebraska Telecommunications  
19 Universal Service Fund wireless infrastructure grant program, the purpose  
20 of which is to improve wireless telecommunications service coverage  
21 through grants for the construction of wireless telecommunications  
22 service facilities."

Senator Wayne filed the following amendment to LB383:

FA20

Amend AM395, as amended

On page 2, lines 7 and 8 strike 14,917,000 and strike lines 9-13 and insert 5,000,000 in fy 2022-2023 on lines 7 and 8.

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

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

Senator DeBoer name added to LB51.

#### **ADJOURNMENT**

At 5:07 p.m., on a motion by Senator Flood, the Legislature adjourned until 10:00 a.m., Monday, April 12, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 12, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 12, 2021

**PRAYER**

The prayer was offered by Senator Aguilar.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lindstrom.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Moser who was excused; and Senators Bostar and Groene who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 17.** Placed on Select File with amendment.

[ER55](#)

1 1. On page 1, strike beginning with "24-703" in line 1 through the  
2 semicolon in line 4 and insert "24-703, 33-106.02, 33-123, 33-124,  
3 33-125, 33-126.02, 33-126.03, 33-126.06, and 79-966.01, Reissue Revised  
4 Statutes of Nebraska, and sections 24-701, 24-710, 25-2804, 79-966, and  
5 81-2017, Revised Statutes Cumulative Supplement, 2020; to change fees and  
6 distribution of fees for the Nebraska Retirement Fund for Judges; to  
7 provide for transfers to the Nebraska Retirement Fund for Judges;".

**LEGISLATIVE BILL 644.** Placed on Select File with amendment.

[ER54](#) is available in the Bill Room.

**LEGISLATIVE BILL 307.** Placed on Select File.

**LEGISLATIVE BILL 380.** Placed on Select File with amendment.

[ER56](#)

1 1. On page 43, lines 9 and 18, strike "Disabilities" and insert  
2 "Disability".

**LEGISLATIVE BILL 383.** Placed on Select File.

**LEGISLATIVE BILL 666.** Placed on Select File.

**LEGISLATIVE BILL 386.** Placed on Select File.

**LEGISLATIVE BILL 386A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 90.** Introduced by Day, 49.

WHEREAS, the Gretna High School Girls Powerlifting team, led by Coach Brendan Raybourn, placed second in the raw division of the Nebraska State Powerlifting Championship at Midland University; and

WHEREAS, Kristen Keith placed first in her weight class in the equipped division; and

WHEREAS, Alexis Freyer placed second in her weight class in the raw division; and

WHEREAS, Lauryn Hardy and Zoe Schuka both placed third in their respective weight classes in the raw division; and

WHEREAS, Keely Lightle placed fourth and Leslie Jensen placed fifth in their respective weight classes in the raw division; and

WHEREAS, such team and individual achievements are 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Gretna High School Girls Powerlifting team on its 2nd place victory in the raw division at the Nebraska State Powerlifting Championships.

2. That copies of this resolution be sent to the Gretna High School Girls Powerlifting team and Coach Brendan Raybourn.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 372.** Title read. Considered.

Committee [AM108](#), found on page 414, 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 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 343.** Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO24](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 17 ayes, 10 nays, and 22 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 44 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 48 ayes, 0 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 616.** Title read. Considered.

Committee [AM107](#), found on page 424, was offered.

Senator M. Cavanaugh offered the following motion:

[MO25](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 7 nays, and 28 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 42 nays, 5 present and not voting, and 2 excused and not voting.

The committee amendment 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 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 58.** Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO26](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 10 nays, and 25 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 43 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.

The Chair declared the call raised.

**LEGISLATIVE BILL 63.** Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO27](#)

Bracket until May 4, 2021.

**SENATOR HUGHES PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 11 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 47:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Slama
Albrecht	Clements	Hansen, B.	Lowe	Stinner
Arch	Day	Hansen, M.	McCollister	Vargas
Blood	DeBoer	Hilgers	McDonnell	Walz
Bostar	Dorn	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Murman	Wishart
Brewer	Geist	Kolterman	Pahls	
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, J.	Groene	Lindstrom	Sanders	

Present and not voting, 1:



Erdman

Excused and not voting, 1:

Moser

The M. Cavanaugh motion to bracket failed with 0 ayes, 47 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 48 ayes, 0 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 466.** Title read. Considered.

Committee [AM157](#), found on page 750, was offered.

Senator Flood offered his amendment, [AM873](#), found on page 874.

Senator Flood withdrew his amendment.

The committee amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 181.** Title read. Considered.

Committee [AM763](#), found on page 748, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Senator Linehan withdrew her amendment, [AM501](#), found on page 540.

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

### RECESS

At 12:01 p.m., on a motion by Senator Pahls, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Moser who was excused; and Senators Albrecht, Bostar, Hilkemann, Hunt, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 147.** Placed on General File with amendment. [AM926](#) is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Education

**LEGISLATIVE BILL 135.** Placed on General File.

(Signed) Lynne Walz, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 323A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 527A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 527, One Hundred Seventh Legislature, First Session, 2021.

**SELECT FILE**

**LEGISLATIVE BILL 65.** Senator M. Cavanaugh offered the following motion:

[MO28](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 105.** Senator M. Cavanaugh offered the following motion:

[MO29](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 10 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 43:

Aguilar	Clements	Hansen, B.	Linehan	Sanders
Albrecht	DeBoer	Hansen, M.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Blood	Flood	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	McKinney	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolterman	Murman	Williams
Briese	Groene	Lathrop	Pahls	
Cavanaugh, J.	Halloran	Lindstrom	Pansing Brooks	

Present and not voting, 2:

Cavanaugh, M. Erdman

Excused and not voting, 4:

Bostar Day Moser Wishart

The M. Cavanaugh motion to bracket failed with 0 ayes, 43 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**SENATOR HUGHES PRESIDING**

**LEGISLATIVE BILL 224.** Senator M. Cavanaugh offered the following motion:

[MO30](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 17 ayes, 13 nays, and 19 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 43:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolterman	Murman	Williams
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Present and not voting, 2:

Cavanaugh, M. Erdman

Excused and not voting, 4:

Bostar Hilkemann Moser Wishart

The M. Cavanaugh motion to bracket failed with 0 ayes, 43 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

#### **SPEAKER HILGERS PRESIDING**

**LEGISLATIVE BILL 414.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 265.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 312.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 180.** Advanced to Enrollment and Review for Engrossment.

**ANNOUNCEMENT**

Senator Erdman announced the birthday of Senator Briese.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 5.**

A BILL FOR AN ACT relating to schools; to adopt the Purple Star Schools Act; 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, 46:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Slama
Albrecht	Clements	Halloran	Linehan	Stinner
Arch	Day	Hansen, B.	Lowe	Vargas
Blood	DeBoer	Hansen, M.	McCollister	Walz
Bostar	Dorn	Hilgers	McDonnell	Wayne
Bostelman	Erdman	Hilkemann	McKinney	Williams
Brandt	Flood	Hughes	Morfeld	
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Sanders

Excused and not voting, 2:

Moser            Wishart

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

**LEGISLATIVE BILL 41.**

A BILL FOR AN ACT relating to counties under township organization; to amend section 23-259, Reissue Revised Statutes of Nebraska, and section 23-1601, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain payments of funds to townships; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Sanders
Albrecht	Clements	Halloran	Linehan	Slama
Arch	Day	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Wayne
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Moser            Wishart

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

#### **LEGISLATIVE BILL 70.**

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2020; to authorize the regulation of professional kickboxing and professional bare-knuckle boxing; 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:

Aguilar	Day	Hansen, B.	Linehan	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Murman	Williams
Briese	Gragert	Kolterman	Pahls	
Cavanaugh, J.	Groene	Lathrop	Pansing Brooks	
Clements	Halloran	Lindstrom	Sanders	

Voting in the negative, 2:

Albrecht      Bostelman

Present and not voting, 3:

Cavanaugh, M.    Erdman      Lowe

Excused and not voting, 2:

Moser          Wishart

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

#### **LEGISLATIVE BILL 70A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 70, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Day	Hansen, B.	Linehan	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Murman	Williams
Briese	Gragert	Kolterman	Pahls	
Cavanaugh, J.	Groene	Lathrop	Pansing Brooks	
Clements	Halloran	Lindstrom	Sanders	

Voting in the negative, 2:

Albrecht      Bostelman

Present and not voting, 3:

Cavanaugh, M.    Erdman      Lowe

Excused and not voting, 2:

Moser          Wishart

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

#### **LEGISLATIVE BILL 78.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, and 80-414, Revised Statutes Cumulative Supplement, 2020; to require applicants for certain license plates to register with the Department of Veterans' Affairs as prescribed; to change provisions relating to a registry of the Department of Veterans' Affairs; 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, 46:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Murman	
Brewer	Geist	Kolterman	Pahls	
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, J.	Groene	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Moser          Wishart



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 5, 41, 70, and 70A.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 252.**

A BILL FOR AN ACT relating to the Veterinary Drug Distribution Licensing Act; to amend section 71-8901, Reissue Revised Statutes of Nebraska; to provide for refills pursuant to certain veterinary drug orders 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:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, M.	Groene	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 2:

Moser            Wishart

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

**LEGISLATIVE BILL 405.**

A BILL FOR AN ACT relating to village boards of trustees; to amend section 17-209.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to officers and employees of villages; 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:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Murman	
Brewer	Geist	Kolterman	Pahls	
Briese	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, J.	Groene	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Moser            Wishart

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

**LEGISLATIVE BILL 461.**

A BILL FOR AN ACT relating to the human trafficking task force; to amend section 81-1430, Revised Statutes Cumulative Supplement, 2020; to require placement of human trafficking informational posters in casinos; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Sanders
Albrecht	Clements	Halloran	Linehan	Slama
Arch	Day	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Wayne
Brandt	Flood	Hughes	Morfeld	Williams
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Moser            Wishart

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 78, 252, and 405.

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

Senator Wayne filed the following amendment to [LB384](#):  
[AM939](#)

(Amendments to Standing Committee amendments, AM396)

- 1 1. Insert the following new section:
- 2 Sec. 27. The Prison Overcrowding Contingency Fund is created. The
- 3 State Treasurer shall transfer \$115,000,000 from the General Fund to the
- 4 Prison Overcrowding Contingency Fund on or before July 15, 2021, on such
- 5 date as directed by the budget administrator of the budget division of
- 6 the Department of Administrative Services. It is the intent of the
- 7 Legislature that these funds remain in the Prison Overcrowding
- 8 Contingency Fund until sufficient details are provided to the Legislature
- 9 regarding plans to reduce prison overcrowding. Any money in the fund
- 10 available for investment shall be invested by the state investment
- 11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 12 State Funds Investment Act.
- 13 2. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to [LB380](#):  
[AM938](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. On page 144, strike lines 21 through 27; in line 28 strike "(f)"
- 2 and insert "(e)"; and in line 31 strike "(g)" and insert "(f)".
- 3 2. On page 145, line 4, strike "(h)" and insert "(g)"; and in line 7
- 4 strike "(i)" and insert "(h)".

**GENERAL FILE**

**LEGISLATIVE BILL 271.** Title read. Considered.

Committee [AM490](#), found on page 571, was offered.

Senator Morfeld offered his amendment, [AM853](#), found on page 874, to the committee amendment.

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB461.

**SENATOR WILLIAMS PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 271.** Committee [AM490](#), found on page 571 and considered in this day's Journal, was renewed.

The Morfeld amendment, [AM853](#), found on page 874 and considered in this day's Journal, was renewed.

The Morfeld amendment was adopted with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 4 nays, 10 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 372.** Placed on Select File.

**LEGISLATIVE BILL 343.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 12, 2021, at 3:16 p.m. were the following: LBs 5, 41, 70, 70A, 78, 252, 405, and 461.

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

**MESSAGE(S) FROM THE GOVERNOR**

April 2, 2021

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Insurance:

Eric Dunning, 1625 N. 53 Street, Omaha, NE 68104

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

**SELECT FILE**

**LEGISLATIVE BILL 154.** [ER38](#), found on page 822, was adopted.

Senator Groene offered his amendment, [AM841](#), found on page 847.

The Groene amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh offered the following amendment:

[FA22](#)

Strike the enacting clause.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 9 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 0.

Voting in the negative, 43:

Aguilar	Clements	Halloran	Lindstrom	Slama
Albrecht	Day	Hansen, B.	Linehan	Stinner
Arch	DeBoer	Hansen, M.	Lowe	Vargas
Blood	Dorn	Hilgers	McCollister	Walz
Bostar	Flood	Hilkemann	McKinney	Wayne
Bostelman	Friesen	Hughes	Morfeld	Williams
Brandt	Geist	Hunt	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	
Cavanaugh, J.	Groene	Lathrop	Sanders	

Present and not voting, 2:

Cavanaugh, M. Erdman

Excused and not voting, 4:

Brewer McDonnell Moser Pahls

The M. Cavanaugh amendment lost with 0 ayes, 43 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO31](#)

Bracket until May 4, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 19 ayes, 19 nays, and 11 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 43 nays, 1 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 143.** [ER41](#), found on page 822, was adopted.

Advanced to Enrollment and Review for Engrossment.

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

Senator Pansing Brooks filed the following amendment to LB247:  
AM949

- 1 1. On page 2, line 16, strike "wireless device" and insert
- 2 "telecommunications services, wireless device services, and Internet
- 3 protocol-enabled voice"; and strike lines 30 and 31 and insert the
- 4 following new subdivision:
- 5 "(e) The Director of Behavioral Health of the Division of Behavioral
- 6 Health of the Department of Health and Human Services or the director's
- 7 designee, as a nonvoting, ex officio member;"
- 8 2. On page 3, strike lines 1 through 4; in line 5 strike "(g)" and
- 9 insert "(f)"; in line 7 strike "(h)" and insert "(g)"; in line 14 strike
- 10 "and"; and in line 16 after "district" insert ", and (vii)
- 11 telecommunications industry representatives".

Senator Wayne filed the following amendment to LB156:  
AM933

(Amendments to AM737)

- 1 1. Insert the following new section:
- 2 Sec. 18. Section 81-12,150, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 81-12,150 The Department of Economic Development ~~may shall~~ adopt and
- 5 promulgate rules and regulations to carry out the Site and Building
- 6 Development Act, including rules and regulations relating to providing
- 7 financial assistance to any inland port authority created under the
- 8 Municipal Inland Port Authority Act.
- 9 2. On page 5, line 18, after the second comma insert "the department
- 10 shall evaluate the proposed inland port authority to determine whether
- 11 the proposal meets the criteria in subsection (1), (2), or (3) of this
- 12 section, whichever is applicable. Upon a determination that the proposed
- 13 inland port authority sufficiently meets such criteria,"; in line 22
- 14 after "authority" insert "sufficiently meets such criteria and"; and in
- 15 line 23 after the second occurrence of "authority" insert "does not
- 16 sufficiently meet such criteria or".
- 17 3. On page 7, line 19, after the comma insert "and construct
- 18 buildings and other structures".
- 19 4. On page 8, line 19, strike "and"; in line 22 strike the period
- 20 and insert "; and"; and after line 22 insert the following subdivision:
- 21 "(p) Establish and charge fees to businesses and customers utilizing
- 22 the services offered by the inland port authority within the inland port
- 23 district as required for the proper maintenance, development, operation,
- 24 and administration of the inland port authority.".
- 25 5. On page 9, line 6, after "facilities" insert ", buildings, and
- 26 infrastructure"; in line 8 after the period insert "An inland port
- 1 authority may pledge any revenue derived from the sale or lease of
- 2 property of such authority to the payment of such revenue bonds."; and in
- 3 line 18 after "state" insert ", except for assessments under the Nebraska
- 4 Workers' Compensation Act and any combined tax due or payments in lieu of
- 5 contributions as required under the Employment Security Law".
- 6 6. On page 11, line 31, after "county" insert ", as applicable".
- 7 7. On page 12, line 14, strike "appropriations from", show as
- 8 stricken, and insert "transfers by"; and in line 23 after "and" insert
- 9 "five million dollars from the General Fund to the Site and Building
- 10 Development Fund for".
- 11 8. Renumber the remaining sections and correct the repealer
- 12 accordingly.

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

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

Senator Brewer name added to LB392.

**VISITOR(S)**

The Doctor of the Day was Dr. Eric Thomsen of Beatrice.

**ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, April 13, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTIETH DAY - APRIL 13, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 13, 2021

**PRAYER**

The prayer was offered by Senator Dorn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**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 Bostar, J. Cavanaugh, Geist, M. Hansen, Hunt, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

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

Senator Arch filed the following amendment to [LB428](#):

[AM943](#)

(Amendments to Standing Committee amendments, AM566)

- 1 1. Strike section 1.
- 2 2. On page 4, line 26, strike "effective date of this act" and
- 3 insert "operative date of this section".
- 4 3. On page 6, line 22, strike "1, 3, 5, and 7" and insert "2, 4, and
- 5 5 6"; and in line 25 strike "43-404, 83-102," and insert "83-102".
- 6 4. Renumber the remaining sections accordingly.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 91.** Introduced by Brewer, 43; Aguilar, 35; Briese, 41; Erdman, 47; Halloran, 33; Williams, 36.

WHEREAS, a number of volunteers from Grand Island to Alliance organized the Sandhills Journey Scenic Byway Association to apply for Nebraska Highway 2 to become a Nebraska Scenic Byway in 1999; and

WHEREAS, those volunteers voted on and chose the name Sandhills Journey Scenic Byway for the stretch of Nebraska Highway 2 between Grand Island and Alliance after that stretch was designated as a Nebraska Scenic Byway by Governor Mike Johanns in 1999; and

WHEREAS, the Sandhills Journey Scenic Byway extends for two hundred seventy-two miles between Alliance and Grand Island; and

WHEREAS, heading west to east, Alliance, Antioch, Lakeside, Ellsworth, Bingham, Ashby, Hyannis, Whitman, Mullen, Seneca, Thedford, Halsey, Dunning, Anselmo, Merna, Broken Bow, Berwyn, Ansley, Mason City, Litchfield, Hazard, Ravenna, Cairo, and Grand Island are located along the Sandhills Journey Scenic Byway; and

WHEREAS, the Sandhills encompass over nineteen thousand square miles and make up the largest area of grass-stabilized sand dunes in the Western Hemisphere; and

WHEREAS, the Sandhills are located above the Ogallala Aquifer, the largest aquifer in the world, which contributes water to the numerous wetlands, lakes, and streams that can be seen when traveling the Sandhills Journey Scenic Byway; and

WHEREAS, the Sandhills Journey Scenic Byway crosses several rivers in the Loup River system; and

WHEREAS, over eighty percent of the world's population of Sandhill Cranes stop along the Platte River near Grand Island during their annual migration; and

WHEREAS, historical museums with a focus on the prairie and the Sandhills are located along the Sandhills Journey Scenic Byway; and

WHEREAS, on February 16, 2021, the Sandhills Journey Scenic Byway was designated as a National Scenic Byway by the Federal Highway Administration.

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

1. That the legislature recognizes over twenty years of efforts by volunteers who worked to get Nebraska Scenic Byway and National Scenic Byway designations for the stretch of Nebraska Highway 2 between Grand Island and Alliance known as the Sandhills Journey Scenic Byway and congratulates them on their success.

2. That a copy of this resolution be sent to the Sandhills Journey Scenic Byway Association.

Laid over.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 80, 81, and 82 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 80, 81, and 82.

**SELECT FILE**

**LEGISLATIVE BILL 379.** [ER52](#), found on page 925, was adopted.

Senator M. Cavanaugh offered the following motion:

[MO32](#)

Bracket until April 15, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Cavanaugh, M.

Voting in the negative, 43:

Aguilar	Clements	Hansen, B.	McCollister	Slama
Albrecht	Day	Hilgers	McDonnell	Stinner
Arch	DeBoer	Hilkemann	McKinney	Vargas
Blood	Dorn	Hughes	Morfeld	Walz
Bostelman	Flood	Kolterman	Moser	Wayne
Brandt	Friesen	Lathrop	Murman	Williams
Brewer	Gragert	Lindstrom	Pahls	Wishart
Briese	Groene	Linehan	Pansing Brooks	
Cavanaugh, J.	Halloran	Lowe	Sanders	

Present and not voting, 1:

Erdman

Excused and not voting, 4:

Bostar      Geist      Hansen, M.      Hunt

The M. Cavanaugh motion to bracket failed with 1 aye, 43 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Aguilar	Clements	Hilgers	McDonnell	Stinner
Albrecht	Day	Hilkemann	McKinney	Vargas
Arch	Dorn	Hughes	Morfeld	Walz
Blood	Erdman	Kolterman	Moser	Wayne
Bostelman	Flood	Lathrop	Murman	Williams
Brandt	Friesen	Lindstrom	Pahls	Wishart
Brewer	Gragert	Linehan	Pansing Brooks	
Briese	Halloran	Lowe	Sanders	
Cavanaugh, J.	Hansen, B.	McCollister	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. DeBoer Groene

Excused and not voting, 4:

Bostar Geist Hansen, M. Hunt

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 381.** Considered.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 271A.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, One Hundred Seventh Legislature, First Session, 2021.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Dunning, Eric - Director - Department of Insurance - Banking, Commerce and Insurance

(Signed) Dan Hughes, Chairperson  
Executive Board

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

Senator Kolterman filed the following amendment to [LB17](#):  
[AM929](#) is available in the Bill Room.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 616.** Placed on Select File with amendment.

[ER58](#)

1 1. On page 1, strike beginning with "the" in line 4 through  
2 "requirements" in line 6 and insert "provisions regarding vesting of  
3 title and notification of disposition".

**LEGISLATIVE BILL 58.** Placed on Select File.

**LEGISLATIVE BILL 63.** Placed on Select File.

**LEGISLATIVE BILL 466.** Placed on Select File.

**LEGISLATIVE BILL 181.** Placed on Select File with amendment.

[ER57](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 7  
2 and insert "revenue and taxation; to amend section 77-6703, Revised  
3 Statutes Cumulative Supplement, 2020; to change certain school district  
4 tax credit provisions; to provide an operative date; to repeal the  
5 original section; and to declare an emergency".

(Signed) Terrell McKinney, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 381.** Senator M. Cavanaugh offered the following motion:

[MO33](#)

Bracket until April 15, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO34](#)

Bracket until April 20, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO35](#)

Bracket until April 21, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 6 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Cavanaugh, M.

Voting in the negative, 43:

Aguilar	Cavanaugh, J.	Halloran	Lowe	Sanders
Albrecht	Clements	Hansen, M.	McCollister	Slama
Arch	DeBoer	Hilgers	McDonnell	Stinner
Blood	Dorn	Hilkemann	McKinney	Vargas
Bostar	Flood	Hughes	Morfeld	Walz
Bostelman	Friesen	Kolterman	Moser	Williams
Brandt	Geist	Lathrop	Murman	Wishart
Brewer	Gragert	Lindstrom	Pahls	
Briese	Groene	Linehan	Pansing Brooks	

Present and not voting, 2:

Erdman      Wayne

Excused and not voting, 3:

Day            Hansen, B.    Hunt

The M. Cavanaugh motion to bracket failed with 1 aye, 43 nays, 2 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 45:

Aguilar	Cavanaugh, J.	Gragert	Lindstrom	Pahls
Albrecht	Cavanaugh, M.	Groene	Linehan	Pansing Brooks
Arch	Clements	Halloran	Lowe	Sanders
Blood	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Stinner
Bostelman	Erdman	Hilkemann	McKinney	Vargas
Brandt	Flood	Hughes	Morfeld	Walz
Brewer	Friesen	Kolterman	Moser	Williams
Briese	Geist	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 3:

Day            Hansen, B.    Hunt

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 382.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 384.** [ER49](#), found on page 926, was adopted.

Senator Stinner offered the following amendment:

[AM937](#)

(Amendments to Standing Committee amendments, AM396)

1 1. Insert the following new section:

2 Sec. 10. Section 71-808, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 71-808 (1) A regional behavioral health authority shall be  
5 established in each behavioral health region by counties acting under  
6 provisions of the Interlocal Cooperation Act. Each regional behavioral  
7 health authority shall be governed by a regional governing board  
8 consisting of one county board member from each county in the region.  
9 Board members shall serve for staggered terms of three years and until  
10 their successors are appointed and qualified. Board members shall serve  
11 without compensation but shall be reimbursed for expenses as provided in  
12 sections 81-1174 to 81-1177.

13 (2) The regional governing board shall appoint a regional  
14 administrator who shall be responsible for the administration and  
15 management of the regional behavioral health authority. Each regional  
16 behavioral health authority shall encourage and facilitate the  
17 involvement of consumers in all aspects of service planning and delivery  
18 within the region and shall coordinate such activities with the office of  
19 consumer affairs within the division. Each regional behavioral health

20 authority shall establish and utilize a regional advisory committee  
 21 consisting of consumers, providers, and other interested parties and may  
 22 establish and utilize such other task forces, subcommittees, or other  
 23 committees as it deems necessary and appropriate to carry out its duties  
 24 under this section.

25 (3) Each county in a behavioral health region shall provide funding  
 26 for the operation of the behavioral health authority and for the  
 1 provision of behavioral health services in the region. The total amount  
 2 of funding provided by counties under this subsection shall be equal to  
 3 one dollar for every three dollars from the General Fund. The division  
 4 shall annually certify the total amount of county matching funds to be  
 5 provided. At least forty percent of such amount shall consist of local  
 6 and county tax revenue, and the remainder shall consist of other  
 7 nonfederal sources. The regional governing board of each behavioral  
 8 health authority, in consultation with all counties in the region, shall  
 9 determine the amount of funding to be provided by each county under this  
 10 subsection. For purposes of calculating the amount of county matching  
 11 funds under this subsection, the amount of General Funds shall exclude:  
 12 Any General Funds transferred from regional centers for the provision of  
 13 community-based behavioral health services after July 1, 2004, and funds  
 14 received by a regional behavioral health authority for the provision of  
 15 behavioral health services to children under section 71-826 shall be  
 16 excluded from any calculation of county matching funds under this  
 17 subsection.

18 (a) An amount equal to two million five hundred ninety-nine thousand  
 19 six hundred sixty dollars from the General Fund each year, beginning on  
 20 July 1, 2021;

21 (b) Any General Funds transferred from regional centers for the  
 22 provision of community-based behavioral health services after July 1,  
 23 2004; and

24 (c) Funds received by a regional behavioral health authority for the  
 25 provision of behavioral health services to children under section 71-826.

26 2. Renumber the remaining sections and correct the repealer  
 27 accordingly.

The Stinner amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendment, [AM939](#), found on page 947.

Senator Wayne offered the following amendment:

[AM962](#)

(Amendments to Standing Committee amendments, AM396)

1 1. Insert the following new section:

2 Sec. 27. The Prison Overcrowding Contingency Fund is created. The  
 3 State Treasurer shall transfer \$15,000,000 from the General Fund to the  
 4 Prison Overcrowding Contingency Fund on or before July 15, 2021, on such  
 5 date as directed by the budget administrator of the budget division of  
 6 the Department of Administrative Services. It is the intent of the  
 7 Legislature that these funds remain in the Prison Overcrowding  
 8 Contingency Fund until sufficient details are provided to the Legislature  
 9 regarding plans to reduce prison overcrowding, except that the fund may  
 10 be used for purposes of a study of inmate classification within the  
 11 Department of Correctional Services. Any money in the fund available for  
 12 investment shall be invested by the state investment officer pursuant to  
 13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 14 Investment Act.

15 2. Renumber the remaining sections accordingly.



The Wayne amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 290.** Placed on General File.

**LEGISLATIVE BILL 450.** Placed on General File with amendment.

[AM739](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Sections 1 to 10 of this act shall be known and may be  
4 cited as the Nebraska Innovation Hub Act.  
5 Sec. 2. The Legislature finds and declares that:  
6 (1) Job creation through rapid technology commercialization is a  
7 vital part of the state's economic well-being;  
8 (2) Innovation and technology-driven entrepreneurial activity  
9 coupled with venture investment creates small business startups and  
10 expansions at an accelerated rate, which leads to significant employment  
11 opportunities that contribute to the state's financial health and  
12 economic competitiveness;  
13 (3) In order to maintain a healthy state economy and to aid  
14 communities, entrepreneurship and technology-based small businesses must  
15 be stimulated and supported; and  
16 (4) Innovation hubs could serve as a vital resource for stimulating  
17 and supporting entrepreneurship and technology-based small businesses in  
18 this state.  
19 Sec. 3. For purposes of the Nebraska Innovation Hub Act:  
20 (1) Applicant means one or more entities that submit an application  
21 to the director to become designated as an iHub. Eligible applicants  
22 shall be one or more of the following:  
23 (a) A fully accredited institution of higher education;  
24 (b) A private nonprofit corporation engaged in economic development  
25 activities;  
26 (c) A county, city, or village in this state that has a preexisting  
27 economic development department or program; or  
1 (d) A public economic development institution such as a workforce  
2 investment board or an economic development corporation;  
3 (2) Department means the Department of Economic Development;  
4 (3) Director means the Director of Economic Development;  
5 (4) Economic redevelopment area means an area in the State of  
6 Nebraska in which:  
7 (a) The average rate of unemployment in the area during the period  
8 covered by the most recent federal decennial census or American Community  
9 Survey 5-Year Estimate by the United States Bureau of the Census is at  
10 least one hundred fifty percent of the average rate of unemployment in  
11 the state during the same period; and  
12 (b) The average poverty rate in the area is twenty percent or more  
13 for the federal census tract in the area;  
14 (5) iHub area means the geographical area in this state in which an  
15 iHub will operate. An iHub area may include:  
16 (a) An economic redevelopment area; and  
17 (b) An enterprise zone designated pursuant to the Enterprise Zone

18 Act;

19 (6) iHub coordinator means the individual or entity agreed to by the

20 iHub partners who is responsible for all of the following:

21 (a) Implementing the objectives of the iHub;

22 (b) Serving as the primary agent responsible for coordinating

23 services and resources and maintaining the iHub partnership; and

24 (c) Serving as the primary liaison to the state and to the

25 department;

26 (7) iHub partner means any one of the firms, local governments,

27 economic development organizations, educational entities, or other

28 entities that make up the iHub; and

29 (8) Innovation hub or iHub means a partnership between interrelated

30 firms, local governments, economic development organizations, educational

31 entities, and other entities that collectively drive economic growth

1 within an iHub area.

2 Sec. 4. The department shall designate innovation hubs within iHub

3 areas to stimulate partnerships, economic development, and job creation

4 by leveraging assets to provide an innovation platform for startup

5 businesses, economic development organizations, business groups, and

6 venture capitalists. The assets may include, but are not limited to,

7 research parks, technology incubators, universities, and federal

8 laboratories.

9 Sec. 5. (1) Applicants may apply to the director to become

10 designated as an iHub. Applications shall be submitted on or after

11 November 1, 2021, and before June 1, 2022. The application shall include,

12 but not be limited to, the following:

13 (a) A statement of purpose;

14 (b) A signed statement of cooperation and a description of the roles

15 and relationships of each iHub partner;

16 (c) A designated iHub coordinator;

17 (d) A clear explanation and map conveying the iHub area;

18 (e) A clearly identified central location for the iHub;

19 (f) Clearly identified benchmarks or milestones with approximate

20 dates as to when they will be achieved;

21 (g) A complete budget, including a description of secured funds,

22 pending funds, and potential future funding sources;

23 (h) A list and brief description of local and regional incentives

24 and support programs;

25 (i) A clearly articulated commercial market focus and plan;

26 (j) A clearly articulated iHub management structure and plan, which

27 may include a description of the capabilities, qualifications, and

28 experience of the proposed management team, team leaders, or key

29 personnel who are critical to achieving the proposed objectives;

30 (k) A list of iHub assets and resources;

31 (l) A clearly articulated focus area of the iHub, including industry

1 sectors or other targeted areas for development and growth;

2 (m) A list of specific resources available to support and guide

3 startup companies;

4 (n) A clearly articulated list of goals to be achieved with the

5 designation of the iHub;

6 (o) Expectations for job development and business creation;

7 (p) Defined performance standards agreed upon by the entities

8 involved in the development of the iHub;

9 (q) Evaluation procedures that will be used to measure the level of

10 achievement for each stated goal;

11 (r) A plan for sustainability;

12 (s) Organizational experience, including capabilities, related

13 experience, facilities, techniques, or unusual resources that are

14 integral factors for achieving the proposed objectives;

15 (t) Demonstrated experience with innovation programs, such as

16 involvement with technology commercialization;

17 (u) Demonstrated experience with technology transfer or licensing;

18 (v) Demonstrated experience with intellectual property management;

19 (w) Evidence of community engagement and support; and

20 (x) An application fee of one thousand dollars. The director shall

21 remit all application fees received under this section to the State

22 Treasurer for credit to the Innovation Hub Cash Fund.

23 (2) The director may waive any of the requirements listed in

24 subsection (1) of this section, except for the application fee.

25 (3) The director shall determine whether or not to approve the

26 requested iHub designation by no later than July 1, 2022. Each iHub

27 designation shall be for a term of not more than five years. An iHub may

28 apply for redesignation without limitation as to the number of times.

29 (4) The iHub designation shall not be official until a memorandum of

30 understanding is entered into by the applicant and the director. The

31 memorandum of understanding shall include the goals and performance

1 standards identified in the application and other related requirements as

2 determined by the director.

3 (5) More than one iHub may be designated in the same iHub area to

4 the extent that there is a clear distinction between the focus areas of

5 the iHubs.

6 (6) The department shall set guidelines for approval, designation,

7 operation, reporting, and redesignation of iHubs.

8 (7) An iHub shall annually report to the director on its progress in

9 meeting the goals and performance standards as described in the iHub

10 application and the implementing memorandum of understanding with the

11 director. The report shall also include information regarding the number

12 of businesses served, the number of jobs created, and the amount of funds

13 raised by the iHub. The director shall annually post the information from

14 these reports on the department's web site and provide notice to the

15 Governor and the Legislature that the information is available on the web

16 site.

17 Sec. 6. A designated iHub shall include:

18 (1) At least one major university or research center or institute;

19 (2) At least one economic development organization; and

20 (3) At least four additional members. Each such member shall fall

21 within one of the following categories:

22 (a) A business support organization, including a workforce

23 development or training organization, an incubator or a business

24 accelerator, a business technical assistance provider, a chamber of

25 commerce, or a networking organization that supports innovation;

26 (b) An educational consortium, including technology transfer

27 representatives;

28 (c) A venture capital network, including angel investors;

29 (d) A business foundation, innovation foundation, science

30 foundation, laboratory research institution, federal laboratory, or

31 research and development facility;

1 (e) A municipal economic development division or department;

2 (f) A federal government partner, such as a national laboratory;

3 (g) A bank or other financial institution; or

4 (h) A labor union or similar employee organization.

5 Sec. 7. Before an official designation as an iHub, the applicant

6 shall self-certify that the iHub and its iHub partners are current in

7 payment of all state and local taxes owed.

8 Sec. 8. (1) An iHub may do all of, but shall not be limited to, the

9 following:

10 (a) Provide counseling and technical assistance to entrepreneurs,

11 either by direct or indirect services, in the following areas:

12 (i) Entrepreneurial business planning and management;

13 (ii) Financing and the use of credit;

14 (iii) Marketing for small businesses;  
 15 (iv) Tax education;  
 16 (v) Financial account management, bookkeeping, and budgeting;  
 17 (vi) Leadership development;  
 18 (vii) Insurance needs and requirements;  
 19 (viii) Sources for grant funding and how to apply for such grants;  
 20 (ix) Financial literacy education;  
 21 (x) Permit and licensing requirements; and  
 22 (xi) Government procurement processes;  
 23 (b) Provide expert advice to entrepreneurs on starting a business,  
 24 including legal requirements for starting a business and access to  
 25 financing opportunities;  
 26 (c) Conduct business workshops, seminars, and conferences with local  
 27 partners including, but not limited to, universities, community colleges,  
 28 local governments, state and federal service providers, private industry,  
 29 workforce investment boards and agencies, small business development  
 30 centers, microenterprise development organizations, small business  
 31 service agencies, economic development organizations, and chambers of  
 1 commerce; and  
 2 (d) Facilitate partnerships between innovative startup businesses,  
 3 research institutions, and venture capitalists or financial institutions.  
 4 (2) An iHub shall, to the extent feasible, do all of the following:  
 5 (a) Work in close collaboration with the activities of the  
 6 department as its primary statewide partner; and  
 7 (b) Coordinate activities with community colleges, universities, and  
 8 other state economic and workforce development programs.  
 9 Sec. 9. The Innovation Hub Cash Fund is created. The fund shall be  
 10 administered by the department and shall consist of application fees  
 11 received under section 5 of this act and any other money as determined by  
 12 the Legislature. The fund shall be used by the department for purposes of  
 13 carrying out the Nebraska Innovation Hub Act. Any money in the fund  
 14 available for investment shall be invested by the state investment  
 15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 16 State Funds Investment Act.  
 17 Sec. 10. The director may adopt and promulgate rules and  
 18 regulations to carry out the Nebraska Innovation Hub Act.

(Signed) Ben Hansen, Chairperson

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 664A.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, One Hundred Seventh Legislature, First Session, 2021.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 92.** Introduced by Bostelman, 23.

WHEREAS, Aaron Langemeier, a senior at Schuyler Central High School and member of Troop 211 of Schuyler, has completed the requirements for the rank of Eagle Scout in 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, Aaron has earned 32 merit badges and completed nearly one hundred fifty hours of community service; and

WHEREAS, for his Eagle Scout service project, Aaron coordinated the construction of playground equipment at his local campground; and

WHEREAS, Aaron, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Aaron Langemeier on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Aaron Langemeier.

Laid over.

### **RECESS**

At 12:08 p.m., on a motion by Senator Hunt, the Legislature recessed until 1:00 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Brandt, Day, Hunt, Pansing Brooks, Walz, and Williams who were excused until they arrive.

### **COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 73.** Placed on General File.

(Signed) Tom Briese, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 385.** [ER50](#), found on page 926, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 380.** [ER56](#), found on page 934, was adopted.

Senator Stinner offered the following amendment:

[AM946](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 22, Department of Insurance:
- 2 Correct an appropriation.
- 3 Amendment:
- 4 a. On page 32, strike lines 3 and 4 and insert "FEDERAL FUND est.
- 5 1,527,879 1,529,336 PROGRAM TOTAL 14,014,376 13,341,327".
- 6 2. Purpose: For Agency 25, Department of Health and Human Services:
- 7 Change a date for a youth rehabilitation and treatment center study.
- 8 Amendment:
- 9 a. On page 39, line 30, strike "15" and insert "1".
- 10 3. Purpose: For Agency 25, Department of Health and Human Services:
- 11 Correct appropriation and earmark amounts.
- 12 Amendment:
- 13 a. On page 42, strike lines 6 and 7 and insert the following:
- 14 "FEDERAL FUND est. 1,793,045,470 1,871,333,807 PROGRAM TOTAL
- 15 2,735,087,957 2,865,286,561"; in line 14 strike "\$1,787,404,383" and
- 16 insert "\$1,793,045,470"; and in line 18 strike "1,861,248,974" and insert
- 17 "\$1,871,333,807".
- 18 4. Purpose: For Agency 25, Department of Health and Human Services:
- 19 Correct an earmark regarding state aid.
- 20 Amendment:
- 21 a. On page 42, line 14, strike "\$42,109,345" and insert
- 22 "\$42,109,354".
- 23 5. Purpose: For Agency 25, Department of Health and Human Services:
- 24 Correct an earmark.
- 25 Amendment:
- 26 a. On page 50, line 17, strike "\$1,526,000" and insert "\$1,349,000".
- 1 6. Purpose: For Agency 25, Department of Health and Human Services:
- 2 Add a salary limit.
- 3 Amendment:
- 4 a. On page 53, strike line 30 and insert: "SALARY LIMIT 13,500
- 5 13,500".
- 6 7. Purpose: For Agency 29, Department of Natural Resources: Correct
- 7 appropriation and earmark amounts.
- 8 Amendment:
- 9 a. On page 61, strike lines 12 and 13 and insert: "CASH FUND
- 10 10,865,033 10,865,033 PROGRAM TOTAL 10,865,033 10,865,033"; and in lines
- 11 17 and 19 strike "\$10,390,033" and insert "\$10,865,033".
- 12 8. Purpose: For Agency 50, Board of Trustees of the Nebraska State
- 13 Colleges: Insert career scholarship reappropriation language.
- 14 Amendment:
- 15 a. On page 77, after line 18 insert the following new subdivision:
- 16 "(2) The unexpended General Fund appropriation balance existing on
- 17 June 30, 2021, from the appropriation for the Nebraska Career Scholarship
- 18 Program, as authorized in Laws 2020, LB 1008, section 60, is hereby
- 19 reappropriated."; in line 19 strike "(2)" and insert "(3)"; in line 25
- 20 strike "(3)" and insert "(4)"; and in line 29 strike "(4)" and insert
- 21 "(5)";

22 b. On page 78, line 5, strike "(5)" and insert "(6)"; in line 14  
 23 strike "(6)" and insert "(7)"; and in line 20 strike "(7)" and insert  
 24 "(8)"; and  
 25 c. On page 80, line 9, strike "(8)" and insert "(9)".  
 26 9. Purpose: For Agency 51, University of Nebraska: Insert career  
 27 scholarship reappropriation language.  
 28 Amendment:  
 29 a. On page 80, after line 27 insert the following new subdivision:  
 30 "(3) The unexpended General Fund appropriation balance existing on  
 31 June 30, 2021, from the appropriation for the Nebraska Career Scholarship  
 1 Program, as authorized in Laws 2020, LB 1008, section 61, is hereby  
 2 reappropriated."; and in line 28 strike "(3)" and insert "(4)";  
 3 b. On page 81, line 5, strike "(4)" and insert "(5)"; in line 9  
 4 strike "(5)" and insert "(6)"; in line 13 strike "(6)" and insert "(7)";  
 5 in line 18 strike "(7)" and insert "(8)"; and in line 31 strike "(8)" and  
 6 insert "(9)";  
 7 c. On page 82, line 10, strike "(9)" and insert "(10)"; and in line  
 8 14 strike "(10)(a)" and insert "(11)(a)";  
 9 d. On page 83, line 24, strike "(11)" and insert "(12)"; and  
 10 e. On page 84, line 24, strike "(12)" and insert "(13)".  
 11 10. Purpose: For Agency 70, Foster Care Review Office: Provide for  
 12 reappropriation of funds.  
 13 Amendment:  
 14 a. On page 104, after line 3 insert the following new paragraph:  
 15 "The unexpended cash fund balance existing on June 30, 2021, is  
 16 hereby reappropriated."  
 17 11. Purpose: For Agency 89, Nebraska Hemp Commission: Correct an  
 18 appropriation amount.  
 19 Amendment:  
 20 a. On page 125, strike lines 14 and 15 and insert: "CASH FUND 10,000  
 21 10,000 PROGRAM TOTAL 10,000 10,000".  
 22 12. Purpose: For Agency 94, Commission on Public Advocacy: Delete  
 23 salary limit.  
 24 Amendment:  
 25 a. On page 127, strike line 30.  
 26 13. Purpose: Add additional transfers from the General Fund.  
 27 Amendment:  
 28 a. On page 145, line 6, strike "and"; in line 9 strike the period  
 29 and insert "; and"; and after line 9 insert the following new  
 30 subdivision:  
 31 "(j) The Commission on Public Advocacy Operations Cash Fund:  
 1 \$520,000 on such date as directed by the budget administrator of the  
 2 budget division of the Department of Administrative Services."; and  
 3 b. On page 146, line 10, strike "and"; in line 13 strike the period  
 4 and insert "; and"; and after line 13 insert the following new  
 5 subdivision:  
 6 "(g) The Commission on Public Advocacy Operations Cash Fund:  
 7 \$520,000 on such date as directed by the budget administrator of the  
 8 budget division of the Department of Administrative Services.".

The Stinner amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Groene offered the following amendment:

[AM961](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 47, line 27, strike "9,283,060 10,783,060" and insert  
 2 "7,783,060 7,783,060"; and in line 29 strike "18,513,060 20,013,060" and  
 3 insert "17,013,060 17,013,060".

4 2. On page 48, line 1, strike "\$9,283,060" and insert "\$7,783,060";  
 5 and in line 3 strike "\$10,783,060" and insert "\$7,783,060".  
 6 3. On page 49, line 9, strike "\$4,898,246" and insert "\$3,398,246";  
 7 in line 12 strike "\$6,398,246" and insert "\$3,398,246"; in line 15 strike  
 8 "\$3,398,246" and insert "\$1,898,246"; and in lines 18 and 19 strike  
 9 "\$3,000,000" and insert "\$1,500,000".

### SENATOR HUGHES PRESIDING

The Groene amendment lost with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

Senator Wishart offered the following amendment:

#### AM963

(Amendments to Standing Committee amendments, AM393)

1 1. On page 71, line 29, strike "2,876,000" and insert "3,076,000".  
 2 2. On page 72, line 3, strike "268,435,854" and insert  
 3 "268,635,854".  
 4 3. On page 73, after line 1 insert the following new paragraph:  
 5 "There is included in the appropriation to this program \$200,000  
 6 Cash Funds for FY2021-22 to contract with the University of Nebraska for  
 7 a study of inmate classification within the Department of Correctional  
 8 Services. The Department of Correctional Services shall provide all  
 9 information necessary to carry out this study."  
 10 4. On page 133, line 14, after "Fund" insert ", Prison Overcrowding  
 11 Contingency Fund".  
 12 5. On page 144, line 21, strike "\$115,000,000" and insert  
 13 "\$100,000,000".

The Wishart amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Senator McKinney offered the following amendment:

#### AM967

(Amendments to Standing Committee amendments, AM393)

1 1. On page 105, after line 11 insert the following new paragraph:  
 2 "It is the intent of the Legislature that of the amount appropriated  
 3 as state aid for the Business Innovation Act, at least twenty percent is  
 4 used for the small business investment program pursuant to section  
 5 81-12,162."

The McKinney amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Arch offered the following amendment:

#### AM968

(Amendments to Standing Committee amendments, AM393)

1 1. On page 45, after line 9 insert the following new paragraph:  
 2 "It is the intent of the Legislature that the funds appropriated to  
 3 this program be used for a two-percent increase in child welfare provider  
 4 rates excluding the eastern service area and that a two-percent increase  
 5 in child welfare provider rates within the eastern service area be funded  
 6 by the existing child welfare case management contract for that area."

The Arch amendment was adopted with 41 ayes, 0 nays, 4 present and not



voting, and 4 excused and not voting.

Senator Wayne withdrew his amendment, [AM938](#), found on page 947.

### **SPEAKER HILGERS PRESIDING**

Senator Wayne offered the following amendment:

#### [AM957](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. On page 27, strike lines 20 and 21 and insert:
 

2 CASH FUND	275,000,000	275,000,000
3 PROGRAM TOTAL	275,000,000	275,000,000;
- 4 in line 23 strike "\$300,000,000" and insert "\$275,000,000"; and in
- 5 line 25 strike "\$313,000,000" and insert "\$275,000,000".
- 6 2. On page 144, line 12, strike "\$297,000,000" and insert
- 7 "\$275,000,000".
- 8 3. On page 145, line 27, strike "\$310,000,000" and insert
- 9 "\$275,000,000".

Senator Wayne withdrew his amendment.

Senator Wayne offered the following amendment:

#### [AM940](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Strike the Flood amendment, AM891.

Senator Wayne withdrew his amendment.

Senator M. Cavanaugh offered the following amendment:

#### [AM952](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 25, Department of Health and Human Services,
- 2 Programs 33, 348, and 424: Provide funds for developmental disability
- 3 waiting list and corresponding administrative costs.
- 4 Amendment:
- 5 a. On page 34, strike lines 16 and 17 and insert:
 

6 "FEDERAL FUND est.	340,323,629	367,718,207
7 PROGRAM TOTAL	515,168,450	544,314,819";
- 8 b. On page 36, after line 28 insert the following new subdivision:
- 9 "(12) It is the intent of the Legislature to increase the General
- 10 Fund appropriation in FY2023-24 by \$1,373,070 and the Federal Fund
- 11 appropriation in FY2023-24 by \$25,295,910 for Program 33 to provide funds
- 12 for the developmental disability waiting list and the corresponding
- 13 administrative and medicaid costs.";
- 14 c. On page 42, strike lines 4 through 7 and insert:
 

15 "GENERAL FUND	900,937,835	954,005,973
16 CASH FUND	42,109,354	42,117,244
17 FEDERAL FUND est.	1,788,736,197	1,864,126,099
18 PROGRAM TOTAL	2,731,783,386	2,860,249,316";
- 19 in line 14 strike "\$899,933,133" and insert "\$900,937,835"; and
- 20 strike "\$1,787,404,383" and insert "\$1,788,736,197"; in line 17 strike
- 21 "\$951,835,510" and insert "\$954,005,973"; and in line 18 strike
- 22 "\$1,861,248,974" and insert "\$1,864,126,099";
- 23 d. On page 43, after line 18 insert the following new paragraph:
- 24 "It is the intent of the Legislature to increase the General Fund
- 25 appropriation in FY2023-24 by \$1,165,761 and the Federal Fund

26 appropriation in FY2023-24 by \$1,545,311 for Program 348 to provide funds  
 1 for the developmental disability waiting list and the corresponding  
 2 administrative and medicaid costs."; and  
 3 e. On page 47, strike line 3 and insert:  
 4 "GENERAL FUND           171,474,508           198,212,765";  
 5 strike line 5 and insert:  
 6 "PROGRAM TOTAL        177,786,508        204,524,765";  
 7 in line 7 strike "\$157,634,528" and insert "\$171,474,508"; in line 9  
 8 strike "\$167,735,010" and insert "\$198,212,765"; and after line 11 insert  
 9 the following new paragraph:  
 10 "It is the intent of the Legislature to increase the General Fund  
 11 appropriation in FY2023-24 by \$16,637,775 for Program 424 to provide  
 12 funds for the developmental disability waiting list and the corresponding  
 13 administrative and medicaid costs.".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	Hansen, B.	McKinney	Pansing Brooks
Bostar	DeBoer	Hansen, M.	Morfeld	Walz
Cavanaugh, J.	Groene	Lathrop	Pahls	Wayne

Voting in the negative, 20:

Aguilar	Clements	Friesen	Kolterman	Moser
Albrecht	Dorn	Gragert	Linehan	Slama
Brewer	Erdman	Halloran	Lowe	Stinner
Briese	Flood	Hughes	McCollister	Williams

Present and not voting, 11:

Arch	Geist	McDonnell	Vargas
Bostelman	Hilgers	Murman	Wishart
Brandt	Hilkemann	Sanders	

Excused and not voting, 3:

Day	Hunt	Lindstrom
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The M. Cavanaugh amendment lost with 15 ayes, 20 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 383.** Senator Wayne withdrew his amendment, [FA20](#), found on page 931.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 666.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 386.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 386A.** Advanced to Enrollment and Review for Engrossment.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 379.** Placed on Final Reading.

[ST9](#)

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

1. Sections 20, 21, 22, 23, 24, 25, 26, and 27 have been renumbered as sections 21, 22, 23, 24, 25, 26, 27, and 20, respectively.

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

**LEGISLATIVE BILL 382.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 93.** Introduced by Aguilar, 35; Kolterman, 24.

WHEREAS, jockey Armando Martinez achieved his 2,000th win in a Thoroughbred race on April 3rd, 2021, at Fonner Park; and

WHEREAS, over the course of Armando Martinez's 17,953 career races, his mounts have earned more than \$11.7 million; and

WHEREAS, Armando Martinez reached his 2,000th Thoroughbred win riding Upperclassman, owned and trained by Mark Hibdon, with a time of 46.60 seconds in the four-furlong claiming dash; and

WHEREAS, Armando Martinez grew up in Calvillo, Mexico, and immigrated to the United States at the age of 13, working as a jockey in California, Montana, Nebraska, and Kentucky; and

WHEREAS, Armando Martinez reached this incredible career milestone with the support of his family, his wife Kelli Martinez, and the many Thoroughbred breeders, trainers, and owners who contributed to his success; and

WHEREAS, Armando Martinez is a testament to the values of dedication, integrity, and perseverance.

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

1. That the Legislature congratulates jockey Armando Martinez for his 2,000th Thoroughbred win.
2. That copies of this resolution be sent to Armando Martinez, Mark Hibdon, and the Hall County Livestock Improvement Association.

Laid over.

**LEGISLATIVE RESOLUTION 94.** Introduced by Clements, 2.

WHEREAS, Rylee Hogue, a senior from Elmwood-Murdock Public Schools, won the 2021 Class C-2 Oral Interpretation of Humorous Prose State Speech Championship; and

WHEREAS, in the preliminary round, Rylee received a perfect score of 50 from one judge and a score of 49 from the other judge; and

WHEREAS, Rylee's championship performance was the culmination of many hours of work; and

WHEREAS, Rylee became the second Elmwood-Murdock student in the past twenty years to win a state speech title and the second Oral Interpretation of Humorous Prose champion in school history; and

WHEREAS, under the direction of Head Coach Keri Hogue, two additional members of the Elmwood-Murdock Knights speech team also earned medals, which contributed to a fifth-place finish by the Knights in the state finals; and

WHEREAS, those members are Gus Pope with a runner-up finish in Oral Interpretation of Poetry and Bri Ross with a fifth-place finish in Entertainment Speaking; and

WHEREAS, such team and individual achievements are 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Rylee Hogue for winning the 2021 Class C-2 Oral Interpretation of Humorous Prose State Speech Championship.
2. That a copy of this resolution be sent to Rylee Hogue, the Elmwood-Murdock Public Schools speech team, and Head Coach Keri Hogue.

Laid over.

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 523.** Placed on General File.

**LEGISLATIVE BILL 69.** Indefinitely postponed.

**LEGISLATIVE BILL 222.** Indefinitely postponed.  
**LEGISLATIVE BILL 272.** Indefinitely postponed.  
**LEGISLATIVE BILL 412.** Indefinitely postponed.  
**LEGISLATIVE BILL 459.** Indefinitely postponed.  
**LEGISLATIVE BILL 625.** Indefinitely postponed.  
**LEGISLATIVE BILL 681.** Indefinitely postponed.

(Signed) Lou Ann Linehan, Chairperson

**ADJOURNMENT**

At 4:10 p.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Wednesday, April 14, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FIRST DAY - APRIL 14, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 14, 2021

**PRAYER**

The prayer was offered by Senator Hilkemann.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Linehan.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, M. Cavanaugh, B. Hansen, Hunt, Morfeld, Slama, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 95.** Introduced by Morfeld, 46.

WHEREAS, the Centers for Disease Control and Prevention observe the month of August as National Immunization Awareness Month; and

WHEREAS, a focus on prevention of disease is an important factor in designing adolescent health services; and

WHEREAS, prevention, early intervention, and timely treatment can improve the health status of adolescents and decrease the incidence of many chronic diseases in adulthood; and

WHEREAS, outbreaks of childhood and adolescent vaccine-preventable diseases can cause absenteeism from school and result in absenteeism of parents from work.

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

1. That the Legislature recognizes August 2021 as National Immunization Awareness Month.

Laid over.

#### **SENATOR WILLIAMS PRESIDING**

##### **GENERAL FILE**

**LEGISLATIVE BILL 527A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 664A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

#### **SPEAKER HILGERS PRESIDING**

##### **SELECT FILE**

**LEGISLATIVE BILL 9.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 152.** [ER40](#), found on page 833, was adopted.

Senator Slama offered her amendment, [AM840](#), found on page 834.

The Slama amendment was adopted with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 583.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 500.** [ER42](#), found on page 842, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 247.** Senator Pansing Brooks withdrew her amendment, [AM740](#), found on page 912.



Senator Friesen withdrew his amendment, [AM857](#), found on page 874.

Senator Pansing Brooks offered her amendment, [AM949](#), found on page 951.

The Pansing Brooks amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 501.** [ER45](#), found on page 895, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 497.** [ER46](#), found on page 902, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 527.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 664.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 423.** [ER47](#), found on page 902, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 423A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 507.** [ER32](#), found on page 796, was adopted.

Senator Gragert withdrew his amendment, [AM786](#), found on page 795.

Senator Hughes offered his amendment, [AM859](#), found on page 873.

The Hughes amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 320.** [ER34](#), found on page 796, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 320A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 639.** [ER37](#), found on page 821, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 650.** [ER44](#), found on page 863, was adopted.

Senator Flood offered the following amendment:

[AM976](#)

- 1 1. On page 3, line 16, after the period insert "The term includes
- 2 the injection well and equipment used to connect the surface facility and
- 3 equipment to the storage reservoir and underground equipment.".
- 4 2. On page 7, after line 27, insert the following new subdivision:
- 5 "(11) In accordance with the United States Environmental Protection
- 6 Agency Underground Injection Control Program, that the storage operator
- 7 has completed a comprehensive geologic study which includes a seismic
- 8 risk assessment;"; in line 28 strike "(11)" and insert "(12)"; and in
- 9 line 31 strike "(12)" and insert "(13)".
- 10 3. On page 8, line 3, strike "(13)" and insert "(14)"; and in line 9
- 11 strike "(14)" and insert "(15)".

The Flood amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 650A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 338.** [ER43](#), found on page 863, was adopted.

Senator Bostelman withdrew his amendments, [AM913](#) and [AM928](#), found on pages 926 and 930.

Senator Bostelman offered the following amendment:

[AM977](#)

(Amendments to AM845)

- 1 1. Strike section 8 and insert the following new sections:
- 2 Sec. 8. The Legislature declares that it is in the public interest
- 3 for the state, cities of all classes, villages, and counties to expend
- 4 federal funds received for the creation and expansion of high-speed
- 5 broadband services throughout the state. Any political subdivision that
- 6 directly receives federal funds used for broadband service enhancement
- 7 purposes shall ensure that the construction of any new infrastructure to
- 8 provide broadband service is scalable to one hundred megabits per second
- 9 or greater for downloading and one hundred megabits per second or greater
- 10 for uploading. Such federal funds shall not be used to serve locations
- 11 currently capable of receiving broadband service at a minimum download
- 12 speed of one hundred megabits per second and a minimum upload speed of
- 13 twenty megabits per second that enables users to originate and receive
- 14 high-quality voice, data, graphics, and video communications using any
- 15 technology. Any broadband infrastructure built with federal funds is
- 16 subject to section 86-594.
- 17 Sec. 11. Since an emergency exists, this act takes effect when

18 passed and approved according to law.

19 2. On page 2, line 15, after the period insert "This section shall  
 20 not apply to any disbursements from any Nebraska Telecommunications  
 21 Universal Service Fund wireless infrastructure grant program, the purpose  
 22 of which is to improve wireless telecommunications service coverage  
 23 through grants for the construction of wireless telecommunications  
 24 service facilities.".

The Bostelman amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 88.** Senator Erdman offered his amendment, [AM662](#), found on page 703.

**SENATOR HUGHES PRESIDING**

**SPEAKER HILGERS PRESIDING**

Senator Erdman moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 44:

Albrecht	Clements	Groene	Lathrop	Pahls
Arch	Day	Halloran	Linehan	Pansing Brooks
Blood	DeBoer	Hansen, B.	Lowe	Sanders
Bostar	Dorn	Hansen, M.	McCollister	Slama
Bostelman	Erdman	Hilgers	McDonnell	Stinner
Brewer	Flood	Hilkemann	McKinney	Vargas
Briese	Friesen	Hughes	Morfeld	Walz
Cavanaugh, J.	Geist	Hunt	Moser	Wishart
Cavanaugh, M.	Gragert	Kolterman	Murman	

Voting in the negative, 1:

Aguilar

Present and not voting, 1:

Brandt

Excused and not voting, 3:

Lindstrom      Wayne      Williams

The Erdman amendment was adopted with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Murman offered his amendment, [AM661](#), found on page 703.

Pending.

### AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to [LB408](#):

[AM620](#)

(Amendments to Standing Committee amendments, AM371)

1 1. On page 6, after line 3 insert the following new subsection:  
 2 "(6) The limit in subsection (1) of this section shall not apply to  
 3 that portion of a political subdivision's property tax request that will  
 4 be used for special education expenditures."; in line 4 strike "(6)" and  
 5 insert "(7)"; and in line 12 strike "(7)" and insert "(8)".

Senator Hughes filed the following amendment to [LB616](#):

[AM951](#)

1 1. On page 2, line 17, after "owner" insert "and lienholder".  
 2 2. On page 5, line 19, strike "any lienholder" and insert  
 3 "lienholders".

Senator Brewer filed the following amendment to [LB236](#):

[AM874](#)

(Amendments to Standing Committee amendments, AM438)

1 1. On page 2, lines 6 and 7, strike "a city of the metropolitan  
 2 class or city of the primary class" and insert "more than one hundred  
 3 thousand inhabitants".

### COMMITTEE REPORT(S)

#### Revenue

**LEGISLATIVE BILL 194.** Placed on General File with amendment.

[AM972](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 77-2902, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 77-2902 For purposes of the Nebraska Job Creation and Mainstreet  
 6 Revitalization Act:  
 7 (1) Department means the Department of Revenue;  
 8 (2) Eligible expenditure means any cost incurred for the improvement  
 9 of historically significant real property located in the State of  
 10 Nebraska, including, but not limited to, qualified rehabilitation  
 11 expenditures as defined in section 47(c)(2) of the Internal Revenue Code  
 12 of 1986, as amended, and the related regulations thereunder, if such  
 13 improvement is in conformance with the standards;  
 14 (3) Historically significant real property means a building or an  
 15 at-grade or above-ground structure used for any purpose, except for a  
 16 single-family detached residence, which, at the time of final approval of

17 the work by the officer pursuant to section 77-2906, is:

18 (a) Individually listed in the National Register of Historic Places;

19 (b)(i) Located within a district listed in the National Register of  
20 Historic Places; and

21 (ii) Determined by the officer as being historically significant to  
22 such district;

23 (c)(i) Individually designated pursuant to a landmark ordinance or  
24 resolution enacted by a political subdivision of the state, which  
25 ordinance or resolution has been approved by the officer; and

26 (ii) Determined by the officer as being historically significant; or

27 (d)(i) Located within a district designated pursuant to a  
1 preservation ordinance or resolution enacted by a county, city, or  
2 village of the state or political body comprised thereof providing for  
3 the rehabilitation, preservation, or restoration of historically  
4 significant real property, which ordinance or resolution has been  
5 approved by the officer; and

6 (ii) Determined by the officer as contributing to the historical  
7 significance or economic viability of such district ~~or to its economic~~  
8 ~~viability~~;

9 (4) Improvement means a rehabilitation, preservation, or restoration  
10 project that contributes to the basis, functionality, or value of the  
11 historically significant real property and has a total cost which equals  
12 or exceeds five thousand dollars; ~~the following:~~

13 (a) ~~For historically significant real property that is not located~~  
14 ~~in a city of the metropolitan or primary class, twenty-five thousand~~  
15 ~~dollars; or~~

16 (b) ~~For historically significant real property that is located in a~~  
17 ~~city of the metropolitan or primary class, the greater of (i) twenty-five~~  
18 ~~thousand dollars or (ii) twenty-five percent of the historically~~  
19 ~~significant real property's assessed value;~~

20 (5) Officer means the State Historic Preservation Officer;

21 (6) Person means any natural person, political subdivision, limited  
22 liability company, partnership, private domestic or private foreign  
23 corporation, or domestic or foreign nonprofit corporation certified  
24 pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as  
25 amended;

26 (7) Placed in service means that either (a) a temporary or final  
27 certificate of occupancy has been issued for the improvement or (b) the  
28 improvement is sufficiently complete to allow for the intended use of the  
29 improvement; and

30 (8) Standards means (a) the Secretary of the Interior's Standards  
31 for the Treatment of Historic Properties as promulgated by the United  
1 States Department of the Interior or (b) specific standards for the  
2 rehabilitation, preservation, and restoration of historically significant  
3 real property contained in a duly adopted local preservation ordinance or  
4 resolution that has been approved by the officer pursuant to section  
5 77-2903.

6 Sec. 2. Section 77-2903, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 77-2903 For purposes of establishing standards under subdivision (8)  
9 (b) of section 77-2902, the officer shall approve a duly adopted local  
10 preservation ordinance or resolution if such ordinance or resolution  
11 meets the following requirements:

12 (1) The ordinance or resolution provides for specific standards and  
13 requirements regarding building exteriors that reflect the heritage,  
14 values, and character of the political subdivision adopting such  
15 ordinance or resolution; and

16 (2) The ordinance or resolution requires that any building to be  
17 rehabilitated, preserved, or restored shall have been originally  
18 constructed at least fifty years prior to the proposed rehabilitation,

19 preservation, or restoration and the facade of such building shall not  
 20 have undergone material structural alteration since its original  
 21 construction, unless the rehabilitation, preservation, or restoration to  
 22 be performed proposes to restore the facade to substantially its original  
 23 condition.

24 Sec. 3. Section 77-2904, Reissue Revised Statutes of Nebraska, is  
 25 amended to read:

26 77-2904 (1) Any person incurring eligible expenditures may receive a  
 27 nonrefundable credit against any income tax imposed by the Nebraska  
 28 Revenue Act of 1967 or any tax imposed pursuant to sections 44-101 to  
 29 44-165, 77-907 to 77-918, or 77-3801 to 77-3807 for the year the  
 30 historically significant real property is placed in service. ~~The amount~~  
 31 ~~of the credit shall be equal to twenty percent of eligible expenditures~~  
 1 ~~up to a maximum credit of one million dollars.~~

2 (2) For historically significant real property located in a county  
 3 that includes a city of the metropolitan class or a city of the primary  
 4 class, the credit shall be equal to twenty-five percent of eligible  
 5 expenditures. For historically significant real property located in any  
 6 other county, the credit shall be equal to thirty percent of eligible  
 7 expenditures. In all cases, the maximum credit allocated to any one  
 8 project shall be two million dollars.

9 (3) Any taxpayer that claims a tax credit shall not be required to  
 10 pay any additional retaliatory tax under section 44-150 as a result of  
 11 claiming such tax credit. Any tax credit claimed under this section shall  
 12 be considered a payment of tax for purposes of subsection (1) of section  
 13 77-2734.03.

14 (4) (2) To claim the credit authorized under this section, a person  
 15 must first apply and receive an allocation of credits and application  
 16 approval under section 77-2905 and then request and receive final  
 17 approval under section 77-2906.

18 (5) (3) Interest shall not be allowed on any refund paid under the  
 19 Nebraska Job Creation and Mainstreet Revitalization Act.

20 Sec. 4. Section 77-2905, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 77-2905 (1) Prior to commencing work on the historically significant  
 23 real property, a person shall file an application for credits under the  
 24 Nebraska Job Creation and Mainstreet Revitalization Act containing all  
 25 required information with the officer on a form prescribed by the officer  
 26 and shall include an application fee established by the officer pursuant  
 27 to section 77-2907. ~~The officer shall not accept any application for~~  
 28 ~~credits prior to January 1, 2015.~~ The application shall include plans and  
 29 specifications, an estimate of the cost of the project prepared by a  
 30 licensed architect, licensed engineer, or licensed contractor, and a  
 31 request for a specific amount of credits based on such estimate. The  
 1 officer shall review the application and, within twenty-one days after  
 2 receiving the application, shall determine whether the information  
 3 contained therein is complete. The officer shall notify the applicant in  
 4 writing of the determination within five business days after making the  
 5 determination. If the officer fails to provide such notification as  
 6 required, the application shall be deemed complete as of the twenty-first  
 7 day after the application is received by the officer. If the officer  
 8 determines the application is complete or if the application is deemed  
 9 complete pursuant to this section, the officer shall reserve for the  
 10 benefit of the applicant an allocation of credits in the amount specified  
 11 in the application and determined by the officer to be reasonable and  
 12 shall notify the applicant in writing of the amount of the allocation.  
 13 The allocation does not entitle the applicant to an issuance of credits  
 14 until the applicant complies with all other requirements of the Nebraska  
 15 Job Creation and Mainstreet Revitalization Act for the issuance of  
 16 credits. The date the officer determines the application is complete or  
 17 the date the application is deemed complete pursuant to this section  
 18 shall constitute the applicant's priority date for purposes of allocating

19 credits under this section. For complete applications receiving an  
 20 allocation under this section, the officer shall determine whether the  
 21 application conforms to the standards, and, if so, the officer shall  
 22 approve such application or approve such application with conditions. If  
 23 the application does not conform to the standards, the officer shall deny  
 24 such application. The officer shall promptly provide the person filing  
 25 the application and the department with written notice of the officer's  
 26 determination. If the officer does not provide a written notice of his or  
 27 her determination within thirty days after the date the application is  
 28 determined or deemed to be complete pursuant to this section, the  
 29 application shall be deemed approved. The officer shall notify the  
 30 department of any applications that are deemed approved pursuant to this  
 31 section. If the officer denies the application, the credits allocated to  
 1 the applicant under this subsection shall be added to the annual amount  
 2 available for allocation under subsection (2) of this section. Any denial  
 3 of an application by the officer pursuant to this section may be  
 4 appealed, and the appeal shall be in accordance with the Administrative  
 5 Procedure Act.

6 (2) ~~For calendar years beginning before January 1, 2017, the total~~  
 7 ~~amount of credits that may be allocated by the officer under this section~~  
 8 ~~in any calendar year shall be limited to fifteen million dollars. For~~  
 9 ~~calendar years beginning before January 1, 2022 on or after January 1,~~  
 10 ~~2017, the total amount of credits that may be allocated by the officer~~  
 11 ~~under this section in any calendar year shall be limited to fifteen~~  
 12 ~~million dollars, of which four million dollars shall be reserved for~~  
 13 ~~applications seeking an allocation of credits of less than one hundred~~  
 14 ~~thousand dollars. For calendar years beginning on or after January 1,~~  
 15 ~~2022, the total amount of credits that may be allocated by the officer~~  
 16 ~~under this section in any calendar year shall be limited to twelve~~  
 17 ~~million dollars, of which four million dollars shall be reserved for~~  
 18 ~~applications seeking an allocation of credits of less than one hundred~~  
 19 ~~thousand dollars. If the amount of credits allocated in any calendar year~~  
 20 ~~is less than the maximum amount of credits available under this section~~  
 21 ~~for that year fifteen million dollars, the unused amount shall be carried~~  
 22 ~~forward to subsequent years and shall be available for allocation in~~  
 23 ~~subsequent years until fully utilized, except as otherwise provided in~~  
 24 ~~section 77-2912. If the amount of credits reserved for applications~~  
 25 ~~seeking an allocation of credits of less than one hundred thousand~~  
 26 ~~dollars is not allocated by April 1 of any calendar year, such~~  
 27 ~~unallocated credits for the calendar year shall be available for any~~  
 28 ~~application seeking an allocation of credits based upon the applicant's~~  
 29 ~~priority date as determined by the officer. The officer shall allocate~~  
 30 ~~credits based on priority date, from earliest to latest. If the officer~~  
 31 ~~determines that the complete applications for credits in any calendar~~  
 1 ~~year exceed the maximum amount of credits available under this section~~  
 2 ~~for that year, only those applications with a priority date on or before~~  
 3 ~~the date on which the officer makes that determination may receive an~~  
 4 ~~allocation in that year, and the officer shall not make additional~~  
 5 ~~allocations until sufficient credits are available. If the officer~~  
 6 ~~suspends allocations of credits pursuant to this section, applications~~  
 7 ~~with priority dates on or before the date of such suspension shall retain~~  
 8 ~~their priority dates. Once additional credits are available for~~  
 9 ~~allocation, the officer shall once again allocate credits based on~~  
 10 ~~priority date, from earliest to latest, even if the priority dates are~~  
 11 ~~from a prior calendar year.~~  
 12 (3) ~~Prior to December 1 of any year, the holder of an allocation of~~  
 13 ~~credits under this section who has not commenced the improvements in his~~  
 14 ~~or her approved application shall notify the officer of his or her intent~~  
 15 ~~to retain or release the allocation. Any released allocation shall be~~  
 16 ~~added to the aggregate amount of credits available for allocation in the~~  
 17 ~~following year. Any holder of an allocation who fails to timely notify~~  
 18 ~~the officer of such intent shall be deemed to have released the~~  
 19 ~~allocation.~~  
 20 (3) (4) The holder of an allocation of credits whose application was

21 approved under this section shall start substantial work pursuant to the  
 22 approved application within twenty-four months after receiving notice of  
 23 approval of the application or, if no notice of approval is sent by the  
 24 officer, within twenty-four months after the application is deemed  
 25 approved pursuant to this section. Failure to comply with this subsection  
 26 shall result in forfeiture of the allocation of credits received under  
 27 this section. Any such forfeited allocation shall be added to the  
 28 aggregate amount of credits available for allocation for the year in  
 29 which the forfeiture occurred.

30 ~~(4)~~ ~~(5)~~ Notwithstanding subsection (1) of this section, the person  
 31 applying for the credit under this section may, at its own risk, incur  
 1 eligible expenditures up to six months prior to the submission of the  
 2 application required under subsection (1) of this section if such  
 3 eligible expenditures are limited to architectural fees, engineering,  
 4 accounting, and legal fees, and any costs generally related to the  
 5 protection of the historically significant real property from  
 6 deterioration.

7 Sec. 5. Section 77-2910, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 77-2910 (1) The Nebraska State Historical Society and the department  
 10 may each adopt and promulgate rules and regulations to carry out the  
 11 Nebraska Job Creation and Mainstreet Revitalization Act.  
 12 (2) The Nebraska State Historical Society and the department shall  
 13 annually issue a joint report electronically to the Revenue Committee of  
 14 the Legislature no later than December 31 of each year, ~~2017~~. The report  
 15 shall include, but not be limited to, (a) the total number of  
 16 applications submitted under the Nebraska Job Creation and Mainstreet  
 17 Revitalization Act, (b) the number of applications approved or  
 18 conditionally approved, (c) the number of applications outstanding, if  
 19 any, (d) the number of applications denied and the basis for denial, (e)  
 20 the total amount of eligible expenditures approved, (f) the total amount  
 21 of credits issued, claimed, and still available for use, (g) the total  
 22 amount of fees collected, (h) the name and address location of each  
 23 historically significant real property identified in each application,  
 24 whether approved or denied, (i) the total amount of credits transferred,  
 25 sold, and assigned and a certification of the ownership of the credits,  
 26 (j) the total amount of credits claimed against each tax type by  
 27 category, and (k) the total amount of credits recaptured, if any. No  
 28 information shall be provided in the report that is protected by state or  
 29 federal confidentiality laws.

30 Sec. 6. Section 77-2912, Reissue Revised Statutes of Nebraska, is  
 31 amended to read:

1 77-2912 There shall be no new applications filed under the Nebraska  
 2 Job Creation and Mainstreet Revitalization Act after December 31, 2029  
 3 ~~2022~~. All applications and all credits pending or approved before such  
 4 date shall continue in full force and effect, except that no credits  
 5 shall be allocated under section 77-2905, issued under section 77-2906,  
 6 or used on any tax return or similar filing after December 31, 2034 ~~2027~~.

7 Sec. 7. Original sections 77-2902, 77-2903, 77-2904, 77-2905,  
 8 77-2910, and 77-2912, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

### RECESS

At 11:54 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 Hughes, McDonnell, and Wishart who were excused until they arrive.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 84 and 86 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 84 and 86.

**SELECT FILE**

**LEGISLATIVE BILL 88.** Senator Murman renewed his amendment, [AM661](#), found on page 703, and considered in this day's Journal.

Senator M. Hansen offered the following amendment to the Murman amendment:

[FA24](#)

Amend AM661.

Add new language:

On page 2, line 18, add "limited" after the word "be".

On page 4, line 10, add "limited" after the word "be".

Senator M. Hansen withdrew his amendment.

Senator M. Hansen offered the following amendment to the Murman amendment:

[FA25](#)

Amend AM661.

Add the new language:

Strike "All school-sponsored media are deemed to be public forums." on page 2, line 18, and strike "All school-sponsored media are deemed to be public forums." on page 4, line 10.

Senator Morfeld offered the following motion:

[MO36](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Morfeld moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

Aguilar	Day	Hansen, M.	McDonnell	Stinner
Blood	DeBoer	Hilkemann	McKinney	Vargas
Bostar	Dorn	Hunt	Morfeld	Walz
Brandt	Flood	Kolterman	Pahls	Wayne
Cavanaugh, J.	Geist	Lathrop	Pansing Brooks	Williams
Cavanaugh, M.	Gragert	McCollister	Slama	Wishart

Voting in the negative, 17:

Albrecht	Clements	Halloran	Lindstrom	Sanders
Arch	Erdman	Hansen, B.	Lowe	
Bostelman	Friesen	Hilgers	Moser	
Brewer	Groene	Hughes	Murman	

Present and not voting, 2:

Briese            Linehan

The Morfeld motion to invoke cloture failed with 30 ayes, 17 nays, and 2 present and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 383.** Placed on Final Reading.

**LEGISLATIVE BILL 384.** Placed on Final Reading.

#### ST10

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

1. In the Wayne amendment, AM962:
  - a. Section 27 has been renumbered as section 28; and
  - b. On page 1, line 3, "\$15,000,000" has been struck and "fifteen million dollars" inserted.
2. In the Standing Committee amendments, AM396, on page 30, line 31, "71-808," has been inserted after the second comma.
3. In the E&R amendments, ER49, on page 1, line 3, "71-808," has been inserted after the last comma; in line 6 "appropriate funds and" has been struck; in line 7 "to provide for grants;" has been inserted after the semicolon; and in line 10 "a fund" has been struck and "funds" inserted.

**LEGISLATIVE BILL 385.** Placed on Final Reading.

**LEGISLATIVE BILL 386.** Placed on Final Reading.

**LEGISLATIVE BILL 386A.** Placed on Final Reading.

**LEGISLATIVE BILL 666.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 271.** Placed on Select File with amendment.  
[ER59](#) is available in the Bill Room.

**LEGISLATIVE BILL 527A.** Placed on Select File.

**LEGISLATIVE BILL 664A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 65.** Placed on Final Reading.

**LEGISLATIVE BILL 105.** Placed on Final Reading.

**LEGISLATIVE BILL 143.** Placed on Final Reading.

**LEGISLATIVE BILL 154.** Placed on Final Reading.

**LEGISLATIVE BILL 180.** Placed on Final Reading.

**LEGISLATIVE BILL 224.** Placed on Final Reading.

**LEGISLATIVE BILL 265.** Placed on Final Reading.

**LEGISLATIVE BILL 312.** Placed on Final Reading.

**LEGISLATIVE BILL 414.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

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

Senator Briese filed the following amendment to [LB408](#):

[AM973](#)

(Amendments to Standing Committee amendments, AM371)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 4 of this act shall be known and may be

4 cited as the Property Tax Request Act.

5 Sec. 2. For purposes of the Property Tax Request Act:

6 (1) Approved bonds means bonds as defined in subdivision (1) of

7 section 10-134 and approved according to law;

8 (2) Political subdivision means any county, city, village, school

9 district, learning community, natural resources district, educational

10 service unit, or community college;

11 (3) Property tax request means the total amount of property taxes

12 requested to be raised for a political subdivision through the levy

13 imposed pursuant to section 77-1601;

14 (4) Real growth percentage means the percentage obtained by dividing

15 (a) the political subdivision's real growth value by (b) the political

16 subdivision's total real property valuation from the prior year; and

17 (5) Real growth value means the increase in a political

18 subdivision's real property valuation from the prior year to the current

19 year due to (a) improvements to real property as a result of new  
20 construction and additions to existing buildings, (b) any other  
21 improvements to real property which increase the value of such property,  
22 and (c) annexation of property by the political subdivision.  
23 Sec. 3. Section 77-1601.02, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 77-1601.02 (1) If the annual assessment of property would result in  
26 an increase in the total property taxes levied by a political subdivision  
1 county, municipality, school district, learning community, sanitary and  
2 improvement district, natural resources district, educational service  
3 unit, or community college, as determined using the previous year's rate  
4 of levy, such political subdivision's property tax request for the  
5 current year shall be no more than its property tax request in the prior  
6 year, and the political subdivision's rate of levy for the current year  
7 shall be decreased accordingly when such rate is set by the county board  
8 of equalization pursuant to section 77-1601. The governing body of the  
9 political subdivision shall pass a resolution or ordinance to set the  
10 amount of its property tax request after holding the public hearing  
11 required in subsection (3) of this section. If the governing body of a  
12 political subdivision seeks to set its property tax request at an amount  
13 that exceeds its property tax request in the prior year, it may do so, to  
14 the extent allowed under section 4 of this act, after holding the public  
15 hearing required in subsection (3) of this section and by passing a  
16 resolution or ordinance that complies with subsection (4) of this  
17 section.

18 (2) If the annual assessment of property would result in no change  
19 or a decrease in the total property taxes levied by a political  
20 subdivision county, municipality, school district, learning community,  
21 sanitary and improvement district, natural resources district,  
22 educational service unit, or community college, as determined using the  
23 previous year's rate of levy, such political subdivision's property tax  
24 request for the current year shall be no more than its property tax  
25 request in the prior year, and the political subdivision's rate of levy  
26 for the current year shall be adjusted accordingly when such rate is set  
27 by the county board of equalization pursuant to section 77-1601. The  
28 governing body of the political subdivision shall pass a resolution or  
29 ordinance to set the amount of its property tax request after holding the  
30 public hearing required in subsection (3) of this section. If the  
31 governing body of a political subdivision seeks to set its property tax  
1 request at an amount that exceeds its property tax request in the prior  
2 year, it may do so, to the extent allowed under section 4 of this act,  
3 after holding the public hearing required in subsection (3) of this  
4 section and by passing a resolution or ordinance that complies with  
5 subsection (4) of this section.

6 (3) The resolution or ordinance required under this section shall  
7 only be passed after a special public hearing called for such purpose is  
8 held and after notice is published in a newspaper of general circulation  
9 in the area of the political subdivision at least four calendar days  
10 prior to the hearing. For purposes of such notice, the four calendar days  
11 shall include the day of publication but not the day of hearing. If the  
12 political subdivision's total operating budget, not including reserves,  
13 does not exceed ten thousand dollars per year or twenty thousand dollars  
14 per biennial period, the notice may be posted at the governing body's  
15 principal headquarters. The hearing notice shall contain the following  
16 information: The certified taxable valuation under section 13-509 for the  
17 prior year, the certified taxable valuation under section 13-509 for the  
18 current year, and the percentage increase or decrease in such valuations  
19 from the prior year to the current year; the dollar amount of the prior  
20 year's tax request and the property tax rate that was necessary to fund  
21 that tax request; the property tax rate that would be necessary to fund

22 last year's tax request if applied to the current year's valuation; the  
 23 proposed dollar amount of the tax request for the current year and the  
 24 property tax rate that will be necessary to fund that tax request; the  
 25 percentage increase or decrease in the property tax rate from the prior  
 26 year to the current year; and the percentage increase or decrease in the  
 27 total operating budget from the prior year to the current year.

28 (4) Any resolution or ordinance setting a political subdivision's  
 29 property tax request at an amount that exceeds the political  
 30 subdivision's property tax request in the prior year shall include, but  
 31 not be limited to, the following information:

1 (a) The name of the political subdivision;

2 (b) The amount of the property tax request;

3 (c) The following statements:

4 (i) The total assessed value of property differs from last year's

5 total assessed value by ..... percent;

6 (ii) The tax rate which would levy the same amount of property taxes

7 as last year, when multiplied by the new total assessed value of

8 property, would be \$..... per \$100 of assessed value;

9 (iii) The (name of political subdivision) proposes to adopt a

10 property tax request that will cause its tax rate to be \$..... per \$100

11 of assessed value; and

12 (iv) Based on the proposed property tax request and changes in other

13 revenue, the total operating budget of (name of political subdivision)

14 will exceed last year's by ..... percent; and

15 (d) The record vote of the governing body in passing such resolution

16 or ordinance.

17 (5) Any resolution or ordinance setting a property tax request under

18 this section shall be certified and forwarded to the county clerk on or

19 before October 13 of the year for which the tax request is to apply.

20 (6) Any levy which is not in compliance with the Property Tax

21 Request Act this section and section 77-1601 shall be construed as an

22 unauthorized levy under section 77-1606.

23 Sec. 4. (1) Except as otherwise provided in this section, a

24 political subdivision's property tax request for any year shall not

25 exceed its request authority. A political subdivision's request authority

26 for any year shall be equal to such political subdivision's property tax

27 request from the prior year increased by three percent. For purposes of

28 calculating request authority under this subsection, the following

29 amounts shall be excluded from the political subdivision's property tax

30 request from the prior year:

31 (a) Any amount approved by voters under subsection (3) of this

1 section that was included in the political subdivision's property tax

2 request in the prior year; and

3 (b) Any amount described in subsection (4) of this section that was

4 included in the political subdivision's property tax request in the prior

5 year.

6 (2) A political subdivision may, by majority vote of its governing

7 body, exceed the limit provided in subsection (1) of this section for no

8 more than two consecutive years, in which case the political

9 subdivision's property tax request shall be reduced in subsequent years

10 to ensure that the average annual increase in the political subdivision's

11 property tax requests over any three-year period does not exceed three

12 percent. For purposes of calculating the annual increases over such

13 three-year period, the amounts described in subdivisions (1)(a) and (b)

14 of this section shall be excluded from the political subdivision's

15 property tax request from the prior year. Such three-year period shall be

16 measured using the year in which the political subdivision exceeds such

17 limit as the first year of the period. If the political subdivision votes

18 to exceed the limit for two consecutive years, the three-year period

19 shall be measured twice using each of the two consecutive years as the

20 first year of the applicable three-year period.  
 21 (3) A political subdivision may exceed the limit provided in  
 22 subsection (1) of this section by an amount approved by a majority of  
 23 registered voters voting on the issue in a primary or general election  
 24 held in an even-numbered year or in a special election held during the  
 25 month of May or November in an odd-numbered year. The governing body of  
 26 the political subdivision shall call for the submission of the issue to  
 27 the voters by passing a resolution, by majority vote of the governing  
 28 body, calling for exceeding the limit and delivering a copy of the  
 29 resolution to the county clerk or election commissioner of every county  
 30 which contains all or part of the political subdivision. The resolution  
 31 shall include the amount which would be requested in excess of the limit  
 1 provided in subsection (1) of this section. Any resolution calling for  
 2 submission of the issue to the voters at a primary or general election  
 3 shall be filed with the county clerk or election commissioner no later  
 4 than March 1 for placement on the primary election ballot or September 1  
 5 for placement on the general election ballot. Any resolution calling for  
 6 submission of the issue to the voters at a special election shall be  
 7 filed with the county clerk or election commissioner no later than March  
 8 1 for a May special election or September 1 for a November special  
 9 election. Nothing in this section shall prevent a political subdivision  
 10 from holding a special election in any month authorized in the Election  
 11 Act due to the need to request funds as a result of a natural disaster.  
 12 The election shall be held pursuant to the Election Act. If a majority of  
 13 the votes cast upon the ballot question are in favor of allowing the  
 14 political subdivision to exceed the limit in subsection (1) of this  
 15 section, the political subdivision shall be authorized to do so. If a  
 16 majority of those voting on the ballot question do not vote to allow the  
 17 political subdivision to exceed such limit, the political subdivision  
 18 shall not be authorized to do so.  
 19 (4)(a) The limit in subsection (1) of this section shall not apply  
 20 to that portion of a political subdivision's property tax request that is  
 21 (i) budgeted for capital improvements to address fire or flood mitigation  
 22 or prevention, an environmental hazard, an accessibility barrier, or a  
 23 life safety code violation, (ii) pledged to retire approved bonds, (iii)  
 24 budgeted to pay for repairs to infrastructure damaged by a natural  
 25 disaster, or (iv) budgeted to pay for the portion of wages and benefits  
 26 mandated by an order of the Commission of Industrial Relations.  
 27 (b) For purposes of this subsection:  
 28 (i) Accessibility barrier means anything which impedes entry into,  
 29 exit from, or use of any building or facility by all people; and  
 30 (ii) Environmental hazard means any contamination of the air, water,  
 31 or land surface or subsurface caused by any substance adversely affecting  
 1 human health or safety if such substance has been declared hazardous by a  
 2 federal or state statute, rule, or regulation.  
 3 (5) A political subdivision may exceed the limit provided in  
 4 subsection (1) of this section by an amount equal to the political  
 5 subdivision's property tax request from the prior year multiplied by the  
 6 political subdivision's real growth percentage.  
 7 (6)(a) A school district may exceed the limit provided in subsection  
 8 (1) of this section by an amount equal to (i) the reduction, if any, in  
 9 the school district's certified state aid amount from the prior school  
 10 fiscal year to the current school fiscal year resulting from an increase  
 11 in real property valuation, excluding any reduction in net option funding  
 12 under section 79-1009, minus (ii) the amount of the school district's  
 13 property tax request in excess of the limit provided in subsection (1) of  
 14 this section due to the school district utilizing the exception to such  
 15 limit authorized in subsection (5) of this section.  
 16 (b) For purposes of this subsection, certified state aid amount  
 17 means the amount of state aid certified pursuant to section 79-1022.

18 (7) A political subdivision may choose not to increase its property  
19 tax request by the full amount allowed by the political subdivision's  
20 request authority calculated under subsection (1) of this section. In  
21 such cases, the political subdivision may carry forward one-half of the  
22 unused request authority to future years as carryover request authority.  
23 Such carryover request authority may then be used in later years to  
24 increase the political subdivision's property tax request above the  
25 amount calculated under subsection (1) of this section.  
26 (8) The limit in subsection (1) of this section shall apply to  
27 property tax requests set in 2022 through 2027. For property tax requests  
28 set in 2028 and thereafter, such limit shall no longer apply.  
29 Sec. 5. Section 13-506, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:  
31 13-506 (1) Each governing body shall each year or biennial period  
1 conduct a public hearing on its proposed budget statement. Such hearing  
2 shall be held separately from any regularly scheduled meeting of the  
3 governing body and shall not be limited by time. Notice of place and time  
4 of such hearing, together with a summary of the proposed budget  
5 statement, shall be published at least four calendar days prior to the  
6 date set for hearing in a newspaper of general circulation within the  
7 governing body's jurisdiction. For purposes of such notice, the four  
8 calendar days shall include the day of publication but not the day of  
9 hearing. When the total operating budget, not including reserves, does  
10 not exceed ten thousand dollars per year or twenty thousand dollars per  
11 biennial period, the proposed budget summary may be posted at the  
12 governing body's principal headquarters. At such hearing, the governing  
13 body shall make at least three copies of the proposed budget statement  
14 available to the public and shall make a presentation outlining key  
15 provisions of the proposed budget statement, including, but not limited  
16 to, a comparison with the prior year's budget. For any political  
17 subdivision that is subject to the Property Tax Request Act, the  
18 presentation shall also include information showing that the political  
19 subdivision is in compliance with the Property Tax Request Act. Any  
20 member of the public desiring to speak on the proposed budget statement  
21 shall be allowed to address the governing body at the hearing and shall  
22 be given a reasonable amount of time to do so. After such hearing, the  
23 proposed budget statement shall be adopted, or amended and adopted as  
24 amended, and a written record shall be kept of such hearing. The amount  
25 to be received from personal and real property taxation shall be  
26 certified to the levying board after the proposed budget statement is  
27 adopted or is amended and adopted as amended. If the levying board  
28 represents more than one county, a member or a representative of the  
29 governing board shall, upon the written request of any represented  
30 county, appear and present its budget at the hearing of the requesting  
31 county. The certification of the amount to be received from personal and  
1 real property taxation shall specify separately (a) the amount to be  
2 applied to the payment of principal or interest on bonds issued by the  
3 governing body and (b) the amount to be received for all other purposes.  
4 If the adopted budget statement reflects a change from that shown in the  
5 published proposed budget statement, a summary of such changes shall be  
6 published within twenty calendar days after its adoption in the manner  
7 provided in this section, but without provision for hearing, setting  
8 forth the items changed and the reasons for such changes.  
9 (2) Upon approval by the governing body, the budget shall be filed  
10 with the auditor. The auditor may review the budget for errors in  
11 mathematics, improper accounting, and noncompliance with the Nebraska  
12 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
13 errors, he or she shall immediately notify the governing body of such  
14 errors. The governing body shall correct any such error as provided in  
15 section 13-511. Warrants for the payment of expenditures provided in the

16 budget adopted under this section shall be valid notwithstanding any  
 17 errors or noncompliance for which the auditor has notified the governing  
 18 body.

19 Sec. 6. Section 77-1601, Reissue Revised Statutes of Nebraska, is  
 20 amended to read:

21 77-1601 (1) The county board of equalization shall each year, on or  
 22 before October 15, levy the necessary taxes for the current year if  
 23 within the limit of the law. The levy shall include an amount for  
 24 operation of all functions of county government and shall also include  
 25 all levies necessary to fund tax requests certified under the Property  
 26 Tax Request Act section 77-1601.02 that are authorized as provided in  
 27 sections 77-3442 to 77-3444.

28 (2) On or before November 5, the county board of equalization upon  
 29 its own motion may act to correct a clerical error which has resulted in  
 30 the calculation of an incorrect levy by any political subdivision entity  
 31 otherwise authorized to certify a tax request under the Property Tax  
 1 Request Act section 77-1601.02. The county board of equalization shall  
 2 hold a public hearing to determine what adjustment to the levy is proper,  
 3 legal, or necessary. Notice shall be provided to the governing body of  
 4 each political subdivision affected by the error. Notice of the hearing  
 5 as required by section 84-1411 shall include the following: (a) The time  
 6 and place of the hearing, (b) the dollar amount at issue, and (c) a  
 7 statement setting forth the nature of the error.

8 (3) Upon the conclusion of the hearing, the county board of  
 9 equalization shall issue a corrected levy if it determines that an error  
 10 was made in the original levy which warrants correction. The county board  
 11 of equalization shall then order (a) the county assessor, county clerk,  
 12 and county treasurer to revise assessment books, unit valuation ledgers,  
 13 tax statements, and any other tax records to reflect the correction made  
 14 and (b) the recertification of the information provided to the Property  
 15 Tax Administrator pursuant to section 77-1613.01.

16 Sec. 7. Section 77-1776, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:

18 77-1776 Any political subdivision which has received proceeds from a  
 19 levy imposed on all taxable property within an entire county which is in  
 20 excess of that requested by the political subdivision under the Property  
 21 Tax Request Act section 77-1601.02 as a result of a clerical error or  
 22 mistake shall, in the fiscal year following receipt, return the excess  
 23 tax collections, net of the collection fee, to the county. By July 31 of  
 24 the fiscal year following the receipt of any excess tax collections, the  
 25 county treasurer shall certify to the political subdivision the amount to  
 26 be returned. Such excess tax collections shall be restricted funds in the  
 27 budget of the county that receives the funds under section 13-518.

28 Sec. 8. This act becomes operative on January 1, 2022.

29 Sec. 9. Original sections 77-1601 and 77-1776, Reissue Revised  
 30 Statutes of Nebraska, and sections 13-506 and 77-1601.02, Revised  
 31 Statutes Cumulative Supplement, 2020, are repealed.

Senator M. Hansen filed the following amendment to LB88:

FA23

On page 2, line 18, add "limited" after the word "be".

On page 4, line 10, add "limited after the word "be".

Senator Groene filed the following amendment to LB88:

AM796

1 1. On page 3, after line 23, insert the following new subsection:

2 "(7) A postsecondary educational institution or an employee of such  
 3 institution shall not be held liable in any civil or criminal action for  
 4 any publication or other expression of matter by a student journalist. A



5 student journalist that is nineteen years of age or older may be held  
6 liable in such a civil or criminal action to the extent of such student  
7 journalist's responsibility for and involvement in such publication or  
8 other expression of matter.".

9 2. On page 5, after line 17, insert the following new subsection:

10 "(7) A public high school or school district or an employee of such  
11 school or district shall not be held liable in any civil or criminal  
12 action for any publication or other expression of matter by a student  
13 journalist. A student journalist that is nineteen years of age or older  
14 may be held liable in such a civil or criminal action to the extent of  
15 such student journalist's responsibility for and involvement in such  
16 publication or other expression of matter."; in line 18 strike "(7)" and  
17 insert "(8)"; and in line 23 strike "(8)" and insert "(9)".

Senator Murman filed the following amendment to LB88:

AM657

1 1. On page 3, line 7, strike "So incites students" and insert "Can  
2 be reasonably expected to incite students so".

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

Thursday, April 22, 2021 12:15 p.m.  
Donald Ostdiek - State Board of Health  
Joel R. Bessmer - State Board of Health  
David J. Reese - State Board of Health

(Signed) John Arch, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 108.** Title read. Considered.

Senator McCollister offered the following amendment:

AM975

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.  
4 2. On page 4, strike lines 23 through 28 and insert the following  
5 new subdivision:  
6 "(ii) Beginning on the effective date of this act, such TANF-funded  
7 program or policy shall increase the gross income eligibility limit to  
8 one hundred sixty-five percent of the federal Office of Management and  
9 Budget income poverty guidelines as allowed under federal law and under 7  
10 C.F.R. 273.2(j)(2), as such law and regulation existed on April 1, 2021,  
11 but shall not increase the net income eligibility limit. The department  
12 shall evaluate the TANF-funded program or policy created pursuant to this  
13 subsection and provide a report electronically to the Health and Human  
14 Services Committee of the Legislature and the Legislative Fiscal Analyst  
15 on or before December 31, 2022, regarding the gross income eligibility  
16 limit and whether it maximizes the number of Nebraska residents being  
17 served under the program or policy. The evaluation shall include a  
18 recommendation regarding the gross income eligibility limit and a  
19 determination of the availability of federal funds for the program or  
20 policy.".

Senator McCollister moved for a call of the house. The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

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

Voting in the affirmative, 34:

Aguilar	Day	Hansen, M.	Linehan	Stinner
Blood	DeBoer	Hilgers	McCollister	Vargas
Bostar	Dorn	Hilkemann	McDonnell	Walz
Brandt	Flood	Hunt	McKinney	Wayne
Briese	Friesen	Kolterman	Morfeld	Williams
Cavanaugh, J.	Geist	Lathrop	Moser	Wishart
Cavanaugh, M.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 13:

Albrecht	Brewer	Groene	Lowe	Slama
Arch	Clements	Halloran	Murman	
Bostelman	Erdman	Hughes	Sanders	

Present and not voting, 1:

Hansen, B.

Excused and not voting, 1:

Pahls

The McCollister amendment was adopted with 34 ayes, 13 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCollister moved for a call of the house. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 29:

Aguilar	Cavanaugh, M.	Hansen, M.	McCollister	Vargas
Blood	Day	Hilkemann	McDonnell	Walz
Bostar	DeBoer	Hunt	McKinney	Wayne
Brandt	Dorn	Kolterman	Morfeld	Williams
Briese	Flood	Lathrop	Pansing Brooks	Wishart
Cavanaugh, J.	Friesen	Lindstrom	Stinner	

Voting in the negative, 18:

Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Erdman	Hansen, B.	Lowe	Slama
Bostelman	Geist	Hilgers	Moser	
Brewer	Groene	Hughes	Murman	

Present and not voting, 1:

Gragert

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review Initial with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 108A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 15 nays, 4 present and not voting, and 1 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 96.** Introduced by Cavanaugh, J., 9.

WHEREAS, Omaha's historic Field Club neighborhood is known nationally for its numerous historic and prominent homes and buildings, among them the Gerald R. Ford Birth Site and the Field Club of Omaha Country Club; and

WHEREAS, Omaha's Field Club Historic District was placed on the National Register of Historic Places on November 15, 2000; and

WHEREAS, the Field Club Historic District consists of three hundred twenty-eight houses and sixteen square blocks; and

WHEREAS, Field Club is a flourishing and active neighborhood consisting of neighbors and families who volunteer their time and resources to preserve the special and close-knit feel of the historic district; and

WHEREAS, the Field Club Homeowners League holds several community events throughout the year, including an annual Independence Day Neighborhood Parade and an annual Luminary Night; and

WHEREAS, the Field Club Homeowners League kicked off Field Club Days on April 10, 2021, to celebrate twenty years of the historic district being on the National Registry of Historic Places.

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

1. That the Legislature recognizes the week of April 10-17, 2021, as Field Club Days.
2. That a copy of this resolution be sent to the Field Club Homeowners League.

Laid over.

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

Senator Wayne filed the following amendment to [LB156](#):  
[AM956](#)

(Amendments to AM737)

1 1. Insert the following new section:

2 Sec. 18. Section 81-12,150, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-12,150 The Department of Economic Development ~~may shall~~ adopt and  
5 promulgate rules and regulations to carry out the Site and Building  
6 Development Act, including rules and regulations relating to reviewing  
7 inland port authority proposals pursuant to section 4 of this act and  
8 providing financial assistance to any inland port authority created under  
9 the Municipal Inland Port Authority Act.

10 2. On page 5, line 18, after the second comma insert "the department  
11 shall evaluate the proposed inland port authority to determine whether  
12 the proposal meets the criteria in subsection (1), (2), or (3) of this  
13 section, whichever is applicable. Upon a determination that the proposed  
14 inland port authority sufficiently meets such criteria,"; in line 22  
15 after "authority" insert "sufficiently meets such criteria and"; and in  
16 line 23 after the second occurrence of "authority" insert "does not  
17 sufficiently meet such criteria or".

18 3. On page 7, line 19, after the comma insert "and construct  
19 buildings and other structures".

20 4. On page 8, line 19, strike "and"; in line 22 strike the period  
21 and insert "; and"; and after line 22 insert the following subdivision:  
22 "(p) Establish and charge fees to businesses and customers utilizing  
23 the services offered by the inland port authority within the inland port  
24 district as required for the proper maintenance, development, operation,  
25 and administration of the inland port authority.".

26 5. On page 9, line 6, after "facilities" insert ", buildings, and  
1 infrastructure"; in line 8 after the period insert "An inland port  
2 authority may pledge any revenue derived from the sale or lease of  
3 property of such authority to the payment of such revenue bonds,"; and in  
4 line 18 after "state" insert ", except for assessments under the Nebraska  
5 Workers' Compensation Act and any combined tax due or payments in lieu of  
6 contributions as required under the Employment Security Law".

7 6. On page 11, line 31, after "county" insert ", as applicable".

8 7. On page 12, line 14, strike "appropriations from", show as  
9 stricken, and insert "transfers by"; and in line 23 after "and" insert

10 "five million dollars from the General Fund to the Site and Building  
11 Development Fund for".  
12 8. Renumber the remaining sections and correct the repealer  
13 accordingly.

**MESSAGE(S) FROM THE GOVERNOR**

April 14, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 252 was received in my office on April 12, 2021.

This bill was signed and delivered to the Secretary of State on April 14, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

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

Senator Williams name added to LB147.  
Senator Lindstrom name added to LB147.  
Senator Wishart name added to LB147.  
Senator McCollister name added to LB147.  
Senator Friesen name added to LB236.  
Senator Brewer name added to LB454.

**VISITOR(S)**

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

**ADJOURNMENT**

At 4:33 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, April 15, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SECOND DAY - APRIL 15, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 15, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator McDonnell.

**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 Halloran who was excused; and Senators Hunt and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-first 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 April 14, 2021, 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

Dunning, Eric  
Blue Cross and Blue Shield of Nebraska (Withdrawn 04/09/2021)  
Lyons, Courtney  
Nebraska Housing Developers Association

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

Senator Kolterman filed the following amendment to [LB17](#):  
[AM978](#)

(Amendments to AM929)

1 1. On page 11, lines 11 and 14, strike "[criminal](#)".

**SELECT FILE**

**LEGISLATIVE BILL 527A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 664A.** Senator M. Hansen offered the following amendment:

[FA26](#)

Strike "4,060,000" on page 2, line 1 and insert "4,060,001"

**SPEAKER HILGERS PRESIDING**

Senator M. Hansen offered the following motion:

[MO37](#)

Bracket until April 16, 2021.

**SENATOR WILLIAMS PRESIDING**

Senator M. Hansen withdrew his motion to bracket.

Senator M. Hansen withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**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 924:

Public Employees Retirement Board  
Pamela E. Lancaster

Voting in the affirmative, 37:



Aguilar	Cavanaugh, J.	Hansen, B.	McCollister	Sanders
Albrecht	Clements	Hilgers	McDonnell	Slama
Arch	Dorn	Hilkemann	McKinney	Vargas
Blood	Erdman	Hughes	Morfeld	Williams
Bostelman	Flood	Kolterman	Moser	Wishart
Brandt	Geist	Lathrop	Murman	
Brewer	Gragert	Lindstrom	Pahls	
Briese	Groene	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Bostar	DeBoer	Hansen, M.	Wayne
Cavanaugh, M.	Friesen	Walz	

Excused and not voting, 5:

Day	Halloran	Hunt	Low	Stinner
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The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 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 924:

Public Employees Retirement Board  
Thomas E. Zimmerman

Voting in the affirmative, 36:

Aguilar	Clements	Hilkemann	McKinney	Vargas
Albrecht	Dorn	Hughes	Morfeld	Walz
Arch	Erdman	Kolterman	Moser	Williams
Bostelman	Geist	Lathrop	Murman	Wishart
Brandt	Gragert	Lindstrom	Pahls	
Brewer	Groene	Linehan	Pansing Brooks	
Briese	Hansen, B.	McCollister	Sanders	
Cavanaugh, J.	Hilgers	McDonnell	Slama	

Voting in the negative, 0.

Present and not voting, 7:

Bostar	DeBoer	Friesen	Wayne
Cavanaugh, M.	Flood	Hansen, M.	

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 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 LB83 with 34 ayes, 3 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 83.** With Emergency Clause.

A BILL FOR AN ACT relating to public meetings; to amend sections 24-1204, 31-727.02, 38-170, 39-1108, 58-230, 79-1218, 84-1409, and 84-1412, Reissue Revised Statutes of Nebraska, and sections 2-4108, 58-817, 79-2204, 82-803, 84-1411, and 84-1413, Revised Statutes Cumulative Supplement, 2020; to provide for virtual conferencing; to change certain notice of meeting provisions for sanitary and improvement districts; to change provisions of the Open Meetings Act; to prohibit invalidation of public meetings held pursuant to a Governor's Executive Order as prescribed; to provide an exception for certain meetings; 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, 43:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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 92.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-607, Reissue Revised Statutes of Nebraska, and section 85-502, Revised Statutes Cumulative Supplement, 2020; to change residency and admission provisions with regard to students who are educated in a school that elects not to meet accreditation or approval requirements; to prohibit discrimination as prescribed; 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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

**LEGISLATIVE BILL 101.** With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-994, Revised Statutes Cumulative Supplement, 2020; to change the limitation on addition of long-term care services and supports to the

medicaid managed care program; 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, 43:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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 197.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Revised Statutes Cumulative Supplement, 2020; to change residency requirements for award recipients from the National Service Trust 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, 43:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

### LEGISLATIVE BILL 371.

A BILL FOR AN ACT relating to state, district, and county fairs; to amend section 2-219, Reissue Revised Statutes of Nebraska; to provide an exception for the conduct of games of chance pursuant to the Nebraska Racetrack Gaming Act where a state fair or district or county agricultural fair is being held; 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, 35:

Aguilar	Cavanaugh, M.	Hansen, B.	Linehan	Pahls
Arch	DeBoer	Hansen, M.	McCollister	Pansing Brooks
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hughes	McKinney	Walz
Brewer	Friesen	Kolterman	Morfeld	Wayne
Briese	Gragert	Lathrop	Moser	Williams
Cavanaugh, J.	Groene	Lindstrom	Murman	Wishart

Voting in the negative, 7:

Albrecht	Erdman	Hilgers	Slama
Clements	Geist	Sanders	

Present and not voting, 1:

Bostelman

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

**LEGISLATIVE BILL 390.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-129.01, Revised Statutes Cumulative Supplement, 2020; to provide for additional credentials; to change requirements for credentials; 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, 40:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Pansing Brooks
Albrecht	Clements	Groene	McCollister	Sanders
Arch	DeBoer	Hansen, B.	McDonnell	Slama
Bostar	Dorn	Hilgers	McKinney	Vargas
Bostelman	Erdman	Hughes	Morfeld	Walz
Brandt	Flood	Kolterman	Moser	Wayne
Brewer	Friesen	Lathrop	Murman	Williams
Briese	Geist	Lindstrom	Pahls	Wishart

Voting in the negative, 1:

Hansen, M.

Present and not voting, 2:

Cavanaugh, M. Hilkemann

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

**LEGISLATIVE BILL 400.**

A BILL FOR AN ACT relating to telehealth; to amend sections 71-8503 and 71-8505, Reissue Revised Statutes of Nebraska, and sections 44-312 and 44-7,107, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change requirements for insurers and telehealth consultations under the medical assistance program; 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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

**LEGISLATIVE BILL 487.**

A BILL FOR AN ACT relating to insurance; to amend section 44-793, Reissue Revised Statutes of Nebraska; to change mental health condition and serious mental illness coverage 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, 43:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:

Blood	Halloran	Lowe
Day	Hunt	Stinner

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

### LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend sections 76-1011 and 76-1018, Reissue Revised Statutes of Nebraska; to require payment of attorney's fees by an objecting party as prescribed; to change trustee's sale provisions relating to the priority and distribution of proceeds; 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, 43:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 6:



Blood            Halloran        Lowe  
Day                Hunt             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 83, 92, 101, 197, 371, 390, 400, 487, and 503.

#### **GENERAL FILE**

**LEGISLATIVE BILL 428.** Title read. Considered.

Committee [AM566](#), found on page 658, was offered.

Senator Arch offered his amendment, [AM810](#), found on page 847, to the committee amendment.

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

Senator Arch offered his amendment, [AM943](#), found on page 953, to the committee amendment.

Senator Arch withdrew his amendment.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 6 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.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 9.** Placed on Final Reading.

**LEGISLATIVE BILL 152.** Placed on Final Reading.

**LEGISLATIVE BILL 500.** Placed on Final Reading.

**LEGISLATIVE BILL 583.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 2021, at 11:10 a.m. were the following: LBs 83e, 92, 101e, 197, 371, 390, 400, 487, and 503.

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

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

Senator McKinney filed the following amendment to LB156:  
AM985

(Amendments to AM737)

- 1 1. Insert the following new sections:
- 2 Sec. 14. Sections 14 to 22 of this act shall be known and may be
- 3 cited as the Nebraska Innovation Hub Act.
- 4 Sec. 15. The Legislature finds and declares that:
- 5 (1) Job creation through rapid technology commercialization is a
- 6 vital part of the state's economic well-being;
- 7 (2) Innovation and technology-driven entrepreneurial activity
- 8 coupled with venture investment creates small business startups and
- 9 expansions at an accelerated rate, which leads to significant employment
- 10 opportunities that contribute to the state's financial health and
- 11 economic competitiveness;
- 12 (3) In order to maintain a healthy state economy and to aid
- 13 communities, entrepreneurship and technology-based small businesses must
- 14 be stimulated and supported; and
- 15 (4) Innovation hubs could serve as a vital resource for stimulating
- 16 and supporting entrepreneurship and technology-based small businesses in
- 17 this state.
- 18 Sec. 16. For purposes of the Nebraska Innovation Hub Act:
- 19 (1) Applicant means one or more entities that submit an application
- 20 to the director to become designated as an iHub. Eligible applicants
- 21 shall be one or more of the following:
- 22 (a) A fully accredited institution of higher education;
- 23 (b) A private nonprofit corporation engaged in economic development
- 24 activities;
- 25 (c) A county, city, or village in this state that has a preexisting
- 26 economic development department or program; or
- 1 (d) A public economic development institution such as a workforce
- 2 investment board or an economic development corporation;
- 3 (2) Department means the Department of Economic Development;
- 4 (3) Director means the Director of Economic Development;
- 5 (4) Economic redevelopment area means an area in the State of
- 6 Nebraska in which:
- 7 (a) The average rate of unemployment in the area during the period
- 8 covered by the most recent federal decennial census or American Community
- 9 Survey 5-Year Estimate by the United States Bureau of the Census is at
- 10 least one hundred fifty percent of the average rate of unemployment in
- 11 the state during the same period; and
- 12 (b) The average poverty rate in the area is twenty percent or more
- 13 for the federal census tract in the area;
- 14 (5) iHub area means the geographical area in this state in which an
- 15 iHub will operate. An iHub area may include:
- 16 (a) An economic redevelopment area; and
- 17 (b) An enterprise zone designated pursuant to the Enterprise Zone
- 18 Act;
- 19 (6) iHub coordinator means the individual or entity agreed to by the

20 iHub partners who is responsible for all of the following:  
21 (a) Implementing the objectives of the iHub;  
22 (b) Serving as the primary agent responsible for coordinating  
23 services and resources and maintaining the iHub partnership; and  
24 (c) Serving as the primary liaison to the state and to the  
25 department;  
26 (7) iHub partner means any one of the firms, local governments,  
27 economic development organizations, educational entities, or other  
28 entities that make up the iHub; and  
29 (8) Innovation hub or iHub means a partnership between interrelated  
30 firms, local governments, economic development organizations, educational  
31 entities, and other entities that collectively drive economic growth  
1 within an iHub area.  
2 Sec. 17. The department shall designate innovation hubs within iHub  
3 areas to stimulate partnerships, economic development, and job creation  
4 by leveraging assets to provide an innovation platform for startup  
5 businesses, economic development organizations, business groups, and  
6 venture capitalists. The assets may include, but are not limited to,  
7 research parks, technology incubators, universities, and federal  
8 laboratories.  
9 Sec. 18. (1) Applicants may apply to the director to become  
10 designated as an iHub. Applications shall be submitted on or after  
11 November 1, 2021, and before June 1, 2022. The application shall include,  
12 but not be limited to, the following:  
13 (a) A statement of purpose;  
14 (b) A signed statement of cooperation and a description of the roles  
15 and relationships of each iHub partner;  
16 (c) A designated iHub coordinator;  
17 (d) A clear explanation and map conveying the iHub area;  
18 (e) A clearly identified central location for the iHub;  
19 (f) Clearly identified benchmarks or milestones with approximate  
20 dates as to when they will be achieved;  
21 (g) A complete budget, including a description of secured funds,  
22 pending funds, and potential future funding sources;  
23 (h) A list and brief description of local and regional incentives  
24 and support programs;  
25 (i) A clearly articulated commercial market focus and plan;  
26 (j) A clearly articulated iHub management structure and plan, which  
27 may include a description of the capabilities, qualifications, and  
28 experience of the proposed management team, team leaders, or key  
29 personnel who are critical to achieving the proposed objectives;  
30 (k) A list of iHub assets and resources;  
31 (l) A clearly articulated focus area of the iHub, including industry  
1 sectors or other targeted areas for development and growth;  
2 (m) A list of specific resources available to support and guide  
3 startup companies;  
4 (n) A clearly articulated list of goals to be achieved with the  
5 designation of the iHub;  
6 (o) Expectations for job development and business creation;  
7 (p) Defined performance standards agreed upon by the entities  
8 involved in the development of the iHub;  
9 (q) Evaluation procedures that will be used to measure the level of  
10 achievement for each stated goal;  
11 (r) A plan for sustainability;  
12 (s) Organizational experience, including capabilities, related  
13 experience, facilities, techniques, or unusual resources that are  
14 integral factors for achieving the proposed objectives;  
15 (t) Demonstrated experience with innovation programs, such as  
16 involvement with technology commercialization;  
17 (u) Demonstrated experience with technology transfer or licensing;

18 (v) Demonstrated experience with intellectual property management;  
19 and

20 (w) Evidence of community engagement and support.

21 (2) The director may waive any of the requirements listed in  
22 subsection (1) of this section.

23 (3) The director shall determine whether or not to approve the  
24 requested iHub designation by no later than July 1, 2022. Each iHub  
25 designation shall be for a term of not more than five years. An iHub may  
26 apply for redesignation without limitation as to the number of times.

27 (4) The iHub designation shall not be official until a memorandum of  
28 understanding is entered into by the applicant and the director. The  
29 memorandum of understanding shall include the goals and performance  
30 standards identified in the application and other related requirements as  
31 determined by the director.

1 (5) More than one iHub may be designated in the same iHub area to  
2 the extent that there is a clear distinction between the focus areas of  
3 the iHubs.

4 (6) The department shall set guidelines for approval, designation,  
5 operation, reporting, and redesignation of iHubs.

6 (7) An iHub shall annually report to the director on its progress in  
7 meeting the goals and performance standards as described in the iHub  
8 application and the implementing memorandum of understanding with the  
9 director. The report shall also include information regarding the number  
10 of businesses served, the number of jobs created, and the amount of funds  
11 raised by the iHub. The director shall annually post the information from  
12 these reports on the department's web site and provide notice to the  
13 Governor and the Legislature that the information is available on the web  
14 site.

15 Sec. 19. A designated iHub shall include:

16 (1) At least one major university or research center or institute;

17 (2) At least one economic development organization; and

18 (3) At least four additional members. Each such member shall fall  
19 within one of the following categories:

20 (a) A business support organization, including a workforce  
21 development or training organization, an incubator or a business  
22 accelerator, a business technical assistance provider, a chamber of  
23 commerce, or a networking organization that supports innovation;

24 (b) An educational consortium, including technology transfer  
25 representatives;

26 (c) A venture capital network, including angel investors;

27 (d) A business foundation, innovation foundation, science  
28 foundation, laboratory research institution, federal laboratory, or  
29 research and development facility;

30 (e) A municipal economic development division or department;

31 (f) A federal government partner, such as a national laboratory;

1 (g) A bank or other financial institution; or

2 (h) A labor union or similar employee organization.

3 Sec. 20. Before an official designation as an iHub, the applicant  
4 shall self-certify that the iHub and its iHub partners are current in  
5 payment of all state and local taxes owed.

6 Sec. 21. (1) An iHub may do all of, but shall not be limited to,  
7 the following:

8 (a) Provide counseling and technical assistance to entrepreneurs,  
9 either by direct or indirect services, in the following areas:

10 (i) Entrepreneurial business planning and management;

11 (ii) Financing and the use of credit;

12 (iii) Marketing for small businesses;

13 (iv) Tax education;

14 (v) Financial account management, bookkeeping, and budgeting;

15 (vi) Leadership development;

16 (vii) Insurance needs and requirements;  
 17 (viii) Sources for grant funding and how to apply for such grants;  
 18 (ix) Financial literacy education;  
 19 (x) Permit and licensing requirements; and  
 20 (xi) Government procurement processes;  
 21 (b) Provide expert advice to entrepreneurs on starting a business,  
 22 including legal requirements for starting a business and access to  
 23 financing opportunities;  
 24 (c) Conduct business workshops, seminars, and conferences with local  
 25 partners including, but not limited to, universities, community colleges,  
 26 local governments, state and federal service providers, private industry,  
 27 workforce investment boards and agencies, small business development  
 28 centers, microenterprise development organizations, small business  
 29 service agencies, economic development organizations, and chambers of  
 30 commerce; and  
 31 (d) Facilitate partnerships between innovative startup businesses,  
 1 research institutions, and venture capitalists or financial institutions.  
 2 (2) An iHub shall, to the extent feasible, do all of the following:  
 3 (a) Work in close collaboration with the activities of the  
 4 department as its primary statewide partner; and  
 5 (b) Coordinate activities with community colleges, universities, and  
 6 other state economic and workforce development programs.  
 7 Sec. 22. The director may adopt and promulgate rules and  
 8 regulations to carry out the Nebraska Innovation Hub Act.  
 9 2. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB147.  
 Senator Aguilar name added to LB236.  
 Senator Gragert name added to LB236.  
 Senator Gragert name added to LB406.

### VISITOR(S)

The Doctor of the Day was Dr. Marlon Weiss of Lincoln.

### ADJOURNMENT

At 11:46 a.m., on a motion by Senator Morfeld, the Legislature adjourned until 10:00 a.m., Tuesday, April 20, 2021.

Patrick J. O'Donnell  
 Clerk of the Legislature



**SIXTY-THIRD DAY - APRIL 20, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 20, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Moser.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 247.** Placed on Final Reading.

**LEGISLATIVE BILL 320.** Placed on Final Reading.

**ST12**

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

1. In the E&R amendments, ER34, on page 9, line 13, the underscored comma has been struck.

**LEGISLATIVE BILL 320A.** Placed on Final Reading.

**LEGISLATIVE BILL 338.** Placed on Final Reading.

**LEGISLATIVE BILL 423.** Placed on Final Reading.

**LEGISLATIVE BILL 423A.** Placed on Final Reading.

**LEGISLATIVE BILL 497.** Placed on Final Reading.

**LEGISLATIVE BILL 501.** Placed on Final Reading.

[ST11](#)

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

1. In the E & R amendments, ER45, on page 37, line 12, "or" has been struck; and the matter beginning with "an" in line 26 through "(3)" in line 29 has been struck.

**LEGISLATIVE BILL 507.** Placed on Final Reading.

**LEGISLATIVE BILL 527.** Placed on Final Reading.

**LEGISLATIVE BILL 527A.** Placed on Final Reading.

**LEGISLATIVE BILL 639.** Placed on Final Reading.

**LEGISLATIVE BILL 650.** Placed on Final Reading.

**LEGISLATIVE BILL 650A.** Placed on Final Reading.

**LEGISLATIVE BILL 664.** Placed on Final Reading.

**LEGISLATIVE BILL 664A.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 108.** Placed on Select File with amendment.

[ER60](#)

1 1. On page 1, line 4, strike "and" and after "section" insert "; and  
2 to declare an emergency".

**LEGISLATIVE BILL 108A.** Placed on Select File.

**LEGISLATIVE BILL 428.** Placed on Select File with amendment.

[ER61](#)

1 1. In the Standing Committee amendments, AM566, on page 4, line 26,  
2 strike "effective date of this act" and insert "operative date of this  
3 section".  
4 2. On page 1, strike beginning with "youth" in line 1 through line 4  
5 and insert "the Department of Health and Human Services; to amend section  
6 68-1213, Reissue Revised Statutes of Nebraska, and sections 43-404,  
7 83-102, 83-106, and 83-107.01, Revised Statutes Cumulative Supplement,  
8 2020; to require notification by the department to the Legislature prior  
9 to implementation of substantial changes to facilities and programs under  
10 the Office of Juvenile Services; to change an evaluation period for a  
11 certain pilot project; to change educational programming provisions  
12 relating to youth rehabilitation and treatment centers; to require  
13 completion of a needs assessment and cost analysis for an inpatient  
14 adolescent psychiatric unit as prescribed; to state intent regarding  
15 substance abuse and behavioral health treatment for juveniles; to provide  
16 operative dates; to repeal the original sections; and to declare an  
17 emergency."

(Signed) Terrell McKinney, Chairperson



**MESSAGE(S) FROM THE GOVERNOR**

April 16, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 5, 41, 70, 70A, 78, 405, and 461 were received in my office on April 12, 2021.

These bills were signed and delivered to the Secretary of State on April 16, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**ATTORNEY GENERAL'S OPINION**Opinion 21-007

**SUBJECT:** Application of the Legislative Approval Requirement in Neb. Const. art. IV, § 10, to the Governor's Appointment of Members of the Nebraska Brand Committee (LB 572) (AM686)

**REQUESTED BY:** Senator Steve Halloran  
Nebraska Legislature

**WRITTEN BY:** Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

**INTRODUCTION**

Currently, the Nebraska Brand Committee "consist[s] of five members appointed by the Governor." Neb. Rev. Stat. § 54-191(1) (Cum. Supp. 2020). You introduced an amendment to LB 572, recently adopted on General File, which would amend this statute to provide that appointees to the Nebraska Brand Committee are "subject to confirmation by the Legislature." AM686. In connection with this pending legislation, you have requested our opinion on three questions relating to the appointment of members of the Nebraska Brand Committee and the application of the appointment powers granted the Governor in Neb. Const. art. IV, § 10. Your specific questions are:

1.If the underlying statute creating the Brand Committee is silent upon the question of whether the Legislature asserts its confirmation authority as a procedural step in completing the appointment of its members, does the Legislature waive or divest its confirmation jurisdiction under Article IV, Section 10 over appointments of members of the Brand Committee?

2.If such express confirmation intent is required to be stated in the statutory provisions creating an office, and the Legislature is precluded from exercising confirmation jurisdiction without statutory revision, at what point does an appointee's commission begin?

3.If the Legislature does not waive its confirmation authority under Article IV, Section 10 by its statutory silence on the question of the Legislature asserting its confirmation jurisdiction for members of the Brand Committee, what is the procedure for compelling that the Governor's appointments to the Brand Committee be submitted to the Legislature for confirmation?

You state AM686 would "expressly provide that appointments to the Brand Committee are subject to legislative confirmation for all future appointments." You seek guidance regarding the amendment and "to understand if the Legislature may assert confirmation jurisdiction over recent appointments to the Brand Committee."

For the reasons stated below, we conclude that art. IV, § 10, does not require legislative confirmation of appointments to the Brand Committee as it authorizes the Legislature to create offices by law and provide for the appointment of persons to those offices without legislative approval. As § 54-191 currently does not require legislative approval of appointees to the Brand Committee, legislative confirmation of appointees is not required. This is not uncommon, as a review of current statutes creating various offices shows the Legislature has, in some cases, granted power to appoint without legislative confirmation to the Governor, and, in other cases, has required that the Legislature approve appointments. While § 54-191 does not currently require legislative confirmation of Brand Committee appointees, the Legislature can change the statute to provide for legislative confirmation of such appointees. AM686, were it to become law, would require that future appointees to the Brand Committee be confirmed by the Legislature.

#### **ANALYSIS**

Neb. Const. art. IV, § 10, provides, in relevant part:

The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed by the Legislature.

In Op. Att'y Gen. No. 90026 (March 28, 1990), we discussed the application of art. IV, § 10, to legislation offered to implement a proposed constitutional amendment to replace the Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges with a new Board of Regents for Nebraska Higher Education. The legislation created a Nebraska Higher Education Commission ["Commission"]. Some of the members of the Commission were to be appointed by the Governor, while other members were to be appointed by the Board of Regents for Nebraska Higher Education and other bodies. The question presented by this process was "whether appointments may be constitutionally made by entities other than the Governor." *Id.* at 2-3. In addressing this question, we noted an early Nebraska Supreme Court decision, *State ex rel. Horne v. Holcomb*, 46 Neb. 88, 64 N.W. 437 (1895) ["*Horne*"], discussing language found in art. V, § 10 of the Nebraska Constitution of 1875, which was "virtually identical" to the language found currently in art. IV, § 10. *Id.* The Court in *Horne* stated:

[A] careful analysis of the above section [art. V, § 10] discloses that power is thereby conferred upon the governor to appoint two classes of officers, viz. (1) those whose offices are established by the constitution itself; (2) those whose offices are created by law, and whose appointment or election is not otherwise provided for. The phrase "whose appointment or election is not otherwise \* \* \* provided for," is an apparent limitation upon the preceding general language, and, read by itself, impliedly authorizes the legislature to prescribe the manner of selecting all officers of its own creation. *Id.* at \_\_\_, 64 N.W. at 438.

Based on this language, we concluded "the Legislature can authorize governmental entities other than the Governor to make appointments." Op. Att'y Gen. No. 90026 at 3. We noted, however, that the final clause of art. IV, § 10 provided "those appointments may not be made the Legislature itself." *Id.*

Op. Att'y Gen. No. 93076 (September 24, 1993), discussed the necessity of legislative approval of an appointee to the office of Lieutenant Governor. We noted three constitutional provisions on appointments and vacancies: Neb. Const. art. IV, §§ 10, 11, and 12. As to art. IV, § 10, we stated it "applies only to initial appointments by the Governor of officials whose appointment or election is not otherwise provided for." *Id.* at 3. (emphasis added).<sup>1</sup>

*Horne* construed language in the Nebraska Constitution of 1875 virtually the same as art. IV, § 10, to mean that the Governor had power to appoint two classes of officers, those whose offices are created by the Constitution, and "those whose offices are created by law, and whose appointment or election is not otherwise provided for." 46 Neb. at \_\_\_, 64 N.W. at 438. The Court further interpreted the phrase "whose appointment or election is not otherwise . . . provided for" to "impliedly authorize the legislature to prescribe the manner of selecting all officers of its own creation." *Id.* Thus,

as to offices created by law, the Legislature has authority to prescribe the manner of appointment. The logical conclusion is that, in exercising this power, the Legislature may by statute create an office and provide for the Governor's appointment of officers without legislative approval.

The Idaho Constitution contains language virtually identical to Neb. Const. art. IV, § 10. Specifically, Idaho Const. art. IV, § 6, provides: "The governor shall nominate and, by and with the consent of the senate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment is not otherwise provided for." The Idaho Supreme Court has construed this to mean that "[t]he legislature can create positions to be filled by gubernatorial appointments without requiring that they be subject to legislative confirmation." *Troutner v. Kempthorne*, 142 Idaho 389, 393, 128 P.3d 926, 930 (2006) (citing *In re Inman*, 8 Idaho 398, 69 P. 120 (1902)). In *Inman*, the Idaho Supreme found an act allowing the governor to appoint a state board of medical examiners without the concurrence of the senate did not violate art. IV, § 6, of the Idaho constitution. It noted this provision "points out the manner of filling offices whose appointment or election is not otherwise provided for by law." *Id.* at \_\_\_, 69 P. at 121. It found that "in the act in question, the legislature has provided, as it has the power to do under the constitution, for the appointment by the governor." *Id.* See also *Lyons v. Bottolfsen*, 61 Idaho 281, \_\_\_, 101 P.2d 1, 8 (1940) ("[T]he Legislature has the authority to give the power of appointment of the bridge committee without the consent of the Senate.").

Consistent with *Horne*, the Idaho cases construing language virtually identical to art. IV, § 10, further support reading that provision to allow the Legislature to provide for the appointment by the Governor of persons to offices created by law when that law "otherwise" provides for appointment without the approval of the Legislature. That is consistent with numerous existing Nebraska statutes that provide for the Governor's appointment of members of various boards, commissions, and committees, without requiring legislative approval or consent. See, e.g., Neb. Rev. Stat. § 2-3745 (2012) (Dry Bean Commission); Neb. Rev. Stat. § 48-1116 (Cum. Supp. 2020) (Equal Opportunity Commission); Neb. Rev. Stat. § 72-724 (2018) (Nebraska Hall of Fame Commission); Neb. Rev. Stat. § 81-1407 (2014) (Nebraska Police Standards Advisory Council); Neb. Rev. Stat. § 81-3528 (Board of Engineers and Architects). That does not mean that the Legislature cannot require legislative approval of such appointees, as reflected in various statutes which impose such a requirement. See, e.g., Neb. Rev. Stat. § 2-1201 (State Racing Commission); Neb. Rev. Stat. § 9-1003 (Cum. Supp. 2020) (Nebraska Commission on Problem Gambling); Neb. Rev. Stat. § 39-2106 (Cum. Supp. 2020) (Board of Public Roads Classifications and Standards); Neb. Rev. Stat. § 83-309 (2014) (Nebraska Arts Council).

Thus, as to your first question, § 54-191 currently contains no language requiring legislative approval or confirmation of Brand Committee

appointees. Under art. IV, § 10, the Legislature may create offices and provide for the Governor's appointment of officers without requiring legislative approval. Because § 54-191 does not provide for legislative approval of Brand Committee members, no such approval is required.

As to your second question, where legislative confirmation or approval is not required, the general rule of when an appointment commences is stated in 67 C.J.S. Officers § 145 (2021) as follows:

As a general rule, if a law sets forth a date for the commencement of a term of office, the term commences on that date regardless of when appointments are actually made or the appointees formally qualify. Where the office is newly created, the term begins when the office is first filled. The matter of when an oath of office is taken is immaterial to its term.

The general rule is that, where no time is fixed by the constitution or statute, the term begins, in the case of elective offices, on the day of election and, in the case of appointive offices, on the date of appointment, but it is only where the constitution or statute fails to prescribe when the term of office shall begin that it begins on election or appointment.

Section 54-191 provides that "[t]he terms of the members [of the Brand Committee] shall be four-year, staggered terms, beginning on August 28 of the year of initial appointment or reappointment and concluding on August 27 of the year of expiration. At the expiration of the term of an appointed member, the Governor shall appoint a successor." Thus, for Brand Committee members, the commencement of a term is determined by the date prescribed by § 54-191.

Finally, your third question is predicated on the Legislature retaining authority to confirm Brand Committee members under art. IV, § 10, even though § 54-191 currently contains no requirement that appointees to the Brand Committee be approved by the Legislature. As we explained in response to your first question, the absence of language in § 54-191 requiring legislative approval of appointees to the Brand Committee is allowed under art. IV, § 10, and thus there is no requirement that such appointees be confirmed by the Legislature.

### CONCLUSION

To summarize, the current statute creating the Brand Committee provides for appointment of committee members by the Governor and does not require legislative approval. Neb. Rev. Stat. § 54-191. This does not violate art. IV, § 10, as the Legislature may enact statutes creating offices that provide for the Governor's appointment to those offices without legislative approval. The Legislature, of course, is free to impose such an approval requirement if it chooses to do so, as it has in many cases. To require legislative approval of Brand Committee appointees, the Legislature would need to amend § 54-191 to impose this requirement. AM686, were it to

become law, would add such a requirement and future appointees to the Brand Committee would be subject to legislative confirmation.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

07-1399-29

<sup>1</sup>Your request is limited to appointments and the interpretation of the Governor's appointment power under art. IV, § 10. Accordingly, our analysis is limited to that provision and does not address appointments to fill vacancies under Neb. Const art. IV, §§ 11 and 12.

Opinion 21-006

SUBJECT:           Constitutionality Under the Separation of Powers  
                      Clause of Service as a Member of Both the State  
                      Board of Health and a Judicial Nominating  
                      Commission

REQUESTED BY:    Senator Megan Hunt  
                      Nebraska Legislature

WRITTEN BY:       Douglas J. Peterson, Attorney General  
                      Leslie S. Donley, Assistant Attorney General

You have requested an opinion of the Attorney General relating to the recent appointment of Robert (Bud) Synhorst to the State Board of Health. You indicate in your opinion request letter that in addition to his appointment to the State Board of Health, Mr. Synhorst also serves on the Judicial Nominating Commission-Third District-District Court, which you assert "is an agency, or a component of, the judicial branch of our state government" under art. V, § 21 of the Nebraska Constitution.

You state that in *State ex rel. Spire v. Conway*,<sup>1</sup> "the Nebraska Supreme Court held . . . that a state senator could not hold a teaching position at Wayne State College while serving as a member of the Legislature because the college was operating under the auspices of the Board of Regents of the University of Nebraska," which the court interpreted to be "an executive agency and part of the executive branch."<sup>2</sup> You further state that under *Conway*, "[t]he Court reasoned that our state constitution's separation of powers provision . . . prohibits certain person[s] from serving two branches

of government concurrently." Thus, as a member of the legislative branch, Conway could not continue to serve in both the Legislature and as an assistant professor at Wayne State College.

You assert that "Mr. Synhorst is now concurrently serving as a member of commission[s] in the executive and the judicial branch of government." Based on the foregoing, you have posed the following questions:

1. How is this "dual service" appointment consistent with the *Conway* prohibition against concurrent service in two branches of government?
2. If it is your opinion that Mr. Synhorst's dual service on these commissions is improper, what is the remedy for resolving this unconstitutional arrangement?
3. Section 71-2603 provides for a removal process of Board of Health members for various reasons, including the "failure to maintain the qualifications for the position for which appointed." Would removal of Mr. Synhorst from the Board of Health be the remedy for resolving the conflict with *Conway*?
4. Or would the Legislature's most recent confirmation of Mr. Synhorst to the Board of Health be given deference? If so, and stated another way, is there a process available for removal from Mr. Synhorst from the Judicial Nominating Commission [that would] be the preferred remedy?

You have requested guidance on these questions, "and any other related subjects you identify, regarding the issue of the predicament of Mr. Synhorst's dual service on the above-referenced commissions."

#### ANALYSIS

In Op. Att'y Gen. No. 157 (December 24, 1985), the Attorney General clarified the policies relating to the issuance of opinions to members of the Legislature:

In the case of requests from members of the Legislature, we have limited the issuance of such opinions for "valid legislative purposes" only. The Legislature's purpose is, of course, to make, alter or repeal laws. See, *Nebraska Public Power District v. City of York*, 212 Neb. 747, 326 N.W.2d 22 (1982). It is the function of the executive branch to apply and enforce those laws, and the judicial branch to interpret those laws. Consequently, it has been and continues to be the policy of the Attorney General that we issue legal opinions to state legislators which pertain only to pending or proposed legislation. In this regard it is also our policy to decline opinion requests from legislators concerning the constitutionality, or seeking interpretations, of existing statutes. . . .

There are two exceptions to this policy. The first exception is where the interpretation of an existing statute is directly related to the proposed or pending legislation, or in turn where the proposed legislation is dependent upon such an interpretation. The second exception is where the requested interpretation pertains directly to the performance of some function or duty by the Legislature itself.

*Id.* at 1.

Under those standards, we are uncertain what legislative purpose is implicated in your questions set out above. There is no pending or proposed legislation before us. The questions also do not implicate the performance of a legislative function or duty. It appears to us that the matter of the confirmation of Mr. Synhorst to the State Board of Health was fully resolved when the Nebraska Legislature voted to adopt the Health and Human Services Committee's confirmation report on March 31.<sup>3</sup> Moreover, legislative attempts to recommit the confirmation report to the committee were unsuccessful. There is nothing pending in this regard. However, since the Attorney General has independent authority under the quo warranto statutes<sup>4</sup> to remove a state official who may be improperly holding office, we will take this opportunity to consider the propriety of Mr. Synhorst's dual appointments.

### **I. Applicable Law.**

Article II, § 1 of the Nebraska Constitution provides, in pertinent part:

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.

Neb. Const. art. II, § 1(1). "[T]he Nebraska Constitution 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. Shepherd v. Nebraska Equal Opportunity Com'n*, 251 Neb. 517, 524, 557 N.W.2d 684, 690 (1997). "Article II also prohibits certain persons from serving two branches of government concurrently. This is its personnel, or individual, aspect. This aspect serves as a check against the concentration of power, and guards against conflicts of interest which arise when one serves two masters." *Conway*, 238 Neb. at 773-74, 472 N.W.2d at 408.

Neb. Const. art IV, § 6, states that "[t]he 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."



Judicial nominating commissions are created in Neb. Const. art. V, § 21, which provides, in pertinent part:

(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him by the appropriate judicial nominating commission.

\* \* \*

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as chairman, but shall not be entitled to vote. . . .

(Emphasis added.) In addition, the Legislature has enacted Neb. Rev. Stat. §§ 24-801 to 24-812 (2016, Cum. Supp. 2020), which apply to "[a]ll judicial nominating commissions under Article V of the Constitution of Nebraska . . ." Neb. Rev. Stat. § 24-801 (2016).

## II. Judicial Nominating Commissions Perform Executive Functions.

You initially ask how Mr. Synhorst's "'dual service' appointment [is] consistent with the *Conway* prohibition against concurrent service in two branches of government[.]" Your question is premised on your assertion that a judicial nominating commission "is an agency, or a component of, the judicial branch of our state government." The sole support for this assertion appears to be the fact that commissions are created in article V of the Constitution pertaining to the Judiciary.

The Attorney General has issued several opinions discussing *Conway* in the context of various fact situations. In Op. Att'y Gen. No. 92115 (October 1, 1992), we considered the constitutionality of Supreme Court Judges sitting as presiding members of judicial nominating commissions. Senator Schimek raised the concern that in light of *Conway*, since members of judicial nominating commissions who assist the governor in making judicial appointments are part of the executive branch, the separation of powers clause would preclude the judges from serving as members. Our analysis noted that the *Conway* court interpreted the separation of powers clause "to prohibit 'members of one branch from exercising the powers of a coordinate branch and therefore prohibits any member of one of the three branches—whether it be an officer or employee—from being an officer in another branch.' *Id.* at 788, 472 N.W.2d at 415-16." We further noted that art II, § 1 "requires separation of legislative, executive, and judicial powers 'except as hereinafter expressly directed or permitted.'" *Id.* at 2. In this context, the

Nebraska Supreme Court had applied the exception to entities endowed by the Nebraska Constitution with multiple governmental powers, but not to individuals.<sup>5</sup> We concluded that

Article V, Section 21 . . . expressly directs that Supreme Court Judges, personnel who obviously exercise power in the judicial branch, be members of judicial nominating commissions, which assist the Governor in performing the designated executive function of filling judicial vacancies. This constitutional provision requires judges who exercise power in one governmental branch to be members of another branch, thus creating an exception to the separation of powers provision contained in Article II, Section 1, of the Nebraska Constitution.

*Id.* (emphasis added).

Authority in other jurisdictions supports the position taken in Op. Att'y Gen. No. 92115 that members of judicial nominating commissions exercise an executive function when performing their duties. In *In re Advisory Opinion to the Governor*, 276 So. 2d 25 (Fla. 1973), the governor of Florida requested an opinion from the Florida Supreme Court relating to the appropriate roles of the executive and legislative branches in light of recent enactments elevating judicial nominating commissions "to constitutional stature and permanence." *Id.* at 29. The court held that "[t]he appointment of a judge is an executive function and the screening of applicants which results in the nomination of those qualified is also an executive function." *Id.* In response to whether the governor could establish operational rules for the commissions, the court stated:

Your . . . question is answered in the negative. The purpose of the judicial nominating commission is to take the judiciary out of the field of political patronage and provide a method of checking the qualifications of persons seeking the office of judge. When the commission has completed its investigation and reached a conclusion, the persons meeting the qualifications are nominated. In this respect the commissioners act in an advisory capacity to aid the Governor in the conscientious exercise of his executive appointive power.

The preservation of the inherent powers of the three branches of government, free of encroachment or infringement by one upon the other, is essential to the effective operation of our constitutional system of government. . . . This doctrine is designed to avoid excessive concentration of power in the hands of one branch. . . . As a corollary to the doctrine of separation of powers, the executive branch under the Florida Constitution is empowered to fill by appointment vacancies in judicial office.

*Id.* at 30 (internal citations omitted).

In *Richardson v. Koshiba*, 693 F.2d 911 (9th Cir. 1982), a former state judge brought suit against members of the Hawaii Judicial Selection Commission for violating his Fourteenth Amendment rights to procedural due process by denying his petition for reappointment. Richardson also alleged violations of the Hawaii Constitution and law. Commission members argued they were "absolutely immune from liability for damages" because they were agents of the court acting "in furtherance of their quasi-judicial functions." *Id.* at 913. The court rejected these claims, stating:

One claiming immunity has the burden of demonstrating entitlement to it. . . . The Commission contends that its functions are "judicial" in nature because its responsibilities of recommending candidates for judicial office to the appointing officials and of reviewing reappointment petitions requires it to "weigh the merits of [the] candidates," "consider all the evidence," "conduct extensive investigations," and "act very much like judges in attempting objectively to evaluate . . . the merits of each candidate or petition." Although the Commission describes its responsibilities in "judicial" terms, these functions bear little resemblance to the characteristic of the judicial process that gave rise to the recognition of absolute immunity for judicial officers: the adjudication of controversies between adversaries. . . . Rather, these responsibilities indicate that the Commission's functions are executive in nature.

*Id.* at 914 (emphasis added) (internal citations omitted).

In *Matheson v. Ferry*, 641 P.2d 674 (Utah 1982), the Utah Supreme Court considered the constitutionality of statutes that provided for two members of the Legislature to serve on judicial nominating commissions and required senate confirmation of certain judicial appointments. The court noted that "[t]he function of actually carrying out the judicial selection processes as provided by law and making appointments has historically been the function of the executive in this state . . . ." *Id.* at 677. "Indeed, so far as we are aware, the actual selection and appointment of judges in every state except two (excluding states having popular election procedures) is done by the executive either by Constitution or statute, or both, under limitations and restrictions of varying degrees as the constitutions and laws in such states provide." *Id.* at 678. The court stated that regardless of the source of the Governor's power (i.e., constitutional, statutory, or inherent), the Governor's power is both protected and proscribed by the separation of powers clause. The court concluded that since there was no specific language in the Constitution prohibiting the Legislature from participating in judicial selection and appointment procedures in any degree, the statute providing for two legislative appointees on the commissions did not violate the separation of powers clause. However, the statutes adding the "advice and consent" provisions amounted to an "offensive control" by the Legislature of the Governor's power of appointment and was violative of the clause. *Id.* at 679.<sup>6</sup>

"A constitution represents the supreme written will of the people regarding the framework for their government. *Pig Pro Nonstock Co-op. v. Moore*, 253 Neb. 72, 568 N.W.2d 217 (1997). When the language of the state Constitution is clear, unambiguous, and does not violate the U.S. Constitution, it is not for [the] court to read into it that which is not there." *Pony Lake School Dist. 30 v. State Committee for Reorganization of School Districts*, 271 Neb. 173, 187, 710 N.W.2d 609, 622 (2006). There is nothing in art. V, § 21 that suggests that judicial nominating commissions constitute "agencies" of the judicial branch, or that members of these commissions are exercising judicial or quasi-judicial functions when they screen applicants for judicial appointment. In contrast, art. V, § 21 clearly and unambiguously states that the Governor fills judicial vacancies from a list of nominees presented to him by the appropriate judicial nominating commission. In this regard, members of judicial nominating commissions are exercising an executive function, not a judicial one.

Mr. Synhorst is now serving in the executive branch as a result of his appointment to the State Board of Health. He fulfills an executive function as a member of the Judicial Nominating Commission-Third District-District Court. He does not serve in two branches of government. Thus, in response to your first question, Mr. Synhorst's dual appointments are, in fact, consistent with the *Conway* prohibition since only the executive branch of government is implicated.

### CONCLUSION

Based on the foregoing, it is the opinion of this office that members of judicial nominating commissions exercise an executive function when they screen applicants for judicial office. Applying the *Conway* rule to the facts before us, we conclude that Mr. Synhorst's dual appointments do not violate the separation of powers clause of the Nebraska Constitution since they only involve service in and to the executive branch of government. In light of this conclusion, it is unnecessary for us to address the remaining questions in your request.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-2679-29

<sup>1</sup>238 Neb. 766, 472 N.W.2d 403 (1991).

<sup>2</sup>In *Conway*, the court found that the State College Board of Trustees, like the University Board of Regents, was part of the executive branch. There

was no indication by the court in *Conway* that the Board of Trustees was operating under the auspices of the Board of Regents.

<sup>3</sup>The Legislature confirmed Mr. Synhorst's appointment to the board on March 31, 2021, with 37 members voting aye, 7 nays, 3 present and not voting, and 2 excused and not voting. Nebraska Journal, March 31, 2021, at 837.

<sup>4</sup>Neb. Rev. Stat. §§ 25-21,121 to 25-21,148 (2016).

<sup>5</sup>"While it may be necessary for certain agencies to share attributes with the executive, legislative, and judicial branches in order for those agencies to carry out the function assigned to them in the Constitution, those needs do not require the agency to employ personnel who exercise power in another governmental branch." *Conway*, 238 Neb. at 785, 472 N.W.2d at 414.

<sup>6</sup>*Compare Ashford v. Bowie*, 2016 WL 4186952, *vacated by Ashford v. Douglas County*, 880 F.3d 990 (8<sup>th</sup> Cir. 2018) (Judicial immunity applies to selection committee comprised of judges and nonjudges involved in selecting attorneys to be included on lists for court appointments.).

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 83, 92, 101, 197, 371, 390, 400, 487, and 503.

(Signed) Carol Blood

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 83, 92, 101, 197, 371, 390, 400, 487, and 503.

(Signed) Jen Day

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 87, 88, 89, 90, 91, 92, 93, and 94 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 87, 88, 89, 90, 91, 92, 93, and 94.

#### **GENERAL FILE**

**LEGISLATIVE BILL 271A.** 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 57.** 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 275.** Title read. Considered.

Committee [AM187](#), found on page 487, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 275A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 355.** 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.

**LEGISLATIVE BILL 261.** 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.

**LEGISLATIVE BILL 669.** Title read. Considered.

Committee [AM467](#), found on page 663, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 291.** Title read. Considered.

Senator Friesen offered the following amendment:

[AM1023](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-1502, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 77-1502 (1) The county board of equalization shall meet for the  
6 purpose of reviewing and deciding written protests filed pursuant to this  
7 section beginning on or after June 1 and ending on or before July 25 of  
8 each year. Protests regarding real property shall be signed and filed  
9 after the county assessor's completion of the real property assessment  
10 roll required by section 77-1315 and on or before June 30. For protests  
11 of real property, a protest shall be filed for each parcel. Protests

12 regarding taxable tangible personal property returns filed pursuant to  
13 section 77-1229 from January 1 through May 1 shall be signed and filed on  
14 or before June 30. The county board in a county with a population of more  
15 than one hundred thousand inhabitants based upon the most recent federal  
16 decennial census may adopt a resolution to extend the deadline for  
17 hearing protests from July 25 to August 10. The resolution must be  
18 adopted before July 25 and it will affect the time for hearing protests  
19 for that year only. By adopting such resolution, such county waives any  
20 right to petition the Tax Equalization and Review Commission for  
21 adjustment of a class or subclass of real property under section  
22 77-1504.01 for that year.

23 (2) Each protest shall be made on a form prescribed by the Tax  
24 Commissioner, signed, and filed with the county clerk of the county where  
25 the property is assessed. It shall be acceptable for a county to create  
26 its own form, including an electronic form, as long as the form captures  
27 the information required by this subsection. The protest shall contain or  
1 have attached a statement of the reason or reasons why the requested  
2 change should be made, including the requested valuation, and a  
3 description of the property to which the protest applies. If the property  
4 is real property, a description adequate to identify each parcel shall be  
5 provided. If the property is tangible personal property, a physical  
6 description of the property under protest shall be provided. If the  
7 protest does not contain or have attached the statement of the reason or  
8 reasons for the protest, including the requested valuation, or the  
9 applicable description of the property, the protest shall be dismissed by  
10 the county board of equalization. Counties may make reasonable efforts to  
11 contact protesters who have timely filed a protest but have either filed  
12 incomplete information or not used the required form. The protest shall  
13 also indicate whether the person signing the protest is an owner of the  
14 property or a person authorized to protest on behalf of the owner. If the  
15 person signing the protest is a person authorized to protest on behalf of  
16 the owner, such person shall provide the authorization with the protest.  
17 If the person signing the protest is not an owner of the property or a  
18 person authorized to protest on behalf of the owner, the county clerk  
19 shall mail a copy of the protest to the owner of the property at the  
20 address to which the property tax statements are mailed.

21 (3) Beginning January 1, 2014, in counties with a population of at  
22 least one hundred fifty thousand inhabitants according to the most recent  
23 federal decennial census, for a protest regarding real property, each  
24 protester shall be afforded the opportunity to meet in person with the  
25 county board of equalization or a referee appointed under section  
26 77-1502.01 to provide information relevant to the protested property  
27 value.

28 (4) No hearing of the county board of equalization on a protest  
29 filed under this section shall be held before a single commissioner or  
30 supervisor.

31 (5) The county clerk or county assessor shall prepare a separate  
1 report on each protest. The report shall include (a) a description  
2 adequate to identify the real property or a physical description of the  
3 tangible personal property to which the protest applies, (b) any  
4 recommendation of the county assessor for action on the protest, (c) if a  
5 referee is used, the recommendation of the referee, (d) the date the  
6 county board of equalization heard the protest, (e) the decision made by  
7 the county board of equalization, (f) the date of the decision, and (g)  
8 the date notice of the decision was mailed to the protester. The report  
9 shall contain, or have attached to it, a statement, signed by the  
10 chairperson of the county board of equalization, describing the basis  
11 upon which the board's decision was made. The report shall have attached  
12 to it a copy of that portion of the property record file which  
13 substantiates calculation of the protested value unless the county

14 assessor certifies to the county board of equalization that a copy is  
 15 maintained in either electronic or paper form in his or her office. One  
 16 copy of the report, if prepared by the county clerk, shall be given to  
 17 the county assessor on or before August 2. The county assessor shall have  
 18 no authority to make a change in the assessment rolls until there is in  
 19 his or her possession a report which has been completed in the manner  
 20 specified in this section. If the county assessor deems a report  
 21 submitted by the county clerk incomplete, the county assessor shall  
 22 return the same to the county clerk for proper preparation.  
 23 (6) On or before August 2, or on or before August 18 in a county  
 24 that has adopted a resolution to extend the deadline for hearing  
 25 protests, the county clerk shall mail to the protester written notice of  
 26 the board's decision. The notice shall contain a statement advising the  
 27 protester that a report of the board's decision is available at the  
 28 county clerk's or county assessor's office, whichever is appropriate. If  
 29 the protester is not an owner of the property involved in the protest or  
 30 a person authorized to protest on behalf of the owner, the county clerk  
 31 shall also mail written notice of the board's decision to the owner of  
 1 such property at the address to which the property tax statements are  
 2 mailed.  
 3 Sec. 2. This act becomes operative on January 1, 2022.  
 4 Sec. 3. Original section 77-1502, Reissue Revised Statutes of  
 5 Nebraska, is repealed.

The Friesen amendment was adopted with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 372.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 343.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 616.** [ER58](#), found on page 957, was adopted.

Senator Hughes offered his amendment, [AM951](#), found on page 980.

The Hughes amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 58.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 63.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 466.** Senator Linehan offered the following amendment:

[AM927](#)

(Amendments to Standing Committee amendments, AM157)

1 1. Strike amendment 1 and insert the following new amendment:  
2 1. On page 2, strike beginning with "real" in line 1 through  
3 "occurred" in line 4 and insert "residential real property is sold, the  
4 property taxes due on such real property for the year in which the sale  
5 occurred shall be prorated".

### **SENATOR PANSING BROOKS PRESIDING**

The Linehan amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 181.** [ER57](#), found on page 957, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **SPEAKER HILGERS PRESIDING**

#### **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 LB379 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 379.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294, sections 93, 106, 108, 159, 181, 182, and 261; and Laws 2020, LB1008, sections 49, 50, 51, 52, 53, 54, and 55; to define terms; to provide, change, and eliminate appropriations for operation of state government; to change fund transfers; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Sanders
Albrecht	Clements	Halloran	Linehan	Slama
Arch	Day	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Williams
Brandt	Flood	Hughes	Morfeld	Wishart
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Moser            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 LB380 with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 380.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2023; to transfer funds; to provide duties; to provide an operative date; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Sanders
Albrecht	Clements	Halloran	Linehan	Slama
Arch	Day	Hansen, B.	Lowe	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Williams
Brandt	Flood	Hughes	Morfeld	Wishart
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Moser            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 381.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2021-22 and FY2022-23; to provide an operative date; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Slama
Albrecht	Clements	Halloran	Linehan	Stinner
Arch	Day	Hansen, B.	McCollister	Vargas
Blood	DeBoer	Hansen, M.	McDonnell	Walz
Bostar	Dorn	Hilgers	McKinney	Williams
Bostelman	Erdman	Hilkemann	Morfeld	Wishart
Brandt	Flood	Hughes	Murman	
Brewer	Friesen	Hunt	Pahls	
Briese	Geist	Kolterman	Pansing Brooks	
Cavanaugh, J.	Gragert	Lathrop	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 2:

Moser            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 382.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2021-22 and FY2022-23; to define terms; to provide an operative date; 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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Slama
Albrecht	Clements	Halloran	Lowe	Stinner
Arch	Day	Hansen, B.	McCollister	Vargas
Blood	DeBoer	Hansen, M.	McDonnell	Walz
Bostar	Dorn	Hilgers	McKinney	Williams
Bostelman	Erdman	Hilkemann	Morfeld	Wishart
Brandt	Flood	Hughes	Murman	
Brewer	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 2:

Moser            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.

**MOTION(S) - Recommit LB383 to Committee**

Senator Hunt offered the following motion to LB383:

MO38

Recommit to the Appropriations Committee.

The Hunt motion to recommit to committee failed with 3 ayes, 35 nays, 5 present and not voting, and 6 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 LB383 with 36 ayes, 3 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 383.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; 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, 38:

Albrecht	Day	Halloran	Lowe	Slama
Arch	DeBoer	Hansen, B.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	Morfeld	Walz
Brandt	Flood	Kolterman	Murman	Williams
Brewer	Friesen	Lathrop	Pahls	Wishart
Briese	Geist	Lindstrom	Pansing Brooks	
Clements	Groene	Linehan	Sanders	

Voting in the negative, 2:

Cavanaugh, M. Hunt

Present and not voting, 3:

Cavanaugh, J. Hansen, M. McKinney

Excused and not voting, 6:

Aguilar	Gragert	Moser
Bostelman	Hughes	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 LB384 with 33 ayes, 4 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 384. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 71-812, 72-729.01, 85-420, 85-426, and 86-594, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 58-706, 61-222, 71-808, 71-7611, 81-1220, 82-331, 85-419, 85-421, 85-422, 85-423, 85-424, 85-425, 86-324, and 86-1103, Revised Statutes Cumulative Supplement, 2020; to provide and change uses and transfers of funds; to change and provide definitions; to provide for grants; to change and eliminate provisions relating to deferred maintenance; to change provisions relating to the University of Nebraska Facilities Program and the State College Facilities Program; to rename programs; to create funds; to repeal the original sections; to outright repeal sections 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, 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, 41:

Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Williams
Brandt	Flood	Hunt	Murman	Wishart
Brewer	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, M.	Groene	Lindstrom	Sanders	
Clements	Halloran	Linehan	Slama	

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Cavanaugh, J.	Hughes	Moser
Bostelman	Gragert	McDonnell	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.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 379, 380, 381, 382, 383, and 384.

### AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB406:

#### AM1001

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. The Legislature finds and declares as follows:  
 4 (1) The future vibrancy of the people, communities, and businesses  
 5 of Nebraska depends on reliable sources of water;  
 6 (2) While it is in the state's best interest to retain control over  
 7 its water supplies, much of the state's water resources are currently  
 8 underutilized;  
 9 (3) Well-planned flood control is critical to the future of the  
 10 people, communities, and businesses of Nebraska;  
 11 (4) The state's water resources provide economic benefit to the  
 12 people, communities, and businesses of Nebraska by helping to attract  
 13 visitors from other states and boost local economies;  
 14 (5) Nebraska has tremendous water resources across the state,  
 15 including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the  
 16 Platte River, the Republican River, and the Missouri River. The state's  
 17 lakes and rivers help Nebraskans enjoy the water resources in our state  
 18 and make Nebraska an even more attractive place to live and raise a  
 19 family;  
 20 (6) In light of the disruption from the COVID-19 coronavirus  
 21 pandemic and the trend toward a remote workforce around the country,  
 22 people around the country are rethinking where they want to work, live,  
 23 and raise a family. As people consider where to live, access to  
 24 sustainable water resources and outdoor recreational opportunities will  
 25 be important considerations in making Nebraska a competitive choice for  
 26 the future;  
 27 (7) Studies should be conducted focusing on securing Nebraska's  
 1 future water supply and strengthening Nebraska's flood control  
 2 infrastructure, while also considering economic and recreational  
 3 opportunities, including opportunities from increased tourism, in finding  
 4 innovative solutions and winning opportunities for the State of Nebraska;  
 5 (8) Any such studies must not deter ongoing economic activity or  
 6 fail to protect current investment in the areas under study; and  
 7 (9) An investment in a one-time series of studies that take  
 8 advantage of previous studies while including innovative approaches and  
 9 new technologies is best positioned to find solutions for all Nebraskans,  
 10 especially Nebraskans living, working, and investing in the areas under  
 11 study.  
 12 Sec. 2. (1) The Statewide Tourism and Recreational Water Access and

13 Resource Sustainability Special Committee of the Legislature is hereby  
14 established as a special legislative committee to exercise the powers and  
15 perform the duties provided in this section. The special legislative  
16 committee shall consist of no fewer than seven members of the Legislature  
17 as determined by the Executive Board of the Legislative Council. The  
18 special legislative committee shall consist of the Speaker of the  
19 Legislature, who shall serve as chairperson of the special legislative  
20 committee, the chairperson of the Natural Resources Committee of the  
21 Legislature, one member of the Appropriations Committee of the  
22 Legislature, and at least four other members of the Legislature appointed  
23 by the executive board. The appointed members of the special legislative  
24 committee shall be members who represent legislative districts comprising  
25 portions of the areas under study or who otherwise have knowledge of such  
26 areas.

27 (2) The Executive Board of the Legislative Council shall provide  
28 staff as required by the special legislative committee from existing  
29 legislative staff. In addition, the special legislative committee may  
30 hire additional staff, make expenditures for travel, and enter into  
31 contracts for consulting, engineering, and development studies. The  
1 contracts shall be subject to approval by the executive board upon the  
2 recommendation of a majority of the members of the special legislative  
3 committee. It is the intent of the Legislature to appropriate two million  
4 dollars for fiscal year 2021-22 to carry out the purposes of this  
5 section.

6 (3)(a) Studies shall be conducted on:

7 (i) The need to protect public and private property, including use  
8 of levee systems, enhance economic development, and promote private  
9 investment and the creation of jobs along the Platte River and its  
10 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

11 (ii) The need to provide for public safety, public infrastructure,  
12 land-use planning, recreation, and economic development in the Lake  
13 McConaughy region of Keith County, Nebraska; and

14 (iii) The socioeconomic conditions, recreational and tourism  
15 opportunities, and public investment necessary to enhance economic  
16 development and to catalyze private investment in the region in Knox  
17 County, Nebraska, that lies north of State Highway 12 and extends to the  
18 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
19 Park.

20 (b) The study of the Lower Platte River pursuant to subdivision (3)

21 (a)(i) of this section shall not include a study of any dam on a Platte  
22 River channel, but may include infrastructure options that maintain the  
23 integrity of the main channel of the Platte River. The committee may  
24 study dams relating to tributaries of the Platte River and levees in such  
25 area.

26 (c) The studies regarding Lake McConaughy in Keith County and Lewis  
27 and Clark Lake and Niobrara State Park in Knox County shall evaluate the  
28 outcomes and the economic benefits of proposed development and  
29 improvements to residents, the local region, and state tourism.

30 (4) The special legislative committee may hold hearings and request  
31 and receive reports from federal, state, county, city, and village  
1 agencies and natural resources districts regarding matters pertaining to  
2 such studies. The special legislative committee may hold one or more  
3 closed sessions for the receipt of confidential information if at least  
4 one-half of the members of the special legislative committee vote in open  
5 session to hold a closed session. The special legislative committee may  
6 appoint one or more subcommittees for the purpose of receiving public  
7 input as it relates to the purposes described in section 1 of this act  
8 and this section.

9 (5) The special legislative committee shall endeavor to complete  
10 each study on or before December 31, 2021, but such studies shall be



11 completed no later than December 31, 2022.

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

13 passed and approved according to law.

## RESOLUTION(S)

### LEGISLATIVE RESOLUTION 97. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to determine whether further revision to Nebraska grand jury laws is necessary to ensure that such proceedings are transparent and open to public inspection. The Legislature passed Laws 2020, LB881, which included a provision that amended the law relating to grand jury proceedings. The Legislature intended to provide for public access to the transcript of a grand jury convened to investigate the death of a person in custody or detention. Specifically, Laws 2020, LB881 amended section 29-1407.01 to provide that if no true bill was issued by the grand jury, then the transcript and exhibits of the grand jury are to be available upon written request from the clerk of the district court. If a true bill is returned by the grand jury, Laws 2020, LB881 provided for a process by which the transcript and exhibits are generally publicly available unless a trial court limits or prohibits access due to a related criminal proceeding. Despite the changes made by Laws 2020, LB881, the exact process by which a member of the public or press accesses grand jury transcripts is not clearly delineated. Additionally, the clerks of the courts differ in their interpretations of the law.

The study shall include, but not be limited to:

- (1) An examination of whether further legislation is necessary to ensure that grand jury proceedings are transparent and open to public inspection;
- (2) An examination of whether there is a clear and uniform practice among the courts to make sure such proceedings are available to the public or press;
- (3) An examination of any additional issues or components of the Nebraska grand jury laws and consideration of additional reforms or amendments; and
- (4) Input from the public and impacted individuals regarding the subject matter of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

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

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

Senator Murman name added to LB2.

Senator Walz name added to LB147.

Senator Cavanaugh, M. name added to LB147.

Senator Cavanaugh, M. name added to LB275.

Senator Flood name added to LB406.

**RECESS**

At 12:11 p.m., on a motion by Senator McKinney, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Aguilar, J. Cavanaugh, Day, and Hughes who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 20, 2021, at 1:38 p.m. were the following: LBs 379e, 380e, 381e, 382e, 383e, and 384e.

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

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 385.** With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2020; to provide a transfer to the United States Space Command Headquarters Assistance Fund as prescribed; to eliminate obsolete provisions; 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, 44:

Albrecht	DeBoer	Hansen, B.	Lowe	Sanders
Arch	Dorn	Hansen, M.	McCollister	Slama
Blood	Erdman	Hilgers	McDonnell	Stinner
Bostar	Flood	Hilkemann	McKinney	Vargas
Bostelman	Friesen	Hunt	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Wayne
Brewer	Gragert	Lathrop	Murman	Williams
Briese	Groene	Lindstrom	Pahls	Wishart
Clements	Halloran	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Aguilar      Cavanaugh, J.      Day      Hughes

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 666.** 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, 45:

Albrecht	Clements	Halloran	Linehan	Pansing Brooks
Arch	DeBoer	Hansen, B.	Lowe	Sanders
Blood	Dorn	Hansen, M.	McCollister	Slama
Bostar	Erdman	Hilgers	McDonnell	Stinner
Bostelman	Flood	Hilkemann	McKinney	Vargas
Brandt	Friesen	Hughes	Morfeld	Walz
Brewer	Geist	Kolterman	Moser	Wayne
Briese	Gragert	Lathrop	Murman	Williams
Cavanaugh, J.	Groene	Lindstrom	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 2:

Aguilar Day

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 386.** With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2020; to change judges' salaries; 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, 46:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Williams
Bostelman	Flood	Hughes	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 1:

Hunt

Present and not voting, 1:

Wayne

Excused and not voting, 1:

Day

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 386A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 386, One Hundred Seventh Legislature, First Session, 2021; to provide an operative date; 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:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Williams
Bostelman	Flood	Hughes	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 1:

Hunt

Present and not voting, 1:

Wayne

Excused and not voting, 1:

Day

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 65.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,103.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to a prohibited interest in a contract by an officer; 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, 48:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Day

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

#### **LEGISLATIVE BILL 105.**

A BILL FOR AN ACT relating to county clerks; to amend section 23-1302, Reissue Revised Statutes of Nebraska; to change dates for certification of unpaid claims of the county; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Day

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

**LEGISLATIVE BILL 180.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4603, Reissue Revised Statutes of Nebraska, and section 77-4602, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain public statements of the Tax Commissioner and certain estimates of General Fund net receipts; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Day

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

**LEGISLATIVE BILL 224.**

A BILL FOR AN ACT relating to county surveyors; to amend section 23-1901.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to appointment of a county surveyor in certain counties 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Day

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

**LEGISLATIVE BILL 265.** With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend section 13-3211, Revised Statutes Cumulative Supplement, 2020; to provide an annual report exception; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.



Excused and not voting, 1:

Day

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 312.**

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-501 and 12-502, Revised Statutes Cumulative Supplement, 2020; to change cemetery association membership eligibility and record-keeping requirements; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Day

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

**LEGISLATIVE BILL 414.**

A BILL FOR AN ACT relating to the Political Subdivisions Construction Alternatives Act; to amend sections 13-2903 and 13-2904, Reissue Revised Statutes of Nebraska, and section 13-2914, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to require a determination statement in a resolution adopted by the governing body of a political subdivision as prescribed; to change provisions relating to projects included or excluded under the 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, 47:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 1:

Day

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 385, 666, 386, 386A, 65, 105, 180, 224, 265, 312, and 414.

#### **SELECT FILE**

**LEGISLATIVE BILL 156.** [ER33](#), found on page 796, was adopted.

Senator Wayne withdrew his amendments, [AM918](#) and [AM933](#) found on pages 927 and 951.

Senator Wayne offered his amendment, [AM956](#), found on page 996.

#### **SENATOR HUGHES PRESIDING**

The Wayne amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Senator McKinney withdrew his amendment, [AM985](#), found on page 1010.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 156A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 81.** [ER48](#), found on page 908, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 451.** [ER53](#), found on page 928, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 561.** [ER25](#), found on page 705, was adopted.

Senator Briese withdrew his amendment, [FA13](#), found on page 773.

Senator Briese offered his amendment, [AM863](#), found on page 869.

### **SPEAKER HILGERS PRESIDING**

Senator J. Cavanaugh requested a division of the question on the Briese amendment.

The Chair sustained the division of the question.

The first Briese amendment is as follows:

[AM982](#)

(Amendments to E & R amendments, ER25)

- 1 1. Strike sections 27 to 31.
- 2 9. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

The second Briese amendment is as follows:

[AM983](#)

(Amendments to E & R amendments, ER25)

- 1 2. On page 5, strike lines 22 through 24.
- 2 3. On page 34, strike beginning with "any" in line 5 through
- 3 "participant" in line 7 and insert "a sporting event at the high school
- 4 level or below regardless of the age of any individual participant, or
- 5 any sporting event excluded by the commission".
- 6 4. On page 35, after line 4 insert the following new subsection:
- 7 "(12) Prohibited participant means any individual whose
- 8 participation may undermine the integrity of the wagering or the sporting
- 9 event or any person who is prohibited from sports wagering for other good
- 10 cause shown as determined by the commission, including, but not limited
- 11 to: (a) Any individual placing a wager as an agent or proxy; (b) any
- 12 person who is an athlete, coach, referee, or player in any sporting event
- 13 overseen by the sports governing body of such person based on publicly
- 14 available information; (c) a person who holds a paid position of

15 authority or influence sufficient to exert influence over the  
 16 participants in a sporting event, including, but not limited to, any  
 17 coach, manager, handler, or athletic trainer, or a person with access to  
 18 certain types of exclusive information, on any sporting event overseen by  
 19 the sports governing body of such person based on publicly available  
 20 information; or (d) a person identified as prohibited from sports  
 21 wagering by any list provided by a sports governing body to the  
 22 commission;"; in line 5, strike "(12)" and insert "(13)"; in line 7  
 23 strike "(13)" and insert "(14)"; and strike starting with "or" in line 12  
 24 through line 15 and insert ", (b) placing an in-game wager on any game or  
 25 match of a collegiate sporting event in which a collegiate team from this  
 26 state is participating, (c) placing a wager on the performance or  
 1 nonperformance of any individual athlete under eighteen years of age  
 2 participating in a professional or international sporting event, or (d)  
 3 placing a wager on the performance of athletes in an individual sporting  
 4 event excluded by the commission."  
 5 5. On page 38, strike lines 26 through 28; in line 29 strike "(24)"  
 6 and insert "(23)".  
 7 6. On page 39, line 1, strike "(25)" and insert "(24)"; and in line  
 8 27 after the period insert "The commission shall require an authorized  
 9 gaming operator or applicant for an authorized gaming operator license to  
 10 demonstrate in the license application and internal controls application  
 11 the ability to restrict credit card transactions."  
 12 7. On page 40, after line 25 insert the following new subsection:  
 13 "(4) The commission shall develop policies and procedures to ensure  
 14 a prohibited participant is unable to place a sports wager."  
 15 8. On page 42, line 21, strike the comma and insert "or"; and in  
 16 line 22 strike "or a directive issued by the commission."

The first Briese amendment, [AM982](#), found in this day's Journal, was offered.

Senator Briese moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Briese requested a roll call vote on the first Briese amendment.

Voting in the affirmative, 22:

Albrecht	Dorn	Gragert	Linehan	Slama
Bostelman	Erdman	Groene	Lowe	Stinner
Brewer	Flood	Halloran	Moser	
Briese	Friesen	Hilgers	Murman	
Clements	Geist	Hughes	Sanders	

Voting in the negative, 11:

Blood	Cavanaugh, J.	Hunt	McKinney
Bostar	Cavanaugh, M.	Lathrop	Pahls
Brandt	Day	McDonnell	

Present and not voting, 16:

Aguilar	Hansen, M.	McCollister	Walz
Arch	Hilkemann	Morfeld	Wayne
DeBoer	Kolterman	Pansing Brooks	Williams
Hansen, B.	Lindstrom	Vargas	Wishart

The first Briese amendment lost with 22 ayes, 11 nays, and 16 present and not voting.

The second Briese amendment, [AM983](#), found in this day's Journal, was offered.

#### **SENATOR HUGHES PRESIDING**

The second Briese amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Pansing Brooks offered the following amendment:

[AM807](#)

(Amendments to E & R amendments, ER25)

- 1 1. On page 33, line 31, strike the second "a".
- 2 2. On page 34, line 1, strike "collegiate sporting event"; and in
- 3 line 4 after "include" insert "an instate collegiate sporting event".

The Pansing Brooks amendment lost with 18 ayes, 13 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 561A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 17.** [ER55](#), found on page 933, was adopted.

Senator Kolterman offered his amendment, [AM929](#), found on page 957.

Pending.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 20, 2021, at 2:20 p.m. were the following: LBs 385e, 666e, 386e, 386Ae, 65, 105, 180, 224, 265e, 312, and 414.

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

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

Wednesday, April 28, 2021 12:00 p.m.

LB628

Note: AM 997

(Signed) John Arch, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 557.** Placed on General File with amendment.

[AM1021](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-1454, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 81-1454. (1) A body-worn camera policy required by section 81-1453  
6 shall include provisions which govern the use of body-worn cameras by  
7 peace officers and the retention and disposition of recordings created  
8 with such cameras by law enforcement agencies. Such body-worn camera  
9 policy shall include, but not be limited to:  
10 (a) (1) A requirement that training be provided to any peace officer  
11 who will use a body-worn camera and to any other employee who will come  
12 into contact with video or audio data recorded by a body-worn camera;  
13 (b) (2) A requirement that recordings created by body-worn cameras  
14 shall be retained for a minimum period of ninety days from the date of  
15 recording. Such recordings shall be retained for more than ninety days if  
16 required by the following circumstances:  
17 (i) (a) Upon notice to the law enforcement agency of a criminal or  
18 civil court proceeding in which the recording may have evidentiary value  
19 or in which the recording is otherwise involved, the recording shall be  
20 retained until final judgment has been entered in the proceeding;  
21 (ii) (b) Upon notice to the law enforcement agency of a disciplinary  
22 proceeding against an employee of the agency in which the recording may  
23 have evidentiary value or in which the recording is otherwise involved,  
24 the recording shall be retained until a final determination has been made  
25 in such proceeding; and  
26 (iii) (c) If the recording is part of a criminal investigation that  
27 has not resulted in an arrest or prosecution, the recording shall be  
1 retained until the investigation is officially closed or suspended; and  
2 (c) (3) A procedure governing the destruction of recordings after  
3 the retention period described in subdivision (1)(b) (2) of this section  
4 has elapsed.  
5 (2) Following the conclusion of any grand jury impaneled pursuant to  
6 subsection (4) of section 29-1401, recordings created by body-worn  
7 cameras which depict or record circumstances in which a person died while  
8 being apprehended by, or while in the custody of, a law enforcement  
9 officer or detention personnel, including duplicates of such recordings,  
10 are public records under section 84-712.01.  
11 Sec. 2. Section 84-712.05, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:  
13 84-712.05 The following records, unless publicly disclosed in an  
14 open court, open administrative proceeding, or open meeting or disclosed  
15 by a public entity pursuant to its duties, may be withheld from the

16 public by the lawful custodian of the records:

17 (1) Personal information in records regarding a student, prospective  
18 student, or former student of any educational institution or exempt  
19 school that has effectuated an election not to meet state approval or  
20 accreditation requirements pursuant to section 79-1601 when such records  
21 are maintained by and in the possession of a public entity, other than  
22 routine directory information specified and made public consistent with  
23 20 U.S.C. 1232g, as such section existed on February 1, 2013, and  
24 regulations adopted thereunder;

25 (2) Medical records, other than records of births and deaths and  
26 except as provided in subdivision (5) of this section, in any form  
27 concerning any person; records of elections filed under section 44-2821;  
28 and patient safety work product under the Patient Safety Improvement Act;  
29 (3) Trade secrets, academic and scientific research work which is in  
30 progress and unpublished, and other proprietary or commercial information  
31 which if released would give advantage to business competitors and serve  
1 no public purpose;

2 (4) Records which represent the work product of an attorney and the  
3 public body involved which are related to preparation for litigation,  
4 labor negotiations, or claims made by or against the public body or which  
5 are confidential communications as defined in section 27-503;

6 (5) Records developed or received by law enforcement agencies and  
7 other public bodies charged with duties of investigation or examination  
8 of persons, institutions, or businesses, when the records constitute a  
9 part of the examination, investigation, intelligence information, citizen  
10 complaints or inquiries, informant identification, or strategic or  
11 tactical information used in law enforcement training, except that this  
12 subdivision shall not apply to records so developed or received:

13 (a) Relating to the presence of and amount or concentration of  
14 alcohol or drugs in any body fluid of any person; ~~or~~

15 (b) Relating to the cause of or circumstances surrounding the death  
16 of an employee arising from or related to his or her employment if, after  
17 an investigation is concluded, a family member of the deceased employee  
18 makes a request for access to or copies of such records. This subdivision  
19 does not require access to or copies of informant identification, the  
20 names or identifying information of citizens making complaints or  
21 inquiries, other information which would compromise an ongoing criminal  
22 investigation, or information which may be withheld from the public under  
23 another provision of law. For purposes of this subdivision, family member  
24 means a spouse, child, parent, sibling, grandchild, or grandparent by  
25 blood, marriage, or adoption; or

26 (c) Relating to recordings described in subsection (2) of section  
27 81-1454;

28 (6) Appraisals or appraisal information and negotiation records  
29 concerning the purchase or sale, by a public body, of any interest in  
30 real or personal property, prior to completion of the purchase or sale;

31 (7) Personal information in records regarding personnel of public  
1 bodies other than salaries and routine directory information;  
2 (8) Information solely pertaining to protection of the security of  
3 public property and persons on or within public property, such as  
4 specific, unique vulnerability assessments or specific, unique response  
5 plans, either of which is intended to prevent or mitigate criminal acts  
6 the public disclosure of which would create a substantial likelihood of  
7 endangering public safety or property; computer or communications network  
8 schema, passwords, and user identification names; guard schedules; lock  
9 combinations; or public utility infrastructure specifications or design  
10 drawings the public disclosure of which would create a substantial  
11 likelihood of endangering public safety or property, unless otherwise  
12 provided by state or federal law;

13 (9) Information that relates details of physical and cyber assets of

14 critical energy infrastructure or critical electric infrastructure,  
15 including (a) specific engineering, vulnerability, or detailed design  
16 information about proposed or existing critical energy infrastructure or  
17 critical electric infrastructure that (i) relates details about the  
18 production, generation, transportation, transmission, or distribution of  
19 energy, (ii) could be useful to a person in planning an attack on such  
20 critical infrastructure, and (iii) does not simply give the general  
21 location of the critical infrastructure and (b) the identity of personnel  
22 whose primary job function makes such personnel responsible for (i)  
23 providing or granting individuals access to physical or cyber assets or  
24 (ii) operating and maintaining physical or cyber assets, if a reasonable  
25 person, knowledgeable of the electric utility or energy industry, would  
26 conclude that the public disclosure of such identity could create a  
27 substantial likelihood of risk to such physical or cyber assets.  
28 Subdivision (9)(b) of this section shall not apply to the identity of a  
29 chief executive officer, general manager, vice president, or board member  
30 of a public entity that manages critical energy infrastructure or  
31 critical electric infrastructure. The lawful custodian of the records  
1 must provide a detailed job description for any personnel whose identity  
2 is withheld pursuant to subdivision (9)(b) of this section. For purposes  
3 of subdivision (9) of this section, critical energy infrastructure and  
4 critical electric infrastructure mean existing and proposed systems and  
5 assets, including a system or asset of the bulk-power system, whether  
6 physical or virtual, the incapacity or destruction of which would  
7 negatively affect security, economic security, public health or safety,  
8 or any combination of such matters;  
9 (10) The security standards, procedures, policies, plans,  
10 specifications, diagrams, access lists, and other security-related  
11 records of the Lottery Division of the Department of Revenue and those  
12 persons or entities with which the division has entered into contractual  
13 relationships. Nothing in this subdivision shall allow the division to  
14 withhold from the public any information relating to amounts paid persons  
15 or entities with which the division has entered into contractual  
16 relationships, amounts of prizes paid, the name of the prize winner, and  
17 the city, village, or county where the prize winner resides;  
18 (11) With respect to public utilities and except as provided in  
19 sections 43-512.06 and 70-101, personally identified private citizen  
20 account payment and customer use information, credit information on  
21 others supplied in confidence, and customer lists;  
22 (12) Records or portions of records kept by a publicly funded  
23 library which, when examined with or without other records, reveal the  
24 identity of any library patron using the library's materials or services;  
25 (13) Correspondence, memoranda, and records of telephone calls  
26 related to the performance of duties by a member of the Legislature in  
27 whatever form. The lawful custodian of the correspondence, memoranda, and  
28 records of telephone calls, upon approval of the Executive Board of the  
29 Legislative Council, shall release the correspondence, memoranda, and  
30 records of telephone calls which are not designated as sensitive or  
31 confidential in nature to any person performing an audit of the  
1 Legislature. A member's correspondence, memoranda, and records of  
2 confidential telephone calls related to the performance of his or her  
3 legislative duties shall only be released to any other person with the  
4 explicit approval of the member;  
5 (14) Records or portions of records kept by public bodies which  
6 would reveal the location, character, or ownership of any known  
7 archaeological, historical, or paleontological site in Nebraska when  
8 necessary to protect the site from a reasonably held fear of theft,  
9 vandalism, or trespass. This section shall not apply to the release of  
10 information for the purpose of scholarly research, examination by other  
11 public bodies for the protection of the resource or by recognized tribes,



12 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or  
13 the federal Native American Graves Protection and Repatriation Act;  
14 (15) Records or portions of records kept by public bodies which  
15 maintain collections of archaeological, historical, or paleontological  
16 significance which reveal the names and addresses of donors of such  
17 articles of archaeological, historical, or paleontological significance  
18 unless the donor approves disclosure, except as the records or portions  
19 thereof may be needed to carry out the purposes of the Unmarked Human  
20 Burial Sites and Skeletal Remains Protection Act or the federal Native  
21 American Graves Protection and Repatriation Act;  
22 (16) Library, archive, and museum materials acquired from  
23 nongovernmental entities and preserved solely for reference, research, or  
24 exhibition purposes, for the duration specified in subdivision (16)(b) of  
25 this section, if:  
26 (a) Such materials are received by the public custodian as a gift,  
27 purchase, bequest, or transfer; and  
28 (b) The donor, seller, testator, or transferor conditions such gift,  
29 purchase, bequest, or transfer on the materials being kept confidential  
30 for a specified period of time;  
31 (17) Job application materials submitted by applicants, other than  
1 finalists or a priority candidate for a position described in section  
2 85-106.06 selected using the enhanced public scrutiny process in section  
3 85-106.06, who have applied for employment by any public body as defined  
4 in section 84-1409. For purposes of this subdivision, (a) job application  
5 materials means employment applications, resumes, reference letters, and  
6 school transcripts and (b) finalist means any applicant who is not an  
7 applicant for a position described in section 85-106.06 and (i) who  
8 reaches the final pool of applicants, numbering four or more, from which  
9 the successful applicant is to be selected, (ii) who is an original  
10 applicant when the final pool of applicants numbers less than four, or  
11 (iii) who is an original applicant and there are four or fewer original  
12 applicants;  
13 (18)(a) Records obtained by the Public Employees Retirement Board  
14 pursuant to section 84-1512 and (b) records maintained by the board of  
15 education of a Class V school district and obtained by the board of  
16 trustees for the administration of a retirement system provided for under  
17 the Class V School Employees Retirement Act pursuant to section 79-989;  
18 (19) Social security numbers; credit card, charge card, or debit  
19 card numbers and expiration dates; and financial account numbers supplied  
20 to state and local governments by citizens;  
21 (20) Information exchanged between a jurisdictional utility and city  
22 pursuant to section 66-1867;  
23 (21) Draft records obtained by the Nebraska Retirement Systems  
24 Committee of the Legislature and the Governor from Nebraska Public  
25 Employees Retirement Systems pursuant to subsection (4) of section  
26 84-1503;  
27 (22) All prescription drug information submitted pursuant to section  
28 71-2454, all data contained in the prescription drug monitoring system,  
29 and any report obtained from data contained in the prescription drug  
30 monitoring system; and  
31 (23) Information obtained by any government entity, whether federal,  
1 state, county, or local, regarding firearm registration, possession,  
2 sale, or use that is obtained for purposes of an application permitted or  
3 required by law or contained in a permit or license issued by such  
4 entity. Such information shall be available upon request to any federal,  
5 state, county, or local law enforcement agency.  
6 Sec. 3. Original sections 81-1454 and 84-712.05, Revised Statutes  
7 Cumulative Supplement, 2020, are repealed.

(Signed) Tom Brewer, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 98.** Introduced by Pansing Brooks, 28; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Dorn, 30; Friesen, 34; Geist, 25; Gragert, 40; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, the Nebraska Appleseed Center for Law in the Public Interest was incorporated March 15, 1996, by D. Milo Mumgaard, Jeff Kirkpatrick, and Kathryn Bellman; and

WHEREAS, Nebraska Appleseed celebrated its twenty-fifth anniversary of fighting for justice and opportunity for all Nebraskans on Monday, March 15, 2021; and

WHEREAS, Nebraska Appleseed advocates for people who are paid low wages, youth in foster care, immigrants and refugees, and individuals who lack access to health care; and

WHEREAS, communities receive support from Nebraska Appleseed through targeted litigation, public policy advocacy, education, and engagement to advance justice and opportunity for all; and

WHEREAS, Nebraska Appleseed promotes strong, vibrant, inclusive, and engaged communities where everyone can thrive; and

WHEREAS, Nebraska Appleseed thrives under the leadership of its officers and board of directors: Josh Bartee, Carol Bloch, Beatty Brasch, Stuart Chittenden, Timothy L. Christian, Tim Cuddigan, Terrence J. Ferguson, Herb Friedman, Roger Gonzales, Wanda Gottschalk, Kamron Hasan, Katie A. Joseph, Matthew J. Johnson, Nuzhat Mahmood, M. Dewayne Mays, Randall Moody, Derrick Olivares Martinez, Allen Overcash, Shirley Peng, Garrett Schwindt, John Smolsky, Catherine Wilson, Megan Wright, Patricia Zieg, and Arthur I. Zygielbaum.

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

1. That the Legislature recognizes the contributions of Nebraska Appleseed to the State of Nebraska over the last twenty-five years and congratulates Nebraska Appleseed on celebrating twenty-five years of fighting for justice and opportunity.

2. That a copy of this resolution be sent to the Nebraska Appleseed Center for Law in the Public Interest.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 51A.** 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 51, One Hundred Seventh Legislature, First Session, 2021.

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

Senator Morfeld filed the following amendment to LB628:  
AM997

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 38-1124, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 38-1124 (1) The department, with the recommendation of the board,  
6 shall issue a faculty license to any person who meets the requirements of  
7 subsection (3) or (4) of this section. A faculty licensee may practice  
8 dentistry ~~only~~ as a faculty member at an accredited school or college of  
9 dentistry in the State of Nebraska. ~~A faculty licensee and may also teach~~  
10 dentistry, conduct research, and participate in an institutionally  
11 administered faculty practice ~~only at such accredited school or college~~  
12 ~~of dentistry~~. A faculty licensee eligible for licensure under subsection  
13 (4) of this section shall limit ~~his or her~~ practice under such license to  
14 the clinical disciplines discipline in which the licensee ~~he or she~~ has  
15 received ~~postgraduate~~ education at an accredited school or college of  
16 dentistry ~~or, with the approval of the board, the clinical disciplines in~~  
17 which the licensee has practiced under a license, including a faculty  
18 license or teaching permit, to practice dentistry within the past three  
19 years in another jurisdiction.  
20 (2) Any person who desires a faculty license shall make a written  
21 application to the department. The application shall include information  
22 regarding the applicant's professional qualifications, experience, and  
23 licensure. The application shall be accompanied by a copy of the  
24 applicant's dental degree, any other degrees or certificates for  
25 postgraduate education of the applicant, the required fee, and  
26 certification from the dean of an accredited school or college of  
27 dentistry in the State of Nebraska at which the applicant has a contract  
1 to be employed as a full-time faculty member.  
2 (3) An individual who graduated from an accredited school or college  
3 of dentistry shall be eligible for a faculty license if the individual he  
4 ~~or she~~:  
5 (a) Has or had a license, including a faculty license or teaching  
6 permit, to practice dentistry within the past ~~three~~ five years in another  
7 jurisdiction ~~some other state in the United States or a Canadian~~  
8 province; and  
9 (b) ~~Has a contract to be employed as a full-time faculty member at~~  
10 ~~an accredited school or college of dentistry in the State of Nebraska;~~  
11 (b) (e) Passes a jurisprudence examination administered by the  
12 board; ~~and~~  
13 (d) ~~Agrees to demonstrate continuing clinical competency as a~~  
14 ~~condition of licensure if required by the board.~~  
15 (4) An individual who graduated from a nonaccredited school or  
16 college of dentistry shall be eligible for a faculty license if the

17 ~~individual he or she:~~

- 18 ~~(a)(i) Has or had a license, including a faculty license or teaching~~  
 19 ~~permit, to practice dentistry within the past three years in another~~  
 20 ~~jurisdiction;~~  
 21 ~~(ii) (a) Has completed at least two years of postgraduate education~~  
 22 ~~at an accredited school or college of dentistry recognized by the~~  
 23 ~~national commission and received a certificate or degree from such school~~  
 24 ~~or college of dentistry; or~~  
 25 ~~(iii) Has additional education in dentistry at an accredited school~~  
 26 ~~or college of dentistry that is determined by the board to be equivalent~~  
 27 ~~to a program recognized by the national commission, including, but not~~  
 28 ~~limited to, a postgraduate degree in operative dentistry;~~  
 29 ~~(b) Has a contract to be employed as a full-time faculty member at~~  
 30 ~~an accredited school or college of dentistry in the State of Nebraska;~~  
 31 ~~(b) (e) Passes a jurisprudence examination administered by the~~  
 1 ~~board; and~~  
 2 ~~(d) Agrees to demonstrate continuing clinical competency as a~~  
 3 ~~condition of licensure if required by the board; and~~  
 4 ~~(c) (e) Has passed at least one of the following:~~  
 5 ~~(i) Part I and Part II of the National Board Dental Examinations~~  
 6 ~~administered by the joint commission; or its equivalent~~  
 7 ~~(ii) The Integrated National Board Dental Examination administered~~  
 8 ~~by the joint commission;~~  
 9 ~~(iii) A specialty board examination recognized by the national~~  
 10 ~~commission;~~  
 11 ~~(iv) An examination administered by the National Dental Examining~~  
 12 ~~Board of Canada; or~~  
 13 ~~(v) An equivalent examination as determined by the Board of~~  
 14 ~~Dentistry.~~

15 (5) A faculty license shall expire at the same time and be subject  
 16 to the same renewal requirements as a regular dental license, except that  
 17 such license shall remain valid and may only be renewed if the faculty  
 18 licensee completes continuing education as required by the rules and  
 19 regulations adopted and promulgated under the Dentistry Practice Act and  
 20 demonstrates continued employment at an accredited school or college of  
 21 dentistry in the State of Nebraska. ;

22 (6) In order for an applicant to qualify for a faculty license  
 23 pursuant to subdivision (4)(a)(iii) of this section, the applicant shall  
 24 present, for review by the board, a portfolio which includes, but is not  
 25 limited to, academic achievements, credentials and certifications,  
 26 letters of recommendation, and a list of publications.

27 (7) For purposes of this section:

28 (a) Another jurisdiction means some other state in the United  
 29 States, a territory or jurisdiction of the United States, or a Canadian  
 30 province;

31 (b) Joint commission means the American Dental Association Joint  
 1 Commission on National Dental Examinations; and

2 (c) National commission means the National Commission on Recognition  
 3 of Dental Specialties and Certifying Boards.

4 (a) The faculty licensee remains employed as a full-time faculty  
 5 member of an accredited school or college of dentistry in the State of  
 6 Nebraska; and

7 (b) The faculty licensee demonstrates continuing clinical competency  
 8 if required by the board.

9 Sec. 2. Original section 38-1124, Reissue Revised Statutes of  
 10 Nebraska, is repealed.

Senator Lowe filed the following amendment to LB273:

AM1003

(Amendments to Standing Committee amendments, AM600)

1 1. Strike sections 3 and 4 and insert the following new sections:

2 Sec. 3. Section 43-407, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 43-407 (1) The Office of Juvenile Services shall design and make  
5 available programs and treatment services through youth rehabilitation  
6 and treatment centers. The programs and treatment services shall be  
7 evidence-based and based upon the individual or family evaluation process  
8 using evidence-based, validated risk and needs assessments to create an  
9 individualized treatment plan. The treatment plan shall be developed  
10 within fourteen days after admission and provided to the committing court  
11 and interested parties. The court may, on its own motion or upon the  
12 motion of an interested party, set a hearing to review the treatment  
13 plan.

14 (2) A juvenile may be committed by a court to the Office of Juvenile  
15 Services for placement at a youth rehabilitation and treatment center  
16 operated and utilized in compliance with state law pursuant to a hearing  
17 described in subdivision (1)(b)(iii) of section 43-286. The office shall  
18 not change a juvenile's placement except as provided in this section. If  
19 a juvenile placed at a youth rehabilitation and treatment center is  
20 assessed as needing inpatient or subacute substance abuse or behavioral  
21 health residential treatment, the Office of Juvenile Services may arrange  
22 for such treatment to be provided at the Hastings Regional Center or may  
23 transition the juvenile to another inpatient or subacute residential  
24 treatment facility licensed as a treatment facility in the State of  
25 Nebraska and shall provide notice of the change in placement pursuant to  
26 subsection (3) of this section. Except in a case requiring emergency  
1 admission to an inpatient facility, the juvenile shall not be discharged  
2 by the Office of Juvenile Services until the juvenile has been returned  
3 to the court for a review of his or her conditions of probation and the  
4 juvenile has been transitioned to the clinically appropriate level of  
5 care. Programs and treatment services shall address:

6 (a) Behavioral impairments, severe emotional disturbances, sex  
7 offender behaviors, and other mental health or psychiatric disorders;

8 (b) Drug and alcohol addiction;

9 (c) Health and medical needs;

10 (d) Education, special education, and related services;

11 (e) Individual, group, and family counseling services as appropriate  
12 with any treatment plan related to subdivisions (a) through (d) of this  
13 subsection. Services shall also be made available for juveniles who have  
14 been physically or sexually abused;

15 (f) A case management and coordination process, designed to assure  
16 appropriate reintegration of the juvenile to his or her family, school,  
17 and community. This process shall follow individualized planning which  
18 shall begin at intake and evaluation. Structured programming shall be  
19 scheduled for all juveniles. This programming shall include a strong  
20 academic program as well as classes in health education, living skills,  
21 vocational training, behavior management and modification, money  
22 management, family and parent responsibilities, substance abuse  
23 awareness, physical education, job skills training, and job placement  
24 assistance. Participation shall be required of all juveniles if such  
25 programming is determined to be age and developmentally appropriate. The  
26 goal of such structured programming shall be to provide the academic and  
27 life skills necessary for a juvenile to successfully return to his or her  
28 home and community upon release; and

29 (g) The design and delivery of treatment programs through the youth  
30 rehabilitation and treatment centers as well as any licensing or  
31 certification requirements, and the office shall follow the requirements

1 as stated within Title XIX and Title IV-E of the federal Social Security  
2 Act, as such act existed on January 1, 2020, the Special Education Act,  
3 or other funding guidelines as appropriate. It is the intent of the  
4 Legislature that these funding sources shall be utilized to support  
5 service needs of eligible juveniles.

6 (3) When the Office of Juvenile Services has arranged for treatment  
7 of a juvenile as provided in subsection (2) of this section, the office  
8 shall file a report and notice of placement change with the court and  
9 shall send copies of the notice to all interested parties, including any  
10 parent or guardian of the juvenile, at least seven days before the  
11 placement of the juvenile is changed from the order of the committing  
12 court. The court, on its own motion or upon the filing of an objection to  
13 the change by an interested party, may order a hearing to review such  
14 change in placement and may order the change be stayed until the  
15 completion of the hearing. When filing a report and notice of placement  
16 change pursuant to this subsection, or upon a court order to set a  
17 hearing to review a change in placement or stay a change in placement  
18 pursuant to this subsection, the office may file a motion for immediate  
19 change of placement pursuant to subsection (4) of section 43-408.

20 (4)(a) The Office of Juvenile Services shall provide evidence-based  
21 services and operate the youth rehabilitation and treatment centers in  
22 accordance with evidence-based policies, practices, and procedures. On  
23 December 15 of each year, the office shall electronically submit to the  
24 Governor, the Legislature, and the Chief Justice of the Supreme Court, a  
25 comprehensive report of the evidence-based services, policies, practices,  
26 and procedures by which such centers operate, and efforts the office has  
27 taken to ensure fidelity to evidence-based models. The report may be  
28 attached to preexisting reporting duties. The report shall include at a  
29 minimum:

30 (i) The percentage of juveniles being supervised in accordance with  
31 evidence-based practices;

1 (ii) The percentage of state funds expended by each respective  
2 department for programs that are evidence-based, and a list of all  
3 programs which are evidence-based;

4 (iii) Specification of supervision policies, procedures, programs,  
5 and practices that were created, modified, or eliminated; and  
6 (iv) Recommendations of the office for any additional collaboration  
7 with other state, regional, or local public agencies, private entities,  
8 or faith-based and community organizations.

9 (b) Each report and executive summary shall be available to the  
10 general public on the web site of the office.

11 (c) The Executive Board of the Legislative Council may request the  
12 Consortium for Crime and Justice Research and Juvenile Justice Institute  
13 at the University of Nebraska at Omaha to review, study, and make policy  
14 recommendations on the reports assigned by the executive board.  
15 Sec. 4. Section 43-408, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:

17 43-408 (1) Whenever any juvenile is committed to the Office of  
18 Juvenile Services, the juvenile shall also be considered committed to the  
19 care and custody of the Department of Health and Human Services for the  
20 purpose of obtaining health care and treatment services.

21 (2) The committing court may order placement at a youth  
22 rehabilitation and treatment center for a juvenile committed to the  
23 Office of Juvenile Services following a commitment hearing pursuant to  
24 subdivision (1)(b)(iii) of section 43-286. The court shall continue to  
25 maintain jurisdiction over any juvenile committed to the Office of  
26 Juvenile Services, and the office shall provide the court and parties of  
27 record with the initial treatment plan and monthly updates regarding the  
28 progress of the juvenile.

29 (3) In addition to the hearings set forth in section 43-285, during

30 a juvenile's term of commitment, any party may file a motion for  
31 commitment review to bring the case before the court for consideration of  
1 the juvenile's commitment to a youth rehabilitation and treatment center.  
2 A hearing shall be scheduled no later than thirty days after the filing  
3 of such motion. No later than five days prior to the hearing, the office  
4 shall provide information to the parties regarding the juvenile's  
5 individualized treatment plan and progress. A representative of the  
6 office or facility shall be physically present at the hearing to provide  
7 information to the court unless the court allows the representative to  
8 appear telephonically or by video. The juvenile and the juvenile's parent  
9 or guardian shall have the right to be physically present at the hearing.  
10 The court may enter such orders regarding the juvenile's care and  
11 treatment as are necessary and in the best interests of the juvenile,  
12 including an order for early discharge from commitment when appropriate.  
13 In entering an order for early discharge from commitment to intensive  
14 supervised probation in the community, the court shall consider to what  
15 extent:  
16 (a) The juvenile has completed the goals of the juvenile's  
17 individualized treatment plan or received maximum benefit from  
18 institutional treatment;  
19 (b) The juvenile would benefit from continued services under  
20 community supervision;  
21 (c) The juvenile can function in a community setting with  
22 appropriate supports; and  
23 (d) There is reason to believe that the juvenile will not commit  
24 further violations of law and will comply with the terms of intensive  
25 supervised probation.  
26 (4) When filing a motion pursuant to subsection (3) of this section,  
27 the office may also file a motion for immediate change of placement to  
28 another youth rehabilitation and treatment center operated and utilized  
29 in compliance with state law. When filing a report and notice of  
30 placement change pursuant to subsection (3) of section 43-407, or upon a  
31 court order to set a hearing to review a change in placement or stay a  
1 change in placement pursuant to subsection (3) of section 43-407, the  
2 office may file a motion for immediate change of placement to the  
3 inpatient or subacute residential treatment facility licensed as a  
4 treatment facility in the State of Nebraska. The motion shall set forth  
5 with reasonable particularity the grounds for an immediate change of  
6 placement. A motion for immediate change of placement under this  
7 subsection shall be heard within twenty-four hours, excluding nonjudicial  
8 days, and may be heard telephonically or by videoconferencing. Prior to  
9 filing a motion for immediate change of placement, the office shall make  
10 a reasonable attempt to provide notice of the motion to the juvenile's  
11 parent or guardian, including notice that the motion will be set for  
12 hearing within twenty-four hours. The court shall promptly provide the  
13 notice of hearing to all parties of record. In advance of the hearing,  
14 the office shall provide to the other parties of record any exhibits it  
15 intends to offer, if any, and the identity of its witnesses. The office  
16 shall provide the juvenile an opportunity before the hearing to consult  
17 with the juvenile's counsel and review the motion and the exhibits and  
18 witnesses. The court shall order the immediate change of placement  
19 pending an order pursuant to subsection (3) of this section or subsection  
20 (3) of section 43-407 if the court determines that an immediate change is  
21 in the best interests of the juvenile and further delay would be contrary  
22 to the juvenile's well-being, physical health, emotional health, or  
23 mental health.  
24 (5) (4) Each juvenile committed to the Office of Juvenile Services  
25 for placement at a youth rehabilitation and treatment center shall also  
26 be entitled to an annual review of such commitment and placement for as  
27 long as the juvenile remains so committed and placed. At an annual review

28 hearing, the court shall consider the factors described in subsection (3)  
 29 of this section to assess the juvenile's progress and determine whether  
 30 commitment remains in the best interests of the juvenile.

31 ~~(6)~~ ~~(5)~~ If a juvenile is placed in detention while awaiting  
 1 placement at a youth rehabilitation and treatment center and the  
 2 placement has not occurred within fourteen days, the committing court  
 3 shall hold a hearing every fourteen days to review the status of the  
 4 juvenile. Placement of a juvenile in detention shall not be considered a  
 5 treatment service.

Senator Hilkemann filed the following amendment to LB408:  
AM1038

(Amendments to AM973)

1 1. On page 7, after line 17 insert the following new subsection:  
 2 "~~(7)~~ The limit in subsection (1) of this section shall not apply to  
 3 a political subdivision that is authorized to exceed its levy limit  
 4 pursuant to section 77-3444."; in line 18 strike "~~(7)~~" and insert "~~(8)~~";  
 5 and in line 26 strike "~~(8)~~" and insert "~~(9)~~".

Senator Lathrop filed the following amendment to LB411:  
AM1043

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 81-6,125, Revised Statutes Cumulative Supplement,  
 4 2020, is amended to read:  
 5 81-6,125 (1) The purpose of the Population Health Information Act  
 6 is to designate a health information exchange to provide the data  
 7 infrastructure needed to assist in creating a healthier Nebraska and  
 8 operating the electronic health records initiative.  
 9 (2) The designated health information exchange shall:  
 10 (a) ~~(1)~~ Aggregate clinical information from health care entities  
 11 needed to support the operation of the medical assistance program under  
 12 the Medical Assistance Act;  
 13 (b) ~~(2)~~ Act as the designated entity for purposes of access to and  
 14 analysis of health data;  
 15 (c) ~~(3)~~ Collect and analyze data for purposes of informing the  
 16 Legislature, the department, health care providers, and health care  
 17 entities as to the cost of, access to, and quality of health care in  
 18 Nebraska;  
 19 (d) ~~(4)~~ Act as a collector and reporter of public health data for  
 20 registry submissions, electronic laboratory reporting, immunization  
 21 reporting, and syndromic surveillance from an electronic health record,  
 22 which does not include claims data; and  
 23 (e) ~~(5)~~ Enable any health care provider or health care entity to  
 24 access information available within the designated health information  
 25 exchange to evaluate and monitor care and treatment of a patient in  
 26 accordance with the privacy and security provisions set forth in the  
 27 federal Health Insurance Portability and Accountability Act of 1996,  
 1 Public Law 104-191.  
 2 (3)(a) On or before September 30, 2021, each health care facility  
 3 listed in subdivision (b) of this subsection shall participate in the  
 4 designated health information exchange through sharing of clinical  
 5 information. Such clinical information shall include the clinical data  
 6 that the health care facility captured in its existing electronic health  
 7 record as permitted by state and federal laws, rules, and regulations.  
 8 Any patient health information shared with the designated health  
 9 information exchange as determined by policies adopted by the Health  
 10 Information Technology Board shall be provided in accordance with the  
 11 privacy and security provisions set forth in the federal Health Insurance



12 Portability and Accountability Act of 1996 and regulations adopted under  
13 the act.

14 (b) This subsection applies to an ambulatory surgical center, a  
15 critical access hospital, a general acute hospital, a health clinic, a  
16 hospital, an intermediate care facility, a long-term care hospital, a  
17 mental health substance use treatment center, a PACE center, a pharmacy,  
18 a psychiatric or mental hospital, a public health clinic, or a  
19 rehabilitation hospital, as such terms are defined in the Health Care  
20 Facility Licensure Act, or a diagnostic, laboratory, or imaging center.

21 (c) This subsection does not apply to (i) a state-owned or state-  
22 operated facility or (ii) an assisted-living facility, a nursing  
23 facility, or a skilled nursing facility, as such terms are defined in the  
24 Health Care Facility Licensure Act.

25 (d) Any connection established by July 1, 2021, between a health  
26 care facility and the designated health information exchange to  
27 facilitate such participation shall be at no cost to the participating  
28 health care facility.

29 (e) A health care facility may apply to the board for a waiver from  
30 the requirement to participate under this subsection due to a  
31 technological burden. The board shall review the application and  
1 determine whether to waive the requirement. If the board waives the  
2 requirement for a health care facility, the board shall review the waiver  
3 annually to determine if the health care facility continues to qualify  
4 for the waiver.

5 (f) The board shall not require a health care facility to purchase  
6 or contract for an electronic records management system or service.

7 (4)(a) On or before January 1, 2022, each health insurance plan  
8 shall participate in the designated health information exchange through  
9 sharing of information. Subject to subsection (5) of this section, such  
10 information shall be determined by policies adopted by the Health  
11 Information Technology Board.

12 (b) For purposes of this subsection:

13 (i) Health insurance plan includes any group or individual sickness  
14 and accident insurance policy, health maintenance organization contract,  
15 subscriber contract, employee medical, surgical, or hospital care benefit  
16 plan, or self-funded employee benefit plan to the extent not preempted by  
17 federal law; and

18 (ii) Health insurance plan does not include (A) accident-only,  
19 disability-income, hospital confinement indemnity, dental, hearing,  
20 vision, or credit insurance, (B) coverage issued as a supplement to  
21 liability insurance, (C) insurance provided as a supplement to medicare,  
22 (D) insurance arising from workers' compensation provisions, (E)  
23 automobile medical payment insurance, (F) insurance policies that provide  
24 coverage for a specified disease or any other limited benefit coverage,  
25 or (G) insurance under which benefits are payable with or without regard  
26 to fault and which is statutorily required to be contained in any  
27 liability insurance policy.

28 (5) The designated health information exchange and the department  
29 shall enter into an agreement to allow the designated health information  
30 exchange to collect, aggregate, analyze, report, and release de-  
31 identified data, as defined by the federal Health Insurance Portability  
1 and Accountability Act of 1996, that is derived from the administration  
2 of the medical assistance program. Such written agreement shall be  
3 executed no later than September 30, 2021.

4 (6) In addition to the right to opt out as provided in section  
5 71-2454, an individual shall have the right to opt out of the designated  
6 health information exchange or the sharing of information required under  
7 subsections (3) and (4) of this section. The designated health  
8 information exchange shall adopt a patient opt-out policy consistent with  
9 the federal Health Insurance Portability and Accountability Act of 1996

10 and other applicable federal requirements. Such policy shall not apply to  
 11 mandatory public health reporting requirements.

12 Sec. 2. Section 81-6,128, Revised Statutes Cumulative Supplement,  
 13 2020, is amended to read:

14 81-6,128 (1) The Health Information Technology Board shall:

15 (a) Establish criteria for data collection and disbursement by the  
 16 statewide health information exchange described in section 71-2455 and  
 17 the prescription drug monitoring program created under section 71-2454 to  
 18 improve the quality of information provided to clinicians;

19 (b) Evaluate and ensure that the statewide health information  
 20 exchange is meeting technological standards for reporting of data for the  
 21 prescription drug monitoring program, including the data to be collected  
 22 and reported and the frequency of data collection and disbursement;

23 (c) Provide the governance oversight necessary to ensure that any  
 24 health information in the statewide health information exchange and the  
 25 prescription drug monitoring program may be accessed, used, or disclosed  
 26 only in accordance with the privacy and security protections set forth in  
 27 the federal Health Insurance Portability and Accountability Act of 1996,  
 28 Public Law 104-191, and regulations promulgated thereunder. All protected  
 29 health information is privileged, is not a public record, and may be  
 30 withheld from the public pursuant to section 84-712.05; and

31 (d) Provide recommendations to the statewide health information  
 1 exchange on any other matters referred to the board.

2 (2) The board shall adopt policies and procedures necessary to carry  
 3 out its duties.

4 (3) The authority of the board to direct the use or release of data  
 5 under this section or section 71-2454 shall apply only to requests  
 6 submitted to the board after September 1, 2021.

7 (4) ~~(3)~~ The board may hold meetings by telecommunication or  
 8 electronic communication subject to the Open Meetings Act. Any official  
 9 action or vote of the members of the board shall be preserved in the  
 10 records of the board.

11 ~~(5)~~ (4) By November 15, 2021, and November 15 of each year  
 12 thereafter, the board shall develop and submit an annual report to the  
 13 Governor and the Health and Human Services Committee of the Legislature  
 14 regarding considerations undertaken, decisions made, accomplishments, and  
 15 other relevant information. The report submitted to the Legislature shall  
 16 be submitted electronically.

17 Sec. 3. Original sections 81-6,125 and 81-6,128, Revised Statutes  
 18 Cumulative Supplement, 2020, are repealed.

19 Sec. 4. Since an emergency exists, this act takes effect when  
 20 passed and approved according to law.

### SELECT FILE

**LEGISLATIVE BILL 17.** Senator Kolterman offered his amendment,  
[AM978](#), found on page 1000, to the Kolterman amendment.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 12 present  
 and not voting, and 2 excused and not voting.

Senator M. Cavanaugh offered the following amendment to the Kolterman  
 amendment:

[AM900](#)

(Amendments to Standing Committee amendments, AM461)

1 1. Insert the following new section:

2 Sec. 2. Section 24-702, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 24-702 (1) There is hereby created in the state treasury a fund to  
 5 be known as the Nebraska Retirement Fund for Judges which shall be  
 6 administered by the board and to which shall be credited all money  
 7 appropriated or transferred by law thereto. The fund is hereby  
 8 appropriated and made available to the board for the uses and purposes  
 9 prescribed by the provisions of the Judges Retirement Act.  
 10 (2) The employer contribution to the fund shall consist of the  
 11 amounts remitted pursuant to subsection (3) of section 24-703.  
 12 (3) The Nebraska Judges Retirement Act Expense Fund is created. The  
 13 fund shall be credited with money from the retirement system assets and  
 14 income sufficient to pay the pro rata share of administrative expenses  
 15 incurred as directed by the board for the proper administration of the  
 16 Judges Retirement Act and necessary in connection with the administration  
 17 and operation of the retirement system.  
 18 (4) On July 1, 2021, or as soon thereafter as administratively  
 19 possible, the State Treasurer shall transfer three million dollars from  
 20 the General Fund to the Nebraska Retirement Fund for Judges.  
 21 2. On page 10, lines 22 through 26, strike the new matter.  
 22 3. Renumber the remaining sections and correct the repealer  
 23 accordingly.

The M. Cavanaugh amendment lost with 2 ayes, 23 nays, 20 present and not voting, and 4 excused and not voting.

The Kolterman amendment, [AM929](#), found on page 957 and considered in this day's Journal, was renewed.

The Kolterman amendment, as amended, was adopted with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 485.** Title read. Considered.

## SPEAKER HILGERS PRESIDING

Committee [AM764](#), found on page 802, was offered.

Senator DeBoer offered the following amendment to the committee amendment:

[AM1057](#)

(Amendments to Standing Committee amendments, AM764)

1 1. On page 3, line 7, after the last period insert "No General Funds  
 2 shall be used to pay the costs to the state resulting from the income  
 3 eligibility changes made in subdivisions (2)(a) and (b) of this section  
 4 by this legislative bill for fiscal years 2021-22 through 2023-24.".

The DeBoer amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, 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 31 ayes, 7 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Committee [AM638](#), found on page 671, was offered.

Senator Briese withdrew his amendment, [FA15](#), found on page 854.

Senator Briese offered his amendment, [AM868](#), found on page 874, to the committee amendment.

### SENATOR HUGHES PRESIDING

Pending.

#### COMMITTEE REPORT(S) Enrollment and Review

**LEGISLATIVE BILL 271A.** Placed on Select File.

**LEGISLATIVE BILL 57.** Placed on Select File.

**LEGISLATIVE BILL 275.** Placed on Select File with amendment.

#### [ER62](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. (1) The Semiquincentennial Commission is created. The  
4 commission shall be housed within the Nebraska State Historical Society  
5 for administrative and budgetary purposes.  
6 (2) The commission shall consist of seventeen members.  
7 (3) The Legislature intends for the commission to include members  
8 from all regions of the state, representing all major interests and a  
9 diverse array of industries.  
10 (4) The commission shall include the following members:  
11 (a) The Director of the Nebraska State Historical Society or the  
12 designee of the director, who shall serve as the chairperson;  
13 (b) The Director of Economic Development or the designee of such  
14 person;  
15 (c) The Commissioner of Education or the designee of such person;  
16 and  
17 (d) The President of the University of Nebraska or the designee of  
18 such person;  
19 (5) The commission shall include at least one member from each of  
20 the following subdivisions to be appointed by the Governor before  
21 September 1, 2021:  
22 (a) A Native American from a federally recognized Indian tribe, as  
23 of January 1, 2021, residing within the State of Nebraska. Such member  
24 shall be appointed from a list of five nominees submitted by the  
25 Commission on Indian Affairs;

26 (b) An African American who is a legal resident of the State of  
27 Nebraska. Such member shall be appointed from a list of five nominees  
1 submitted by the Commission on African American Affairs;  
2 (c) A Latino-American who is a legal resident of the State of  
3 Nebraska. Such member shall be appointed from a list of five nominees  
4 submitted by the Commission on Latino-Americans;  
5 (d) A curator or director of a private cultural institution as  
6 defined in section 58-807.01 or a professional historian;  
7 (e) A member of the Nebraska Tourism Commission;  
8 (f) A representative from the Nebraska Humanities Council;  
9 (g) A legal resident of the first congressional district;  
10 (h) A legal resident of the second congressional district; and  
11 (i) A legal resident of the third congressional district.  
12 (6) The same individual shall not fulfill the requirements of more  
13 than one subdivision of subsections (4) and (5) of this section.  
14 (7) No more than eight of the members shall be affiliated with the  
15 same political party.  
16 (8) Any vacancy on the commission of an appointed member occurring  
17 after the initial appointment of members shall be filled by the Governor  
18 by appointment.  
19 (9) The commission shall terminate on June 30, 2027.  
20 Sec. 2. (1) The Semiquincentennial Commission shall hold its first  
21 meeting no later than September 1, 2022.  
22 (2) The members shall select a vice-chairperson and a secretary.  
23 (3) Members shall receive no compensation for the performance of  
24 their duties as members of the commission, except that such members shall  
25 receive reimbursement for expenses as provided in sections 81-1174 to  
26 81-1177.  
27 (4) The commission may employ personnel and contract for services  
28 and shall remit any gifts, grants, or donations to the State Treasurer  
29 for credit to the Semiquincentennial Commission Fund. The commission  
30 shall expend and allocate any appropriations authorized by the  
31 Legislature to carry out the purposes of the commission.  
1 Sec. 3. (1) The Semiquincentennial Commission is the point of  
2 contact for state and national organizations and events related to the  
3 Semiquincentennial of the United States and may also seek the guidance  
4 and support of any party.  
5 (2) The Semiquincentennial Commission shall develop programs and  
6 plans for the official observance of the two hundred fiftieth anniversary  
7 of the founding of the United States, as marked by the Declaration of  
8 Independence in 1776.  
9 (3) The commission shall cooperate with the United States  
10 Semiquincentennial Commission and various state agencies, boards,  
11 commissions, departments, and political subdivisions in order to execute  
12 commemorative events and to implement educational activities, events, and  
13 celebrations related to the Semiquincentennial of the United States.  
14 (4) The commission shall promote under-represented groups from the  
15 American Revolutionary War, including, but not limited to, women,  
16 American Indians, and persons of color.  
17 Sec. 4. (1) The Semiquincentennial Commission Fund is created. Such  
18 fund shall consist of money appropriated by the Legislature and gifts,  
19 grants, or donations from any source, including federal, state, public,  
20 and private sources.  
21 (2) The Semiquincentennial Commission Fund shall be utilized for the  
22 purpose of administering the Semiquincentennial Commission and executing  
23 commemorative activities and implementing educational activities, events,  
24 and celebrations related to the Semiquincentennial of the United States.  
25 (3) Money received by the Semiquincentennial Commission shall be  
26 remitted to the State Treasurer for credit to the Semiquincentennial  
27 Commission Fund. Any money in the Semiquincentennial Commission Fund

28 available for investment shall be invested by the state investment  
 29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 30 State Funds Investment Act.  
 31 (4)(a) The State Treasurer shall transfer the unobligated balance in  
 1 the Semiquincentennial Commission Fund to the Historical Society Fund on  
 2 June 1, 2027.  
 3 (b) The Semiquincentennial Commission Fund terminates on June 30,  
 4 2027, and the State Treasurer shall transfer any money in the fund on  
 5 such date to the Historical Society Fund.  
 6 Sec. 5. Since an emergency exists, this act takes effect when  
 7 passed and approved according to law.  
 8 2. On page 1, line 4, after the semicolon insert "to create a  
 9 fund;"

**LEGISLATIVE BILL 275A.** Placed on Select File.  
**LEGISLATIVE BILL 355.** Placed on Select File.  
**LEGISLATIVE BILL 261.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

Senator Walz filed the following amendment to LB408:  
[AM1022](#)

(Amendments to AM973)

1 1. On page 7, after line 17 insert the following new subsection:  
 2 "(7) The limit in subsection (1) of this section shall not apply to  
 3 that portion of a political subdivision's property tax request that will  
 4 be used for special education expenditures."; in line 18 strike "(7)" and  
 5 insert "(8)"; and in line 26 strike "(8)" and insert "(9)".

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

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

Senator Pansing Brooks name added to LB147.

#### VISITOR(S)

The Doctor of the Day was Dr. Sean C. Flor of Lincoln.

#### ADJOURNMENT

At 7:01 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Wednesday, April 21, 2021.

Patrick J. O'Donnell  
 Clerk of the Legislature

**SIXTY-FOURTH DAY - APRIL 21, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 21, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Murman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, B. Hansen, M. Hansen, Hunt, Morfeld, Stinner, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-third day was approved.

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

Senator Stinner filed the following amendment to [LB572](#):  
[AM875](#)

(Amendments to E&R amendments, ER29)

1 1. Insert the following new section:  
2 Sec. 33. The Department of Agriculture shall conduct a study on the  
3 inherent advantages and disadvantages of a voluntary brand inspection  
4 program as compared to a mandatory brand inspection program. The study  
5 shall include, but not be limited to, identifying a modernized system of  
6 brand inspection that is a statewide solution, financially sustainable,  
7 and which lowers costs for Nebraska cattle producers while maintaining  
8 their access to a brand inspection program. The department shall  
9 electronically report its findings and any recommendations to the  
10 Agriculture Committee of the Legislature and the Appropriations Committee  
11 of the Legislature no later than December 1, 2021.

12 2. On page 1, line 6, strike "and 31" and insert "31, and 33".  
13 3. Renumber the remaining sections accordingly.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 95 and 96 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 95 and 96.

### GENERAL FILE

**LEGISLATIVE BILL 2.** Committee [AM638](#), found on page 671 and considered on page 1068, was renewed.

Senator Briese renewed his amendment, [AM868](#), found on page 874 and considered on page 1068, to the committee amendment.

Senator Briese withdrew his amendment.

Senator Briese offered the following amendment to the committee amendment:

#### [FA27](#)

Amend AM638

On page 3, line 5, strike "2023" and insert "2021".

On page 3, lines 7 through 9, strike from "For" to "percent." and insert "For tax year 2022, and each tax year thereafter, the minimum amount of relief granted under the act shall be three hundred thirteen million dollars.".

### SENATOR SLAMA PRESIDING

### SPEAKER HILGERS PRESIDING

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

The Briese amendment was adopted with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 669.** Placed on Select File with amendment.

#### [ER63](#)

1 1. On page 1, line 1, after the semicolon insert "to amend section



2 85-502.01, Revised Statutes Cumulative Supplement, 2020;"; and in line 2  
3 after "Act" insert "; to change requirements for veterans and their  
4 spouses and dependents to qualify as resident students; and to repeal the  
5 original section".

**LEGISLATIVE BILL 291.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 58.** Placed on Final Reading.

**LEGISLATIVE BILL 63.** Placed on Final Reading.

**LEGISLATIVE BILL 181.** Placed on Final Reading.

**LEGISLATIVE BILL 343.** Placed on Final Reading.

**LEGISLATIVE BILL 372.** Placed on Final Reading.

**LEGISLATIVE BILL 466.** Placed on Final Reading.

[ST13](#)

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

1. On page 1, line 2, "residential" has been inserted after "when".

**LEGISLATIVE BILL 616.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 496.** Placed on General File with amendment.

[AM1054](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 29-4102, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 29-4102 The Legislature finds that DNA data banks are an important  
6 tool in criminal investigations, in the exclusion of individuals who are  
7 the subject of criminal investigations or prosecutions, in deterring and  
8 detecting recidivist acts, and in locating and identifying missing  
9 persons and human remains. Several states have enacted laws requiring  
10 persons convicted of certain crimes to provide genetic samples for DNA  
11 typing tests. Moreover, it is the policy of this state to assist federal,  
12 state, and local criminal justice and law enforcement agencies in the  
13 identification and detection of individuals in criminal investigations  
14 and in locating and identifying missing persons and human remains. It is  
15 in the best interest of this state to establish a State DNA Data Base for  
16 DNA records and a State DNA Sample Bank as a repository for DNA samples  
17 from individuals convicted of felony offenses and other specified  
18 offenses, from individuals charged with crimes of violence or burglary,  
19 and from individuals for purposes of assisting in locating and  
20 identifying missing persons and human remains.  
21 Sec. 2. Section 29-4103, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 29-4103 For purposes of the DNA Identification Information Act:

24 (1) Burglary means burglary with intent to commit a felony pursuant  
25 to section 28-507;

26 (2) (†) Combined DNA Index System means the Federal Bureau of  
27 Investigation's national DNA identification index system that allows the  
1 storage and exchange of DNA records submitted by state and local forensic  
2 DNA laboratories;

3 (3) Crime of violence means any of the following offenses when  
4 charged as a felony:

5 (a) Arson in the first degree pursuant to section 28-502;

6 (b) Assault in the first degree pursuant to section 28-308;

7 (c) Assault in the second degree pursuant to section 28-309;

8 (d) Kidnapping pursuant to section 28-313;

9 (e) Manslaughter pursuant to section 28-305;

10 (f) Murder in the first degree pursuant to section 28-303;

11 (g) Murder in the second degree pursuant to section 28-304;

12 (h) Sexual assault in the first degree pursuant to section 28-319;

13 (i) Sexual assault of a child in the first degree pursuant to

14 section 28-319.01;

15 (j) Sexual assault in the second degree pursuant to section 28-320;

16 (k) Sexual assault of a child in the second or third degree pursuant

17 to section 28-320.01;

18 (l) Child enticement by means of an electronic communication device  
19 pursuant to section 28-320.02;

20 (m) Sexual abuse of an inmate or parolee in the first degree

21 pursuant to section 28-322.02;

22 (n) Sexual abuse of an inmate or parolee in the second degree

23 pursuant to section 28-322.03;

24 (o) Sexual abuse of a protected individual pursuant to section

25 28-322.04;

26 (p) Robbery pursuant to section 28-324;

27 (q) Violation of the Homicide of the Unborn Child Act pursuant to

28 sections 28-388 through 28-393;

29 (r) Incest with a person who is under eighteen years of age pursuant

30 to section 28-703; or

31 (s) Any attempt or conspiracy to commit an offense listed in

1 subdivision (2)(a) through (r) of this section;

2 (4) (‡) DNA means deoxyribonucleic acid which is located in the

3 cells and provides an individual's personal genetic blueprint. DNA

4 encodes genetic information that is the basis of human heredity and

5 forensic identification;

6 (5) (‡) DNA record means the DNA identification information stored

7 in the State DNA Data Base or the Combined DNA Index System which is

8 derived from DNA typing test results;

9 (6) (4) DNA sample means a blood, tissue, or bodily fluid sample

10 provided by any person covered by the DNA Identification Information Act

11 for analysis or storage, or both;

12 (7) (‡) DNA typing tests means the laboratory procedures which

13 evaluate the characteristics of a DNA sample which are of value in

14 establishing the identity of an individual;

15 (8) (6) Law enforcement agency includes a police department, a town

16 marshal, a county sheriff, and the Nebraska State Patrol;

17 (9) (7) Other specified offense means misdemeanor stalking pursuant

18 to sections 28-311.02 to 28-311.05 or false imprisonment in the second

19 degree pursuant to section 28-315 or an attempt, conspiracy, or

20 solicitation to commit stalking pursuant to sections 28-311.02 to

21 28-311.05, false imprisonment in the first degree pursuant to section

22 28-314, false imprisonment in the second degree pursuant to section

23 28-315, knowing and intentional sexual abuse of a vulnerable adult or

24 senior adult pursuant to subdivision (1)(c) of section 28-386, or a

25 violation of the Sex Offender Registration Act pursuant to section  
26 29-4011; and

27 ~~(10) (8)~~ Released means any release, parole, furlough, work release,  
28 prerelease, or release in any other manner from a prison, a jail, or any  
29 other detention facility or institution.

30 Sec. 3. Section 29-4104, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 29-4104 The State DNA Data Base is established. The Nebraska State  
2 Patrol shall administer the State DNA Data Base and shall provide DNA  
3 records to the Federal Bureau of Investigation for storage and  
4 maintenance in the Combined DNA Index System. The patrol shall provide  
5 for liaison with the Federal Bureau of Investigation and other law  
6 enforcement agencies in regard to the state's participation in the  
7 Combined DNA Index System. The State DNA Data Base shall store and  
8 maintain DNA records related to:

9 (1) Forensic casework, including, but not limited to, forensic  
10 casework relating to missing persons, relatives of missing persons, and  
11 unidentified human remains;

12 (2) Convicted or charged offenders required to provide a DNA sample  
13 under the DNA Identification Information Act;

14 (3) Anonymous DNA records used for research or quality control; and

15 (4) Missing persons, relatives of missing persons, and unidentified  
16 human remains.

17 Sec. 4. Section 29-4106, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-4106 (1) A person who is convicted of a felony offense or other  
20 specified offense on or after July 15, 2010, who does not have a DNA  
21 sample available for use in the State DNA Sample Bank, shall, at his or  
22 her own expense, have a DNA sample collected:

23 (a) Upon intake to a prison, jail, or other detention facility or  
24 institution to which such person is sentenced. If the person is already  
25 confined at the time of sentencing, the person shall have a DNA sample  
26 collected immediately after the sentencing. Such DNA sample shall be  
27 collected at the place of incarceration or confinement. Such person shall  
28 not be released unless and until a DNA sample has been collected; or

29 (b) As a condition for any sentence which will not involve an intake  
30 into a prison, jail, or other detention facility or institution. Such DNA  
31 samples shall be collected as follows:

1 (i) In any county containing a city of the metropolitan class, a  
2 person placed on probation or who received a penalty of a fine or time  
3 served shall have such DNA sample collected by a probation officer at a  
4 probation office. Such person shall not be released unless and until a  
5 DNA sample has been collected; and

6 (ii) In all other counties, a person placed on probation shall have  
7 such DNA sample collected by a probation officer at a probation office,  
8 and a person not placed on probation who receives a penalty of a fine or  
9 time served shall have such DNA sample collected by the county sheriff.  
10 Such person shall not be released unless and until a DNA sample has been  
11 collected.

12 (2) A person who has been convicted of a felony offense or other  
13 specified offense before July 15, 2010, who does not have a DNA sample  
14 available for use in the State DNA Sample Bank, and who is still serving  
15 a term of confinement or probation for such felony offense or other  
16 specified offense on July 15, 2010, shall not be released prior to the  
17 expiration of his or her maximum term of confinement or revocation or  
18 discharge from his or her probation unless and until a DNA sample has  
19 been collected.

20 (3)(a) An adult who is charged with a crime of violence or burglary  
21 on or after the operative date of this act, who does not have a DNA  
22 sample available for use in the State DNA Sample Bank, shall have a DNA

23 sample collected by a law enforcement official at the receiving criminal  
24 detention facility during the booking process. If the first appearance of  
25 such person in court for the alleged crime of violence or burglary is not  
26 due to arrest but by citation or summons, the court shall order  
27 collection of a DNA sample.

28 (b) A DNA sample collected under this subsection shall not be tested  
29 or placed in the State DNA Data Base until after a judicial determination  
30 of probable cause on the crime of violence or burglary has been made or a  
31 hearing to determine probable cause has been waived, unless requested or  
1 consented to by the person whose DNA sample is to be collected. If the  
2 charges for the crime of violence or burglary are determined to be  
3 unsupported by probable cause, the DNA sample shall be immediately  
4 destroyed and notice that the sample was destroyed shall be sent to the  
5 person whose DNA sample was collected and counsel of record for such  
6 person.

7 (4) (3) A person who is serving a term of probation and has a DNA  
8 sample collected pursuant to this section shall pay all costs associated  
9 with the collection of the DNA sample.

10 (5) (4) If the court waives the cost of taking a DNA sample for any  
11 reason, a county jail or other county detention facility or institution  
12 collecting the DNA sample shall not be held financially responsible for  
13 the cost of the DNA sample kit.

14 Sec. 5. Section 29-4106.01, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-4106.01 (1) A person required to submit a DNA sample pursuant to  
17 subsection (1) or (2) of section 29-4106 shall be given the choice of  
18 having the sample collected by a blood draw or a buccal cell collection  
19 kit. Any person who collects a DNA sample pursuant to section 29-4106  
20 shall honor the choice of collection method made by the person providing  
21 the DNA sample. If the person required to submit the DNA sample does not  
22 indicate a preference as to the method of collection, either method may  
23 be used to collect the sample.

24 (2) A person required to submit a DNA sample pursuant to subsection  
25 (3) of section 29-4106 shall have the sample collected by buccal cell  
26 collection kit.

27 Sec. 6. Section 29-4109, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 29-4109 (1) A person whose DNA record has been included in the  
30 State DNA Data Base pursuant to the DNA Identification Information Act  
31 may request expungement on the grounds that: the

1 (a) The conviction on which the authority for including such  
2 person's DNA record was based has been reversed and the case dismissed;  
3 or -

4 (b) The charge on which the authority for including such person's  
5 DNA record was based has been dismissed.

6 (2) The Nebraska State Patrol shall purge all DNA records and  
7 identifiable information in the data base pertaining to the person and  
8 destroy all DNA samples from the person upon receipt of a written request  
9 for expungement pursuant to this section and a certified copy of the  
10 final court order reversing and dismissing the conviction or dismissing  
11 the charge.

12 (3) Within ten calendar days of granting expungement, the Nebraska  
13 State Patrol shall provide written notice of such expungement pursuant to  
14 subsection (4) of section 29-4108, to any person to whom DNA records and  
15 samples have been made available. The Nebraska State Patrol shall  
16 establish procedures for providing notice of certification of expungement  
17 to the person who was granted expungement.

18 Sec. 7. This act becomes operative on January 1, 2022.

19 Sec. 8. Original sections 29-4102, 29-4103, 29-4104, 29-4106,  
20 29-4106.01, and 29-4109, Reissue Revised Statutes of Nebraska, are

21 repealed.

(Signed) Steve Lathrop, Chairperson

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

Senator Blood filed the following amendment to LB408:

[AM1031](#)

(Amendments to AM973)

1 1. On page 1, line 22, strike "and" and after "subdivision" insert  
2 ", and (d) any other increase in assessed value".

Senator Blood filed the following amendment to LB408:

[AM1030](#)

(Amendments to AM973)

1 1. On page 7, after line 17 insert the following new subsection:  
2 "(7) The limit in subsection (1) of this section shall not apply to  
3 that portion of a political subdivision's property tax request that will  
4 be needed to pay for unfunded or underfunded mandates imposed upon the  
5 political subdivision by the Legislature."; in line 18 strike "(7)" and  
6 insert "(8)"; and in line 26 strike "(8)" and insert "(9)".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 99.** Introduced by Walz, 15.

WHEREAS, many individuals with chronic mental illness, such as schizophrenia, bipolar disorder, and severe depression, or gastrointestinal disorders, including gastroparesis, nausea, and vomiting, require treatment with medications, including antipsychotic medications, that work as dopamine receptor blocking agents; and

WHEREAS, while ongoing treatment with these medications may be very helpful, and even lifesaving, for many people use of these medications may also lead to Tardive Dyskinesia; and

WHEREAS, Tardive Dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, torso, and extremities; and

WHEREAS, Tardive Dyskinesia may develop months, years, or decades after a person starts taking dopamine receptor blocking agents, even after they have discontinued use of those medications. Not everyone who takes a dopamine receptor blocking agent develops Tardive Dyskinesia, but if it develops the condition is often permanent; and

WHEREAS, according to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience Tardive Dyskinesia; and

WHEREAS, it is estimated that over 500,000 Americans suffer from Tardive Dyskinesia; and

WHEREAS, years of difficult and challenging research have resulted in the recent scientific advancements of two new treatments for Tardive Dyskinesia being approved by the federal Food and Drug Administration; and

WHEREAS, Tardive Dyskinesia is often unrecognized, and patients suffering from the illness are commonly misdiagnosed. Regular screening for Tardive Dyskinesia in patients taking a dopamine receptor blocking agent medication is recommended by the American Psychiatric Association; and

WHEREAS, a great way to help those who suffer from Tardive Dyskinesia is to raise awareness of Tardive Dyskinesia in the public and medical community.

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

1. That the Legislature recognizes the week of May 2-8, 2021, as Tardive Dyskinesia Awareness Week.

2. That the Legislature encourages each individual in Nebraska to become better informed about and aware of Tardive Dyskinesia.

Laid over.

**LEGISLATIVE RESOLUTION 100.** 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 101.** Introduced by Williams, 36; Kolterman, 24; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study whether legislation should be enacted to provide for comprehensive regulation of pharmacy benefit managers. The study shall include an examination of issues raised during consideration of LB270 introduced by Senator Morfeld and LB375 introduced by Senator Kolterman, which are pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 2.** Senator Groene offered the following amendment to the committee amendment:

[AM1063](#)

(Amendments to Standing Committee amendments, AM638)

- 1 1. Strike section 2.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 3 accordingly.

Pending.

### RECESS

At 11:58 a.m., on a motion by Senator Linehan, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

### ROLL CALL

The roll was called and all members were present except Senator Wayne who was excused; and Senators Arch, Bostar, M. Hansen, Hilkemann, Pansing Brooks, Stinner, and Vargas who were excused until they arrive.

### 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.

Randy L. Gard - Nebraska Ethanol Board

Aye: 8. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

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

Senator Hunt filed the following amendment to [LB364](#):  
[AM1051](#)

(Amendments to Standing Committee amendments, AM762)

1 1. On page 2, strike beginning with "complies" in line 27 through  
2 "2021" in line 28 and insert "does not discriminate on the basis of race,  
3 color, religion, national origin, ancestry, citizenship status, gender,  
4 sexual orientation, gender identity, disability, or special education  
5 status".

**MESSAGE(S) FROM THE GOVERNOR**

April 21, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83e, 92, 101e, 197, 371, 390, 400, 487, and 503 were received in my office on April 15, 2021.

These bills were signed and delivered to the Secretary of State on April 21, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 2.** Senator Groene renewed his amendment, [AM1063](#), found in this day's Journal, to the committee amendment.

Senator M. Hansen offered the following motion:

[MO39](#)

Bracket bill until June 10, 2021.

**SENATOR SLAMA PRESIDING**

Senator M. Hansen moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The M. Hansen motion to bracket failed with 6 ayes, 34 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.



The Groene amendment was adopted with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

Committee [AM638](#), found on page 671 and considered on page 1068 and in this day's Journal, was renewed.

The committee amendment, as amended, 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 38 ayes, 3 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 39.** Title read. Considered.

Committee [AM582](#), found on page 635, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**SPEAKER HILGERS PRESIDING**

Senator Flood withdrew his amendment, [AM373](#), found on page 480.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Final Reading.

**LEGISLATIVE BILL 156.** Placed on Final Reading.

#### **[ST14](#)**

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

1. In the E&R amendments, ER33, on page 1, line 6, "section 81-12,148" has been struck and "sections 81-12,148 and 81-12,150" inserted; and in line 11 "powers and" has been inserted after "provide".

2. In the Wayne amendment, AM737:

- a. On page 8, line 4, "appropriated" has been struck and "transferred" inserted; and
- b. On page 15, line 15, "section 81-12,148" has been struck and "sections 81-12,148 and 81-12,150" inserted.

**LEGISLATIVE BILL 156A.** Placed on Final Reading.

**LEGISLATIVE BILL 451.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

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

Senator Briese filed the following amendment to LB408:  
AM1064

(Amendments to Standing Committee amendments, AM371)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Sections 1 to 4 of this act shall be known and may be  
 4 cited as the Property Tax Request Act.  
 5 Sec. 2. For purposes of the Property Tax Request Act:  
 6 (1) Approved bonds means bonds as defined in subdivision (1) of  
 7 section 10-134 and approved according to law;  
 8 (2) Political subdivision means any county, city, village, school  
 9 district, learning community, natural resources district, educational  
 10 service unit, or community college;  
 11 (3) Property tax request means the total amount of property taxes  
 12 requested to be raised for a political subdivision through the levy  
 13 imposed pursuant to section 77-1601;  
 14 (4) Real growth percentage means the percentage obtained by dividing  
 15 (a) the political subdivision's real growth value by (b) the political  
 16 subdivision's total real property valuation from the prior year; and  
 17 (5) Real growth value means the increase in a political  
 18 subdivision's real property valuation from the prior year to the current  
 19 year due to (a) improvements to real property as a result of new  
 20 construction and additions to existing buildings, (b) any other  
 21 improvements to real property which increase the value of such property,  
 22 and (c) annexation of property by the political subdivision.  
 23 Sec. 3. Section 77-1601.02, Revised Statutes Cumulative Supplement,  
 24 2020, is amended to read:  
 25 77-1601.02 (1) If the annual assessment of property would result in  
 26 an increase in the total property taxes levied by a ~~political subdivision~~  
 27 ~~county, municipality, school district, learning community, sanitary and~~  
 28 ~~improvement district, natural resources district, educational service~~  
 29 ~~unit, or community college,~~ as determined using the previous year's rate  
 30 of levy, such political subdivision's property tax request for the  
 31 current year shall be no more than its property tax request in the prior  
 32 year, and the political subdivision's rate of levy for the current year  
 33 shall be decreased accordingly when such rate is set by the county board  
 34 of equalization pursuant to section 77-1601. The governing body of the  
 35 political subdivision shall pass a resolution or ordinance to set the  
 36 amount of its property tax request after holding the public hearing  
 37 required in subsection (3) of this section. If the governing body of a  
 38 political subdivision seeks to set its property tax request at an amount  
 39 that exceeds its property tax request in the prior year, it may do so, to  
 40 the extent allowed under section 4 of this act, after holding the public  
 41 hearing required in subsection (3) of this section and by passing a  
 42 resolution or ordinance that complies with subsection (4) of this  
 43 section.  
 44 (2) If the annual assessment of property would result in no change  
 45 or a decrease in the total property taxes levied by a ~~political~~  
 46 ~~subdivision county, municipality, school district, learning community,~~  
 47 ~~sanitary and improvement district, natural resources district,~~  
 48 ~~educational service unit, or community college,~~ as determined using the  
 49 previous year's rate of levy, such political subdivision's property tax  
 50 request for the current year shall be no more than its property tax  
 51 request in the prior year, and the political subdivision's rate of levy  
 52 for the current year shall be adjusted accordingly when such rate is set  
 53 by the county board of equalization pursuant to section 77-1601. The  
 54 governing body of the political subdivision shall pass a resolution or

29 ordinance to set the amount of its property tax request after holding the  
 30 public hearing required in subsection (3) of this section. If the  
 31 governing body of a political subdivision seeks to set its property tax  
 1 request at an amount that exceeds its property tax request in the prior  
 2 year, it may do so, to the extent allowed under section 4 of this act,  
 3 after holding the public hearing required in subsection (3) of this  
 4 section and by passing a resolution or ordinance that complies with  
 5 subsection (4) of this section.

6 (3) The resolution or ordinance required under this section shall  
 7 only be passed after a special public hearing called for such purpose is  
 8 held and after notice is published in a newspaper of general circulation  
 9 in the area of the political subdivision at least four calendar days  
 10 prior to the hearing. For purposes of such notice, the four calendar days  
 11 shall include the day of publication but not the day of hearing. If the  
 12 political subdivision's total operating budget, not including reserves,  
 13 does not exceed ten thousand dollars per year or twenty thousand dollars  
 14 per biennial period, the notice may be posted at the governing body's  
 15 principal headquarters. The hearing notice shall contain the following  
 16 information: The certified taxable valuation under section 13-509 for the  
 17 prior year, the certified taxable valuation under section 13-509 for the  
 18 current year, and the percentage increase or decrease in such valuations  
 19 from the prior year to the current year; the dollar amount of the prior  
 20 year's tax request and the property tax rate that was necessary to fund  
 21 that tax request; the property tax rate that would be necessary to fund  
 22 last year's tax request if applied to the current year's valuation; the  
 23 proposed dollar amount of the tax request for the current year and the  
 24 property tax rate that will be necessary to fund that tax request; the  
 25 percentage increase or decrease in the property tax rate from the prior  
 26 year to the current year; and the percentage increase or decrease in the  
 27 total operating budget from the prior year to the current year.

28 (4) Any resolution or ordinance setting a political subdivision's  
 29 property tax request at an amount that exceeds the political  
 30 subdivision's property tax request in the prior year shall include, but  
 31 not be limited to, the following information:

- 1 (a) The name of the political subdivision;
- 2 (b) The amount of the property tax request;
- 3 (c) The following statements:
  - 4 (i) The total assessed value of property differs from last year's  
 5 total assessed value by ..... percent;
  - 6 (ii) The tax rate which would levy the same amount of property taxes  
 7 as last year, when multiplied by the new total assessed value of  
 8 property, would be \$..... per \$100 of assessed value;
  - 9 (iii) The (name of political subdivision) proposes to adopt a  
 10 property tax request that will cause its tax rate to be \$..... per \$100  
 11 of assessed value; and
  - 12 (iv) Based on the proposed property tax request and changes in other  
 13 revenue, the total operating budget of (name of political subdivision)  
 14 will exceed last year's by ..... percent; and
  - 15 (d) The record vote of the governing body in passing such resolution  
 16 or ordinance.

17 (5) Any resolution or ordinance setting a property tax request under  
 18 this section shall be certified and forwarded to the county clerk on or  
 19 before October 13 of the year for which the tax request is to apply.

20 (6) Any levy which is not in compliance with the Property Tax  
 21 Request Act this section and section 77-1601 shall be construed as an  
 22 unauthorized levy under section 77-1606.

23 Sec. 4. (1) Except as otherwise provided in this section, a  
 24 political subdivision's property tax request for any year shall not  
 25 exceed its request authority. A political subdivision's request authority  
 26 for any year shall be equal to such political subdivision's property tax

27 request from the prior year increased by three percent. For purposes of  
28 calculating request authority under this subsection, the following  
29 amounts shall be excluded from the political subdivision's property tax  
30 request from the prior year:  
31 (a) Any amount approved by voters under subsection (3) of this  
1 section that was included in the political subdivision's property tax  
2 request in the prior year; and  
3 (b) Any amount described in subsection (4) of this section that was  
4 included in the political subdivision's property tax request in the prior  
5 year.  
6 (2) A political subdivision may, by majority vote of its governing  
7 body, exceed the limit provided in subsection (1) of this section for no  
8 more than two consecutive years, in which case the political  
9 subdivision's property tax request shall be reduced in subsequent years  
10 to ensure that the average annual increase in the political subdivision's  
11 property tax requests over any three-year period does not exceed three  
12 percent. For purposes of calculating the annual increases over such  
13 three-year period, the amounts described in subdivisions (1)(a) and (b)  
14 of this section shall be excluded from the political subdivision's  
15 property tax request from the prior year. Such three-year period shall be  
16 measured using the year in which the political subdivision exceeds such  
17 limit as the first year of the period. If the political subdivision votes  
18 to exceed the limit for two consecutive years, the three-year period  
19 shall be measured twice using each of the two consecutive years as the  
20 first year of the applicable three-year period.  
21 (3) A political subdivision may exceed the limit provided in  
22 subsection (1) of this section by an amount approved by a majority of  
23 registered voters voting on the issue in a primary or general election  
24 held in an even-numbered year or in a special election held during the  
25 month of May or November in an odd-numbered year. The governing body of  
26 the political subdivision shall call for the submission of the issue to  
27 the voters by passing a resolution, by majority vote of the governing  
28 body, calling for exceeding the limit and delivering a copy of the  
29 resolution to the county clerk or election commissioner of every county  
30 which contains all or part of the political subdivision. The resolution  
31 shall include the amount which would be requested in excess of the limit  
1 provided in subsection (1) of this section. Any resolution calling for  
2 submission of the issue to the voters at a primary or general election  
3 shall be filed with the county clerk or election commissioner no later  
4 than March 1 for placement on the primary election ballot or September 1  
5 for placement on the general election ballot. Any resolution calling for  
6 submission of the issue to the voters at a special election shall be  
7 filed with the county clerk or election commissioner no later than March  
8 1 for a May special election or September 1 for a November special  
9 election. Nothing in this section shall prevent a political subdivision  
10 from holding a special election in any month authorized in the Election  
11 Act due to the need to request funds as a result of a natural disaster.  
12 The election shall be held pursuant to the Election Act. If a majority of  
13 the votes cast upon the ballot question are in favor of allowing the  
14 political subdivision to exceed the limit in subsection (1) of this  
15 section, the political subdivision shall be authorized to do so. If a  
16 majority of those voting on the ballot question do not vote to allow the  
17 political subdivision to exceed such limit, the political subdivision  
18 shall not be authorized to do so.  
19 (4)(a) The limit in subsection (1) of this section shall not apply  
20 to that portion of a political subdivision's property tax request that is  
21 (i) budgeted for capital improvements to address fire or flood mitigation  
22 or prevention, an environmental hazard, an accessibility barrier, or a  
23 life safety code violation, (ii) pledged to retire approved bonds, (iii)  
24 budgeted to pay for repairs to infrastructure damaged by a natural

25 disaster, or (iv) budgeted to pay for the portion of wages and benefits  
26 mandated by an order of the Commission of Industrial Relations.  
27 (b) For purposes of this subsection:  
28 (i) Accessibility barrier means anything which impedes entry into,  
29 exit from, or use of any building or facility by all people; and  
30 (ii) Environmental hazard means any contamination of the air, water,  
31 or land surface or subsurface caused by any substance adversely affecting  
1 human health or safety if such substance has been declared hazardous by a  
2 federal or state statute, rule, or regulation.  
3 (5) A political subdivision may exceed the limit provided in  
4 subsection (1) of this section by an amount equal to the political  
5 subdivision's property tax request from the prior year multiplied by the  
6 political subdivision's real growth percentage.  
7 (6)(a) A school district may exceed the limit provided in subsection  
8 (1) of this section by an amount equal to the reduction, if any, in the  
9 school district's certified state aid amount from the prior school fiscal  
10 year to the current school fiscal year resulting from an increase in real  
11 property valuation, excluding any reduction in net option funding under  
12 section 79-1009.  
13 (b) For purposes of this subsection, certified state aid amount  
14 means the amount of state aid certified pursuant to section 79-1022.  
15 (7) A political subdivision may choose not to increase its property  
16 tax request by the full amount allowed by the political subdivision's  
17 request authority calculated under subsection (1) of this section. In  
18 such cases, the political subdivision may carry forward one-half of the  
19 unused request authority to future years as carryover request authority.  
20 Such carryover request authority may then be used in later years to  
21 increase the political subdivision's property tax request above the  
22 amount calculated under subsection (1) of this section.  
23 (8) The limit in subsection (1) of this section shall apply to  
24 property tax requests set in 2022 through 2027. For property tax requests  
25 set in 2028 and thereafter, such limit shall no longer apply.  
26 Sec. 5. Section 13-506, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:  
28 13-506 (1) Each governing body shall each year or biennial period  
29 conduct a public hearing on its proposed budget statement. Such hearing  
30 shall be held separately from any regularly scheduled meeting of the  
31 governing body and shall not be limited by time. Notice of place and time  
1 of such hearing, together with a summary of the proposed budget  
2 statement, shall be published at least four calendar days prior to the  
3 date set for hearing in a newspaper of general circulation within the  
4 governing body's jurisdiction. For purposes of such notice, the four  
5 calendar days shall include the day of publication but not the day of  
6 hearing. When the total operating budget, not including reserves, does  
7 not exceed ten thousand dollars per year or twenty thousand dollars per  
8 biennial period, the proposed budget summary may be posted at the  
9 governing body's principal headquarters. At such hearing, the governing  
10 body shall make at least three copies of the proposed budget statement  
11 available to the public and shall make a presentation outlining key  
12 provisions of the proposed budget statement, including, but not limited  
13 to, a comparison with the prior year's budget. For any political  
14 subdivision that is subject to the Property Tax Request Act, the  
15 presentation shall also include information showing that the political  
16 subdivision is in compliance with the Property Tax Request Act. Any  
17 member of the public desiring to speak on the proposed budget statement  
18 shall be allowed to address the governing body at the hearing and shall  
19 be given a reasonable amount of time to do so. After such hearing, the  
20 proposed budget statement shall be adopted, or amended and adopted as  
21 amended, and a written record shall be kept of such hearing. The amount  
22 to be received from personal and real property taxation shall be

23 certified to the levying board after the proposed budget statement is  
 24 adopted or is amended and adopted as amended. If the levying board  
 25 represents more than one county, a member or a representative of the  
 26 governing board shall, upon the written request of any represented  
 27 county, appear and present its budget at the hearing of the requesting  
 28 county. The certification of the amount to be received from personal and  
 29 real property taxation shall specify separately (a) the amount to be  
 30 applied to the payment of principal or interest on bonds issued by the  
 31 governing body and (b) the amount to be received for all other purposes.

1 If the adopted budget statement reflects a change from that shown in the  
 2 published proposed budget statement, a summary of such changes shall be  
 3 published within twenty calendar days after its adoption in the manner  
 4 provided in this section, but without provision for hearing, setting  
 5 forth the items changed and the reasons for such changes.

6 (2) Upon approval by the governing body, the budget shall be filed  
 7 with the auditor. The auditor may review the budget for errors in  
 8 mathematics, improper accounting, and noncompliance with the Nebraska  
 9 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
 10 errors, he or she shall immediately notify the governing body of such  
 11 errors. The governing body shall correct any such error as provided in  
 12 section 13-511. Warrants for the payment of expenditures provided in the  
 13 budget adopted under this section shall be valid notwithstanding any  
 14 errors or noncompliance for which the auditor has notified the governing  
 15 body.

16 Sec. 6. Section 77-1601, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:

18 77-1601 (1) The county board of equalization shall each year, on or  
 19 before October 15, levy the necessary taxes for the current year if  
 20 within the limit of the law. The levy shall include an amount for  
 21 operation of all functions of county government and shall also include  
 22 all levies necessary to fund tax requests certified under the Property  
 23 Tax Request Act section 77-1601.02 that are authorized as provided in  
 24 sections 77-3442 to 77-3444.

25 (2) On or before November 5, the county board of equalization upon  
 26 its own motion may act to correct a clerical error which has resulted in  
 27 the calculation of an incorrect levy by any political subdivision entity  
 28 otherwise authorized to certify a tax request under the Property Tax  
 29 Request Act section 77-1601.02. The county board of equalization shall  
 30 hold a public hearing to determine what adjustment to the levy is proper,  
 31 legal, or necessary. Notice shall be provided to the governing body of  
 1 each political subdivision affected by the error. Notice of the hearing  
 2 as required by section 84-1411 shall include the following: (a) The time  
 3 and place of the hearing, (b) the dollar amount at issue, and (c) a  
 4 statement setting forth the nature of the error.

5 (3) Upon the conclusion of the hearing, the county board of  
 6 equalization shall issue a corrected levy if it determines that an error  
 7 was made in the original levy which warrants correction. The county board  
 8 of equalization shall then order (a) the county assessor, county clerk,  
 9 and county treasurer to revise assessment books, unit valuation ledgers,  
 10 tax statements, and any other tax records to reflect the correction made  
 11 and (b) the recertification of the information provided to the Property  
 12 Tax Administrator pursuant to section 77-1613.01.

13 Sec. 7. Section 77-1776, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:

15 77-1776 Any political subdivision which has received proceeds from a  
 16 levy imposed on all taxable property within an entire county which is in  
 17 excess of that requested by the political subdivision under the Property  
 18 Tax Request Act section 77-1601.02 as a result of a clerical error or  
 19 mistake shall, in the fiscal year following receipt, return the excess  
 20 tax collections, net of the collection fee, to the county. By July 31 of

21 the fiscal year following the receipt of any excess tax collections, the  
22 county treasurer shall certify to the political subdivision the amount to  
23 be returned. Such excess tax collections shall be restricted funds in the  
24 budget of the county that receives the funds under section 13-518.  
25 Sec. 8. This act becomes operative on January 1, 2022.  
26 Sec. 9. Original sections 77-1601 and 77-1776, Reissue Revised  
27 Statutes of Nebraska, and sections 13-506 and 77-1601.02, Revised  
28 Statutes Cumulative Supplement, 2020, are repealed.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 102.** Introduced by Wishart, 27; Blood, 3; Brandt, 32; Cavanaugh, J., 9; Cavanaugh, M., 6; DeBoer, 10; Hansen, M., 26; Hunt, 8; Lathrop, 12; McCollister, 20; McKinney, 11; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13.

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 in the statement, the scientists state that "climate chain 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 will 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 lead to a loss of property, and both storms and heat waves may lead to death; and

WHEREAS, the Fourth National Climate Assessment states that over time these heat waves increase drought and wildfire risks. Such heat waves and droughts have accelerated the depletion of water supplies, contributing to approximately ten billion dollars in losses to agriculture; and

WHEREAS, according to the Union of Concerned Scientists, many forests are catching fire during wildfire seasons due to changes in temperature, precipitation levels, and soil moisture resulting from global warming. Hotter temperatures in the spring and summer and the fact that snow is melting earlier in the spring are likely to cause longer wildfire seasons 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 dollars. In the last wildfire of 2017, fifty-four people died, and the cost was 18.7 billion dollars; and

WHEREAS, due to warmer land temperatures in northern latitudes, more warm air is being pushed north, which is disrupting the polar vortex. Because of this, arctic air is sometimes pushed further south than normal,

causing cold snaps. In February of 2021, many Midwestern and Southern states experienced a cold snap with record low temperatures that led to millions of individuals losing electricity, millions of dollars in damages, and at least 58 deaths; and

WHEREAS, in analyzing the Great Plains, a 2014 report by the University of Nebraska Lincoln states, "The region frequently experiences a wide range of weather and climate hazards such as tornadoes, droughts, floods, and other severe weather events that result in significant economic losses and stresses to a fragile ecosystem. Climate change will further exacerbate those stresses and increase economic losses in the future.". The report also predicts that Nebraska will experience between thirteen and twenty-five more 100-degree days per year in coming years; 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 floods, urban flooding, river flooding, and coastal flooding, are, to different degrees, affected by the climate. Therefore, the risks from future floods are 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 comes 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 population of the United States lives in such coastal communities. According to the U.N. Atlas of the Oceans, eight out of the ten largest cities in the world are close to a coast; 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 by the University of Nebraska-Lincoln assessed 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges that we are in the middle of a climate and ecological crisis caused by humans.



2. That the Legislature has a moral obligation to take steps to combat the climate and ecological crisis.

Laid over.

**LEGISLATIVE RESOLUTION 103.** Introduced by Flood, 19.

WHEREAS, Carter Hattery, a member of Troop 124 of Norfolk, has completed the requirements for the rank of Eagle Scout in 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, Carter completed a renovation of the Gazebo at the Monastery for the Missionary Benedictine Sisters; and

WHEREAS, Carter, 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Carter Hattery on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Carter Hattery.

Laid over.

**LEGISLATIVE RESOLUTION 104.** Introduced by Pahls, 31.

PURPOSE: The purpose of this study is to examine barriers related to early detection of colorectal cancer in Nebraska. This study shall include, but not be limited to:

- (1) Costs associated with screening and diagnostic testing;
- (2) Cost and consequences associated with a lack of screening and diagnostic testing;
- (3) Health insurance coverage in Nebraska that covers screening and diagnostic testing; and
- (4) Costs and consequences associated with requirements for insurance companies to provide health insurance coverage for screening and diagnostic testing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR102 was referred to the Reference Committee.

#### **GENERAL FILE**

**LEGISLATIVE BILL 51.** Title read. Considered.

Committee [AM745](#), found on page 822, was offered.

Senator Flood offered his amendment, [AM872](#), found on page 874, to the committee amendment.

Senator Hunt offered the following motion:

[MO40](#)

Bracket until May 1, 2021.

Senator Hunt withdrew her motion to bracket.

#### **SENATOR HUGHES PRESIDING**

The Flood amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 51A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

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

Senator Morfeld filed the following amendment to [LB271](#):  
[AM1002](#)

(Amendments to E & R amendments, ER59)

- 1 1. On page 2, line 2, after "bail" insert "as ordered by a court";
- 2 and in line 18 strike "either" and strike "or".
- 3 2. On page 3, after line 13, insert the following new subsection:
- 4 "(6) Nothing in the 24/7 Sobriety Program Act shall be construed to
- 5 limit the ability of a court to utilize any form of technology to (a)
- 6 detect the use or presence of alcohol or drugs or (b) comply with other
- 7 forms of supervision deemed appropriate by the court.".
- 8 3. On page 27, line 27, strike "IV felony" and insert "III
- 9 misdemeanor".

Senator Walz filed the following amendment to [LB529](#):  
[AM1055](#)

(Amendments to Standing Committee amendments, AM495)

- 1 1. Strike section 61 and insert the following new sections:
- 2 Sec. 21. Section 79-1248, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-1248 The powers and duties of the Educational Service Unit
- 5 Coordinating Council include, but are not limited to:
- 6 (1) Providing public access to lists of qualified distance education
- 7 courses;
- 8 (2) Collecting and providing school schedules for participating
- 9 educational entities;
- 10 (3) Facilitation of scheduling for qualified distance education
- 11 courses;
- 12 (4) Brokering of qualified distance education courses to be
- 13 purchased by educational entities;
- 14 (5) Assessment of distance education needs and evaluation of
- 15 distance education services;
- 16 (6) Compliance with technical standards as set forth by the Nebraska
- 17 Information Technology Commission and academic standards as set forth by
- 18 the State Department of Education related to distance education;
- 19 (7) Establishment of a system for scheduling courses brokered by the
- 20 council and for choosing receiving educational entities when the demand
- 21 for a course exceeds the capacity as determined by either the technology
- 22 available or the course provider;
- 23 (8) Administration of learning management systems, either through
- 24 the staff of the council or by delegation to an appropriate educational
- 25 entity, with the funding for such systems provided by participating
- 26 educational entities; ~~and~~
- 1 (9) Coordination with educational service units and postsecondary
- 2 educational institutions to provide assistance for instructional design
- 3 for both two-way interactive video distance education courses and the
- 4 offering of graduate credit courses in distance education; ~~and~~
- 5 (10) Coordination with educational service units and school
- 6 districts to provide assistance with compliance with the Behavioral
- 7 Awareness and Intervention Training and Teacher Support Act training
- 8 requirements and funding for such compliance; and
- 9 (11) Coordination with educational service units for the development
- 10 and administration of a teacher support system in compliance with the
- 11 Behavioral Awareness and Intervention Training and Teacher Support Act
- 12 and to provide funding for such system.
- 13 Sec. 62. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
- 14 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
- 15 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,

16 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, and 65 of this act become  
 17 operative on July 1, 2021. The other sections of this act become  
 18 operative on their effective date.  
 19 Sec. 64. Original section 79-1054, Revised Statutes Cumulative  
 20 Supplement, 2020, is repealed.  
 21 2. On page 4, line 12, after "section" insert an underscored period;  
 22 and strike line 13 and show as stricken.  
 23 3. On page 5, line 3, strike "the fourth quarter of".  
 24 4. On page 8, line 11, after "employees" insert "or specialists not  
 25 employed by the school district".  
 26 5. On page 9, line 20, after "considered" insert "special"; and in  
 27 line 30 after "local" insert "behavioral health," and after "mental  
 28 health" insert an underscored comma.  
 29 6. On page 10, lines 13 and 14; page 11, lines 22 and 23; page 14,  
 30 lines 19 and 20; page 51, lines 14 and 28, strike "and any money  
 31 appropriated by the Legislature".  
 1 7. On page 10, line 14, strike "transferred" and insert "used to  
 2 provide funds"; and in line 15 strike "purposes" and insert "direct  
 3 costs, and indirect costs, not to exceed five percent of each transfer  
 4 pursuant to subdivisions (5)(b) and (7)(b) of section 9-812,".  
 5 8. On page 16, line 18, strike "Education Innovation", show as  
 6 stricken, and insert "Nebraska Education Improvement".  
 7 9. On page 28, after line 5 insert the following new subsection:  
 8 "(5) No new grants shall be awarded after the operative date of this  
 9 section."; in line 6 strike "(5)", show as stricken, and insert "(6)"; in  
 10 line 10 after the first period insert "The State Treasurer shall transfer  
 11 any money in the fund on July 30, 2022, to the Expanded Learning  
 12 Opportunity Grant Fund." and strike "fund", show as stricken, and insert  
 13 "Department of Education Innovative Grant Fund".  
 14 10. On page 34, line 30, after "due" insert "minus any allowable  
 15 expenses pursuant to subsection (8) of section 9-812".  
 16 11. On page 50, line 11, strike "29 to 32" and insert "30 to 33".  
 17 12. On page 51, line 22, strike "34" and insert "35".  
 18 13. On page 52, line 5, strike "35 to 48" and insert "36 to 49".  
 19 14. On page 55, line 30, strike "45" and insert "46".  
 20 15. On page 61, line 12, strike "45" and insert "46".  
 21 16. On page 64, line 31, strike "40 or 44" and insert "41 or 45".  
 22 17. On page 66, line 2, strike "49 to 59" and insert "50 to 60".  
 23 18. On page 70, strike beginning with "any" in line 19 through "and"  
 24 in line 20; in line 27 strike "35 to 59" and insert "36 to 60"; and in  
 25 line 31 after "79-1201.01," insert "79-1248,".  
 26 19. On page 71, line 3, strike "79-1054,".  
 27 20. Renumber the remaining sections accordingly.

Senator Murman filed the following amendment to LB529:  
AM990

(Amendments to Standing Committee amendments, AM495)

1 1. Strike section 6 and insert the following new sections:  
 2 Sec. 6. (1) The Behavioral Training Cash Fund is created. The fund  
 3 shall be administered by the State Department of Education and shall  
 4 consist of money received pursuant to section 9-812 and any money  
 5 appropriated by the Legislature.  
 6 (2) For school fiscal year 2021-22, each school district shall  
 7 qualify for behavioral training funding. For school fiscal year 2022-23  
 8 and each school fiscal year thereafter, each school district in  
 9 compliance with the behavioral awareness and intervention training  
 10 requirements pursuant to section 4 of this act, as certified by the state  
 11 school security director, shall be eligible for behavioral training  
 12 funding.  
 13 (3) Each qualified school district shall receive behavioral training

14 funding of six thousand dollars each school fiscal year from the  
 15 Behavioral Training Cash Fund. Any money remaining in the fund after such  
 16 behavioral training funding for any school fiscal year shall be disbursed  
 17 as additional behavioral training funding on a per capita basis to each  
 18 qualified school district based on the number of full-time equivalent  
 19 teachers in each qualified school district. If there is not a sufficient  
 20 amount of money in the fund for each qualified school district to receive  
 21 six thousand dollars for any school fiscal year, such amount shall be  
 22 reduced to the level where all qualified school districts receive an  
 23 equal share of the money in the fund for such school fiscal year.  
 24 (4) Behavioral training funding shall be distributed directly to  
 25 school districts from the Behavioral Training Cash Fund in ten as nearly  
 26 as possible equal payments in the same manner as and in conjunction with  
 1 funds distributed pursuant to subsection (2) of section 79-1022. For  
 2 purposes of the general fund budget of expenditures as defined in section  
 3 79-1003, behavioral training funding received pursuant to this section  
 4 shall be considered special grant funds.

5 (5) Any money in the Behavioral Training Cash Fund available for  
 6 investment shall be invested by the state investment officer pursuant to  
 7 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 8 Investment Act.

9 Sec. 7. Section 79-258, Revised Statutes Cumulative Supplement,  
 10 2020, is amended to read:

11 79-258 Administrative and teaching personnel may take actions  
 12 regarding student behavior, other than those specifically provided in the  
 13 Student Discipline Act, which are reasonably necessary to aid the  
 14 student, further school purposes, or prevent interference with the  
 15 educational process. Such actions may include, but need not be limited  
 16 to, reasonable physical contact, counseling of students, parent  
 17 conferences, referral to restorative justice practices or services,  
 18 rearrangement of schedules, requirements that a student remain in school  
 19 after regular hours to do additional work, restriction of extracurricular  
 20 activity, or requirements that a student receive counseling,  
 21 psychological evaluation, or psychiatric evaluation upon the written  
 22 consent of a parent or guardian to such counseling or evaluation.

23 Sec. 8. Section 79-259, Reissue Revised Statutes of Nebraska, is  
 24 amended to read:

25 79-259 If a student is removed, suspended, expelled, or excluded  
 26 from school or from any educational function pursuant to the Student  
 27 Discipline Act, such absence from school shall not be deemed a violation  
 28 on the part of any person under any compulsory school attendance  
 29 statutes. Any suspension or expulsion under the act shall comply with the  
 30 requirements of the Special Education Act and the requirements of the  
 31 federal Individuals with Disabilities Education Act, 20 U.S.C. ~~1400~~ ~~1401~~  
 1 et seq.

2 Sec. 9. Section 79-2,144, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:

4 79-2,144 The state school security director appointed pursuant to  
 5 section 79-2,143 shall be responsible for providing leadership and  
 6 support for safety and security for the public schools. Duties of the  
 7 director include, but are not limited to:

8 (1) Collecting safety and security plans, required pursuant to rules  
 9 and regulations of the State Department of Education relating to  
 10 accreditation of schools, and other school security information from each  
 11 school system in Nebraska. School districts shall provide the state  
 12 school security director with the safety and security plans of the school  
 13 district and any other security information requested by the director,  
 14 but any plans or information submitted by a school district may be  
 15 withheld by the department pursuant to subdivision (8) of section  
 16 84-712.05;

17 (2) Recommending minimum standards for school security on or before  
18 January 1, 2016, to the State Board of Education;

19 (3) Conducting an assessment of the security of each public school  
20 building, which assessment shall be completed by August 31, 2019;

21 (4) Identifying deficiencies in school security based on the minimum  
22 standards adopted by the State Board of Education and making  
23 recommendations to school boards for remedying such deficiencies;

24 (5) Establishing security awareness and preparedness tools and  
25 training programs for public school staff;

26 (6) Establishing research-based model instructional programs for  
27 staff, students, and parents to address the underlying causes for violent  
28 attacks on schools;

29 (7) Overseeing suicide awareness and prevention training in public  
30 schools pursuant to section 79-2.146;

31 (8) Establishing tornado preparedness standards which shall include,  
1 but not be limited to, ensuring that every school conducts at least two  
2 tornado drills per year;

3 (9) Collecting behavioral awareness and intervention training plans  
4 and certifying compliance or noncompliance with section 4 of this act to  
5 the Commissioner of Education for each school district;

6 (10) (9) Responding to inquiries and requests for assistance  
7 relating to school security from private, denominational, and parochial  
8 schools; and

9 (11) (10) Recommending curricular and extracurricular materials to  
10 assist school districts in preventing and responding to cyberbullying and  
11 digital citizenship issues.

12 Sec. 10. (1) Administrative, teaching, and other school personnel  
13 may utilize an emergency safety intervention to physically protect a  
14 student, school personnel, or another person from imminent serious  
15 physical injury.

16 (2) An emergency safety intervention must be performed in a manner  
17 that is safe, proportionate, and appropriate to the severity of the  
18 behavior: the student's chronological and developmental age, size, sex,  
19 and physical, medical, and psychiatric condition, if known; and the  
20 student's personal history, including any history of physical or sexual  
21 abuse, if known. If possible, efforts to de-escalate the situation should  
22 occur prior to an emergency safety intervention. An emergency safety  
23 intervention does not include any physical action that is intended to  
24 cause bodily pain or to punish a student. An emergency safety  
25 intervention shall be used only:

26 (a) To protect persons from harm or secure property if such action  
27 may protect a student, school personnel, or other person from imminent  
28 serious physical injury;

29 (b) To ensure the safety of the student or others during an  
30 emergency safety situation;

31 (c) Until the emergency safety situation has ceased and the  
1 student's safety and the safety of others can be ensured; and

2 (d) With the least amount of force necessary to protect the student  
3 or others from imminent serious physical injury.

4 (3) Each school district shall adopt a policy regarding the use of  
5 an emergency safety intervention pursuant to this section. Such policy  
6 shall include training requirements relating to the use of an emergency  
7 safety intervention.

8 (4) Following the use of an emergency safety intervention, school  
9 personnel shall, as soon as practicable, contact the parent or guardian  
10 of the student and notify such parent or guardian of the use of an  
11 emergency safety intervention.

12 (5)(a) No administrative, teaching, or other school personnel shall  
13 be subject to professional or administrative discipline for harm caused  
14 by an act or omission by such administrative, teaching, or other school

15 personnel relating to the use of an emergency safety intervention  
 16 pursuant to this section unless the harm was caused by (i) gross  
 17 negligence, (ii) a conscious, flagrant indifference to the rights or  
 18 safety of the individual who was harmed, or (iii) willful, criminal, or  
 19 reckless misconduct, including misconduct (A) that constitutes a crime of  
 20 violence, as defined by 18 U.S.C. 16, as such section existed on January  
 21 1, 2021, (B) that involves a sexual offense listed in subdivision (1)(a)  
 22 (i) of section 29-4003, (C) for which the administrative, teaching, or  
 23 other school personnel has been found to have violated a federal or state  
 24 civil rights law, or (D) that occurred while the administrative,  
 25 teaching, or other school personnel was under the influence of alcoholic  
 26 liquor or drugs.  
 27 (b) Nothing in this section shall be construed to limit any defense  
 28 that may be available under any other provision of law, including, but  
 29 not limited to, any defense relating to self-protection or the protection  
 30 of others.  
 31 (6) For purposes of this section:  
 1 (a) Emergency safety intervention means the use of restraint as an  
 2 immediate response to an emergency safety situation;  
 3 (b) Emergency safety situation means a student's behavior poses a  
 4 serious threat of imminent serious physical injury to the student or  
 5 others if no emergency safety intervention occurs and the student has the  
 6 immediate means or capability to cause such imminent serious physical  
 7 injury;  
 8 (c) Imminent serious physical injury means serious physical injury  
 9 to a student or others occurring currently or highly likely to occur in  
 10 the immediate future as the result of the student's behavior; and  
 11 (d) Serious physical injury means death, disfigurement, or  
 12 protracted loss or impairment of the function of a bodily member or organ  
 13 of a student or others.  
 14 Sec. 11. (1) For school year 2021-22 and each school year  
 15 thereafter, each school district shall create and adopt a classroom  
 16 removal policy. Each classroom removal policy shall:  
 17 (a) Describe when and how a teacher may request that a school  
 18 administrator remove a disruptive student from a classroom and when the  
 19 student may be returned to the classroom;  
 20 (b) Define appropriate behavioral interventions or supports that  
 21 shall be implemented to aid a student's successful return to a classroom;  
 22 and  
 23 (c) Require the return to the classroom of a student who has been  
 24 removed by the end of the same school day, if possible, when it is deemed  
 25 safe and in the best interest of the student.  
 26 (2) Except as prohibited by the federal Individuals with  
 27 Disabilities Education Act, 20 U.S.C. 1400 et seq., related federal  
 28 regulations, or any applicable individualized education plan established  
 29 pursuant to such federal act, if a teacher has requested that a school  
 30 administrator remove a disruptive student from a classroom in compliance  
 31 with the school district's classroom removal policy, a school  
 1 administrator shall temporarily remove such student from such classroom.  
 2 (3) No school personnel shall be subject to administrative  
 3 discipline or an involuntary classroom reassignment for removing a  
 4 student from a classroom or requesting such removal if such school  
 5 personnel followed the school district's classroom removal policy.  
 6 2. On page 7, strike beginning with "(1)(a)" in line 30 through line  
 7 31.  
 8 3. On page 8, strike lines 1 through 3; in line 4 strike "(b)" and  
 9 insert "(1)(a)"; in line 6 after "training" insert "that includes, but is  
 10 not limited to, training for emergency safety intervention as defined in  
 11 section 10 of this act"; in line 14 strike "(c)" and insert "(b)"; in  
 12 line 21 strike the second "and"; after line 21 insert the following new

13 subdivisions:

14 "(iv) Emergency safety intervention;

15 "(v) Clear guidelines on removing students from and returning  
16 students to a classroom;

17 "(vi) Behavioral interventions and supports that will take place when

18 a student has been removed from a classroom; and"; and in line 22 strike

19 "(iv)" and insert "(vii)".

20 4. On page 9, lines 3 and 4 and 8, strike "Educational Service Unit

21 Coordinating Council" and insert "state school security director".

22 5. On page 11, line 10, strike "refer a student to" and insert

23 "inform a student eighteen years of age or older or a parent or guardian

24 of any other student of".

25 6. On page 70, line 27, strike "35 to 59" and insert "40 to 64".

26 7. Renumber the remaining sections and correct internal references

27 and the repealer accordingly.

Senator M. Hansen filed the following amendment to LB529:

FA28

Amend AM1055

On page 1, line 20, strike "demand" and insert "need".

Senator M. Hansen filed the following amendment to LB529:

FA29

Strike the enacting clause.

Senator Bostar filed the following amendment to LB408:

AM987

(Amendments to AM973)

1 1. On page 5, lines 11, 13, 15, 18, and 20, strike "three-year" and

2 insert "five-year".

Senator Pansing Brooks filed the following amendment to LB408:

AM1028

(Amendments to Standing Committee amendments, AM371)

1 1. On page 1, line 11, after "college" insert ". Political

2 subdivision does not include any political subdivision in which at least

3 one member of the governing body is a member of the lesbian, gay,

4 bisexual, and transgender community".

Senator Morfeld filed the following amendment to LB408:

AM618

(Amendments to Standing Committee amendments, AM371)

1 1. On page 6, line 7, strike "one-half" and insert "one hundred

2 percent".

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 105.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the Retirement System for Nebraska Counties under the County Employees Retirement Act, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study



may also examine the Class V school employees retirement system established 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 106.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out the provisions of section 13-2402 of the Nebraska Revised Statutes, which requires the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 conduct a public hearing for the presentation of reports by political subdivisions with underfunded defined benefit plans.

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.

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

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

Senator McCollister name added to LB366.

**ADJOURNMENT**

At 5:17 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, April 22, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-FIFTH DAY - APRIL 22, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 22, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Pahls.

**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 Bostar, M. Cavanaugh, M. Hansen, Hunt, Pansing Brooks, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1053, line 29, after "LBs" insert "385e, 666e, 386e, 386Ae,".  
The Journal for the sixty-third day was approved as corrected.

The Journal for the sixty-fourth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 408.** Committee [AM371](#), found on page 503, was offered.

Senator Linehan withdrew her amendment, [AM521](#), found on page 560, to the committee amendment.

Senator Briese asked unanimous consent to withdraw his amendment, [FA12](#), found on page 742, to the committee amendment, and replace it with his substitute amendment, [AM1064](#), found on page 1082, to the committee

amendment.

Senator Morfeld objected.

Senator Briese offered the following motion:

[MO41](#)

Substitute AM1064 for FA12.

**SPEAKER HILGERS PRESIDING**

**SENATOR HUGHES PRESIDING**

Pending.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**     **Committee**  
LR102     Natural Resources

(Signed) Dan Hughes, Chairperson  
Executive Board

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

Senator Wayne filed the following amendment to [LB388](#):

[AM850](#)

(Amendments to Standing Committee amendments, AM530)

1 1. Insert the following new sections:

2 Sec. 11. (1) A municipality may provide broadband services or

3 Internet services on a retail or wholesale basis. For purposes of this

4 section, broadband services and Internet services have the same meaning

5 as in section 86-593.

6 (2) A municipality shall not develop a broadband network after

7 December 31, 2031, except that a municipality may continue to provide

8 broadband services or Internet services after such date using any

9 broadband network developed by such municipality prior to December 31,

10 2031.

11 Sec. 12. Section 86-594, Reissue Revised Statutes of Nebraska, is

12 amended to read:

13 86-594 (1) Except as provided in the Educational Service Units Act

14 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501

15 to 85-1542, ~~and 86-575,~~ and section 11 of this act, an agency or

16 political subdivision of the state that is not a public power supplier

17 shall not provide on a retail or wholesale basis any broadband services,

18 Internet services, telecommunications services, or video services.

19 (2) The provisions of subsection (1) of this section shall not apply

20 to services which an agency or political subdivision of the state was

21 authorized to provide and was providing prior to January 1, 2005.

22 Sec. 13. The Revisor of Statutes shall assign section 11 of this

23 act to Chapter 18.

24 Sec. 14. Sections 11, 12, 13, and 15 of this act become operative

25 three calendar months after the adjournment of this legislative session.

26 The other sections of this act become operative on their effective date.  
1 Sec. 15. Original section 86-594, Reissue Revised Statutes of  
2 Nebraska, is repealed.  
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 McDonnell name added to LB306.

### **RECESS**

At 11:59 a.m., on a motion by Speaker Hilgers, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Albrecht, Halloran, Pansing Brooks, and Vargas who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 408.** Senator Blood offered the following motion:

[MO42](#)

Bracket until May 10, 2021.

### **SENATOR HUGHES PRESIDING**

Senator Clements moved the previous question. The question is, "Shall the debate now close?"

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

Senator Clements requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Albrecht	Dorn	Groene	Linehan	Stinner
Bostelman	Erdman	Halloran	Lowe	Williams
Brandt	Flood	Hansen, B.	Moser	
Brewer	Friesen	Hilgers	Murman	
Briese	Geist	Hughes	Sanders	
Clements	Gragert	Lindstrom	Slama	

Voting in the negative, 14:

Blood	Day	Hilkemann	McKinney	Vargas
Cavanaugh, J.	DeBoer	Hunt	Morfeld	Wishart
Cavanaugh, M.	Hansen, M.	Kolterman	Pansing Brooks	

Present and not voting, 8:

Aguilar	Bostar	McCollister	Walz
Arch	Lathrop	Pahls	Wayne

Excused and not voting, 1:

McDonnell

The motion to cease debate prevailed with 26 ayes, 14 nays, 8 present and not voting, and 1 excused and not voting.

Senator Blood withdrew her motion.

The Chair declared the call raised.

Senator Morfeld offered the following motion:

[MO43](#)

Recommit to the Revenue Committee.

#### **SPEAKER HILGERS PRESIDING**

Senator M. Hansen offered the following motion:

[MO44](#)

Bracket until June 10, 2021.

#### **SENATOR WILLIAMS PRESIDING**

#### **SPEAKER HILGERS PRESIDING**

Senator Briese offered the following motion:

[MO45](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Briese moved for a call of the house. The motion prevailed with 34

ayes, 4 nays, and 11 not voting.

Senator Briese requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 29:

Aguilar	Briese	Geist	Hughes	Murman
Albrecht	Clements	Gragert	Lindstrom	Sanders
Arch	Dorn	Groene	Linehan	Slama
Bostelman	Erdman	Halloran	Lowe	Vargas
Brandt	Flood	Hansen, B.	McDonnell	Wayne
Brewer	Friesen	Hilgers	Moser	

Voting in the negative, 8:

Blood	Cavanaugh, M.	Hansen, M.	McKinney
Cavanaugh, J.	DeBoer	Hunt	Morfeld

Present and not voting, 11:

Bostar	Kolterman	Pahls	Williams
Day	Lathrop	Pansing Brooks	Wishart
Hilkemann	McCollister	Stinner	

Excused and not voting, 1:

Walz

The Briese motion to invoke cloture failed with 29 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 290A.** Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 290, One Hundred Seventh Legislature, First Session, 2021.

### **COMMITTEE REPORT(S)** Natural Resources

**LEGISLATIVE BILL 406.** Placed on General File with amendment.

[AM1092](#)

1 1. Strike the original sections and insert the following new 2 sections:

3 Section 1. The Legislature finds and declares as follows:

4 (1) The future vibrancy of the people, communities, and businesses

5 of Nebraska depends on reliable sources of water;

6 (2) While it is in the state's best interest to retain control over  
7 its water supplies, much of the state's water resources are currently  
8 underutilized;

9 (3) Well-planned flood control is critical to the future of the  
10 people, communities, and businesses of Nebraska;  
11 (4) The state's water resources provide economic benefit to the  
12 people, communities, and businesses of Nebraska by helping to attract  
13 visitors from other states and boost local economies;

14 (5) Nebraska has tremendous water resources across the state,  
15 including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the  
16 Platte River, the Republican River, and the Missouri River. The state's  
17 lakes and rivers help Nebraskans enjoy the water resources in our state  
18 and make Nebraska an even more attractive place to live and raise a  
19 family;

20 (6) In light of the disruption from the COVID-19 coronavirus  
21 pandemic and the trend toward a remote workforce around the country,  
22 people around the country are rethinking where they want to work, live,  
23 and raise a family. As people consider where to live, access to  
24 sustainable water resources and outdoor recreational opportunities will  
25 be important considerations in making Nebraska a competitive choice for  
26 the future;

27 (7) Studies should be conducted focusing on securing Nebraska's  
1 future water supply and strengthening Nebraska's flood control  
2 infrastructure, while also considering economic and recreational  
3 opportunities, including opportunities from increased tourism, in finding  
4 innovative solutions and winning opportunities for the State of Nebraska;

5 (8) Any such studies must not deter ongoing economic activity or  
6 fail to protect current investment in the areas under study; and

7 (9) An investment in a one-time series of studies that take  
8 advantage of previous studies while including innovative approaches and  
9 new technologies is best positioned to find solutions for all Nebraskans,  
10 especially Nebraskans living, working, and investing in the areas under  
11 study.

12 Sec. 2. (1) The Statewide Tourism and Recreational Water Access and  
13 Resource Sustainability Special Committee of the Legislature is hereby  
14 established as a special legislative committee to exercise the powers and  
15 perform the duties provided in this section. The special legislative  
16 committee shall consist of no fewer than seven members of the Legislature  
17 as determined by the Executive Board of the Legislative Council. The  
18 special legislative committee shall consist of the Speaker of the  
19 Legislature, who shall serve as chairperson of the special legislative  
20 committee, the chairperson of the Natural Resources Committee of the  
21 Legislature, one member of the Appropriations Committee of the  
22 Legislature, and at least four other members of the Legislature appointed  
23 by the executive board. The appointed members of the special legislative  
24 committee shall be members who represent legislative districts comprising  
25 portions of the areas under study or who otherwise have knowledge of such  
26 areas.

27 (2) The Executive Board of the Legislative Council shall provide  
28 staff as required by the special legislative committee from existing  
29 legislative staff. In addition, the special legislative committee may  
30 hire additional staff, make expenditures for travel, and enter into  
31 contracts for consulting, engineering, and development studies. The  
1 contracts shall be subject to approval by the executive board upon the  
2 recommendation of a majority of the members of the special legislative  
3 committee. It is the intent of the Legislature to appropriate two million  
4 dollars for fiscal year 2021-22 to carry out the purposes of this  
5 section.

6 (3)(a) Studies shall be conducted on:



7 (i) The need to protect public and private property, including use  
8 of levee systems, enhance economic development, and promote private  
9 investment and the creation of jobs along the Platte River and its  
10 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;  
11 (ii) The need to provide for public safety, public infrastructure,  
12 land-use planning, recreation, and economic development in the Lake  
13 McConaughy region of Keith County, Nebraska; and  
14 (iii) The socioeconomic conditions, recreational and tourism  
15 opportunities, and public investment necessary to enhance economic  
16 development and to catalyze private investment in the region in Knox  
17 County, Nebraska, that lies north of State Highway 12 and extends to the  
18 South Dakota border and includes Lewis and Clark Lake and Niobrara State  
19 Park.  
20 (b) The study of the Lower Platte River pursuant to subdivision (3)  
21 (a)(i) of this section shall not include a study of any dam on a Platte  
22 River channel, but may include infrastructure options that maintain the  
23 integrity of the main channel of the Platte River. The committee may  
24 study dams relating to tributaries of the Platte River and levees in such  
25 area.  
26 (c) The studies regarding Lake McConaughy in Keith County and Lewis  
27 and Clark Lake and Niobrara State Park in Knox County shall evaluate the  
28 outcomes and the economic benefits of proposed development and  
29 improvements to residents, the local region, and state tourism.  
30 (4) The special legislative committee may hold hearings and request  
31 and receive reports from federal, state, county, city, and village  
32 agencies and natural resources districts regarding matters pertaining to  
33 such studies. The special legislative committee may hold one or more  
34 closed sessions for the receipt of confidential information if at least  
35 one-half of the members of the special legislative committee vote in open  
36 session to hold a closed session. The special legislative committee may  
37 appoint one or more subcommittees for the purpose of receiving public  
38 input as it relates to the purposes described in section 1 of this act  
39 and this section.  
40 (5) The special legislative committee shall endeavor to complete  
41 each study on or before December 31, 2021, but such studies shall be  
42 completed no later than December 31, 2022.  
43 Sec. 3. Since an emergency exists, this act takes effect when  
44 passed and approved according to law.

(Signed) Bruce Bostelman, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education  
Room 1525

Tuesday, May 4, 2021 12:15 p.m.  
Marjean C. Terrell - Board of Trustees of the Nebraska State Colleges  
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges  
William "Scott" Wilson - Coordinating Commission for Postsecondary  
Education

(Signed) Lynne Walz, Chairperson

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

Senator Friesen filed the following amendment to LB408:  
AM1089

(Amendments to Standing Committee amendments, AM371)

- 1 1. Insert the following new section:
- 2 Sec. 8. Beginning on the operative date of this act, the levy
- 3 limitations imposed in section 77-3442 shall no longer apply.
- 4 2. Renumber the remaining sections accordingly.

Senator B. Hansen filed the following amendment to LB644:  
AM1073 is available in the Bill Room.

Senator Hilkemann filed the following amendment to LB644:  
AM1056

(Amendments to AM1073)

- 1 1. On page 7, line 2, strike "and"; in line 6 strike the period and
- 2 insert "; and"; after line 6 insert the following new subdivision:
- 3 "(iii) By publishing notice of the hearing in a legal newspaper in
- 4 or of general circulation in the relevant county."; and in line 20 after
- 5 the first comma insert "and published in the newspaper".

Senator Walz filed the following amendment to LB529:  
AM1090

(Amendments to Standing Committee amendments, AM495)

- 1 1. Strike section 61 and insert the following new sections:
- 2 Sec. 21. Section 79-1248, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-1248 The powers and duties of the Educational Service Unit
- 5 Coordinating Council include, but are not limited to:
- 6 (1) Providing public access to lists of qualified distance education
- 7 courses;
- 8 (2) Collecting and providing school schedules for participating
- 9 educational entities;
- 10 (3) Facilitation of scheduling for qualified distance education
- 11 courses;
- 12 (4) Brokering of qualified distance education courses to be
- 13 purchased by educational entities;
- 14 (5) Assessment of distance education needs and evaluation of
- 15 distance education services;
- 16 (6) Compliance with technical standards as set forth by the Nebraska
- 17 Information Technology Commission and academic standards as set forth by
- 18 the State Department of Education related to distance education;
- 19 (7) Establishment of a system for scheduling courses brokered by the
- 20 council and for choosing receiving educational entities when the demand
- 21 for a course exceeds the capacity as determined by either the technology
- 22 available or the course provider;
- 23 (8) Administration of learning management systems, either through
- 24 the staff of the council or by delegation to an appropriate educational
- 25 entity, with the funding for such systems provided by participating
- 26 educational entities; ~~and~~
- 1 (9) Coordination with educational service units and postsecondary
- 2 educational institutions to provide assistance for instructional design
- 3 for both two-way interactive video distance education courses and the
- 4 offering of graduate credit courses in distance education; -
- 5 (10) Coordination with educational service units and school
- 6 districts to provide assistance with compliance with the Behavioral

7 Awareness and Intervention Training and Teacher Support Act training  
8 requirements and funding for such compliance; and  
9 (11) Coordination with educational service units for the development  
10 and administration of a teacher support system in compliance with the  
11 Behavioral Awareness and Intervention Training and Teacher Support Act  
12 and to provide funding for such system.  
13 Sec. 62. Sections 11, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34,  
14 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,  
15 53, 54, 55, 56, 57, 58, 59, 60, and 63 of this act become operative on  
16 July 1, 2021. The other sections of this act become operative on their  
17 effective date.  
18 Sec. 64. Original sections 79-1064, 79-1201.01, and 79-1248, Reissue  
19 Revised Statutes of Nebraska, and sections 9-812, 9-836.01, 79-1003,  
20 79-1054, 79-1104.02, 79-1337, and 85-1920, Revised Statutes Cumulative  
21 Supplement, 2020, are repealed.  
22 2. On page 4, line 12, after "section" insert an underscored period;  
23 and strike line 13 and show as stricken.  
24 3. On page 5, line 3, strike "the fourth quarter of".  
25 4. On page 8, line 11, after "employees" insert "or specialists not  
26 employed by the school district".  
27 5. On page 9, line 20, after "considered" insert "special"; and in  
28 line 30 after "local" insert "behavioral health," and after "mental  
29 health" insert an underscored comma.  
30 6. On page 10, lines 13 and 14; page 11, lines 22 and 23; page 14,  
31 lines 19 and 20; page 51, lines 14 and 28, strike "and any money  
32 appropriated by the Legislature".  
33 7. On page 10, line 14, strike "transferred" and insert "used to  
34 provide funds"; and in line 15 strike "purposes" and insert "direct  
35 costs, and indirect costs, not to exceed five percent of each transfer  
36 pursuant to subdivisions (5)(b) and (7)(b) of section 9-812."  
37 8. On page 16, line 18, strike "Education Innovation", show as  
38 stricken, and insert "Nebraska Education Improvement".  
39 9. On page 28, after line 5 insert the following new subsection:  
40 "(5) No new grants shall be awarded after the operative date of this  
41 section."; in line 6 strike "(5)", show as stricken, and insert "(6)"; in  
42 line 10 after the first period insert "The State Treasurer shall transfer  
43 any money in the fund on July 30, 2022, to the Expanded Learning  
44 Opportunity Grant Fund." and strike "fund", show as stricken, and insert  
45 "Department of Education Innovative Grant Fund".  
46 10. On page 34, line 30, after "due" insert "minus any allowable  
47 expenses pursuant to subsection (8) of section 9-812".  
48 11. On page 50, line 11, strike "29 to 32" and insert "30 to 33".  
49 12. On page 51, line 22, strike "34" and insert "35".  
50 13. On page 52, line 5, strike "35 to 48" and insert "36 to 49".  
51 14. On page 55, line 30, strike "45" and insert "46".  
52 15. On page 61, line 12, strike "45" and insert "46".  
53 16. On page 64, line 31, strike "40 or 44" and insert "41 or 45".  
54 17. On page 66, line 2, strike "49 to 59" and insert "50 to 60".  
55 18. On page 70, strike beginning with "any" in line 19 through "and"  
56 in line 20; in line 27 strike "35 to 59" and insert "36 to 60"; and in  
57 line 31 strike "79-1064, 79-1201.01,".  
58 19. On page 71, line 1, strike "9-812, 9-836.01,"; in line 3 strike  
59 "79-1003, 79-1054, 79-1104.02, 79-1337,"; and in line 4 strike  
60 "85-1920,".  
61 20. Renumber the remaining sections accordingly.

Senator DeBoer filed the following amendment to LB408:

[AM1037](#)

(Amendments to AM973)

- 1 1. On page 7, after line 28 insert the following new subsection:
- 2 "(9) The State of Nebraska shall provide state aid to political
- 3 subdivisions to make up for any amount of revenue lost by political
- 4 subdivisions as a result of this section."

Senator Hunt filed the following amendment to LB408:

[AM1076](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 1, line 14, strike "and"; after line 14 insert the
- 2 following new subdivision:
- 3 "(4) Real growth percentage means the percentage obtained by
- 4 dividing (a) the political subdivision's real growth value by (b) the
- 5 political subdivision's total real property valuation from the prior
- 6 year; and"; and in line 15 strike "(4)" and insert "(5)".
- 7 2. On page 4, line 23, strike "multiplied by one hundred three
- 8 percent" and insert "increased by four percent plus any real growth
- 9 percentage in excess of one percent"; and strike beginning with the first
- 10 "the" in line 28 through the period in line 29 and insert "that the
- 11 average annual increase in the political subdivision's property tax
- 12 requests over any three-year period does not exceed four percent plus the
- 13 average real growth percentage in excess of one percent over such three-
- 14 year period."
- 15 3. On page 6, strike lines 1 through 3; in line 4 strike "(6)" and
- 16 insert "(5)"; and in line 12 strike "(7)" and insert "(6)".

Senator Hunt filed the following amendment to LB408:

[AM1061](#)

(Amendments to AM973)

- 1 1. On page 4, line 27, strike "three percent" and insert "four
- 2 percent plus any real growth percentage in excess of one percent".
- 3 2. On page 5, lines 11 and 12, strike "three percent" and insert
- 4 "four percent plus the average real growth percentage in excess of one
- 5 percent over such three-year period".
- 6 3. On page 7, strike lines 3 through 6; in line 7 strike "(6)(a)"
- 7 and insert "(5)(a)"; in line 8 strike "(1)"; strike beginning with the
- 8 comma in line 12 through "section" in line 15; in line 18 strike "(7)"
- 9 and insert "(6)"; and in line 26 strike "(8)" and insert "(7)".

Senator DeBoer filed the following amendment to LB408:

[AM746](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. Insert the following new sections:
- 2 Sec. 5. (1) For school fiscal years 2022-23 through 2027-28, the
- 3 State of Nebraska shall pay each school district tax request reduction
- 4 aid in an amount sufficient to offset any amount of property tax revenue
- 5 which could not be raised by the school district as a result of the
- 6 limitations on property tax requests provided in section 4 of this act.
- 7 For each such school fiscal year, the amount of tax request reduction aid
- 8 to be paid to each school district shall be calculated by (a) multiplying
- 9 the total operating budget from the immediately preceding school fiscal
- 10 year for such school district by the base limitation as defined in
- 11 section 77-3446 for the school fiscal year for which tax request
- 12 reduction aid is being calculated and (b) then subtracting, for the
- 13 school fiscal year for which tax request reduction aid is being
- 14 calculated, the school district's (i) other actual receipts as determined

15 pursuant to section 79-1018.01, (ii) state aid certified pursuant to  
16 section 79-1022, and (iii) request authority calculated under subsection  
17 (1) of section 4 of this act. A school district's tax request reduction  
18 aid shall be zero if the calculation produces a negative result.  
19 (2) Tax request reduction aid shall be paid to school districts on  
20 or before December 31 of the school fiscal year for which the aid was  
21 calculated.

22 Sec. 9. Section 79-1018.01, Revised Statutes Cumulative Supplement,  
23 2020, is amended to read:

24 79-1018.01 Except as otherwise provided in this section, local  
25 system formula resources include other actual receipts available for the  
26 funding of general fund operating expenditures as determined by the  
1 department for the second school fiscal year immediately preceding the  
2 school fiscal year in which aid is to be paid. Other actual receipts  
3 include:

4 (1) Public power district sales tax revenue;

5 (2) Fines and license fees;

6 (3) Tuition receipts from individuals, other districts, or any other  
7 source except receipts derived from adult education, receipts derived  
8 from summer school tuition, receipts derived from early childhood  
9 education tuition, tuition receipts from converted contracts beginning  
10 with the calculation of state aid to be distributed in school fiscal year  
11 2011-12, and receipts from educational entities as defined in section  
12 79-1201.01 for providing distance education courses through the  
13 Educational Service Unit Coordinating Council to such educational  
14 entities;

15 (4) Transportation receipts;

16 (5) Interest on investments;

17 (6) Other miscellaneous noncategorical local receipts, not including  
18 receipts from private foundations, individuals, associations, or  
19 charitable organizations;

20 (7) Special education receipts;

21 (8) Special education receipts and non-special education receipts  
22 from the state for wards of the court and wards of the state;

23 (9) All receipts from the temporary school fund. Receipts from the  
24 temporary school fund shall only include (a) receipts pursuant to section  
25 79-1035 and (b) the receipt of funds pursuant to section 79-1036 for  
26 property leased for a public purpose as set forth in subdivision (1)(a)  
27 of section 77-202;

28 (10) Motor vehicle tax receipts received;

29 (11) Pro rata motor vehicle license fee receipts;

30 (12) Other miscellaneous state receipts excluding revenue from tax  
31 request reduction aid pursuant to section 5 of this act and the textbook  
1 loan program authorized by section 79-734;

2 (13) Impact aid entitlements for the school fiscal year which have  
3 actually been received by the district to the extent allowed by federal  
4 law;

5 (14) All other noncategorical federal receipts;

6 (15) Receipts under the federal Medicare Catastrophic Coverage Act  
7 of 1988, as such act existed on January 1, 2014, as authorized pursuant  
8 to sections 43-2510 and 43-2511 for services to school-age children,  
9 excluding amounts designated as reimbursement for costs associated with  
10 the implementation and administration of the billing system pursuant to  
11 section 43-2511;

12 (16) Receipts for accelerated or differentiated curriculum programs  
13 pursuant to sections 79-1106 to 79-1108.03; and

14 (17) Revenue received from the nameplate capacity tax distributed  
15 pursuant to section 77-6204.

16 2. On page 1, line 3, strike "4" and insert "5".

17 3. Renumber the remaining sections and correct the repealer

18 accordingly.

Senator Hilkemann filed the following amendment to LB408:  
[AM1078](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 6, after line 3 insert the following new subsection:
- 2 "~~(6) The limit in subsection (1) of this section shall not apply to~~
- 3 ~~a political subdivision that is authorized to exceed its levy limit~~
- 4 ~~pursuant to section 77-3444.~~"; in line 4 strike "(6)" and insert "(7)";
- 5 and in line 12 strike "(7)" and insert "(8)".

Senator Blood filed the following amendment to LB408:  
[AM619](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 6, after line 3 insert the following new subsection:
- 2 "~~(6) The limit in subsection (1) of this section shall not apply to~~
- 3 ~~that portion of a political subdivision's property tax request that will~~
- 4 ~~be needed to pay for unfunded or underfunded mandates imposed upon the~~
- 5 ~~political subdivision by the Legislature.~~"; in line 4 strike "(6)" and
- 6 insert "(7)"; and in line 12 strike "(7)" and insert "(8)".

Senator Blood filed the following amendment to LB408:  
[AM616](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 1, line 18, strike "and"; and in line 19 after
- 2 "subdivision" insert ", and (d) any other increase in assessed value".

### VISITOR(S)

The Doctor of the Day was Dr. David Hoelting of Pender.

### ADJOURNMENT

At 6:55 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Friday, April 23, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SIXTH DAY - APRIL 23, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 23, 2021

**PRAYER**

The prayer was offered by Senator Bostelman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Sanders.

**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 Bostar, Day, B. Hansen, McCollister, Pansing Brooks, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-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 April 22, 2021, 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

Arch, Cameron  
 Blue Cross and Blue Shield of Nebraska  
 Cavanaugh, Matthew  
 Nebraska Housing Developers Association (Withdrawn 04/15/2021)  
 Giles, Jo  
 Coalition for a Strong Nebraska (Withdrawn 04/20/2021)  
 Kuehn, John  
 Smart Approaches to Marijuana Nebraska  
 Moody, Randall  
 Friends of the Nebraska Environmental Trust  
 Sims, Jim  
 NioCorp

### GENERAL FILE

**LEGISLATIVE BILL 528.** Title read. Considered.

Committee [AM556](#), found on page 666, was offered.

Senator Walz offered the amendment, [AM770](#), found on page 768, to the committee amendment.

### SPEAKER HILGERS PRESIDING

### SENATOR HUGHES PRESIDING

The Walz amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 17.** Placed on Final Reading.

**LEGISLATIVE BILL 561.** Placed on Final Reading.

#### [ST15](#)

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

1. In the Briesse amendment, AM983, on page 1, line 12, "~~coach, referee, or player~~" has been struck and "a coach, a referee, or a player" inserted.
2. In the E&R amendments, ER25: a. On page 2, line 28, "(4)" has been struck, shown as stricken, and "(3)" inserted; b. On page 3, line 11, "~~(5)~~" has been struck and "(4)" inserted; and c. On page 16, line 22, the comma has been struck.

**LEGISLATIVE BILL 561A.** Placed on Final Reading.



(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 485.** Placed on Select File with amendment.

[ER65](#)

1 1. On page 1, strike beginning with "harmonize" in line 3 through  
2 line 4 and insert "provide requirements and restrictions relating to the  
3 use of funds as prescribed; to provide for an independent evaluation; to  
4 harmonize provisions; to provide an operative date; to repeal the  
5 original sections; and to declare an emergency."

**LEGISLATIVE BILL 2.** Placed on Select File with amendment.

[ER66](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 77-201 (1) Except as provided in subsections (2) through (4) of this  
6 section, all real property in this state, not expressly exempt therefrom,  
7 shall be subject to taxation and shall be valued at its actual value.  
8 (2) Agricultural land and horticultural land as defined in section  
9 77-1359 shall constitute a separate and distinct class of property for  
10 purposes of property taxation, shall be subject to taxation, unless  
11 expressly exempt from taxation, and shall be valued at seventy-five  
12 percent of its actual value, except that for school district taxes levied  
13 to pay the principal and interest on bonds that are issued on or after  
14 the operative date of this act, such land shall be valued at fifty  
15 percent of its actual value.  
16 (3) Agricultural land and horticultural land actively devoted to  
17 agricultural or horticultural purposes which has value for purposes other  
18 than agricultural or horticultural uses and which meets the  
19 qualifications for special valuation under section 77-1344 shall  
20 constitute a separate and distinct class of property for purposes of  
21 property taxation, shall be subject to taxation, and shall be valued for  
22 taxation at seventy-five percent of its special ~~valuation~~ value as  
23 defined in section 77-1343, except that for school district taxes levied  
24 to pay the principal and interest on bonds that are issued on or after  
25 the operative date of this act, such land shall be valued at fifty  
26 percent of its special valuation as defined in section 77-1343.  
27 (4) Historically significant real property which meets the  
1 qualifications for historic rehabilitation valuation under sections  
2 77-1385 to 77-1394 shall be valued for taxation as provided in such  
3 sections.  
4 (5) Tangible personal property, not including motor vehicles,  
5 trailers, and semitrailers registered for operation on the highways of  
6 this state, shall constitute a separate and distinct class of property  
7 for purposes of property taxation, shall be subject to taxation, unless  
8 expressly exempt from taxation, and shall be valued at its net book  
9 value. Tangible personal property transferred as a gift or devise or as  
10 part of a transaction which is not a purchase shall be subject to  
11 taxation based upon the date the property was acquired by the previous  
12 owner and at the previous owner's Nebraska adjusted basis. Tangible  
13 personal property acquired as replacement property for converted property  
14 shall be subject to taxation based upon the date the converted property  
15 was acquired and at the Nebraska adjusted basis of the converted property  
16 unless insurance proceeds are payable by reason of the conversion. For

17 purposes of this subsection, (a) converted property means tangible  
 18 personal property which is compulsorily or involuntarily converted as a  
 19 result of its destruction in whole or in part, theft, seizure,  
 20 requisition, or condemnation, or the threat or imminence thereof, and no  
 21 gain or loss is recognized for federal or state income tax purposes by  
 22 the holder of the property as a result of the conversion and (b)  
 23 replacement property means tangible personal property acquired within two  
 24 years after the close of the calendar year in which tangible personal  
 25 property was converted and which is, except for date of construction or  
 26 manufacture, substantially the same as the converted property.  
 27 Sec. 2. Section 77-5023, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:  
 29 77-5023 (1) Pursuant to section 77-5022, the commission shall have  
 30 the power to increase or decrease the value of a class or subclass of  
 31 real property in any county or taxing authority or of real property  
 1 valued by the state so that all classes or subclasses of real property in  
 2 all counties fall within an acceptable range.  
 3 (2) An acceptable range is the percentage of variation from a  
 4 standard for valuation as measured by an established indicator of central  
 5 tendency of assessment. Acceptable ranges are: (a) For agricultural land  
 6 and horticultural land as defined in section 77-1359, sixty-nine to  
 7 seventy-five percent of actual value, except that for school district  
 8 taxes levied to pay the principal and interest on bonds that are issued  
 9 on or after the operative date of this act, the acceptable range is  
 10 forty-four to fifty percent of actual value; (b) for lands receiving  
 11 special valuation, sixty-nine to seventy-five percent of special  
 12 valuation as defined in section 77-1343, except that for school district  
 13 taxes levied to pay the principal and interest on bonds that are issued  
 14 on or after the operative date of this act, the acceptable range is  
 15 forty-four to fifty percent of special valuation as defined in section  
 16 77-1343; and (c) for all other real property, ninety-two to one hundred  
 17 percent of actual value.  
 18 (3) Any increase or decrease shall cause the level of value  
 19 determined by the commission to be at the midpoint of the applicable  
 20 acceptable range.  
 21 (4) Any decrease or increase to a subclass of property shall also  
 22 cause the level of value determined by the commission for the class from  
 23 which the subclass is drawn to be within the applicable acceptable range.  
 24 (5) Whether or not the level of value determined by the commission  
 25 falls within an acceptable range or at the midpoint of an acceptable  
 26 range may be determined to a reasonable degree of certainty relying upon  
 27 generally accepted mass appraisal techniques.  
 28 Sec. 3. This act becomes operative on January 1, 2022.  
 29 Sec. 4. Original sections 77-201 and 77-5023, Reissue Revised  
 30 Statutes of Nebraska, are repealed.

(Signed) Terrell McKinney, Chairperson

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

Senator Blood filed the following amendment to LB131:

AM1087

(Amendments to Standing Committee amendments, AM751)

- 1 1. On page 1, lines 4, 5, 9, and 25; page 2, lines 9, 11, 20, 25,  
 2 28, and 30; and page 3, line 1, strike "Municipal".
- 3 2. On page 1, line 6; and page 2, line 11, after "municipalities"  
 4 insert "and jurisdictional utilities".
- 5 3. On page 1, line 20, strike "and"; after line 20 insert the  
 6 following new subdivision:

7 "(3) Jurisdictional utility has the same meaning as in section  
 8 66-1802; and"; in line 21 strike "(3)" and insert "(4); and in lines 24  
 9 and 27 after "municipality" insert "or jurisdictional utility".  
 10 4. On page 2, line 19, strike "ten" and insert "fifty"; and in line  
 11 21 strike "effective date of this act" and insert "operative date of this  
 12 section".

Senator B. Hansen filed the following amendment to LB644:  
[AM1019](#) is available in the Bill Room.

Senator J. Cavanaugh filed the following amendment to LB644:  
[AM1111](#)

(Amendments to AM1073)

1 1. On page 32, line 3, strike "of entry of" and insert "the county  
 2 assessor certifies the amount of refund based upon".

### MOTION(S) - Place LR14 on General File

Senator Halloran offered his motion, [MO17](#), found on page 847, to  
 place LR14 on General File pursuant to Rule 3, Section 20(b).

### SPEAKER HILGERS PRESIDING

Senator Morfeld moved the previous question. The question is, "Shall the  
 debate now close?" The motion prevailed with 32 ayes, 5 nays, and 12 not  
 voting.

Senator Halloran moved for a call of the house. The motion prevailed with  
 32 ayes, 2 nays, and 15 not voting.

Senator Halloran requested a roll call vote on the motion to place LR14 on  
 General File.

Voting in the affirmative, 23:

Aguilar	Clements	Gragert	Linehan	Pahls
Arch	Dorn	Groene	Lowe	Sanders
Bostelman	Erdman	Halloran	McDonnell	Slama
Brewer	Friesen	Hansen, B.	Moser	
Briese	Geist	Lindstrom	Murman	

Voting in the negative, 14:

Bostar	Cavanaugh, M.	Hilgers	McCollister	Vargas
Brandt	DeBoer	Hunt	McKinney	Williams
Cavanaugh, J.	Hansen, M.	Lathrop	Morfeld	

Present and not voting, 8:

Albrecht	Hilkemann	Kolterman	Walz
Flood	Hughes	Stinner	Wayne

Excused and not voting, 4:

Blood	Day	Pansing Brooks	Wishart
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The Halloran motion to place LR14 on General File failed with 23 ayes, 14 nays, 8 present and not voting, and 4 excused and not voting.

LR14 stands indefinitely postponed.

The Chair declared the call raised.

### MESSAGE(S) FROM THE GOVERNOR

April 23, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 65, 105, 180, 224, 265e, 312, and 414 were received in my office on April 20, 2021.

These bills were signed and delivered to the Secretary of State on April 23, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 107.** Introduced by Groene, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hilgers, 21; Hilkemann, 4; Hughes, 44; Lindstrom, 18; Linehan, 39; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Pahls, 31; Sanders, 45; Slama, 1; Stinner, 48; Williams, 36.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to maintain and defend the Constitution of the United States

and the Constitution of Nebraska against every act of aggression whether foreign or domestic, including every act of unconstitutional abuse of power arising from the state or federal government.

2. That we are greatly alarmed that a factious and contentious spirit has recently manifested itself in the federal government, emanating both from the legislative and executive branches, with the desire to enlarge their powers by forced constructions of the Constitution of the United States to expand certain general phrases in order to destroy their meaning and effect. Such phrases include: "Congress shall make no law . . . prohibiting the free exercise [of religion] . . .", ". . . the right of the people to keep and bear Arms, shall not be infringed.", and "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof . . .". This design appears to have no other end except to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable consequence of which would be to obliterate completely the rights of sovereignty by the several states, and to destroy the rights and liberties of the people, as explicitly granted to them by the Ninth and Tenth Amendments to the Constitution of the United States.

3. That we in particular protest the ominous plan revealed by the executive branch to take unilateral action in explicit violation of the Second Amendment to the Constitution of the United States. This sacred right is also protected by our Constitution of Nebraska: "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are . . . the right to keep and bear arms for security or defense of self, family, home, and others . . .".

4. That we further protest against federal government actions which seek to punish traditional religious beliefs about the sanctity of life and sexual mores. These actions are in direct violation of the First Amendment to the Constitution of the United States, which states that "Congress shall make no law . . . prohibiting the free exercise [of religion] . . .", and of the Constitution of Nebraska which states that "All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. . . . [N]or shall any interference with the rights of conscience be permitted."

5. That we express distress at the prospect of proposed federal legislation designed to usurp the election process that was constitutionally left primarily to the legislatures of the several states, and only secondarily to Congress as Alexander Hamilton argues in Federalist Paper Nos. 59-61. These bills would dictate uniform election rules in all fifty states and eviscerate protections such as voter identification requirements, periodic updates of voter files, and restrictions on fraud-prone ballot harvesting. They also seek to steal the right and privilege of redistricting away from state legislatures and instead empower unelected commissions with this ability. Therefore, we affirm that this right must remain with elected state officials whose power is granted by the people themselves.

6. That we also protest the stated goal by the executive branch of the federal government to restrict the private use of at least thirty percent of America's lands and waters by 2030. As evidence, we expound section 1 of

article 1 of the Constitution of Nebraska, "To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.". In concurrence, the Fifth Amendment to the Constitution of the United States declares: "No person shall be . . . deprived of life, liberty, or property, without due process of law . . .". The acquisition, possession, and use of private property for private purposes is inextricable from the right of liberty and the obtainment of happiness. Such an appropriation of property is a gross violation of the fundamental principles of our state and nation.

7. That we strongly affirm the sacred and constitutional right of all persons of the liberty to decide what, if any, vaccination is necessary for their health or the health of their family. We explicitly reject the idea of vaccine passports and other federal mandates that restrain a person's right to peaceably assemble or restrict their freedom to travel or conduct commerce.

8. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in defending the Constitution of the United States, the states, and the people against federal overreach.

9. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR107 was referred to the Reference Committee.

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

Senator Friesen filed the following amendment to [LB131](#):

##### [AM1112](#)

(Amendments to Standing Committee amendments, AM751)

- 1 1. Strike sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 24, 25, and 28 and
- 2 insert the following new section:
- 3 Sec. 15. The Revisor of Statutes shall assign section 6 of this act
- 4 to an article in Chapter 18.
- 5 2. On page 8, line 7, strike "15" and insert "6".
- 6 3. Renumber the remaining sections accordingly.

Senator Hilkemann filed the following amendment to LB644:

AM1114

(Amendments to AM1019)

- 1 1. On page 6, line 31, strike "and".
- 2 2. On page 7, line 4, strike the period and insert "; and"; after
- 3 line 4 insert the following new subdivision:
- 4 "(iii) By publishing notice of the hearing in a legal newspaper in
- 5 or of general circulation in the relevant county."; and in line 18 after
- 6 the first comma insert "and published in the newspaper".

Senator M. Cavanaugh filed the following amendment to LB432:

AM1110

(Amendments to Standing Committee amendments, AM774)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 77-2602, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 77-2602 (1) Every stamping agent engaged in distributing or selling
- 6 cigarettes at wholesale in this state shall pay to the Tax Commissioner
- 7 of this state a special privilege tax. This shall be in addition to all
- 8 other taxes. It shall be paid prior to or at the time of the sale, gift,
- 9 or delivery to the retail dealer in the several amounts as follows: On
- 10 each package of cigarettes containing not more than twenty cigarettes,
- 11 ~~two dollars sixty-four cents~~ per package; and on packages containing more
- 12 than twenty cigarettes, the same tax as provided on packages containing
- 13 not more than twenty cigarettes for the first twenty cigarettes in each
- 14 package and a tax of one-twentieth of the tax on the first twenty
- 15 cigarettes on each cigarette in excess of twenty cigarettes in each
- 16 package.
- 17 (2) Beginning October 1, 2004, the State Treasurer shall place the
- 18 equivalent of forty-nine cents of such tax in the General Fund. The State
- 19 Treasurer shall reduce the amount placed in the General Fund under this
- 20 subsection by the amount prescribed in subdivision (3)(d) of this
- 21 section. For purposes of this section, the equivalent of a specified
- 22 number of cents of the tax shall mean that portion of the proceeds of the
- 23 tax equal to the specified number divided by the tax rate per package of
- 24 cigarettes containing not more than twenty cigarettes.
- 25 (3) The State Treasurer shall distribute the remaining proceeds of
- 26 such tax in the following order:
- 1 (a) First, beginning July 1, 1980, the State Treasurer shall place
- 2 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation
- 3 Development Cash Fund. For fiscal year distributions occurring after
- 4 FY1998-99, the distribution under this subdivision shall not be less than
- 5 the amount distributed under this subdivision for FY1997-98. Any money
- 6 needed to increase the amount distributed under this subdivision to the
- 7 FY1997-98 amount shall reduce the distribution to the General Fund;
- 8 (b) Second, beginning July 1, 1993, the State Treasurer shall place
- 9 the equivalent of three cents of such tax in the Health and Human
- 10 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal
- 11 year distributions occurring after FY1998-99, the distribution under this
- 12 subdivision shall not be less than the amount distributed under this
- 13 subdivision for FY1997-98. Any money needed to increase the amount
- 14 distributed under this subdivision to the FY1997-98 amount shall reduce
- 15 the distribution to the General Fund;
- 16 (c) Third, beginning October 1, 2002, and continuing until all the
- 17 purposes of the Deferred Building Renewal Act have been fulfilled, the
- 18 State Treasurer shall place the equivalent of seven cents of such tax in
- 19 the Building Renewal Allocation Fund. The distribution under this
- 20 subdivision shall not be less than the amount distributed under this

21 subdivision for FY1997-98. Any money needed to increase the amount  
22 distributed under this subdivision to the FY1997-98 amount shall reduce  
23 the distribution to the General Fund;

24 (d) Fourth, until July 1, 2009, the State Treasurer shall place in  
25 the Municipal Infrastructure Redevelopment Fund the sum of five hundred  
26 twenty thousand dollars each fiscal year to carry out the Municipal  
27 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate  
28 the sum of five hundred twenty thousand dollars each year for fiscal year  
29 2003-04 through fiscal year 2008-09;

30 (e) Fifth, beginning July 1, 2001, and continuing until June 30,  
31 2008, the State Treasurer shall place the equivalent of two cents of such  
1 tax in the Information Technology Infrastructure Fund. The distribution  
2 under this subdivision shall not be less than two million fifty thousand  
3 dollars. Any money needed to increase the amount distributed under this  
4 subdivision to two million fifty thousand dollars shall reduce the  
5 distribution to the General Fund;

6 (f) Sixth, beginning July 1, 2008, and continuing until June 30,  
7 2009, the State Treasurer shall place the equivalent of two million fifty  
8 thousand dollars of such tax in the Nebraska Public Safety Communication  
9 System Cash Fund. Beginning July 1, 2009, and continuing until June 30,  
10 2016, the State Treasurer shall place the equivalent of two million five  
11 hundred seventy thousand dollars of such tax in the Nebraska Public  
12 Safety Communication System Cash Fund. Beginning July 1, 2016, and every  
13 fiscal year thereafter, the State Treasurer shall place the equivalent of  
14 three million eight hundred twenty thousand dollars of such tax in the  
15 Nebraska Public Safety Communication System Cash Fund. If necessary, the  
16 State Treasurer shall reduce the distribution of tax proceeds to the  
17 General Fund pursuant to subsection (2) of this section by such amount  
18 required to fulfill the distribution pursuant to this subdivision; and

19 (g) Seventh, beginning July 1, ~~2021~~ 2016, and every fiscal year  
20 thereafter, the State Treasurer shall place the equivalent of one dollar  
21 and thirty-six cents of such tax plus an additional one million two  
22 hundred fifty thousand dollars of such tax in the Nebraska Health Care  
23 Cash Fund. If necessary, the State Treasurer shall reduce the  
24 distribution of tax proceeds to the General Fund pursuant to subsection  
25 (2) of this section by such amount required to fulfill the distribution  
26 pursuant to this subdivision.

27 (4) If, after distributing the proceeds of such tax pursuant to  
28 subsections (2) and (3) of this section, any proceeds of such tax remain,  
29 the State Treasurer shall place such remainder in the Nebraska Capital  
30 Construction Fund.

31 (5) The Legislature hereby finds and determines that the projects  
1 funded from the Municipal Infrastructure Redevelopment Fund and the  
2 Building Renewal Allocation Fund are of critical importance to the State  
3 of Nebraska. It is the intent of the Legislature that the allocations and  
4 appropriations made by the Legislature to such funds or, in the case of  
5 allocations for the Municipal Infrastructure Redevelopment Fund, to the  
6 particular municipality's account not be reduced until all contracts and  
7 securities relating to the construction and financing of the projects or  
8 portions of the projects funded from such funds or accounts of such funds  
9 are completed or paid or, in the case of the Municipal Infrastructure  
10 Redevelopment Fund, the earlier of such date or July 1, 2009, and that  
11 until such time any reductions in the cigarette tax rate made by the  
12 Legislature shall be simultaneously accompanied by equivalent reductions  
13 in the amount dedicated to the General Fund from cigarette tax revenue.  
14 Any provision made by the Legislature for distribution of the proceeds of  
15 the cigarette tax for projects or programs other than those to (a) the  
16 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,  
17 (c) the Health and Human Services Cash Fund, (d) the Municipal  
18 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation



19 Fund, (f) the Information Technology Infrastructure Fund, (g) the  
20 Nebraska Public Safety Communication System Cash Fund, and (h) the  
21 Nebraska Health Care Cash Fund shall not be made a higher priority than  
22 or an equal priority to any of the programs or projects specified in  
23 subdivisions (a) through (h) of this subsection.  
24 Sec. 2. This act becomes operative on July 1, 2021.  
25 Sec. 3. Original section 77-2602, Revised Statutes Cumulative  
26 Supplement, 2020, is repealed.  
27 Sec. 4. Since an emergency exists, this act takes effect when  
28 passed and approved according to law.

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

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

Senator McCollister name added to LB51.  
Senator Hansen, B. name added to LB84.  
Senator Vargas name added to LB147.  
Senator Hansen, M. name added to LB147.  
Senator McCollister name added to LB452.  
Senator Vargas name added to LB644.  
Senator Vargas name added to LB649.  
Senator Bostar name added to LR102.

#### **ADJOURNMENT**

At 12:21 p.m., on a motion by Senator Murman, the Legislature adjourned until 10:00 a.m., Monday, April 26, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SEVENTH DAY - APRIL 26, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 26, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Slama.

**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 Bostar, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 540.** 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.

**LEGISLATIVE BILL 296.** 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 313.** Title read. Considered.

Committee [AM367](#), found on page 641, 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.

**LEGISLATIVE BILL 521.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 209.** Title read. Considered.

Committee [AM880](#), found on page 917, 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 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 674.** Indefinitely postponed.

(Signed) Lou Ann Linehan, Chairperson

### NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications  
Room 1113

Tuesday, May 4, 2021 8:30 a.m.

John Selmer - Nebraska Department of Transportation

(Signed) Curt Friesen, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Flood filed the following amendment to [LB388](#):

[AM1117](#)

(Amendments to Standing Committee amendments, AM530)

1 1. Insert the following new sections:

2 Sec. 11. Section 86-316, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 86-316 Sections 86-316 to 86-329 and section 12 of this act shall be

5 known and may be cited as the Nebraska Telecommunications Universal

6 Service Fund Act.

7 Sec. 12. In addition to any other applicable penalties provided

8 under the Nebraska Telecommunications Universal Service Fund Act or the

9 rules and regulations adopted and promulgated under such act, the

10 commission shall withhold support from any telecommunications company  
11 that receives support from the Nebraska Telecommunications Universal  
12 Service Fund as follows:  
13 (1) For any service outage that disrupts telecommunications service  
14 to ten thousand or more customers, one thousand dollars of support for  
15 each minute in duration of such outage; and  
16 (2) For any service outage that disrupts telecommunications service  
17 to a public safety answering point as defined in section 86-431, five  
18 thousand dollars of support for each minute in duration of such outage.  
19 2. Renumber the remaining section accordingly.

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

Senator Flood filed the following motion to LR14:

MO46

Suspend Rule 3, Section 20 (d) so as to provide that LR14 "not stand as indefinitely postponed".

### **GENERAL FILE**

**LEGISLATIVE BILL 84.** Title read. Considered.

Senator M. Cavanaugh offered the following motion:

MO47

Strike the enacting clause.

Senator M. Cavanaugh withdrew her motion to strike the enacting clause.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 366.** Title read. Considered.

Committee AM436, found on page 642, was adopted with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 366A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 682.** Title read. Considered.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 39.** Placed on Select File with amendment.

[ER68](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 9  
2 and insert "political subdivisions; to amend sections 13-3105 and  
3 13-3109, Reissue Revised Statutes of Nebraska, and sections 13-3102,  
4 13-3103, 13-3104, 13-3106, 13-3108, and 82-334, Revised Statutes  
5 Cumulative Supplement, 2020; to authorize assistance for sports complexes  
6 as prescribed in the Sports Arena Facility Financing Assistance Act; to  
7 define and redefine terms; to change provisions relating to limitations  
8 on state assistance, applications, notice, considerations for application  
9 approval, and bonds; to change provisions relating to the Support the  
10 Arts Cash Fund; to provide for the award of grants to cities of the first  
11 class with creative districts; to harmonize provisions; to repeal the  
12 original sections; and to declare an emergency."

**LEGISLATIVE BILL 51.** Placed on Select File with amendment.

[ER67](#)

1 1. In the Standing Committee amendments, AM745:  
2 a. On page 16, line 1, strike the first comma and show as stricken;  
3 b. On page 27, line 21, strike "Non-certified" and insert  
4 "Noncertified";  
5 c. On page 34, line 9, strike "(1)(a)" and insert "(2)(a)";  
6 d. On page 35, line 6, strike "(1)(b)" and insert "(2)(b)";  
7 e. On page 36, line 2, after "Fourth" insert "Amendment"; in line  
8 14, strike "non-certified" and insert "noncertified"; and in line 30,  
9 strike "their";  
10 f. On page 41, line 10, strike "course" and insert "courses"; and  
11 g. On page 44, line 29, strike "non-certified" and insert  
12 "noncertified".  
13 2. On page 1, strike beginning with "48-147" in line 1 through  
14 "forces" in line 17 and insert "29-215, 48-147, 48-2709, 81-1403,  
15 81-1407, 81-1412.02, and 81-1414, Reissue Revised Statutes of Nebraska,  
16 and sections 23-1701.01, 29-2264, 48-115, 48-126.01, 48-145, 81-1401,  
17 81-1414.07, 81-1456, 81-1457, and 81-2014, Revised Statutes Cumulative  
18 Supplement, 2020; to change sheriff requirements; to authorize Class I  
19 railroad police officers and noncertified conditional officers; to define  
20 and redefine terms; to change conviction set aside provisions; to change  
21 annual and initial training provisions for law enforcement officers; to  
22 change membership of and provide powers and duties for the Nebraska  
23 Police Standards Advisory Council; to require de-escalation training; to  
24 provide for certification of persons certified as law enforcement  
25 officers in other states and change provisions relating to law  
26 enforcement officer certification; to require psychological evaluations  
27 of law enforcement officers as prescribed; to change continuing education  
1 requirements for law enforcement officers; to provide for policies and  
2 requirements for investigating law enforcement officer misconduct; to  
3 change law enforcement officer certification revocation and suspension  
4 record provisions; to provide duties for the Nebraska Commission on Law  
5 Enforcement and Criminal Justice; to prohibit chokeholds and carotid  
6 holds as prescribed; to require policies on excessive force and a duty to  
7 intervene; to require accreditation of law enforcement agencies; to  
8 create a fund; to require posting of certain law enforcement officer  
9 information as prescribed; to eliminate law enforcement reserve forces;  
10 to redefine officer under the Nebraska State Patrol Retirement Act".

**LEGISLATIVE BILL 51A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 247A.** Introduced by Pansing Brooks, 28; Arch, 14; Friesen, 34; Hilgers, 21; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**MESSAGE(S) FROM THE GOVERNOR**

April 26, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 379e, 380e, 381e, 382e, 383e, 384e, 385e, 386e, 386Ae, and 666e were received in my office on April 20, 2021.

These bills were signed and delivered to the Secretary of State on April 26, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

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

Senator Pansing Brooks name added to LB275.

Senator Blood name added to LB396.

**RECESS**

At 12:03 p.m., on a motion by Speaker Hilgers, 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 Bostar, Groene, M. Hansen, Hunt, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 682.** Committee [AM195](#), found on page 507, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 396.** 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 396A.** 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 64.** Title read. Considered.

Committee [AM473](#), found on page 635, was offered.

Senator Lindstrom offered the following amendment to the committee amendment:

[AM805](#)

(Amendments to Standing Committee amendments, AM473)

- 1 1. On page 7, line 26, strike the new matter.
- 2 2. On page 8, line 4, strike the new matter; and after line 8 insert
- 3 the following new subdivision:
- 4 "(c) For taxable years beginning or deemed to begin on or after
- 5 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
- 6 taxpayer may claim the reduction to federal adjusted gross income allowed
- 7 under this subsection or the reduction to federal adjusted gross income
- 8 allowed under subsection (14) of this section, whichever provides the
- 9 greater reduction."
- 10 3. On page 9, after line 14, insert the following new subdivision:
- 11 "(c) For taxable years beginning or deemed to begin on or after
- 12 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
- 13 taxpayer may claim the reduction to federal adjusted gross income allowed
- 14 under this subsection or the reduction to federal adjusted gross income
- 15 allowed under subsection (13) of this section, whichever provides the



16 greater reduction".

The Lindstrom amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Senator Flood offered the following amendment to the committee amendment:

[AM748](#) is available in the Bill Room.

#### **SPEAKER HILGERS PRESIDING**

Senator Flood withdrew his amendment.

The committee amendment was adopted with 45 ayes, 0 nays, and 4 present and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

**LEGISLATIVE BILL 26.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 3 nays, and 8 present and not voting.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 428A.** Introduced by Arch, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

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

Senator Brandt filed the following amendment to [LB572](#):

[FA30](#)

Amend AM875

On line 11, strike "2021" and insert "2022".

Senator Geist filed the following amendment to [LB307](#):

[AM1108](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-272 (1)(a) In counties having a population of less than one

6 hundred fifty thousand inhabitants; ~~when any~~

7 (i) When any juvenile court petition is filed alleging jurisdiction

8 of a juvenile pursuant to subdivision (2) of section 43-247, counsel

9 ~~shall be appointed for such juvenile; and~~

10 ~~(ii) In any other instance in which a juvenile is shall be brought~~  
 11 ~~without counsel before a juvenile court, the court shall advise such~~  
 12 ~~juvenile and his or her parent or guardian of their right to retain~~  
 13 ~~counsel and shall inquire of such juvenile and his or her parent or~~  
 14 ~~guardian as to whether they desire to retain counsel. The court shall~~  
 15 ~~inform such juvenile and his or her parent or guardian of such juvenile's~~  
 16 ~~right to counsel at county expense if none of them is able to afford~~  
 17 ~~counsel. If the juvenile or his or her parent or guardian desires to have~~  
 18 ~~counsel appointed for such juvenile, or the parent or guardian of such~~  
 19 ~~juvenile cannot be located, and the court ascertains that none of such~~  
 20 ~~persons are able to afford an attorney, the court shall forthwith appoint~~  
 21 ~~an attorney to represent such juvenile for all proceedings before the~~  
 22 ~~juvenile court, except that if an attorney is appointed to represent such~~  
 23 ~~juvenile and the court later determines that a parent of such juvenile is~~  
 24 ~~able to afford an attorney, the court shall order such parent or juvenile~~  
 25 ~~to pay for services of the attorney to be collected in the same manner as~~  
 26 ~~provided by section 43-290. If the parent willfully refuses to pay any~~  
 27 ~~such sum, the court may commit him or her for contempt, and execution may~~  
 1 ~~issue at the request of the appointed attorney or the county attorney or~~  
 2 ~~by the court without a request.~~

3 (b) In counties having a population of one hundred fifty thousand or  
 4 more inhabitants, when any juvenile court petition is filed alleging  
 5 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or  
 6 (4) of section 43-247, counsel shall be appointed for such juvenile.

7 (c) ~~The court shall inform any such juvenile described in this~~  
 8 ~~subsection and his or her parent or guardian of such juvenile's right to~~  
 9 ~~counsel at county expense if none of them is able to afford counsel. If~~  
 10 ~~the juvenile or his or her parent or guardian desires to have counsel~~  
 11 ~~appointed for such juvenile, or the parent or guardian of such juvenile~~  
 12 ~~cannot be located, and the court ascertains that none of such persons are~~  
 13 ~~able to afford an attorney, the court shall forthwith appoint an attorney~~  
 14 ~~to represent such juvenile for all proceedings before the juvenile court,~~  
 15 ~~except that if an attorney is appointed to represent such juvenile and~~  
 16 ~~the court later determines that a parent of such juvenile is able to~~  
 17 ~~afford an attorney, the court shall order such parent or juvenile to pay~~  
 18 ~~for services of the attorney to be collected in the same manner as~~  
 19 ~~provided by section 43-290. If the parent willfully refuses to pay any~~  
 20 ~~such sum, the court may commit him or her for contempt, and execution may~~  
 21 ~~issue at the request of the appointed attorney or the county attorney or~~  
 22 ~~by the court without a request.~~

23 (2) The court, on its own motion or upon application of a party to  
 24 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)  
 25 If the juvenile has no parent or guardian of his or her person or if the  
 26 parent or guardian of the juvenile cannot be located or cannot be brought  
 27 before the court; (b) if the parent or guardian of the juvenile is  
 28 excused from participation in all or any part of the proceedings; (c) if  
 29 the parent is a juvenile or an incompetent; (d) if the parent is  
 30 indifferent to the interests of the juvenile; or (e) in any proceeding  
 31 pursuant to the provisions of subdivision (3)(a) of section 43-247.

1 A guardian ad litem shall have the duty to protect the interests of  
 2 the juvenile for whom he or she has been appointed guardian, and shall be  
 3 deemed a parent of the juvenile as to those proceedings with respect to  
 4 which his or her guardianship extends.

5 (3) The court shall appoint an attorney as guardian ad litem. A  
 6 guardian ad litem shall act as his or her own counsel and as counsel for  
 7 the juvenile, unless there are special reasons in a particular case why  
 8 the guardian ad litem or the juvenile or both should have separate  
 9 counsel. In such cases the guardian ad litem shall have the right to  
 10 counsel, except that the guardian ad litem shall be entitled to appointed

11 counsel without regard to his or her financial ability to retain counsel.  
 12 Whether such appointed counsel shall be provided at the cost of the  
 13 county shall be determined as provided in subsection (1) of this section.  
 14 (4) By July 1, 2015, the Supreme Court shall provide by court rule  
 15 standards for guardians ad litem for juveniles in juvenile court  
 16 proceedings.  
 17 (5) By July 1, 2017, the Supreme Court shall provide guidelines  
 18 setting forth standards for all attorneys who practice in juvenile court.  
 19 Sec. 2. Section 43-3102, Reissue Revised Statutes of Nebraska, is  
 20 amended to read:  
 21 43-3102 (1) In any court proceeding, any waiver of the right to  
 22 counsel by a juvenile shall be made in open court, shall be recorded, and  
 23 shall be confirmed in a writing signed by the juvenile.  
 24 (2) A court shall not accept a juvenile's waiver of the right to  
 25 counsel unless the waiver satisfies subsection (1) of this section and is  
 26 an affirmative waiver that is made intelligently, voluntarily, and  
 27 understandingly. In determining whether such waiver was made  
 28 intelligently, voluntarily, and understandingly, the court shall  
 29 consider, among other things: (a) The age, intelligence, and education of  
 30 the juvenile, (b) the juvenile's emotional stability, and (c) the  
 31 complexity of the proceedings.  
 1 (3) On or before July 1, 2022, the Supreme Court shall provide, by  
 2 court rule, a process to ensure that juveniles are provided the  
 3 opportunity to consult with counsel to assist the juvenile in making the  
 4 decision to waive the right to counsel.  
 5 (4) ~~(3)~~ The court shall ensure that a juvenile represented by an  
 6 attorney consults with his or her attorney before any waiver of counsel.  
 7 (5) ~~(4)~~ No parent, guardian, custodian, or other person may waive  
 8 the juvenile's right to counsel.  
 9 (6) ~~(5)~~ A juvenile's right to be represented by counsel may not be  
 10 waived in the following circumstances:  
 11 (a) If the juvenile is under the age of fourteen;  
 12 (b) For a detention hearing;  
 13 (c) For any dispositional hearing where out-of-home placement is  
 14 sought; or  
 15 (d) If there is a motion to transfer the juvenile from juvenile  
 16 court to county court or district court.  
 17 Sec. 3. Original sections 43-272 and 43-3102, Reissue Revised  
 18 Statutes of Nebraska, are repealed.

Senator Morfeld filed the following amendment to LB628:  
AM1129

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 38-1124, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 38-1124 (1) The department, with the recommendation of the board,  
 6 shall issue a faculty license to any person who meets the requirements of  
 7 subsection (3) or (4) of this section. A faculty licensee may practice  
 8 dentistry ~~only~~ as a faculty member at an accredited school or college of  
 9 dentistry in the State of Nebraska. A faculty licensee and may also teach  
 10 dentistry, conduct research, and participate in an institutionally  
 11 administered faculty practice ~~only at such accredited school or college~~  
 12 ~~of dentistry~~. A faculty licensee eligible for licensure under subsection  
 13 (4) of this section shall limit his or her practice under such license to  
 14 the clinical ~~disciplines~~ discipline in which the licensee ~~he or she~~ has  
 15 received ~~postgraduate~~ education at an accredited school or college of  
 16 dentistry or, with the approval of the board, the clinical disciplines in  
 17 which the licensee has practiced under a license, including a faculty  
 18 license or teaching permit, to practice dentistry within the past three

19 years in another jurisdiction.

20 (2) Any person who desires a faculty license shall make a written  
21 application to the department. The application shall include information  
22 regarding the applicant's professional qualifications, experience, and  
23 licensure. The application shall be accompanied by a copy of the  
24 applicant's dental degree, any other degrees or certificates for  
25 postgraduate education of the applicant, the required fee, and  
26 certification from the dean of an accredited school or college of  
27 dentistry in the State of Nebraska at which the applicant has a contract  
1 to be employed as a full-time faculty member.

2 (3) An individual who graduated from an accredited school or college  
3 of dentistry shall be eligible for a faculty license if the individual he  
4 or she:

5 (a) Has or had a license, including a faculty license or teaching  
6 permit, to practice dentistry within the past three five years in another  
7 jurisdiction some other state in the United States or a Canadian  
8 province; and

9 (b) Has a contract to be employed as a full-time faculty member at  
10 an accredited school or college of dentistry in the State of Nebraska;

11 (b) (e) Passes a jurisprudence examination administered by the  
12 board; ~~and~~

13 (d) Agrees to demonstrate continuing clinical competency as a  
14 condition of licensure if required by the board.

15 (4) An individual who graduated from a nonaccredited school or  
16 college of dentistry shall be eligible for a faculty license if the  
17 individual he or she:

18 (a)(i) Has or had a license, including a faculty license or teaching  
19 permit, to practice dentistry within the past three years in another  
20 jurisdiction;

21 (ii) (a) Has completed at least two years of postgraduate education  
22 at an accredited school or college of dentistry recognized by the  
23 national commission and received a certificate or degree from such school  
24 or college of dentistry; or

25 (iii) Has additional education in dentistry at an accredited school  
26 or college of dentistry that is determined by the board to be equivalent  
27 to a program recognized by the national commission, including, but not  
28 limited to, a postgraduate certificate or degree in operative dentistry;

29 (b) Has a contract to be employed as a full-time faculty member at  
30 an accredited school or college of dentistry in the State of Nebraska;

31 (b) (e) Passes a jurisprudence examination administered by the  
1 board; and

2 (d) Agrees to demonstrate continuing clinical competency as a  
3 condition of licensure if required by the board; and

4 (c) (e) Has passed at least one of the following:

5 (i) Part I and Part II of the National Board Dental Examinations  
6 administered by the joint commission; or its equivalent

7 (ii) The Integrated National Board Dental Examination administered  
8 by the joint commission;

9 (iii) A specialty board examination recognized by the national  
10 commission;

11 (iv) An examination administered by the National Dental Examining  
12 Board of Canada; or

13 (v) An equivalent examination as determined by the Board of  
14 Dentistry.

15 (5) A faculty license shall expire at the same time and be subject  
16 to the same renewal requirements as a regular dental license, except that  
17 such license shall remain valid and may only be renewed if the faculty  
18 licensee completes continuing education as required by the rules and  
19 regulations adopted and promulgated under the Dentistry Practice Act and  
20 demonstrates continued employment at an accredited school or college of

21 dentistry in the State of Nebraska. ;  
 22 (6) In order for an applicant to qualify for a faculty license  
 23 pursuant to subdivision (4)(a)(iii) of this section, the applicant shall  
 24 present, for review and approval by the board, a portfolio which  
 25 includes, but is not limited to, academic achievements, credentials and  
 26 certifications, letters of recommendation, and a list of publications.  
 27 (7) For purposes of this section:  
 28 (a) Another jurisdiction means some other state in the United  
 29 States, a territory or jurisdiction of the United States, or a Canadian  
 30 province;  
 31 (b) Joint commission means the American Dental Association Joint  
 1 Commission on National Dental Examinations; and  
 2 (c) National commission means the National Commission on Recognition  
 3 of Dental Specialties and Certifying Boards.  
 4 (a) ~~The faculty licensee remains employed as a full-time faculty~~  
 5 ~~member of an accredited school or college of dentistry in the State of~~  
 6 ~~Nebraska; and~~  
 7 (b) ~~The faculty licensee demonstrates continuing clinical competency~~  
 8 ~~if required by the board.~~  
 9 Sec. 2. Original section 38-1124, Reissue Revised Statutes of  
 10 Nebraska, is repealed.  
 11 Sec. 3. Since an emergency exists, this act takes effect when passed  
 12 and approved according to law.

### COMMUNICATION(S)

Received a copy of Senate Joint Memorial No. 102 from the state of Idaho relating to the United States Supreme Court.

#### SENATOR HUGHES PRESIDING

##### GENERAL FILE

**LEGISLATIVE BILL 432.** Title read. Considered.

Committee [AM774](#), found on page 773, was offered.

Senator M. Cavanaugh offered her amendment, [AM1110](#), found on page 1119, to the committee amendment.

#### SPEAKER HILGERS PRESIDING

Senator Linehan requested a point of order.

Senator M. Cavanaugh withdrew her amendment.

Senator Blood offered the following amendment to the committee amendment:

[AM1058](#) is available in the Bill Room.

Senator Linehan requested a point of order.

Senator Blood withdrew her amendment.

Senator Linehan offered the following amendment to the committee amendment:

[AM1080](#)

(Amendments to Standing Committee amendments, AM774)

1 1. On page 12, strike beginning with "For" in line 24 through the  
2 period in line 27.

Senator Linehan withdrew and refiled her amendment, [AM1080](#).

Senator Friesen offered the following amendment to the committee amendment:

[AM1132](#)

(Amendments to Standing Committee amendments, AM774)

1 1. Strike section 12.  
2 2. Renumber the remaining sections and correct the repealer  
3 accordingly.

### SENATOR HUGHES PRESIDING

### SPEAKER HILGERS PRESIDING

Senator Friesen moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

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

Voting in the affirmative, 23:

Blood	Cavanaugh, J.	Friesen	McCollister	Vargas
Bostar	Day	Hansen, M.	McDonnell	Walz
Bostelman	DeBoer	Hughes	McKinney	Wishart
Brandt	Dorn	Hunt	Morfeld	
Brewer	Erdman	Lathrop	Pansing Brooks	

Voting in the negative, 23:

Aguilar	Flood	Hilgers	Lowe	Stinner
Albrecht	Geist	Hilkemann	Moser	Wayne
Arch	Gragert	Kolterman	Murman	Williams
Briese	Halloran	Lindstrom	Sanders	
Clements	Hansen, B.	Linehan	Slama	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Groene      Pahls

The Friesen amendment lost with 23 ayes, 23 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

### AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB595:

AM1079

(Amendments to Standing Committee amendments, AM776)

- 1 1. Strike sections 12 to 18.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

Senator Erdman filed the following amendment to LB595:

FA32

Amend AM776

Section 1, strike lines 15-22 on page 1.

Section 10-2a, page 19, line 5, strike "2027" and insert "2022".

Renumber the remaining sections, correct internal references, and correct repealer accordingly.

Senator Erdman filed the following amendment to LB595:

AM1140

(Amendments to Standing Committee amendments, AM776)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 77-1301, Revised Statutes Cumulative Supplement,
- 3 2020, is amended to read:
- 4 77-1301 (1) All real property in this state subject to taxation
- 5 shall be assessed as of January 1 at 12:01 a.m., and such assessment
- 6 shall be used as a basis of taxation until the next assessment unless the
- 7 property is ~~damaged destroyed~~ real property as defined in section
- 8 77-1307, in which case the assessed value for the ~~damaged destroyed~~ real
- 9 property shall be adjusted as provided in sections 77-1307 to 77-1309.
- 10 (2) Beginning January 1, 2014, in any county with a population of at
- 11 least one hundred fifty thousand inhabitants according to the most recent
- 12 federal decennial census, the county assessor shall provide notice of
- 13 preliminary valuations to real property owners on or before January 15 of
- 14 each year. Such notice shall be (a) mailed to the taxpayer or (b)
- 15 published on a web site maintained by the county assessor or by the
- 16 county.
- 17 (3) The county assessor shall complete the assessment of real
- 18 property on or before March 19 of each year, except beginning January 1,
- 19 2014, in any county with a population of at least one hundred fifty
- 20 thousand inhabitants according to the most recent federal decennial
- 21 census, the county assessor shall complete the assessment of real
- 22 property on or before March 25 of each year.
- 23 Sec. 3. Section 77-1307, Revised Statutes Cumulative Supplement,
- 24 2020, is amended to read:
- 25 77-1307 (1) The Legislature finds and declares that fires,
- 26 earthquakes, floods, ~~and tornadoes, and other events causing significant~~
- 1 ~~property damage~~ occur with enough frequency in this state that provision
- 2 should be made to grant property tax relief to owners of real property
- 3 adversely affected by such events.
- 4 (2) For purposes of sections 77-1307 to 77-1309:

5 (a) Calamity means a disastrous event, including, but not limited  
6 to, a fire, an earthquake, a flood, a tornado, or other natural event  
7 which significantly affects the assessed value of real property;  
8 (a) Damaged ~~(b) Destroyed~~ real property means real property that  
9 suffers significant property damage as a result of a calamity occurring  
10 on or after January 1, 2019, and before July 1 of the current assessment  
11 year. ~~Damaged Destroyed~~ real property does not include property suffering  
12 significant property damage that is caused by the owner of the property;  
13 and  
14 ~~(b)~~ (e) Significant property damage means:  
15 (i) Damage to an improvement exceeding twenty percent of the  
16 improvement's assessed value in the current tax year as determined by the  
17 county assessor; or  
18 (ii) Damage to land exceeding twenty percent of the land's a  
19 parcel's assessed land value in the current tax year, as determined by  
20 the county assessor; or  
21 (iii) ~~Damage exceeding twenty percent of the property's assessed~~  
22 ~~value in the current tax year as determined by the county assessor if (A)~~  
23 ~~such property is located in an area that has been declared a disaster~~  
24 ~~area by the Governor and (B) a housing inspector or health inspector has~~  
25 ~~determined that the property is uninhabitable or unlivable.~~  
26 Sec. 4. Section 77-1308, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:  
28 77-1308 (1) If real property suffers significant property damage  
29 prior to July 1 of ~~becomes destroyed real property during~~ the current  
30 assessment year, the property owner shall file a report of the damaged  
31 ~~destroyed~~ real property with the county assessor and county clerk of the  
1 county in which the property is located on or before July 15 of the  
2 current assessment year. The report of damaged ~~destroyed~~ real property  
3 shall be made on a form prescribed by the Tax Commissioner.  
4 (2) If the damaged ~~destroyed~~ real property was a mobile home that  
5 was moved pursuant to section 77-3708 and required to pay an accelerated  
6 tax pursuant to section 77-1725.01, the property owner shall report the  
7 damaged ~~destroyed~~ real property on or before July 15 in the same manner  
8 as other real property. The property owner may make a request for refund  
9 of the accelerated tax paid pursuant to section 77-1734.01 for any  
10 portion of value reduced by the county board of equalization pursuant to  
11 section 77-1309.  
12 (3) The county assessor shall inspect and review all properties for  
13 which a report has been filed under this section and shall submit a  
14 comprehensive report of all such properties to the county board of  
15 equalization on or before July 20 of the current assessment year. The  
16 county assessor's report shall be made on a form prescribed by the Tax  
17 Commissioner. The county board of equalization shall consider any report  
18 of destroyed real property received from the county assessor pursuant to  
19 this section, and the assessment of such property shall be made by the  
20 county board of equalization in accordance with section 77-1309. After  
21 county board of equalization action pursuant to section 77-1309, the  
22 county assessor shall correct the current year's assessment roll as  
23 provided in section 77-1613.02.  
24 Sec. 5. Section 77-1309, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:  
26 77-1309 (1) When ~~If~~ the county board of equalization receives a  
27 report of damaged ~~destroyed~~ real property from the county assessor  
28 pursuant to section 77-1308, the county board of equalization shall  
29 adjust the assessed value of the damaged ~~destroyed~~ real property to its  
30 assessed value on the date it suffers significant property damage.  
31 (2) The county board of equalization may meet on or after June 1 and  
1 on or before July 25, or on or before August 10 if the board has adopted  
2 a resolution to extend the deadline for hearing protests under section



3 77-1502, for the purpose of considering the assessed value of damaged  
 4 ~~destroyed~~ real property pursuant to this section. Any action of the  
 5 county board of equalization which changes the assessed value of damaged  
 6 ~~destroyed~~ real property pursuant to this section shall be for the current  
 7 assessment year only.

8 (3) The county board of equalization shall give notice of the  
 9 assessed value of the damaged ~~destroyed~~ real property to the record owner  
 10 or agent at his or her last-known address. Protests of the assessed value  
 11 proposed for damaged ~~destroyed~~ real property pursuant to this section  
 12 shall be filed with the county board of equalization within thirty days  
 13 after the mailing of the notice. All provisions of section 77-1502 except  
 14 dates for filing a protest, the period for hearing protests, and the date  
 15 for mailing notice of the county board of equalization's decision are  
 16 applicable to any protest filed pursuant to this section. The county  
 17 board of equalization shall issue its decision on the protest within  
 18 thirty days after the filing of the protest. Within seven days after the  
 19 county board of equalization's final decision, the county clerk shall  
 20 mail to the protester written notice of the decision. The notice shall  
 21 contain a statement advising the protester that a report of the decision  
 22 is available at the county clerk's or county assessor's office, whichever  
 23 is appropriate.

24 (4) The action of the county board of equalization upon a protest  
 25 filed pursuant to this section may be appealed to the Tax Equalization  
 26 and Review Commission within thirty days after the board's final  
 27 decision.

28 Sec. 6. Section 77-1725.01, Revised Statutes Cumulative Supplement,  
 29 2020, is amended to read:

30 77-1725.01 Except in any city or village that has adopted a building  
 31 code with provisions for demolition of unsafe buildings or structures, it  
 1 shall be the duty of any assessor, sheriff, constable, city council  
 2 member, and village trustee to at once inform the county treasurer of the  
 3 removal or demolition of or a levy of attachment upon any item of real  
 4 property known to him or her. Except for property considered to be  
 5 damaged ~~destroyed~~ real property as defined in section 77-1307, it shall  
 6 be the duty of the county treasurer to immediately proceed with the  
 7 collection of any delinquent or current taxes when such acts become known  
 8 to him or her in any manner. Except for property considered to be damaged  
 9 ~~destroyed~~ real property as defined in section 77-1307, the taxes shall be  
 10 due and collectible, which taxes shall include taxes on all real property  
 11 then assessed upon which the tax shall be computed on the basis of the  
 12 last preceding levy, and a distress warrant shall be issued when (1) any  
 13 person attempts to remove or demolish all or a substantial portion of his  
 14 or her real property or (2) a levy of attachment is made upon the real  
 15 property. From the date the taxes are due and collectible, the taxes  
 16 shall be a first lien upon the personal property of the person to whom  
 17 assessed until paid.

18 Sec. 27. Original sections 77-1301, 77-1307, 77-1308, 77-1309, and  
 19 77-1725.01, Revised Statutes Cumulative Supplement, 2020, are repealed.

20 2. Renumber the remaining sections and correct internal references  
 21 accordingly.

22 3. Correct the operative date section so that the sections added by  
 23 this amendment become operative on January 1, 2022.

## GENERAL FILE

**LEGISLATIVE BILL 432.** Senator M. Cavanaugh offered the following  
 motion:

[MO48](#)

Recommit to the Revenue Committee.

**SENATOR HUGHES PRESIDING****SPEAKER HILGERS PRESIDING**

Pending.

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

Senator Williams filed the following amendment to LB432:

[AM1127](#)

(Amendments to Standing Committee amendments, AM774)

- 1 1. Insert the following new section:
- 2 Sec. 13. Section 77-5208, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 77-5208 The board shall meet at least twice during the year. The
- 5 board shall review pending applications in order to approve and certify
- 6 beginning farmers and livestock producers as eligible for the programs
- 7 provided by the board, to approve and certify owners of agricultural
- 8 assets as eligible for the tax credits authorized by sections 77-5211 to
- 9 77-5213, and to approve and certify qualified beginning farmers and
- 10 livestock producers as eligible for the tax credit authorized by section
- 11 77-5209.01 and for qualification to claim an exemption of taxable
- 12 tangible personal property as provided by section 77-5209.02. No new
- 13 applications for any such programs, tax credits, or exemptions shall be
- 14 approved or certified by the board after December 31, ~~2025~~ 2022. Any
- 15 action taken by the board regarding approval and certification of program
- 16 eligibility, granting of tax credits, or termination of rental agreements
- 17 shall require the affirmative vote of at least four members of the board.
- 18 2. On page 22, line 6, strike "section 77-2734.02" and insert
- 19 "sections 77-2734.02 and 77-5208".
- 20 3. Renumber the remaining sections accordingly.

Senator M. Hansen filed the following amendment to LB432:

[AM1136](#)

(Amendments to Standing Committee amendments, AM774)

- 1 1. On page 12, strike beginning with "For" in line 24 through the
- 2 period in line 27.

Senator M. Cavanaugh filed the following amendment to LB432:

[FA33](#)

Amend AM774

On page 10, strike lines 3-15.

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

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

Senator McCollister name added to LB84.

Senator Sanders name added to LB84.

Senator Blood name added to LB649.

**VISITOR(S)**

The Doctor of the Day was Dr. George Voigtlander of Pawnee City.

**ADJOURNMENT**

At 8:18 p.m., on a motion by Senator Sanders, the Legislature adjourned until 9:00 a.m., Tuesday, April 27, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-EIGHTH DAY - APRIL 27, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 27, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Stinner.

**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 McKinney who was excused; and Senators Bostar, Day, Flood, Geist, Groene, B. Hansen, Lathrop, Morfeld, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-seventh day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 432.** Senator M. Cavanaugh withdrew her motion, [MO48](#), found on page 1137.

Senator M. Hansen withdrew his amendment, [AM1136](#), found on page 1138, to the committee amendment.

Senator M. Cavanaugh withdrew her amendment, [FA33](#), found on page 1138, to the committee amendment.

Senator J. Cavanaugh 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:

[AM1150](#)

1 1. Strike the original sections and insert the following new  
2 section:  
3 Sec. 10. Section 77-2715.07, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 77-2715.07 (1) There shall be allowed to qualified resident  
6 individuals as a nonrefundable credit against the income tax imposed by  
7 the Nebraska Revenue Act of 1967:  
8 (a) A credit equal to the federal credit allowed under section 22 of  
9 the Internal Revenue Code; and  
10 (b) A credit for taxes paid to another state as provided in section  
11 77-2730.  
12 (2) There shall be allowed to qualified resident individuals against  
13 the income tax imposed by the Nebraska Revenue Act of 1967:  
14 (a) For returns filed reporting federal adjusted gross incomes of  
15 greater than twenty-nine thousand dollars, a nonrefundable credit equal  
16 to twenty-five percent of the federal credit allowed under section 21 of  
17 the Internal Revenue Code of 1986, as amended, except that for taxable  
18 years beginning or deemed to begin on or after January 1, 2015, such  
19 nonrefundable credit shall be allowed only if the individual would have  
20 received the federal credit allowed under section 21 of the code after  
21 adding back in any carryforward of a net operating loss that was deducted  
22 pursuant to such section in determining eligibility for the federal  
23 credit;  
24 (b) For returns filed reporting federal adjusted gross income of  
25 twenty-nine thousand dollars or less, a refundable credit equal to a  
26 percentage of the federal credit allowable under section 21 of the federal  
27 Internal Revenue Code of 1986, as amended, whether or not the federal  
1 credit was limited by the federal tax liability. The percentage of the  
2 federal credit shall be one hundred percent for incomes not greater than  
3 twenty-two thousand dollars, and the percentage shall be reduced by ten  
4 percent for each one thousand dollars, or fraction thereof, by which the  
5 reported federal adjusted gross income exceeds twenty-two thousand  
6 dollars, except that for taxable years beginning or deemed to begin on or  
7 after January 1, 2015, such refundable credit shall be allowed only if  
8 the individual would have received the federal credit allowed under  
9 section 21 of the code after adding back in any carryforward of a net  
10 operating loss that was deducted pursuant to such section in determining  
11 eligibility for the federal credit;  
12 (c) A refundable credit as provided in section 77-5209.01 for  
13 individuals who qualify for an income tax credit as a qualified beginning  
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
15 for all taxable years beginning or deemed to begin on or after January 1,  
16 2006, under the Internal Revenue Code of 1986, as amended;  
17 (d) A refundable credit for individuals who qualify for an income  
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
21 and  
22 (e) A refundable credit equal to ten percent of the federal credit  
23 allowed under section 32 of the Internal Revenue Code of 1986, as  
24 amended, except that for taxable years beginning or deemed to begin on or  
25 after January 1, 2015, such refundable credit shall be allowed only if  
26 the individual would have received the federal credit allowed under  
27 section 32 of the code after adding back in any carryforward of a net

28 operating loss that was deducted pursuant to such section in determining  
29 eligibility for the federal credit.

30 (3) There shall be allowed to all individuals as a nonrefundable  
31 credit against the income tax imposed by the Nebraska Revenue Act of  
1 1967:

2 (a) A credit for personal exemptions allowed under section  
3 77-2716.01;

4 (b) A credit for contributions to certified community betterment  
5 programs as provided in the Community Development Assistance Act. Each  
6 partner, each shareholder of an electing subchapter S corporation, each  
7 beneficiary of an estate or trust, or each member of a limited liability  
8 company shall report his or her share of the credit in the same manner  
9 and proportion as he or she reports the partnership, subchapter S  
10 corporation, estate, trust, or limited liability company income;

11 (c) A credit for investment in a biodiesel facility as provided in  
12 section 77-27,236;

13 (d) A credit as provided in the New Markets Job Growth Investment  
14 Act;

15 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
16 Revitalization Act;

17 (f) A credit to employers as provided in section 77-27,238; and

18 (g) A credit as provided in the Affordable Housing Tax Credit Act.

19 (4) There shall be allowed as a credit against the income tax  
20 imposed by the Nebraska Revenue Act of 1967:

21 (a) A credit to all resident estates and trusts for taxes paid to  
22 another state as provided in section 77-2730;

23 (b) A credit to all estates and trusts for contributions to  
24 certified community betterment programs as provided in the Community  
25 Development Assistance Act; and

26 (c) A refundable credit for individuals who qualify for an income  
27 tax credit as an owner of agricultural assets under the Beginning Farmer  
28 Tax Credit Act for all taxable years beginning or deemed to begin on or  
29 after January 1, 2009, under the Internal Revenue Code of 1986, as  
30 amended. The credit allowed for each partner, shareholder, member, or  
31 beneficiary of a partnership, corporation, limited liability company, or  
1 estate or trust qualifying for an income tax credit as an owner of  
2 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
3 equal to the partner's, shareholder's, member's, or beneficiary's portion  
4 of the amount of tax credit distributed pursuant to subsection (6) of  
5 section 77-5211.

6 (5)(a) For all taxable years beginning on or after January 1, 2007,  
7 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
8 amended, there shall be allowed to each partner, shareholder, member, or  
9 beneficiary of a partnership, subchapter S corporation, limited liability  
10 company, or estate or trust a nonrefundable credit against the income tax  
11 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
12 partner's, shareholder's, member's, or beneficiary's portion of the  
13 amount of franchise tax paid to the state under sections 77-3801 to  
14 77-3807 by a financial institution.

15 (b) For all taxable years beginning on or after January 1, 2009,  
16 under the Internal Revenue Code of 1986, as amended, there shall be  
17 allowed to each partner, shareholder, member, or beneficiary of a  
18 partnership, subchapter S corporation, limited liability company, or  
19 estate or trust a nonrefundable credit against the income tax imposed by  
20 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,  
21 member's, or beneficiary's portion of the amount of franchise tax paid to  
22 the state under sections 77-3801 to 77-3807 by a financial institution.

23 (c) Each partner, shareholder, member, or beneficiary shall report  
24 his or her share of the credit in the same manner and proportion as he or  
25 she reports the partnership, subchapter S corporation, limited liability

26 company, or estate or trust income. If any partner, shareholder, member,  
 27 or beneficiary cannot fully utilize the credit for that year, the credit  
 28 may not be carried forward or back.

29 (6) There shall be allowed to all individuals nonrefundable credits  
 30 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
 31 provided in section 77-3604 and refundable credits against the income tax  
 1 imposed by the Nebraska Revenue Act of 1967 as provided in section  
 2 77-3605.

3 (7)(a) For taxable years beginning or deemed to begin on or after  
 4 January 1, 2020, and before January 1, 2026, under the Internal Revenue  
 5 Code of 1986, as amended, a nonrefundable credit against the income tax  
 6 imposed by the Nebraska Revenue Act of 1967 in the amount of five  
 7 thousand dollars shall be allowed to any individual who purchases a  
 8 residence during the taxable year if such residence:

9 (i) Is located within an area that has been declared an extremely  
 10 blighted area under section 18-2101.02;

11 (ii) Is the individual's primary residence; and

12 (iii) Was not purchased from a family member of the individual or a  
 13 family member of the individual's spouse.

14 (b) The credit provided in this subsection shall be claimed for the  
 15 taxable year in which the residence is purchased. If the individual  
 16 cannot fully utilize the credit for such year, the credit may be carried  
 17 forward to subsequent taxable years until fully utilized.

18 (c) No more than one credit may be claimed under this subsection  
 19 with respect to a single residence.

20 (d) The credit provided in this subsection shall be subject to  
 21 recapture by the Department of Revenue if the individual claiming the  
 22 credit sells or otherwise transfers the residence or quits using the  
 23 residence as his or her primary residence within five years after the end  
 24 of the taxable year in which the credit was claimed.

25 (e) For purposes of this subsection, family member means an  
 26 individual's spouse, child, parent, brother, sister, grandchild, or  
 27 grandparent, whether by blood, marriage, or adoption.

28 (8) There shall be allowed to all individuals refundable credits  
 29 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
 30 provided in the Nebraska Property Tax Incentive Act and the Renewable  
 31 Chemical Production Tax Credit Act.

1 (9)(a) For taxable years beginning or deemed to begin on or after  
 2 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a  
 3 refundable credit against the income tax imposed by the Nebraska Revenue  
 4 Act of 1967 shall be allowed to the parent of a stillborn child if:  
 5 (i) A fetal death certificate is filed pursuant to subsection (1) of  
 6 section 71-606 for such child;  
 7 (ii) Such child had advanced to at least the twentieth week of  
 8 gestation; and  
 9 (iii) Such child would have been a dependent of the individual  
 10 claiming the credit.

11 (b) The amount of the credit shall be two thousand dollars.

12 (c) The credit shall be allowed for the taxable year in which the  
 13 stillbirth occurred.

The second committee amendment is as follows:

[AM1151](#) is available in the Bill Room.

The third committee amendment is as follows:

[AM1157](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 12. Section 77-2734.02, Reissue Revised Statutes of Nebraska,



4 is amended to read:

5 77-2734.02 (1) Except as provided in subsection (2) of this section,  
 6 a tax is hereby imposed on the taxable income of every corporate taxpayer  
 7 that is doing business in this state:  
 8 (a) For taxable years beginning or deemed to begin before January 1,  
 9 2013, at a rate equal to one hundred fifty and eight-tenths percent of  
 10 the primary rate imposed on individuals under section 77-2701.01 on the  
 11 first one hundred thousand dollars of taxable income and at the rate of  
 12 two hundred eleven percent of such rate on all taxable income in excess  
 13 of one hundred thousand dollars. The resultant rates shall be rounded to  
 14 the nearest one hundredth of one percent; ~~and~~  
 15 (b) For taxable years beginning or deemed to begin on or after  
 16 January 1, 2013, ~~and before January 1, 2022~~, at a rate equal to 5.58  
 17 percent on the first one hundred thousand dollars of taxable income and  
 18 at the rate of 7.81 percent on all taxable income in excess of one  
 19 hundred thousand dollars; ~~and~~ -  
 20 (c) ~~For taxable years beginning or deemed to begin on or after~~  
 21 ~~January 1, 2022, at a rate equal to 5.58 percent on the first one hundred~~  
 22 ~~thousand dollars of taxable income and at the rate of 6.84 percent on all~~  
 23 ~~taxable income in excess of one hundred thousand dollars.~~  
 24 For corporate taxpayers with a fiscal year that does not coincide  
 25 with the calendar year, the individual rate used for this subsection  
 26 shall be the rate in effect on the first day, or the day deemed to be the  
 27 first day, of the taxable year.  
 1 (2) An insurance company shall be subject to taxation at the lesser  
 2 of the rate described in subsection (1) of this section or the rate of  
 3 tax imposed by the state or country in which the insurance company is  
 4 domiciled if the insurance company can establish to the satisfaction of  
 5 the Tax Commissioner that it is domiciled in a state or country other  
 6 than Nebraska that imposes on Nebraska domiciled insurance companies a  
 7 retaliatory tax against the tax described in subsection (1) of this  
 8 section.  
 9 (3) For a corporate taxpayer that is subject to tax in another  
 10 state, its taxable income shall be the portion of the taxpayer's federal  
 11 taxable income, as adjusted, that is determined to be connected with the  
 12 taxpayer's operations in this state pursuant to sections 77-2734.05 to  
 13 77-2734.15.  
 14 (4) Each corporate taxpayer shall file only one income tax return  
 15 for each taxable year.

The fourth committee amendment is as follows:

[AM1156](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 11. Section 77-2716, Revised Statutes Cumulative Supplement,  
 4 2020, is 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. For purposes of this subsection, dividends  
16 deemed to be received includes income included in federal income under  
17 section 951A of the Internal Revenue Code net of the deduction in section  
18 250(a)(1)(B) of the code.

19 (6) There shall be subtracted from federal taxable income a portion  
20 of the income earned by a corporation subject to the Internal Revenue

21 Code of 1986 that is actually taxed by a foreign country or one of its  
22 political subdivisions at a rate in excess of the maximum federal tax  
23 rate for corporations. The taxpayer may make the computation for each  
24 foreign country or for groups of foreign countries. The portion of the  
25 taxes that may be deducted shall be computed in the following manner:  
26 (a) The amount of federal taxable income from operations within a  
27 foreign taxing jurisdiction shall be reduced by the amount of taxes  
28 actually paid to the foreign jurisdiction that are not deductible solely  
29 because the foreign tax credit was elected on the federal income tax  
30 return;

31 (b) The amount of after-tax income shall be divided by one minus the  
1 maximum tax rate for corporations in the Internal Revenue Code; and  
2 (c) The result of the calculation in subdivision (b) of this  
3 subsection shall be subtracted from the amount of federal taxable income  
4 used in subdivision (a) of this subsection. The result of such  
5 calculation, if greater than zero, shall be subtracted from federal  
6 taxable income.

7 (7) Federal adjusted gross income shall be modified to exclude any  
8 amount repaid by the taxpayer for which a reduction in federal tax is  
9 allowed under section 1341(a)(5) of the Internal Revenue Code.

10 (8)(a) Federal adjusted gross income or, for corporations and  
11 fiduciaries, federal taxable income shall be reduced, to the extent  
12 included, by income from interest, earnings, and state contributions  
13 received from the Nebraska educational savings plan trust created in  
14 sections 85-1801 to 85-1817 and any account established under the  
15 achieving a better life experience program as provided in sections  
16 77-1401 to 77-1409.

17 (b) Federal adjusted gross income or, for corporations and  
18 fiduciaries, federal taxable income shall be reduced by any contributions  
19 as a participant in the Nebraska educational savings plan trust or  
20 contributions to an account established under the achieving a better life  
21 experience program made for the benefit of a beneficiary as provided in  
22 sections 77-1401 to 77-1409, to the extent not deducted for federal  
23 income tax purposes, but not to exceed five thousand dollars per married  
24 filing separate return or ten thousand dollars for any other return. With  
25 respect to a qualified rollover within the meaning of section 529 of the  
26 Internal Revenue Code from another state's plan, any interest, earnings,  
27 and state contributions received from the other state's educational  
28 savings plan which is qualified under section 529 of the code shall  
29 qualify for the reduction provided in this subdivision. For contributions  
30 by a custodian of a custodial account including rollovers from another  
31 custodial account, the reduction shall only apply to funds added to the  
1 custodial account after January 1, 2014.

2 (c) For taxable years beginning or deemed to begin on or after  
3 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
4 federal adjusted gross income shall be reduced, to the extent included in  
5 the adjusted gross income of an individual, by the amount of any  
6 contribution made by the individual's employer into an account under the  
7 Nebraska educational savings plan trust owned by the individual, not to  
8 exceed five thousand dollars per married filing separate return or ten  
9 thousand dollars for any other return.

10 (d) Federal adjusted gross income or, for corporations and  
11 fiduciaries, federal taxable income shall be increased by:

12 (i) The amount resulting from the cancellation of a participation  
13 agreement refunded to the taxpayer as a participant in the Nebraska  
14 educational savings plan trust to the extent previously deducted under  
15 subdivision (8)(b) of this section; and

16 (ii) The amount of any withdrawals by the owner of an account  
17 established under the achieving a better life experience program as  
18 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the

19 extent previously deducted under subdivision (8)(b) of this section.

20 (9)(a) For income tax returns filed after September 10, 2001, for  
21 taxable years beginning or deemed to begin before January 1, 2006, under  
22 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
23 income or, for corporations and fiduciaries, federal taxable income shall  
24 be increased by eighty-five percent of any amount of any federal bonus  
25 depreciation received under the federal Job Creation and Worker  
26 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
27 under section 168(k) or section 1400L of the Internal Revenue Code of  
28 1986, as amended, for assets placed in service after September 10, 2001,  
29 and before December 31, 2005.

30 (b) For a partnership, limited liability company, cooperative,  
31 including any cooperative exempt from income taxes under section 521 of  
1 the Internal Revenue Code of 1986, as amended, limited cooperative  
2 association, subchapter S corporation, or joint venture, the increase  
3 shall be distributed to the partners, members, shareholders, patrons, or  
4 beneficiaries in the same manner as income is distributed for use against  
5 their income tax liabilities.

6 (c) For a corporation with a unitary business having activity both  
7 inside and outside the state, the increase shall be apportioned to  
8 Nebraska in the same manner as income is apportioned to the state by  
9 section 77-2734.05.

10 (d) The amount of bonus depreciation added to federal adjusted gross  
11 income or, for corporations and fiduciaries, federal taxable income by  
12 this subsection shall be subtracted in a later taxable year. Twenty  
13 percent of the total amount of bonus depreciation added back by this  
14 subsection for tax years beginning or deemed to begin before January 1,  
15 2003, under the Internal Revenue Code of 1986, as amended, may be  
16 subtracted in the first taxable year beginning or deemed to begin on or  
17 after January 1, 2005, under the Internal Revenue Code of 1986, as  
18 amended, and twenty percent in each of the next four following taxable  
19 years. Twenty percent of the total amount of bonus depreciation added  
20 back by this subsection for tax years beginning or deemed to begin on or  
21 after January 1, 2003, may be subtracted in the first taxable year  
22 beginning or deemed to begin on or after January 1, 2006, under the  
23 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
24 the next four following taxable years.

25 (10) For taxable years beginning or deemed to begin on or after  
26 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
27 Code of 1986, as amended, federal adjusted gross income or, for  
28 corporations and fiduciaries, federal taxable income shall be increased  
29 by the amount of any capital investment that is expensed under section  
30 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
31 of twenty-five thousand dollars that is allowed under the federal Jobs  
1 and Growth Tax Act of 2003. Twenty percent of the total amount of  
2 expensing added back by this subsection for tax years beginning or deemed  
3 to begin on or after January 1, 2003, may be subtracted in the first  
4 taxable year beginning or deemed to begin on or after January 1, 2006,  
5 under the Internal Revenue Code of 1986, as amended, and twenty percent  
6 in each of the next four following tax years.

7 (11)(a) For taxable years beginning or deemed to begin before  
8 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
9 federal adjusted gross income shall be reduced by contributions, up to  
10 two thousand dollars per married filing jointly return or one thousand  
11 dollars for any other return, and any investment earnings made as a  
12 participant in the Nebraska long-term care savings plan under the Long-  
13 Term Care Savings Plan Act, to the extent not deducted for federal income  
14 tax purposes.

15 (b) For taxable years beginning or deemed to begin before January 1,  
16 2018, under the Internal Revenue Code of 1986, as amended, federal

17 adjusted gross income shall be increased by the withdrawals made as a  
18 participant in the Nebraska long-term care savings plan under the act by  
19 a person who is not a qualified individual or for any reason other than  
20 transfer of funds to a spouse, long-term care expenses, long-term care  
21 insurance premiums, or death of the participant, including withdrawals  
22 made by reason of cancellation of the participation agreement, to the  
23 extent previously deducted as a contribution or as investment earnings.  
24 (12) There shall be added to federal adjusted gross income for  
25 individuals, estates, and trusts any amount taken as a credit for  
26 franchise tax paid by a financial institution under sections 77-3801 to  
27 77-3807 as allowed by subsection (5) of section 77-2715.07.  
28 (13)(a) For taxable years beginning or deemed to begin on or after  
29 January 1, 2015, under the Internal Revenue Code of 1986, as amended,  
30 federal adjusted gross income shall be reduced by the amount received as  
31 benefits under the federal Social Security Act which are included in the  
1 federal adjusted gross income if:  
2 (i) For taxpayers filing a married filing joint return, federal  
3 adjusted gross income is fifty-eight thousand dollars or less; or  
4 (ii) For taxpayers filing any other return, federal adjusted gross  
5 income is forty-three thousand dollars or less.  
6 (b) For taxable years beginning or deemed to begin on or after  
7 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the  
8 Tax Commissioner shall adjust the dollar amounts provided in subdivisions  
9 (13)(a)(i) and (ii) of this section by the same percentage used to adjust  
10 individual income tax brackets under subsection (3) of section  
11 77-2715.03.  
12 (14)(a) For taxable years beginning or deemed to begin on or after  
13 January 1, 2015, and before January 1, 2022, under the Internal Revenue  
14 Code of 1986, as amended, an individual may make a one-time election  
15 within two calendar years after the date of his or her retirement from  
16 the military to exclude income received as a military retirement benefit  
17 by the individual to the extent included in federal adjusted gross income  
18 and as provided in this subdivision. The individual may elect to exclude  
19 forty percent of his or her military retirement benefit income for seven  
20 consecutive taxable years beginning with the year in which the election  
21 is made or may elect to exclude fifteen percent of his or her military  
22 retirement benefit income for all taxable years beginning with the year  
23 in which he or she turns sixty-seven years of age.  
24 (b) For taxable years beginning or deemed to begin on or after  
25 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an  
26 individual may exclude fifty percent of the military retirement benefit  
27 income received by such individual to the extent included in federal  
28 adjusted gross income.  
29 (c) For purposes of this subsection, military retirement benefit  
30 means retirement benefits that are periodic payments attributable to  
31 service in the uniformed services of the United States for personal  
1 services performed by an individual prior to his or her retirement.  
2 (15) For taxable years beginning or deemed to begin on or after  
3 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
4 federal adjusted gross income shall be reduced by the amount received as  
5 a Segal AmeriCorps Education Award, to the extent such amount is included  
6 in federal adjusted gross income.

The first committee amendment, [AM1150](#), found in this day's Journal, was offered.

Senator Linehan moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator Linehan requested a roll call vote on the first committee amendment.

Voting in the affirmative, 34:

Aguilar	Clements	Halloran	Lindstrom	Pahls
Albrecht	DeBoer	Hansen, B.	Linehan	Sanders
Arch	Dorn	Hilgers	Lowe	Slama
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brandt	Flood	Hughes	McDonnell	Williams
Brewer	Geist	Kolterman	Moser	Wishart
Briese	Gragert	Lathrop	Murman	

Voting in the negative, 2:

Blood            Hunt

Present and not voting, 8:

Cavanaugh, J.	Friesen	Pansing Brooks	Vargas
Cavanaugh, M.	Hansen, M.	Stinner	Wayne

Excused and not voting, 5:

Bostar            Day            Groene            McKinney            Morfeld

The first committee amendment was adopted with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

#### **SPEAKER HILGERS PRESIDING**

The second committee amendment, [AM1151](#), found in this day's Journal, was offered.

The second committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 108.** Introduced by Aguilar, 35.

WHEREAS, Debra Ashworth of Grand Island was recognized as a recipient of the Operation Lifesaver 2020 F. Tom Roberts Memorial Volunteer Award; and

WHEREAS, Operation Lifesaver is a nonprofit public safety education and awareness group dedicated to reducing collisions, fatalities, and injuries

at highway-rail crossings and preventing trespassing on or near railroad tracks; and

WHEREAS, for thirty-seven years Debra was employed by the Union Pacific Railroad; and

WHEREAS, since 2010, Debra has volunteered with Operation Lifesaver Nebraska and has given more than seven hundred presentations reaching an estimated six thousand three hundred people; and

WHEREAS, Debra published a children's book focused on railroad safety entitled "The Adventures of LaVerne & Shirley in Nebraska"; and

WHEREAS, Debra's work on railroad safety has been instrumental to assuring that when Nebraskans "See Tracks" they "Think Train".

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

1. That the Legislature congratulates Debra Ashworth on receiving the Operation Lifesaver 2020 F. Tom Roberts Memorial Volunteer Award.

2. That copies of this resolution be sent to Debra Ashworth and Operation Lifesaver Nebraska.

Laid over.

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

Senator Brewer filed the following amendment to [LB285](#):  
[AM1133](#) is available in the Bill Room.

#### **NOTICE OF COMMITTEE HEARING(S)** Government, Military and Veterans Affairs Room 1113

Wednesday, May 5, 2021 12:00 p.m.  
AM 1133 to LB 285

(Signed) Tom Brewer, Chairperson

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 528.** Placed on Select File with amendment.

#### **[ER69](#)**

1 1. In the Standing Committee amendments, AM556, on page 82, line 11,  
2 strike the last "and" and show as stricken.  
3 2. On page 1, strike beginning with "law" in line 1 through line 16  
4 on page 2 and insert "education; to amend sections 38-316, 38-10,109,  
5 38-2613, 38-2616, 38-3106, 72-232, 72-233, 72-234, 72-235, 76-2203.01,  
6 77-2704.12, 79-202, 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1605,  
7 79-2118, and 85-1609, Reissue Revised Statutes of Nebraska, and sections  
8 1-116, 13-506, 38-1813, 58-809, 77-1601.02, 77-27,119, 79-308, 79-309.01,  
9 79-611, 79-8,137.01, 79-1003, 79-1007.11, 79-1035, 79-1065.02, 79-1074,  
10 79-1075, 79-1241.03, 79-2104.02, 79-2603, 79-2605, 79-2606, 85-505,  
11 85-507, 85-1802, 85-2002, 85-2003, 85-2004, 85-2005, 85-2007, 85-2008,

12 85-2009, 85-2010, 85-2104, 85-2802, and 85-2803, Revised Statutes  
 13 Cumulative Supplement, 2020; to update academic accreditation terminology  
 14 in state law; to change requirements for school district budget hearing  
 15 notices; to require the State Department of Education to establish and  
 16 maintain a web site as prescribed; to change provisions relating to  
 17 school lands; to change tax levy notice provisions; to eliminate certain  
 18 obsolete school and school district provisions and terminology; to adopt  
 19 certain federal provisions; to change powers and duties of the State  
 20 Department of Education; to change a form requirement; to change  
 21 provisions relating to a grant program; to change provisions relating to  
 22 certain income from school lands; to eliminate obsolete bonded  
 23 indebtedness requirements; to adopt the Alternative Certification for  
 24 Quality Teachers Act; to redefine terms and eliminate obsolete provisions  
 25 under the Tax Equity and Educational Opportunities Support Act; to change  
 26 state aid provisions for school districts and educational service units  
 27 relating to boundary line changes and the timing of payments as  
 1 prescribed; to eliminate certain county clerk and county board duties; to  
 2 change provisions relating to core services and technology infrastructure  
 3 funds; to change certain learning community coordinating council  
 4 reporting dates; to change certain diversity plan requirements; to change  
 5 requirements under the Nebraska Reading Improvement Act as prescribed; to  
 6 redefine a term relating to the Nebraska educational savings plan trust;  
 7 to define and redefine terms and change provisions under the Community  
 8 College Gap Assistance Program Act; to authorize verification of  
 9 eligibility by the Commissioner of Education under the Access College  
 10 Early Scholarship Program Act; to define a term, eliminate a term, and  
 11 change provisions under the Meadowlark Act; to require hotline telephone  
 12 numbers on student identification cards for middle school, high school,  
 13 and postsecondary students as prescribed; to repeal a requirement  
 14 relating to the residency of school land leasees; to repeal a requirement  
 15 for the provision of student debt information to students; to harmonize  
 16 provisions; to repeal the original sections; and to outright repeal  
 17 section 72-234.01, Reissue Revised Statutes of Nebraska, and section  
 18 85-9,140, Revised Statutes Cumulative Supplement, 2020."

**LEGISLATIVE BILL 540.** Placed on Select File.

**LEGISLATIVE BILL 296.** Placed on Select File.

**LEGISLATIVE BILL 313.** Placed on Select File with amendment.

**ER70**

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 77-3512, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 77-3512 It shall be the duty of each owner who wants a homestead  
 6 exemption under section 77-3506, 77-3507, or 77-3508 to file an  
 7 application therefor with the county assessor of the county in which the  
 8 homestead is located after February 1 and on or before June 30 of each  
 9 year. Failure to do so shall constitute a waiver of the exemption for  
 10 that year, except that:  
 11 (1) The county board of the county in which the homestead is located  
 12 may, by majority vote, extend the deadline for an applicant to on or  
 13 before July 20. An extension shall not be granted to an applicant who  
 14 received an extension in the immediately preceding year; ~~and~~  
 15 (2) An owner may file a late application pursuant to section  
 16 77-3514.01 if he or she includes documentation of a medical condition  
 17 which impaired the owner's ability to file the application in a timely  
 18 manner; ~~and~~  
 19 (3) An owner may file a late application pursuant to section



20 77-3514.01 if he or she includes a copy of the death certificate of a  
 21 spouse who died during the year for which the exemption is requested.

22 Sec. 2. Section 77-3514.01, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:

24 77-3514.01 (1) A late application filed pursuant to section 77-3512  
 25 because of a medical condition which impaired the claimant's ability to  
 26 apply in a timely manner shall only be for the current tax year. The late  
 27 application shall be filed with the county assessor on or before June 30  
 28 of the year in which the date on which the first half of the real estate  
 29 taxes levied on the property for the current year become delinquent.

30 (2) A late application filed pursuant to section 77-3512 because of  
 31 the death of a spouse during the year for which the exemption is  
 32 requested shall only be for the current tax year. The late application  
 33 shall be filed with the county assessor on or before June 30 of the year  
 34 in which the real estate taxes levied on the property for the current  
 35 year become delinquent.

36 (3) Applications filed under subsection (1) of this section ~~(2)~~ The  
 37 application shall include certification of the medical condition  
 38 affecting the filing from a physician, physician assistant, or advanced  
 39 practice registered nurse. The medical certification shall be made on  
 40 forms prescribed by the Tax Commissioner.

41 (4) Applications filed under subsection (2) of this section shall  
 42 include a copy of the death certificate of the deceased spouse.

43 ~~(5)~~ (3) The county assessor shall approve or reject the late filing  
 44 within thirty days of receipt of the late filing. If approved, the county  
 45 assessor shall mark it approved and sign the application. In case he or  
 46 she finds that the exemption should not be allowed by reason of not being  
 47 in conformity to law, the county assessor shall mark the application as  
 48 rejected and state the reason for rejection and sign the application. In  
 49 any case when the county assessor rejects an exemption, he or she shall  
 50 notify the applicant of such action by mailing written notice to the  
 51 applicant at the address shown in the application. The notice shall be on  
 52 forms prescribed by the Tax Commissioner. In any case when the county  
 53 assessor rejects an exemption, such applicant may obtain a hearing before  
 54 the county board of equalization in the manner described by section  
 55 77-3519.

56 Sec. 3. Section 77-3517, Reissue Revised Statutes of Nebraska, is  
 57 amended to read:

58 77-3517 (1) On or before August 1 of each year, the county assessor  
 59 shall forward the approved applications for homestead exemptions and a  
 60 copy of the certification of disability status that have been examined  
 61 pursuant to section 77-3516 to the Tax Commissioner. The Tax Commissioner  
 62 shall determine if the applicant meets the income requirements and may  
 63 also review any other application information he or she deems necessary  
 64 in order to determine whether the application should be approved. The Tax  
 65 Commissioner shall, on or before November 1, certify his or her  
 66 determinations to the county assessor. If the application is approved,  
 67 the county assessor shall make the proper deduction on the assessment  
 68 rolls. If the application is denied or approved in part, the Tax  
 69 Commissioner shall notify the applicant of the denial or partial approval  
 70 by mailing written notice to the applicant at the address shown on the  
 71 application. The applicant may appeal the Tax Commissioner's denial or  
 72 partial approval pursuant to section 77-3520. Late applications  
 73 authorized under section ~~77-3512~~ by the county board shall be processed  
 74 in a similar manner after approval by the county assessor. If the Tax  
 75 Commissioner approves a late application after any of the real estate  
 76 taxes in question become delinquent, such delinquency and any interest  
 77 associated with the amount of the approved exemption shall be removed  
 78 from the tax rolls of the county within thirty days after the county  
 79 assessor receives notice from the Tax Commissioner of the approved

22 exemption.

23 (2)(a) Upon his or her own action or upon a request by an applicant,  
 24 a spouse, or an owner-occupant, the Tax Commissioner may review any  
 25 information necessary to determine whether an application is in  
 26 compliance with sections 77-3501 to 77-3529. Any action taken by the Tax  
 27 Commissioner pursuant to this subsection shall be taken within three  
 28 years after December 31 of the year in which the exemption was claimed.

29 (b) If after completion of the review the Tax Commissioner  
 30 determines that an exemption should have been approved or increased, the  
 31 Tax Commissioner shall notify the applicant, spouse, or owner-occupant  
 1 and the county treasurer and assessor of his or her determination. The  
 2 applicant, spouse, or owner-occupant shall receive a refund of the tax,  
 3 if any, that was paid as a result of the exemption being denied, in whole  
 4 or in part. The county treasurer shall make the refund and shall amend  
 5 the county's claim for reimbursement from the state.

6 (c) If after completion of the review the Tax Commissioner  
 7 determines that an exemption should have been denied or reduced, the Tax  
 8 Commissioner shall notify the applicant, spouse, or owner-occupant of  
 9 such denial or reduction. The applicant, the spouse, and any owner-  
 10 occupant may appeal the Tax Commissioner's denial or reduction pursuant  
 11 to section 77-3520. Upon the expiration of the appeal period in section  
 12 77-3520, the Tax Commissioner shall notify the county assessor of the  
 13 denial or reduction and the county assessor shall remove or reduce the  
 14 exemption from the tax rolls of the county. Upon notification by the Tax  
 15 Commissioner to the county assessor, the amount of tax due as a result of  
 16 the action of the Tax Commissioner shall become a lien on the homestead  
 17 until paid. Upon attachment of the lien, the county treasurer shall  
 18 refund to the Tax Commissioner the amount of tax equal to the denied or  
 19 reduced exemption for deposit into the General Fund. No lien shall be  
 20 created if a change in ownership of the homestead or death of the  
 21 applicant, the spouse, and all other owner-occupants has occurred prior  
 22 to the Tax Commissioner's notice to the county assessor. Beginning thirty  
 23 days after the county assessor receives approval from the county board to  
 24 remove or reduce the exemption from the tax rolls of the county, interest  
 25 at the rate specified in section 45-104.01, as such rate may from time to  
 26 time be adjusted by the Legislature, shall begin to accrue on the amount  
 27 of tax due.

28 Sec. 4. Original sections 77-3512, 77-3514.01, and 77-3517, Reissue  
 29 Revised Statutes of Nebraska, are repealed.

30 2. On page 1, line 2, strike "and 77-3514.01" and insert "  
 31 77-3514.01, and 77-3517".

**LEGISLATIVE BILL 521.** Placed on Select File.

**LEGISLATIVE BILL 209.** Placed on Select File with amendment.

[ER71](#)

1 1. In the Standing Committee amendments, AM880, on page 2, line 30;  
 2 and page 3, line 17, after "plan" insert an underscored comma.

3 2. On page 1, strike beginning with "section" in line 1 through  
 4 "and" in line 2; and in line 6 strike "sections" and insert "section".

**LEGISLATIVE BILL 84.** Placed on Select File.

**LEGISLATIVE BILL 366.** Placed on Select File.

**LEGISLATIVE BILL 366A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 432.** The third committee amendment, [AM1157](#), found in this day's Journal, was offered.

Senator Linehan moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Linehan requested a roll call vote on the third committee amendment.

Voting in the affirmative, 30:

Aguilar	Day	Halloran	Linehan	Pahls
Albrecht	Dorn	Hansen, B.	Lowe	Sanders
Arch	Erdman	Hilgers	McCollister	Slama
Brewer	Flood	Hilkemann	McDonnell	Stinner
Briese	Geist	Kolterman	Moser	Wayne
Clements	Gragert	Lindstrom	Murman	Williams

Voting in the negative, 7:

Bostelman	Friesen	Hansen, M.	Hunt
Brandt	Groene	Hughes	

Present and not voting, 11:

Blood	Cavanaugh, M.	Morfeld	Walz
Bostar	DeBoer	Pansing Brooks	Wishart
Cavanaugh, J.	Lathrop	Vargas	

Excused and not voting, 1:

McKinney

The third committee amendment was adopted with 30 ayes, 7 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The fourth committee amendment, [AM1156](#), found in this day's Journal, was offered.

**SENATOR SLAMA PRESIDING**

Senator Linehan asked unanimous consent to withdraw the fourth committee amendment, [AM1156](#), found in this day's Journal. No objections. So ordered.

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

Senator Linehan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

Aguilar	Clements	Hansen, B.	Lowe	Vargas
Albrecht	Day	Hansen, M.	McCollister	Walz
Arch	DeBoer	Hilgers	McDonnell	Wayne
Blood	Dorn	Hilkemann	Moser	Williams
Bostar	Erdman	Hughes	Murman	Wishart
Bostelman	Flood	Kolterman	Pahls	
Brandt	Geist	Lathrop	Sanders	
Brewer	Gragert	Lindstrom	Slama	
Briese	Halloran	Linehan	Stinner	

Voting in the negative, 1:

Hunt

Present and not voting, 6:

Cavanaugh, J.	Friesen	Morfeld
Cavanaugh, M.	Groene	Pansing Brooks

Excused and not voting, 1:

McKinney

Advanced to Enrollment and Review Initial with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Senator Flood filed the following amendment to LB131:

[AM1139](#)

(Amendments to Standing Committee amendments, AM751)

1 1. Strike section 25 and insert the following new sections:  
 2 Sec. 13. Section 16-6,100, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 16-6,100 The mayor and city council of a city of the first class  
 5 shall have the power to borrow money and pledge the property and credit  
 6 of the city upon its negotiable bonds or otherwise for the purpose of  
 7 acquiring, by purchasing or constructing, including site acquisition, or  
 8 aiding in the acquiring of a city hall, jail, auditorium, buildings for  
 9 the fire department, and other public buildings, including the  
 10 acquisition of buildings authorized to be acquired by Chapter 72, article  
 11 14, and including acquisition of buildings to be leased in whole or in

12 part by the city to any other political or governmental subdivision of  
 13 the State of Nebraska authorized by law to lease such buildings. No such  
 14 bonds shall be issued until after the same have been authorized by a  
 15 majority vote of the electors of the city voting on the proposition of  
 16 their issuance at an election called for the submission of such  
 17 proposition and of which election notice of the time and place thereof  
 18 shall have been given by publication in a legal newspaper in or of  
 19 general circulation in the city three successive weeks prior thereto. If  
 20 the ~~buildings building~~ to be acquired ~~are is~~ to be used by the State of  
 21 Nebraska or its agency or agencies under a lease authorized by Chapter  
 22 72, article 14, or the ~~buildings are building~~ is to be leased by any  
 23 other political or governmental subdivision of the State of Nebraska or  
 24 other governmental agencies and if the combined area of the ~~buildings~~  
 25 ~~building~~ to be leased by the state or its agency or agencies and the  
 26 political or governmental subdivision of the State of Nebraska is more  
 1 than fifty percent of the area of the ~~buildings building~~ and if the cost  
 2 of acquisition does not exceed ~~five two~~ million dollars, no such vote of  
 3 the electors will be required.  
 4 Sec. 26. Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,  
 5 22, 23, 24, 27, and 28 become operative three calendar months after the  
 6 adjournment of this legislative session. The other sections of this act  
 7 become operative on their effective date.  
 8 2. Renumber the remaining sections, correct internal references, and  
 9 correct the repealer accordingly.

Senator Lowe filed the following amendment to LB274:  
AM1071

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 6 of this act becomes operative on July 1, 2021.
- 3 The other sections of this act become operative on their effective date.
- 4 2. On page 1, line 11, after the first semicolon insert "to provide
- 5 operative dates;".
- 6 3. Renumber the remaining sections accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 388A.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Seventh Legislature, First Session, 2021.

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

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

Senator Hunt name added to LB26.

**RECESS**

At 11:55 a.m., on a motion by Senator Arch, 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 McKinney who was excused; and Senator Bostar, DeBoer, Groene, Halloran, M. Hansen, Lindstrom, McDonnell, McKinney, Morfeld, Pansing Brooks, Stinner, Wayne, and Wishart who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 595.** Title read. Considered.

Committee [AM776](#), found on page 773, was offered.

Senator Linehan offered her amendment, [AM1079](#), found on page 1135, to the committee amendment.

The Linehan amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Senator Erdman withdrew his amendment, [FA32](#), found on page 1135, to the committee amendment.

Senator Erdman offered his amendment, [AM1140](#), found on page 1135, to the committee amendment.

Senator Erdman moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Senator Erdman requested a roll call vote on his amendment to the committee amendment.

Voting in the affirmative, 23:

Albrecht	Clements	Halloran	Kolterman	Slama
Arch	Dorn	Hansen, B.	Lindstrom	Vargas
Brandt	Erdman	Hilgers	Lowe	Williams
Brewer	Gragert	Hilkemann	Moser	
Briese	Groene	Hughes	Murman	

Voting in the negative, 7:

Aguilar	Flood	Hansen, M.	Pahls
Blood	Geist	Lathrop	

Present and not voting, 12:

Bostelman	Day	Hunt	Morfeld
Cavanaugh, J.	DeBoer	Linehan	Sanders
Cavanaugh, M.	Friesen	McCollister	Walz

Excused and not voting, 7:

Bostar	McKinney	Stinner	Wishart
McDonnell	Pansing Brooks	Wayne	

The Erdman amendment lost with 23 ayes, 7 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 18.** Title read. Considered.

Senator M. Cavanaugh offered the following amendment:

[FA34](#)

To Neb. Rev. Stat. 77-6815:

Section 2bi, strike "ninety" and insert "one hundred fifty".

Section 2bii, strike "ninety" and insert "one hundred fifty".

Section 3bi, strike "seventy-five" and insert "one hundred fifty".

Section 3bii, strike "seventy-five" and insert "one hundred fifty".

Section 4bi, strike "seventy" and insert "one hundred fifty".

Section 4bii, strike "seventy" and insert "one hundred fifty".

Section 5bi, strike "at least the" and insert "one hundred fifty".

Section 5bii, strike "at least the" and insert "one hundred fifty".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	Hunt	Morfeld	Walz
Bostar	Day	Lathrop	Pansing Brooks	Wayne
Cavanaugh, J.	DeBoer	McDonnell	Vargas	Wishart

Voting in the negative, 31:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Dorn	Hansen, B.	Lowe	Stinner
Arch	Flood	Hilgers	McCollister	Williams
Bostelman	Friesen	Hilkemann	Moser	
Brandt	Geist	Hughes	Murman	
Brewer	Gragert	Kolterman	Pahls	
Briese	Groene	Lindstrom	Sanders	

Present and not voting, 2:

Erdman	Hansen, M.
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Excused and not voting, 1:

McKinney

The M. Cavanaugh amendment lost with 15 ayes, 31 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 185.** Title read. Considered.

Committee [AM706](#), found on page 706, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused 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 630.** Title read. Considered.

Committee [AM376](#), found on page 631, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.



**LEGISLATIVE BILL 630A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 388.** Title read. Considered.

Committee [AM530](#), found on page 601, was offered.

Senator Wayne asked unanimous consent to withdraw his amendment, [AM850](#), found on page 1100, to the committee amendment and replace it with his substitute amendment to the committee amendment, [AM1118](#). No objections. So ordered.

[AM1118](#)

(Amendments to Standing Committee amendments, AM530)

1 1. Insert the following new sections:

2 Sec. 11. (1) A municipality may provide broadband services or  
 3 Internet services on a retail or wholesale basis. For purposes of this  
 4 section, broadband services and Internet services have the same meaning  
 5 as in section 86-593.

6 (2) A municipality shall conduct a feasibility study and hold a  
 7 public hearing prior to developing a broadband network. Such feasibility  
 8 study shall include the costs, benefits, and other pertinent information  
 9 relating to development of a broadband network by the municipality. The  
 10 purpose of the hearing shall be to discuss the results of the feasibility  
 11 study and receive public input on development of a broadband network by  
 12 the municipality.

13 (3) A municipality shall not develop a broadband network after  
 14 December 31, 2031, except that a municipality may continue to provide  
 15 broadband services or Internet services after such date using any  
 16 broadband network developed by such municipality prior to December 31,  
 17 2031.

18 Sec. 12. Section 86-594, Reissue Revised Statutes of Nebraska, is  
 19 amended to read:

20 86-594 (1) Except as provided in the Educational Service Units Act  
 21 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501  
 22 to 85-1542, and 86-575 and section 11 of this act, an agency or political  
 23 subdivision of the state that is not a public power supplier shall not  
 24 provide on a retail or wholesale basis any broadband services, Internet  
 25 services, telecommunications services, or video services.

26 (2) The provisions of subsection (1) of this section shall not apply  
 1 to services which an agency or political subdivision of the state was  
 2 authorized to provide and was providing prior to January 1, 2005.

3 Sec. 13. The Revisor of Statutes shall assign section 11 of this  
 4 act to Chapter 18.

5 Sec. 14. Sections 11, 12, and 15 of this act become operative three  
 6 calendar months after the adjournment of this legislative session. The  
 7 other sections of this act become operative on their effective date.

8 Sec. 15. Original section 86-594, Reissue Revised Statutes of  
 9 Nebraska, is repealed.

10 2. Renumber the remaining section accordingly.

Senator Friesen requested a ruling of the Chair on whether the Wayne amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Wayne amendment is substantially the same as LB656, which was indefinitely postponed by the Transportation and Telecommunications Committee, and would therefore, require 30 votes.

**SPEAKER HILGERS PRESIDING**

**SENATOR PANSING BROOKS PRESIDING**

Senator Wayne moved for a call of the house. The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

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

Voting in the affirmative, 20:

Blood	Briese	Flood	Lathrop	Vargas
Bostar	Cavanaugh, J.	Groene	Linehan	Walz
Brandt	Cavanaugh, M.	Hansen, M.	McDonnell	Wayne
Brewer	Day	Hunt	Morfeld	Wishart

Voting in the negative, 24:

Aguilar	DeBoer	Halloran	Kolterman	Murman
Albrecht	Dorn	Hansen, B.	Lindstrom	Sanders
Arch	Friesen	Hilgers	Lowe	Slama
Bostelman	Geist	Hilkemann	McCollister	Williams
Clements	Gragert	Hughes	Moser	

Present and not voting, 3:

Erdman      Pansing Brooks      Stinner

Excused and not voting, 2:

McKinney      Pahls

The Wayne amendment lost with 20 ayes, 24 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Flood offered his amendment, [AM1117](#), found on page 1124, to the committee amendment.

**SPEAKER HILGERS PRESIDING**

Senator Flood withdrew his amendment.

Senator Friesen offered the following amendment to the committee amendment:

[AM1168](#)

(Amendments to Standing Committee amendments, AM530)

- 1 1. On page 2, line 18, after "annually" insert "from the General
- 2 Fund"; and in line 20 after "program" insert "and to pay for
- 3 administrative costs associated with the program".

The Friesen 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 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 57.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 275.** [ER62](#), found on page 1068, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 275A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 355.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 261.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 669.** [ER63](#), found on page 1072, was adopted.

Senator Vargas offered the following amendment:

[AM1170](#)

(Amendments to Standing Committee amendments, AM467)

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. On page 1, lines 17 and 19, strike "2022" and insert "2002".

The Vargas amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 291.** Senator Erdman requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 411.** Senator Lathrop offered his amendment, [AM1043](#), found on page 1064.

The Lathrop amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 271.** [ER59](#), found on page 987, was adopted.

Senator Morfeld offered his amendment, [AM1002](#), found on page 1091.

The Morfeld amendment was adopted with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 271A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 260.** Senator Moser offered the following amendment:

[AM1094](#)

1 1. On page 3, line 19, after the period insert "The total amount of  
2 benefits paid in any year to individuals described in this subdivision  
3 shall not exceed seven hundred fifty thousand dollars."

Senator Moser moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Moser amendment lost with 20 ayes, 17 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 682.** Placed on Select File with amendment.

[ER72](#)

1 1. In the Standing Committee amendments, AM195, on page 5, line 22,  
2 strike "(1)(h)" and insert "(2)(h)".

3 2. On page 1, line 2, strike "and 77-1116," and insert "77-1116, and  
4 77-1117,".

**LEGISLATIVE BILL 396.** Placed on Select File.

**LEGISLATIVE BILL 396A.** Placed on Select File.

**LEGISLATIVE BILL 64.** Placed on Select File.

**LEGISLATIVE BILL 26.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 109.** Introduced by Kolterman, 24;  
Hansen, M., 26; Hilgers, 21; Wishart, 27.

WHEREAS, Josh Swain of Tucson, Arizona, out of boredom during the pandemic, invited nine other individuals named Josh Swain to meet on a field near Lincoln, Nebraska, to determine the one true Josh; and

WHEREAS, on April 24, 2021, the Battle of the Joshes took place and hundreds of individuals arrived to witness Joshes from around the nation battle to determine which Josh would reign supreme; and

WHEREAS, the Josh Swain from Tucson, Arizona, was named the "true" Josh Swain following a game of rock-paper-scissors; and

WHEREAS, "Little" Josh Vinson, Jr. of Lincoln, Nebraska, was crowned the "Ultimate Josh" following the Battle of the Joshes; and

WHEREAS, as a result of fundraising and charitable efforts by the "true" Josh Swain of Tucson, Arizona, participants donated nearly one ton of food to the Food Bank of Lincoln and raised over thirteen thousand dollars to be donated to the Children's Hospital and Medical Center Foundation located in Omaha.

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

1. That the Legislature congratulates and appreciates the work of Josh Swain of Tucson, Arizona, other organizers and attendees, and Lincoln, Nebraska community members for their philanthropic efforts in organizing and donating nearly one ton of food to the Food Bank of Lincoln and over thirteen thousand dollars to the Children's Hospital and Medical Center Foundation.

2. That the Legislature congratulates "Little" Josh Vinson, Jr. for winning the Battle of the Joshes.

3. That copies of this resolution be sent to the "true" Josh Swain of Tucson, Arizona, and "Little" Josh Vinson, Jr. of Lincoln, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 110.** 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 information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 Groene filed the following amendment to LB103:

[AM1107](#)

(Amendments to Standing Committee amendments, AM588)

- 1 1. Insert the following new sections:
- 2 Sec. 2. There is hereby appropriated (1) \$10,000,000 from the Water
- 3 Sustainability Fund for FY2021-22 and (2) \$10,000,000 from the Water
- 4 Sustainability Fund for FY2022-23, to the Department of Natural
- 5 Resources, for Program 313, to be distributed as aid to natural resources
- 6 districts pursuant to this section.
- 7 There is included in the appropriation in this section for FY2021-22
- 8 \$10,000,000 General Funds for state aid, which shall only be used for
- 9 such purpose. There is included in the appropriation in this section for
- 10 FY2022-23 \$10,000,000 General Funds for state aid, which shall only be
- 11 used for such purpose.
- 12 The appropriations in this section shall be distributed as aid to
- 13 natural resources districts which are members of an interlocal river
- 14 augmentation agreement to offset costs incurred to develop an existing
- 15 water augmentation project resulting from a settlement of an interstate
- 16 river compact in which Nebraska is a member. Such funds shall be used to
- 17 pay down the principle of debt and shall not be used for regularly
- 18 scheduled bond payments. The natural resources districts shall document
- 19 the cost incurred and shall levy the maximum ten-dollar-per-acre
- 20 occupation tax until all indebtedness associated with the augmentation
- 21 project is paid in full. Funds shall be prorated based on each natural
- 22 resources district's share of the water augmentation project's cost.
- 23 Sec. 3. The State Treasurer shall transfer \$10,000,000 from the
- 24 General Fund to the Water Sustainability Fund on or before July 30, 2021,
- 25 on such date as directed by the budget administrator of the budget
- 26 division of the Department of Administrative Services.
- 1 Sec. 4. The State Treasurer shall transfer \$10,000,000 from the
- 2 General Fund to the Water Sustainability Fund on or before August 1,
- 3 2022, on such dates and in such amounts as directed by the budget
- 4 administrator of the budget division of the Department of Administrative
- 5 Services.
- 6 2. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to LB388:

[FA36](#)

Strike section 1.

Senator Erdman filed the following amendment to LB572:

[AM1154](#)

(Amendments to AM875)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Insert the following new section:
- 3 Sec. 33. (1) The Department of Agriculture shall conduct a study on
- 4 the inherent advantages and disadvantages of (a) a voluntary brand
- 5 inspection program as compared to a mandatory brand inspection program
- 6 and (b) a mandatory brand inspection program in which the brand

7 inspection area includes the entire State of Nebraska.

8 (2) The study shall include, but not be limited to, identifying a  
 9 modernized system of brand inspection that is a statewide solution, is  
 10 financially sustainable, and which lowers costs for Nebraska cattle  
 11 producers while maintaining a brand inspection program.

12 (3) The department shall electronically report its findings and any  
 13 recommendations to the Agriculture Committee of the Legislature and the  
 14 Appropriations Committee of the Legislature no later than December 1,  
 15 2021.

Senator McCollister filed the following amendment to LB108:

AM1082

1 2. On page 4, strike lines 23 through 28 and all amendments thereto  
 2 and insert the following new subdivision:

3 "(ii) Except as otherwise provided in this subdivision, such TANF-  
 4 funded program or policy shall increase the gross income eligibility  
 5 limit to one hundred sixty-five percent of the federal Office of  
 6 Management and Budget income poverty guidelines as allowed under federal  
 7 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on  
 8 April 1, 2021, but shall not increase the net income eligibility limit.  
 9 It is the intent of the Legislature to fund the administrative costs  
 10 associated with the benefits under this subdivision beginning on the  
 11 effective date of this act, with federal funds as allowed under the  
 12 federal American Rescue Plan Act of 2021, Public Law 117-2, as such act  
 13 existed on April 1, 2021, and continue to fund such administrative costs  
 14 with such federal funds through September 30, 2023. Such administrative  
 15 costs shall not be paid for with General Funds. Beginning October 1,  
 16 2023, the gross income eligibility limit shall return to the amount used  
 17 prior to the increase required by this subdivision. The department shall  
 18 evaluate the TANF-funded program or policy created pursuant to this  
 19 subsection and provide a report electronically to the Health and Human  
 20 Services Committee of the Legislature and the Legislative Fiscal Analyst  
 21 on or before December 31, 2022, regarding the gross income eligibility  
 22 limit and whether it maximizes the number of Nebraska residents being  
 23 served under the program or policy. The evaluation shall include an  
 24 identification and determination of additional administrative costs  
 25 resulting from the increase to the gross income eligibility limit, a  
 26 recommendation regarding the gross income eligibility limit, and a  
 27 determination of the availability of federal funds for the program or  
 1 policy."

Senator Briese filed the following amendment to LB2:

AM1165

(Amendments to E & R amendments, ER66)

1 1. On page 1, lines 13 and 24; and page 3, lines 8 and 13, strike  
 2 "issued" and insert "approved by a vote of the people".

Senator Groene filed the following amendment to LB307:

AM1161

(Amendments to AM1108)

1 1. On page 4, strike lines 1 through 4 and insert the following new  
 2 subsection:  
 3 "(3) On or before July 1, 2022, the Supreme Court shall provide, by  
 4 court rule, a process to ensure that juveniles are informed of their  
 5 right to counsel and the process to gain legal representation if they  
 6 choose to do so prior to them acting on their right to waive counsel."



Senator Lathrop filed the following amendment to [LB307](#):  
[AM1081](#)

(Amendments to Standing Committee amendments, AM273)

1 1. Insert the following new section:

2 Section 1. Section 29-1816, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 29-1816 (1)(a) The accused may be arraigned in county court or  
5 district court:

6 (i) If the accused was eighteen years of age or older when the  
7 alleged offense was committed;

8 (ii) If the accused was younger than eighteen years of age and was  
9 fourteen years of age or older when an alleged offense punishable as a  
10 Class I, IA, IB, IC, ID, II, or IIA felony was committed;

11 (iii) If the alleged offense is a traffic offense as defined in  
12 section 43-245; or

13 (iv) Until January 1, 2017, if the accused was seventeen years of  
14 age when an alleged offense described in subdivision (1) of section  
15 43-247 was committed.

16 (b) Arraignment in county court or district court shall be by  
17 reading to the accused the complaint or information, unless the reading  
18 is waived by the accused when the nature of the charge is made known to  
19 him or her. The accused shall then be asked whether he or she is guilty  
20 or not guilty of the offense charged. If the accused appears in person  
21 and by counsel and goes to trial before a jury regularly impaneled and  
22 sworn, he or she shall be deemed to have waived arraignment and a plea of  
23 not guilty shall be deemed to have been made.

24 (2) At the time of the arraignment, the county court or district  
25 court shall advise the accused, if the accused was younger than eighteen  
26 years of age at the time the alleged offense was committed, that the  
1 accused may move the county court or district court at any time not later  
2 than thirty days after arraignment, unless otherwise permitted by the  
3 court for good cause shown, to waive jurisdiction in such case to the  
4 juvenile court for further proceedings under the Nebraska Juvenile Code.  
5 This subsection does not apply if the case was transferred to county  
6 court or district court from juvenile court.

7 (3) For motions to transfer a case from the county court or district  
8 court to juvenile court:

9 (a) The county court or district court shall schedule a hearing on  
10 such motion within fifteen days. The customary rules of evidence shall  
11 not be followed at such hearing. The accused shall be represented by an  
12 attorney. The criteria set forth in section 43-276 shall be considered at  
13 such hearing. After considering all the evidence and reasons presented by  
14 both parties, the case shall be transferred to juvenile court unless a  
15 sound basis exists for retaining the case in county court or district  
16 court; and

17 (b) The county court or district court shall make a decision on such  
18 motion within thirty days after the hearing and shall set forth findings  
19 for the reason for its decision. If the county court or district court  
20 determines that the accused should be transferred to the juvenile court,  
21 the complete file in the county court or district court shall be  
22 transferred to the juvenile court and the complaint, indictment, or  
23 information may be used in place of a petition therein. The county court  
24 or district court making a transfer shall order the accused to be taken  
25 forthwith to the juvenile court and designate where the juvenile shall be  
26 kept pending determination by the juvenile court. The juvenile court  
27 shall then proceed as provided in the Nebraska Juvenile Code.

28 (c) An order granting or denying transfer of the case from county or  
29 district court to juvenile court shall be considered a final order for  
30 the purposes of appeal. Upon entry of an order, any party may appeal to  
31 the Court of Appeals within ten days. Such review shall be advanced on

1 the court docket without an extension of time granted to any party except  
 2 upon a showing of exceptional cause. Appeals shall be submitted,  
 3 assigned, and scheduled for oral argument as soon as the appellee's brief  
 4 is due to be filed. The Court of Appeals shall conduct its review in an  
 5 expedited manner and shall render the judgment and opinion, if any, as  
 6 speedily as possible. During the pendency of an appeal from an order  
 7 transferring the case to juvenile court, the juvenile court may enter  
 8 temporary orders in the best interests of the juvenile.

9 (4) When the accused was younger than eighteen years of age when an  
 10 alleged offense was committed, the county attorney or city attorney shall  
 11 proceed under section 43-274.

12 2. On page 2, line 16, strike "is" and insert "and section 29-1816,  
 13 Revised Statutes Cumulative Supplement, 2020, are".

14 3. Renumber the remaining sections accordingly.

Senator J. Cavanaugh filed the following amendment to [LB644](#):  
[AM1115](#)

(Amendments to AM1019)

1 1. On page 32, line 1, strike "of entry of" and insert "the county  
 2 assessor certifies the amount of refund based upon".

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR**     **Committee**  
 LR107     Executive Board

(Signed) Dan Hughes, Chairperson  
 Executive Board

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 411A.** 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 411, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

### MOTION(S) - Print in Journal

Senator Hunt filed the following motion to [LR107](#):

[MO49](#)

Rerefer to the Government, Military and Veterans Affairs Committee pursuant to Rule 6, Section 2(a).

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

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

Senator Hansen, M. name added to LB26.

**VISITOR(S)**

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 6:43 p.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Wednesday, April 28, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-NINTH DAY - APRIL 28, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 28, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lathrop.

**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 Bostar, Day, B. Hansen, Hilgers, Stinner, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1100, line 14, strike "Mike Hilgers" and insert "Dan Hughes".

Page 1170, line 25, strike "Mike Hilgers" and insert "Dan Hughes".

The Journal for the sixty-fifth day was approved as corrected.

The Journal for the sixty-eighth day was approved as corrected.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 111.** Introduced by Hughes, 44; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28;

Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Trooper Tom Grove joined the Nebraska State Patrol in September 1990; and

WHEREAS, Trooper Grove spent eleven years as a SWAT operator; and

WHEREAS, Trooper Grove spent a majority of his career in the traffic services division in the Omaha area; and

WHEREAS, Trooper Grove has spent the last several years of his service at the Nebraska State Capitol providing armed security for the Nebraska Supreme Court, Nebraska Court of Appeals, and the Nebraska Legislature; and

WHEREAS, Trooper Grove has used his knowledge and expertise to provide instruction in a variety of areas, including pursuit, emergency vehicle operations, and citizen response in active shooter situations; and

WHEREAS, Trooper Tom Grove will retire on April 30, 2021, after over thirty years of service to the Nebraska State Patrol.

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

1. That the Legislature thanks Trooper Tom Grove for his service to the State of Nebraska and the Legislature and congratulates him on his retirement.

2. That a copy of this resolution be sent to Trooper Tom Grove.

Laid over.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 98, 99, and 103 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 98, 99, and 103.

#### **GENERAL FILE**

**LEGISLATIVE BILL 247A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 411A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 428A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 364.** Title read. Considered.

Committee [AM762](#), found on page 766, was offered.

Senator Hunt offered her amendment, [AM1051](#), found on page 1080, to the committee amendment.

Senator Wayne offered the following motion:

[MO51](#)

Bracket until May 1, 2021.

Senator Wayne withdrew his motion to bracket.

### **SPEAKER HILGERS PRESIDING**

Senator M. Cavanaugh offered the following motion:

[MO52](#)

Recommit to the Revenue Committee.

Pending.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 112.** Introduced by Lowe, 37; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Carrie Eighmey, a native of Edgar, attended Sandy Creek High School before moving on to both play and coach basketball at Hastings College; and

WHEREAS, Carrie became the head coach of the University of Nebraska at Kearney (UNK) women's basketball team in March 2015; and

WHEREAS, since Carrie has taken over the program, the UNK women's basketball team has amassed 113 wins, finished in the top eight in the Mid-America Intercollegiate Athletics Association every year, and won 49 of the last 59 games; and

WHEREAS, under Carrie's leadership the UNK women's basketball program is back to being nationally and regionally ranked and finished this year ranked ninth in the Women's Basketball Coaches Association Top 25 poll; and

WHEREAS, Carrie has an overall head coaching record of 181-92; and

WHEREAS, Carrie Eighmey was selected as the 2020-2021 National Collegiate Athletic Association Division II World Exposure Women's College Basketball Head Coach of the Year.

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

1. That the Legislature congratulates Carrie Eighmey on her coaching achievements and her selection as National Collegiate Athletic Association Division II World Exposure Women's College Basketball Head Coach of the Year.

2. That a copy of this resolution be sent to Carrie Eighmey.

Laid over.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 247A.** Placed on Select File.

**LEGISLATIVE BILL 411A.** Placed on Select File.

**LEGISLATIVE BILL 428A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

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

Senator Hansen, M. name added to LB131.

Senator Hansen, M. name added to LB392.

#### **RECESS**

At 11:59 a.m., on a motion by Senator Lathrop, 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 Bostar, DeBoer, Hunt, and Morfeld who were excused until they arrive.



**GENERAL FILE**

**LEGISLATIVE BILL 364.** Senator Pahls offered the following motion:

[MO53](#)

Bracket until May 5, 2021.

Senator Pahls withdrew his motion to bracket.

Senator M. Cavanaugh renewed her amendment, [MO52](#), found in this day's Journal, to recommit to committee.

Senator M. Cavanaugh offered the following motion:

[MO54](#)

Bracket until May 4, 2021.

**PRESIDENT FOLEY PRESIDING**

**SPEAKER HILGERS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 432.** Placed on Select File with amendment.

[ER76](#) is available in the Bill Room.

**LEGISLATIVE BILL 595.** Placed on Select File with amendment.

[ER75](#) is available in the Bill Room.

**LEGISLATIVE BILL 18.** Placed on Select File.

**LEGISLATIVE BILL 185.** Placed on Select File with amendment.

[ER73](#)

1 1. In the Standing Committee amendments, on page 1, line 7, strike

2 "[of 1975](#)".

**LEGISLATIVE BILL 630.** Placed on Select File.

**LEGISLATIVE BILL 630A.** Placed on Select File.

**LEGISLATIVE BILL 388.** Placed on Select File with amendment.

[ER77](#)

1 1. On page 1, line 2, after "Act" insert "; to create a fund; and to

2 declare an emergency".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 57.** Placed on Final Reading.  
**LEGISLATIVE BILL 261.** Placed on Final Reading.  
**LEGISLATIVE BILL 275.** Placed on Final Reading.  
**LEGISLATIVE BILL 275A.** Placed on Final Reading.  
**LEGISLATIVE BILL 291.** Placed on Final Reading.  
**LEGISLATIVE BILL 355.** Placed on Final Reading.  
**LEGISLATIVE BILL 669.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 113.** Introduced by McKinney, 11; Wayne, 13.

WHEREAS, Second Chance Month has been observed in April in the United States since 2017 in an effort to raise awareness of the collateral consequences of criminal, and especially felony, convictions and to seek solutions; and

WHEREAS, the criminal justice system in the United States should provide individuals an opportunity for redemption and rehabilitation; and

WHEREAS, each year over 600,000 individuals return to their communities from state and federal prison; and

WHEREAS, transitioning back into society from incarceration can be challenging for individuals who were formerly incarcerated, their families, and their communities and many individuals face legal and practical barriers to reentry; and

WHEREAS, it is important to remove barriers to reentry for individuals with criminal convictions and provide second chance opportunities in employment, housing, education, civic engagement, and access to mental health and addiction treatment; and

WHEREAS, a commitment to second chance opportunities with a focus on prevention, reentry, and social support, can help reduce recidivism, making communities stronger and safer and ensuring that the United States is a land of opportunity for all people.

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

1. That the Legislature recognizes April as Second Chance Month.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 364.** Senator M. Cavanaugh renewed her amendment, [MO54](#), found in this day's Journal, to bracket.

Senator Flood moved the previous question. The question is, "Shall the debate now close?"

Senator Flood moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Flood requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

Aguilar	DeBoer	Halloran	Linehan	Slama
Albrecht	Dorn	Hansen, B.	McCollister	Stinner
Arch	Erdman	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hughes	Moser	Wayne
Brewer	Geist	Kolterman	Murman	Williams
Briese	Gragert	Lathrop	Pansing Brooks	
Clements	Groene	Lindstrom	Sanders	

Voting in the negative, 10:

Blood	Brandt	Cavanaugh, M.	Hansen, M.	Hunt
Bostar	Cavanaugh, J.	Day	Hilkemann	Pahls

Present and not voting, 4:

Friesen	McKinney	Walz	Wishart
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Excused and not voting, 2:

Lowe	Morfeld
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The motion to cease debate prevailed with 33 ayes, 10 nays, 4 present and not voting, and 2 excused and not voting.

The M. Cavanaugh motion to bracket failed with 7 ayes, 34 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh renewed her motion, [MO52](#), found and considered in this day's Journal, to recommit to committee.

#### **SENATOR WILLIAMS PRESIDING**

Senator Linehan offered the following motion:

[MO55](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Linehan moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Senator Linehan requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 29:

Aguilar	Clements	Groene	Lindstrom	Sanders
Albrecht	Dorn	Halloran	Linehan	Slama
Arch	Erdman	Hansen, B.	Lowe	Stinner
Bostelman	Flood	Hilgers	McDonnell	Vargas
Brewer	Geist	Hughes	Moser	Wayne
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 18:

Blood	Cavanaugh, M.	Hansen, M.	McCollister	Williams
Bostar	Day	Hilkemann	McKinney	Wishart
Brandt	DeBoer	Hunt	Morfeld	
Cavanaugh, J.	Friesen	Lathrop	Pahls	

Present and not voting, 2:

Pansing Brooks Walz

The Linehan motion to invoke cloture failed with 29 ayes, 18 nays, and 2 present and not voting.

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.

Joel R. Bessmer - State Board of Health  
 Donald Ostdiek - State Board of Health  
 David J. Reese - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
 Present and not voting: 1. Cavanaugh, M.

(Signed) John Arch, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 628.** Placed on General File with amendment.

AM1185

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 38-1124, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 38-1124 (1) The department, with the recommendation of the board,  
6 shall issue a faculty license to any person who meets the requirements of  
7 subsection (3) or (4) of this section. A faculty licensee may practice  
8 dentistry ~~only~~ as a faculty member at an accredited school or college of  
9 dentistry in the State of Nebraska. ~~A faculty licensee and may also teach~~  
10 dentistry, conduct research, and participate in an institutionally  
11 administered faculty practice ~~only at such accredited school or college~~  
12 ~~of dentistry.~~ A faculty licensee eligible for licensure under subsection  
13 (4) of this section shall limit ~~his or her~~ practice under such license to  
14 the clinical disciplines ~~discipline~~ in which the licensee ~~he or she~~ has  
15 received ~~postgraduate~~ education at an accredited school or college of  
16 dentistry ~~or, with the approval of the board, the clinical disciplines in~~  
17 which the licensee has practiced under a license, including a faculty  
18 license or teaching permit, to practice dentistry within the past three  
19 years in another jurisdiction.  
20 (2) Any person who desires a faculty license shall make a written  
21 application to the department. The application shall include information  
22 regarding the applicant's professional qualifications, experience, and  
23 licensure. The application shall be accompanied by a copy of the  
24 applicant's dental degree, any other degrees or certificates for  
25 postgraduate education of the applicant, the required fee, and  
26 certification from the dean of an accredited school or college of  
27 dentistry in the State of Nebraska at which the applicant has a contract  
1 to be employed as a full-time faculty member.  
2 (3) An individual who graduated from an accredited school or college  
3 of dentistry shall be eligible for a faculty license if the individual he  
4 ~~or she~~:  
5 (a) Has or had a license, including a faculty license or teaching  
6 permit, to practice dentistry within the past three five years in another  
7 jurisdiction some other state in the United States or a Canadian  
8 province; and  
9 (b) ~~Has a contract to be employed as a full-time faculty member at~~  
10 ~~an accredited school or college of dentistry in the State of Nebraska;~~  
11 (b) ~~(c)~~ Passes a jurisprudence examination administered by the  
12 board; ~~and~~  
13 (d) ~~Agrees to demonstrate continuing clinical competency as a~~  
14 ~~condition of licensure if required by the board.~~  
15 (4) An individual who graduated from a nonaccredited school or  
16 college of dentistry shall be eligible for a faculty license if the  
17 individual he or she:  
18 (a)(i) Has or had a license, including a faculty license or teaching  
19 permit, to practice dentistry within the past three years in another  
20 jurisdiction;  
21 (ii) ~~(a)~~ Has completed at least two years of postgraduate education  
22 at an accredited school or college of dentistry recognized by the  
23 national commission and received a certificate or degree from such school  
24 or college of dentistry; or  
25 (iii) Has additional education in dentistry at an accredited school  
26 or college of dentistry that is determined by the board to be equivalent  
27 to a program recognized by the national commission, including, but not

28 ~~limited to, a postgraduate certificate or degree in operative dentistry;~~  
 29 ~~(b) Has a contract to be employed as a full-time faculty member at~~  
 30 ~~an accredited school or college of dentistry in the State of Nebraska;~~  
 31 ~~(b) (e) Passes a jurisprudence examination administered by the~~  
 1 ~~board; and~~  
 2 ~~(d) Agrees to demonstrate continuing clinical competency as a~~  
 3 ~~condition of licensure if required by the board; and~~  
 4 ~~(c) (e) Has passed at least one of the following:~~  
 5 ~~(i) Part I and Part II of the National Board Dental Examinations~~  
 6 ~~administered by the joint commission; or its equivalent~~  
 7 ~~(ii) The Integrated National Board Dental Examination administered~~  
 8 ~~by the joint commission;~~  
 9 ~~(iii) A specialty board examination recognized by the national~~  
 10 ~~commission;~~  
 11 ~~(iv) An examination administered by the National Dental Examining~~  
 12 ~~Board of Canada; or~~  
 13 ~~(v) An equivalent examination as determined by the Board of~~  
 14 ~~Dentistry.~~  
 15 (5) A faculty license shall expire at the same time and be subject  
 16 to the same renewal requirements as a regular dental license, except that  
 17 such license shall remain valid and may only be renewed if the faculty  
 18 licensee completes continuing education as required by the rules and  
 19 regulations adopted and promulgated under the Dentistry Practice Act and  
 20 demonstrates continued employment at an accredited school or college of  
 21 dentistry in the State of Nebraska. ;  
 22 (6) In order for an applicant to qualify for a faculty license  
 23 pursuant to subdivision (4)(a)(iii) of this section, the applicant shall  
 24 present, for review and approval by the board, a portfolio which  
 25 includes, but is not limited to, academic achievements, credentials and  
 26 certifications, letters of recommendation, and a list of publications.  
 27 (7) For purposes of this section:  
 28 (a) Another jurisdiction means some other state in the United  
 29 States, a territory or jurisdiction of the United States, or a Canadian  
 30 province;  
 31 (b) Joint commission means the American Dental Association Joint  
 1 Commission on National Dental Examinations; and  
 2 (c) National commission means the National Commission on Recognition  
 3 of Dental Specialties and Certifying Boards.  
 4 (a) The faculty licensee remains employed as a full-time faculty  
 5 member of an accredited school or college of dentistry in the State of  
 6 Nebraska; and  
 7 (b) The faculty licensee demonstrates continuing clinical competency  
 8 if required by the board.  
 9 Sec. 2. Original section 38-1124, Reissue Revised Statutes of  
 10 Nebraska, is repealed.  
 11 Sec. 3. Since an emergency exists, this act takes effect when passed  
 12 and approved according to law.

(Signed) John Arch, Chairperson

### AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to LB132:  
[AM1175](#)

(Amendments to Standing Committee amendments, AM555)

1 1. On page 1, line 4, strike "twenty-one" and insert "twenty-two";  
 2 in line 8 strike "Three" and insert "Four"; in line 9 after the comma  
 3 insert "with at least" and strike "with" and insert "and"; in line 10  
 4 after "with" insert "at least"; in line 11 strike "and" and insert an

5 underscored comma; and in line 12 after "Legislature" insert ", and one  
6 being a member of the Legislature's Planning Committee".

Senator Hilgers filed the following amendment to LB406:

FA38

Amend AM1092.

On page 2, line 12, strike the first "and" and insert "And" with a capital "A".

On page 2, line 13, after the word "sustainability" insert the word "(STAR WARS)" in all capital letters.

Senator DeBoer filed the following amendment to LB485:

AM1187

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 Cumulative Supplement,  
4 2020, is 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.

13 ~~(2)(a)~~ As part of the provision of social services authorized by  
14 section 68-1202, the department shall participate in the federal child  
15 care assistance program under 42 U.S.C. ~~9857 et seq.~~ 648, as such  
16 ~~sections section~~ existed on January 1, ~~2021~~ 2013, and provide child care  
17 assistance to families with incomes up to ~~(i) one hundred eighty-five~~  
18 ~~twenty-five~~ percent of the federal poverty level ~~prior to October 1,~~  
19 ~~2023, or (ii) for FY2013-14 and one hundred thirty percent of the federal~~  
20 ~~poverty level on and after October 1, 2023 for FY2014-15 and each fiscal~~  
21 ~~year thereafter.~~

22 ~~(b) (2)~~ As part of the provision of social services authorized by  
23 this section and section 68-1202, the department shall participate in the  
24 federal Child Care Subsidy program. A child care provider seeking to  
25 participate in the federal Child Care Subsidy program shall comply with  
26 the criminal history record information check requirements of the Child  
27 Care Licensing Act. In determining ongoing eligibility for this program,  
1 ten percent of a household's gross earned income shall be disregarded  
2 after twelve continuous months on the program and at each subsequent  
3 redetermination. In determining ongoing eligibility, if a family's income  
4 exceeds ~~one hundred eighty-five percent of the federal poverty level~~  
5 ~~prior to October 1, 2023, or one hundred thirty percent of the federal~~  
6 ~~poverty level on and after October 1, 2023,~~ the family shall receive  
7 transitional child care assistance through the remainder of the family's  
8 eligibility period or until the family's income exceeds eighty-five  
9 percent of the state median income for a family of the same size as  
10 reported by the United States Bureau of the Census, whichever occurs  
11 first. When the family's eligibility period ends, the family shall  
12 continue to be eligible for transitional child care assistance if the  
13 family's income is below ~~two hundred percent of the federal poverty level~~  
14 ~~prior to October 1, 2023, or one hundred eighty-five percent of the~~  
15 ~~federal poverty level on and after October 1, 2023.~~ The family shall  
16 receive transitional child care assistance through the remainder of the  
17 transitional eligibility period or until the family's income exceeds  
18 eighty-five percent of the state median income for a family of the same  
19 size as reported by the United States Bureau of the Census, whichever  
20 occurs first. The amount of such child care assistance shall be based on

21 a cost-shared plan between the recipient family and the state and shall  
22 be based on a sliding-scale methodology. A recipient family may be  
23 required to contribute a percentage of such family's gross income for  
24 child care that is no more than the cost-sharing rates in the  
25 transitional child care assistance program as of January 1, 2015, for  
26 those no longer eligible for cash assistance as provided in section  
27 68-1724. ~~Initial program eligibility standards shall not be impacted by~~  
28 ~~the provisions of this subsection.~~

29 (c) For the period beginning July 1, 2021, through September 30,  
30 2023, funds provided to the State of Nebraska pursuant to the Child Care  
31 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such  
1 act and sections existed on March 24, 2021, shall be used to pay the  
2 costs to the state resulting from the income eligibility changes made in  
3 subdivisions (2)(a) and (b) of this section by this legislative bill. If  
4 the available amount of such funds is insufficient to pay such costs,  
5 then funds provided to the state for the Temporary Assistance for Needy  
6 Families program established in 42 U.S.C. 601 et seq. may also be used.  
7 No General Funds shall be used to pay the costs to the state resulting  
8 from the income eligibility changes made in subdivisions (2)(a) and (b)  
9 of this section by this legislative bill for the period beginning July 1,  
10 2021, through September 30, 2023.

11 (d) The Department of Health and Human Services shall collaborate  
12 with a private nonprofit organization with expertise in early childhood  
13 care and education for an independent evaluation of the income  
14 eligibility changes made in subdivisions (2)(a) and (b) of this section  
15 by this legislative bill, if private funding is made available for such  
16 purpose. The evaluation shall be completed by December 15, 2023, and  
17 shall be submitted electronically to the department and to the Health and  
18 Human Services Committee of the Legislature.

19 (3) In determining the rate or rates to be paid by the department  
20 for child care as defined in section 43-2605, the department shall adopt  
21 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
22 of the state applicable to each child care program category of provider  
23 as defined in section 71-1910 which may claim reimbursement for services  
24 provided by the federal Child Care Subsidy program, except that the  
25 department shall not pay a rate higher than that charged by an individual  
26 provider to that provider's private clients. The schedule may provide  
27 separate rates for care for infants, for children with special needs,  
28 including disabilities or technological dependence, or for other  
29 individual categories of children. The schedule may also provide tiered  
30 rates based upon a quality scale rating of step three or higher under the  
31 Step Up to Quality Child Care Act. The schedule shall be effective on  
1 October 1 of every year and shall be revised annually by the department.  
2 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 68-1724 (1) Cash assistance shall be provided for a period or  
5 periods of time not to exceed a total of sixty months for recipient  
6 families with children subject to the following:

7 (a) If the state fails to meet the specific terms of the self-  
8 sufficiency contract developed under section 68-1719, the sixty-month  
9 time limit established in this section shall be extended;

10 (b) The sixty-month time period for cash assistance shall begin  
11 within the first month of eligibility;

12 (c) When no longer eligible to receive cash assistance, assistance  
13 shall be available to reimburse work-related child care expenses even if  
14 the recipient family has not achieved economic self-sufficiency. The  
15 amount of such assistance shall be based on a cost-shared plan between  
16 the recipient family and the state which shall provide assistance up to  
17 two hundred percent of the federal poverty level prior to October 1,  
18 2023, or one hundred eighty-five percent of the federal poverty level on



19 and after October 1, 2023. A recipient family may be required to  
20 contribute up to twenty percent of such family's gross income for child  
21 care. It is the intent of the Legislature that transitional health care  
22 coverage be made available on a sliding-scale basis to individuals and  
23 families with incomes up to one hundred eighty-five percent of the  
24 federal poverty level if other health care coverage is not available; and  
25 (d) The self-sufficiency contract shall be revised and cash  
26 assistance extended when there is no job available for adult members of  
27 the recipient family. It is the intent of the Legislature that available  
28 job shall mean a job which results in an income of at least equal to the  
29 amount of cash assistance that would have been available if receiving  
30 assistance minus unearned income available to the recipient family.  
31 The department shall develop policy guidelines to allow for cash  
1 assistance to persons who have received the maximum cash assistance  
2 provided by this section and who face extreme hardship without additional  
3 assistance. For purposes of this section, extreme hardship means a  
4 recipient family does not have adequate cash resources to meet the costs  
5 of the basic needs of food, clothing, and housing without continuing  
6 assistance or the child or children are at risk of losing care by and  
7 residence with their parent or parents.  
8 (2) Cash assistance conditions under the Welfare Reform Act shall be  
9 as follows:  
10 (a) Adults in recipient families shall mean individuals at least  
11 nineteen years of age living with and related to a child eighteen years  
12 of age or younger and shall include parents, siblings, uncles, aunts,  
13 cousins, or grandparents, whether the relationship is biological,  
14 adoptive, or step;  
15 (b) The payment standard shall be based upon family size;  
16 (c) The adults in the recipient family shall ensure that the minor  
17 children regularly attend school. Education is a valuable personal  
18 resource. The cash assistance provided to the recipient family may be  
19 reduced when the parent or parents have failed to take reasonable action  
20 to encourage the minor children of the recipient family ages sixteen and  
21 under to regularly attend school. No reduction of assistance shall be  
22 such as may result in extreme hardship. It is the intent of the  
23 Legislature that a process be developed to insure communication between  
24 the case manager, the parent or parents, and the school to address issues  
25 relating to school attendance;  
26 (d) Two-parent families which would otherwise be eligible under  
27 section 43-504 or a federally approved waiver shall receive cash  
28 assistance under this section;  
29 (e) For minor parents, the assistance payment shall be based on the  
30 minor parent's income. If the minor parent lives with at least one  
31 parent, the family's income shall be considered in determining  
1 eligibility and cash assistance payment levels for the minor parent. If  
2 the minor parent lives independently, support shall be pursued from the  
3 parents of the minor parent. If the absent parent of the minor's child is  
4 a minor, support from his or her parents shall be pursued. Support from  
5 parents as allowed under this subdivision shall not be pursued when the  
6 family income is less than three hundred percent of the federal poverty  
7 guidelines; and  
8 (f) For adults who are not biological or adoptive parents or  
9 stepparents of the child or children in the family, if assistance is  
10 requested for the entire family, including the adults, a self-sufficiency  
11 contract shall be entered into as provided in section 68-1719. If  
12 assistance is requested for only the child or children in such a family,  
13 such children shall be eligible after consideration of the family's  
14 income and if (i) the family cooperates in pursuing child support and  
15 (ii) the minor children of the family regularly attend school.  
16 Sec. 3. This act becomes operative on July 1, 2021.

17 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes  
18 Cumulative Supplement, 2020, are repealed.  
19 Sec. 5. Since an emergency exists, this act takes effect when  
20 passed and approved according to law.

Senator Morfeld filed the following amendment to [LB364](#):  
[AM1145](#)

(Amendments to Standing Committee amendments, AM762)

1 1. Strike section 12 and insert the following new section:  
2 Sec. 12. Any qualified school that admits and enrolls students who  
3 receive education scholarships shall comply with the requirements that  
4 apply to school districts under the Nebraska Budget Act.

### EASE

The Legislature was at ease from 6:55 p.m. until 7:30 p.m.

### GENERAL FILE

**LEGISLATIVE BILL 452.** Title read. Considered.

Committee [AM636](#), found on page 661, was adopted with 42 ayes, 0 nays,  
and 7 present and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5  
present and not voting.

**LEGISLATIVE BILL 452A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8  
present and not voting.

**LEGISLATIVE BILL 306.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 15 present  
and not voting, and 1 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 644.** [ER54](#), found on page 933, was adopted.

Senator B. Hansen asked unanimous consent to withdraw his amendment,  
[AM1073](#), found on page 1106, and replace it with his substitute amendment,  
[AM1019](#), found on page 1115. No objections. So ordered.

Senator Hilkemann asked unanimous consent to withdraw his amendment,  
[AM1056](#), found on page 1106, and replace it with his substitute amendment,  
[AM1114](#), found on page 1119, to the B. Hansen substitute amendment. No  
objections. So ordered.

The Hilkemann amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator J. Cavanaugh withdrew his amendment, [AM1111](#), found on page 1115, to [AM1073](#).

Senator J. Cavanaugh offered his amendment, [AM1115](#), found on page 1170, to the B. Hansen substitute amendment.

The J. Cavanaugh amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The B. Hansen amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 273.** [ER39](#), found on page 821, was adopted.

Senator Lowe offered his amendment, [AM1003](#), found on page 1061.

The Lowe amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

#### **SENATOR HUGHES PRESIDING**

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 307.** Senator Geist offered her amendment, [AM1108](#), found on page 1129.

Senator Hilgers offered the following amendment to the Geist amendment:

#### [FA39](#)

Amend AM1108

On Page 4, line 2, strike "are" and insert "has consulted with counsel, and if not, is".

Line 3, strike "to assist" and insert "prior to".

Lines 3 - 4 strike "in making the" through "counsel" and insert "exercising their right to waive their right to counsel".

The Hilgers amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The Geist amendment, as amended, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Senator Groene withdrew his amendment, [AM1161](#), found on page 1168.

Senator Lathrop offered his amendment, [AM1081](#), found on page 1169.

The Lathrop amendment was adopted with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 108.** [ER60](#), found on page 1016, was adopted.

Senator McCollister offered his amendment, [AM1082](#), found on page 1168.

The McCollister amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Senator Arch offered the following amendment:

[AM1196](#)

1 1. On page 4, after line 28 insert the following new subdivision:  
 2 "(iii) Until September 30, 2023, any recipient of Supplemental  
 3 Nutrition Assistance Program benefits whose household income is between  
 4 one hundred thirty-one and one hundred sixty-five percent of the federal  
 5 Office of Management and Budget income poverty guidelines and who is not  
 6 exempt from work participation requirements shall be referred to the  
 7 Department of Labor for enrollment in the SNAP Next Step Program if the  
 8 recipient is eligible to participate in the program and the program's  
 9 services are available in the county in which such household is located.  
 10 For purposes of this section, SNAP Next Step Program means a partnership  
 11 program between the Department of Health and Human Services and the  
 12 Department of Labor to assist under-employed and unemployed recipients of  
 13 Supplemental Nutrition Assistance Program benefits in finding self-  
 14 sufficient employment."; and in line 29 strike "(iii)" and insert "(iv)".  
 15 2. On page 5, line 5, strike "(iv)" and insert "(v)".

The Arch amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 108A.** Senator McCollister offered the following amendment:

[AM1174](#)

1 1. Strike original section 1 and insert the following new sections:  
 2 Section 1. There is hereby appropriated (1) \$49,153 from federal  
 3 funds for FY2020-21, (2) \$457,176 from federal funds for FY2021-22, and  
 4 (3) \$443,339 from federal funds for FY2022-23 to the Department of Health  
 5 and Human Services, for Program 33, to aid in carrying out the provisions  
 6 of Legislative Bill 108, One Hundred Seventh Legislature, First Session,  
 7 2021.  
 8 Total expenditures for permanent and temporary salaries and per  
 9 diems from funds appropriated in this section shall not exceed \$18,495  
 10 for FY2020-21, \$294,986 for FY2021-22, or \$296,573 for FY2022-23.  
 11 Sec. 2. Since an emergency exists, this act takes effect when passed  
 12 and approved according to law.

The McCollister amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 485.** [ER65](#), found on page 1113, was adopted.

Senator DeBoer offered her amendment, [AM1187](#), found in this day's Journal.

The DeBoer amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** [ER66](#), found on page 1113, was adopted.

Senator Briese offered his amendment, [AM1165](#), found on page 1168.

The Briese amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 406A.** Introduced by McDonnell, 5; Aguilar, 35; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

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

Senator McKinney filed the following amendment to [LB452](#):  
[AM1195](#)

(Amendments to Standing Committee amendments, AM636)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. Beginning with school year 2022-23, each school district and
- 3 each private, denominational, and parochial school, shall, in
- 4 consultation with the State Department of Education, incorporate
- 5 financial literacy instruction into the instructional program for grades
- 6 kindergarten through eight and shall require each student to complete at
- 7 least one half-credit high school course in personal finance or financial

8 literacy prior to graduation unless otherwise provided in an  
9 individualized education program for a student receiving special  
10 education services.  
11 2. On page 2, strike beginning with "The" in line 1 through the  
12 period in line 8.

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

Senator Slama filed the following motion to LB486:

MO57

Indefinitely postpone.

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

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

Senator Lindstrom name added to LB406.

Senator Lindstrom name added to LR109.

**VISITOR(S)**

The Doctor of the Day was Dr. Patrick Hotovy of York.

**ADJOURNMENT**

At 9:52 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, April 29, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTIETH DAY - APRIL 29, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 29, 2021

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Walz.

**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, Bostar, Briese, Hunt, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance  
Room 1507

Thursday, May 6, 2021 12:00 p.m.  
Eric Dunning - Department of Insurance

(Signed) Matt Williams, 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 April 28, 2021, 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

Nowka & Edwards  
Stonehenge Capital Company, LLC

**GENERAL FILE**

**LEGISLATIVE BILL 388A.** Title read. Considered.

Senator Friesen offered the following amendment:

[AM1193](#)

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 2, line 2, strike beginning with "and" through the second  
5 "Fund"; and strike beginning with the second "and" in line 3 through  
6 "Fund" in line 4.

The Friesen amendment 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 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 247A.** Advanced to Enrollment and Review for Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 58.**

A BILL FOR AN ACT relating to civil procedure; to amend section 25-520.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of notice by publication in cases involving liens arising from city or village special assessments; 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, 44:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	McCollister	Slama
Arch	Day	Hansen, B.	McDonnell	Stinner
Blood	DeBoer	Hilgers	McKinney	Vargas
Bostar	Dorn	Hilkemann	Morfeld	Walz
Bostelman	Flood	Hughes	Moser	Wayne
Brandt	Friesen	Kolterman	Murman	Williams
Briese	Geist	Lathrop	Pahls	Wishart
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 3:

Brewer        Hansen, M.    Hunt

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

### **LEGISLATIVE BILL 63.**

A BILL FOR AN ACT relating to property taxes; to amend sections 77-202.01 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain deadlines relating to certain property tax exemptions; 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:

Aguilar	Clements	Halloran	Linehan	Pansing Brooks
Albrecht	Day	Hansen, B.	Lowe	Sanders
Arch	Dorn	Hansen, M.	McCollister	Slama
Blood	Erdman	Hilgers	McDonnell	Stinner
Bostar	Flood	Hilkemann	McKinney	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Williams
Briese	Gragert	Lathrop	Murman	Wishart
Cavanaugh, J.	Groene	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. DeBoer Wayne

Excused and not voting, 2:

Brewer Hunt

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

**LEGISLATIVE BILL 181.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6703, Revised Statutes Cumulative Supplement, 2020; to change certain school district tax credit provisions; 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, 46:

Aguilar	Clements	Halloran	Lowe	Stinner
Albrecht	Day	Hansen, B.	McCollister	Vargas
Arch	DeBoer	Hansen, M.	McKinney	Walz
Blood	Dorn	Hilgers	Morfeld	Wayne
Bostar	Erdman	Hilkemann	Moser	Williams
Bostelman	Flood	Hughes	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	
Cavanaugh, M.	Groene	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

McDonnell

Excused and not voting, 2:

Brewer 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.

**LEGISLATIVE BILL 343.**

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-146, Revised Statutes Cumulative Supplement, 2020; to change identification inspection 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, 44:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Low	Slama
Blood	Dorn	Hansen, M.	McCollister	Stinner
Bostar	Erdman	Hilgers	McKinney	Vargas
Bostelman	Flood	Hilkemann	Morfeld	Walz
Brandt	Friesen	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

Voting in the negative, 0.

Present and not voting, 3:

DeBoer      McDonnell      Wayne

Excused and not voting, 2:

Brewer      Hunt

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

**LEGISLATIVE BILL 372.**

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1807 and 81-1821, Reissue Revised Statutes of Nebraska; to change provisions relating to applications and a statute of limitations; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Wayne
Bostelman	Flood	Hughes	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Hunt

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

#### **LEGISLATIVE BILL 466.**

A BILL FOR AN ACT relating to revenue and taxation; to require the proration of property taxes when residential real property is sold as prescribed.

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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Wayne
Bostelman	Flood	Hughes	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Brewer          Hunt

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 616.**

A BILL FOR AN ACT relating to abandoned motor vehicles; to amend sections 60-1902, 60-1903, and 60-1903.01, Reissue Revised Statutes of Nebraska, and section 60-1901, Revised Statutes Cumulative Supplement, 2020; to change provisions regarding vesting of title and notification of disposition; 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:

Aguilar	Clements	Halloran	Linehan	Pansing Brooks
Albrecht	Day	Hansen, B.	Lowe	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Blood	Dorn	Hilgers	McDonnell	Stinner
Bostar	Erdman	Hilkemann	McKinney	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Wayne
Briese	Gragert	Lathrop	Murman	Williams
Cavanaugh, J.	Groene	Lindstrom	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Flood

Excused and not voting, 2:

Brewer Hunt

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

**LEGISLATIVE BILL 9.** With Emergency Clause.

A BILL FOR AN ACT relating to real property; to amend sections 16-118 and 77-1344, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to annexation of land and the special valuation of agricultural or horticultural land within cities and villages; 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, 46:

Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	DeBoer	Hilgers	McKinney	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Flood	Hughes	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Cavanaugh, M.	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Brewer          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 LB17 with 32 ayes, 9 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 17.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 24-703, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.06, and 79-966.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710, 25-2804, 79-966, and 81-2017, Revised Statutes Cumulative Supplement, 2020; to change fees and distribution of fees for the Nebraska Retirement Fund for Judges; to provide for transfers to the Nebraska Retirement Fund for Judges; to change actuarial valuation provisions and amortization periods in retirement systems under the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; 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, 33:

Aguilar	Clements	Halloran	Linehan	Stinner
Arch	Day	Hansen, M.	McCollister	Vargas
Blood	DeBoer	Hilkemann	McDonnell	Walz
Bostar	Dorn	Hughes	Morfeld	Williams
Bostelman	Flood	Kolterman	Moser	Wishart
Brandt	Friesen	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 13:

Albrecht	Geist	Hilgers	Murman	Wayne
Cavanaugh, M.	Groene	Lowe	Sanders	
Erdman	Hansen, B.	McKinney	Slama	

Present and not voting, 1:

Cavanaugh, J.

Excused and not voting, 2:

Brewer          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 LB81 with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 81.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-728, 31-729, 31-739, 31-740, 31-744, and 31-749, Reissue Revised Statutes of Nebraska; to provide powers related to public parking facilities 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, 40:

Aguilar	Clements	Groene	Lindstrom	Pahls
Albrecht	Day	Halloran	Linehan	Sanders
Arch	DeBoer	Hansen, B.	Lowe	Slama
Blood	Dorn	Hilgers	McCollister	Stinner
Bostar	Flood	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Williams
Cavanaugh, J.	Gragert	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Briese	Erdman	McKinney	Wayne
Cavanaugh, M.	Hansen, M.	Pansing Brooks	

Excused and not voting, 2:

Brewer	Hunt
--------	------

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 143.**

A BILL FOR AN ACT relating to juveniles; to amend section 43-285, Revised Statutes Cumulative Supplement, 2020; to require notice of placement change of a juvenile 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:



Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	DeBoer	Hilgers	McKinney	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Flood	Hughes	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Cavanaugh, M.	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Brewer          Hunt

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

**LEGISLATIVE BILL 152.** With Emergency Clause.

A BILL FOR AN ACT relating to fireworks; to amend sections 28-1241 and 28-1243, Reissue Revised Statutes of Nebraska; to change provisions relating to classifications of fireworks and the sale and possession of fireworks; to adopt certain provisions of federal law; to define and redefine terms; 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, 42:

Aguilar	Day	Halloran	Linehan	Slama
Arch	DeBoer	Hansen, B.	Lowe	Vargas
Blood	Dorn	Hansen, M.	McCollister	Walz
Bostar	Erdman	Hilgers	McDonnell	Wayne
Bostelman	Flood	Hilkemann	McKinney	Williams
Brandt	Friesen	Hughes	Morfeld	Wishart
Briese	Geist	Kolterman	Moser	
Cavanaugh, J.	Gragert	Lathrop	Murman	
Clements	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 3:

Albrecht      Sanders      Stinner

Present and not voting, 2:

Cavanaugh, M.      Pahls

Excused and not voting, 2:

Brewer      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.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-760.05, Reissue Revised Statutes of Nebraska, and section 79-760.06, Revised Statutes Cumulative Supplement, 2020; to require tracking of student discipline as prescribed; to provide duties; 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:

Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	DeBoer	Hilgers	McKinney	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Flood	Hughes	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Cavanaugh, M.	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 2:

Brewer          Hunt

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

#### **MOTION(S) - Return LB320 to Select File**

Senator DeBoer moved to return LB320 to Select File for the following specific amendment:

[FA40](#)

Strike the enacting clause.

Senator DeBoer withdrew her motion to return.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB320 with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 320.**

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 25-21,219, 76-1401, 76-1410, 76-1423, 76-1441, 76-1442.01, 76-1443, 76-1485, 76-1486, 76-1489, and 76-14,101, Reissue Revised Statutes of Nebraska, and section 76-1431, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to forcible entry and detainer actions,

landlords' and tenants' rights and duties regarding violent criminal activity upon a premises, a landlord's right of access, actions for possession under the Uniform Residential Landlord and Tenant Act and the Mobile Home Landlord and Tenant Act, summonses, continuances, return of rental deposits, damages, and the period of time for paying certain overdue rent; to define terms; to provide for the release of a victim of domestic violence from a rental agreement; to require a report by the Supreme Court regarding eviction proceedings; 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, 43:

Aguilar	Cavanaugh, M.	Hansen, B.	McCollister	Slama
Albrecht	Day	Hansen, M.	McDonnell	Stinner
Arch	DeBoer	Hilgers	McKinney	Vargas
Blood	Dorn	Hilkemann	Morfeld	Walz
Bostar	Flood	Hughes	Moser	Wayne
Bostelman	Friesen	Kolterman	Murman	Williams
Brandt	Geist	Lathrop	Pahls	Wishart
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 3:

Clements      Erdman      Lowe

Present and not voting, 1:

Halloran

Excused and not voting, 2:

Brewer      Hunt

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 320A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Hansen, B.	McCollister	Slama
Albrecht	Day	Hansen, M.	McDonnell	Stinner
Arch	DeBoer	Hilgers	McKinney	Vargas
Blood	Dorn	Hilkemann	Morfeld	Walz
Bostar	Flood	Hughes	Moser	Wayne
Bostelman	Friesen	Kolterman	Murman	Williams
Brandt	Geist	Lathrop	Pahls	Wishart
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 3:

Clements Erdman Lowe

Present and not voting, 1:

Halloran

Excused and not voting, 2:

Brewer Hunt

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

**LEGISLATIVE BILL 338.** With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications and technology; to amend section 86-135, Reissue Revised Statutes of Nebraska, and sections 86-103, 86-316, 86-330, and 86-1102, Revised Statutes Cumulative Supplement, 2020; to redefine a term under the Nebraska Telecommunications Regulation Act; to provide powers and duties to the Public Service Commission relating to broadband infrastructure and speed testing under the Nebraska Telecommunications Universal Service Fund Act; to change provisions relating to the withholding of funding from the Nebraska Telecommunications Universal Service Fund and provide for rural-based plans as prescribed; to change a duty of the Rural Broadband Task Force; to state intent relating to broadband service; to harmonize provisions; to repeal the original sections; to outright repeal section 86-103.01, 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, 46:

Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	DeBoer	Hilgers	McKinney	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Erdman	Hughes	Moser	Williams
Bostelman	Flood	Kolterman	Murman	Wishart
Brandt	Friesen	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Cavanaugh, M.	Halloran	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Geist

Excused and not voting, 2:

Brewer          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.

#### **LEGISLATIVE BILL 423.**

A BILL FOR AN ACT relating to home inspectors; to define terms; to require registration with the Secretary of State; to provide for a fee; to require proof of financial responsibility; to provide a penalty; to provide for rules and regulations; 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, 41:

Aguilar	Cavanaugh, M.	Halloran	McCollister	Vargas
Albrecht	Clements	Hansen, M.	McDonnell	Walz
Arch	Day	Hilgers	McKinney	Wayne
Blood	DeBoer	Hilkemann	Morfeld	Williams
Bostar	Dorn	Hughes	Murman	Wishart
Bostelman	Flood	Kolterman	Pahls	
Brandt	Friesen	Lathrop	Pansing Brooks	
Briese	Geist	Lindstrom	Sanders	
Cavanaugh, J.	Gragert	Linehan	Stinner	

Voting in the negative, 2:

Erdman Slama

Present and not voting, 4:

Groene Hansen, B. Lowe Moser

Excused and not voting, 2:

Brewer Hunt

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

### **LEGISLATIVE BILL 423A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 423, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Slama
Albrecht	Clements	Hansen, M.	McCollister	Stinner
Arch	Day	Hilgers	McDonnell	Vargas
Blood	DeBoer	Hilkemann	McKinney	Walz
Bostar	Dorn	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Murman	Williams
Brandt	Friesen	Kolterman	Pahls	Wishart
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	

Voting in the negative, 2:

Erdman Groene

Present and not voting, 3:

Hansen, B. Lowe Moser

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 451.**

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1108, Reissue Revised Statutes of Nebraska, and section 48-1102, Revised Statutes Cumulative Supplement, 2020; to define terms; to change provisions relating to racial discrimination and unlawful employment practices; 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, 40:

Aguilar	Cavanaugh, M.	Hansen, B.	Lindstrom	Sanders
Arch	Day	Hansen, M.	Linehan	Slama
Blood	Dorn	Hilgers	McCollister	Stinner
Bostar	Flood	Hilkemann	McDonnell	Vargas
Bostelman	Geist	Hughes	McKinney	Walz
Brandt	Gragert	Hunt	Morfeld	Wayne
Briese	Groene	Kolterman	Pahls	Williams
Cavanaugh, J.	Halloran	Lathrop	Pansing Brooks	Wishart

Voting in the negative, 4:

Albrecht	Clements	Erdman	Lowe
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Present and not voting, 4:

DeBoer	Friesen	Moser	Murman
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Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 497.**

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1801, 81-1807, 81-1808, and 81-1815, Reissue Revised Statutes of Nebraska; to define terms; to provide for compensation for health care providers for costs incurred for examining or treating victims of sexual assault, domestic assault, or child abuse; 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:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Blood	Dorn	Hilgers	McKinney	Walz
Bostar	Erdman	Hilkemann	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 1:

Brewer

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

#### **LEGISLATIVE BILL 500.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1301, Reissue Revised Statutes of Nebraska; to provide venue for prosecution of offenses committed using an electronic communication device; to define terms; 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, 47:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Briese	Geist	Kolterman	Murman	
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Brewer

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 LB501 with 34 ayes, 7 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 501.**

A BILL FOR AN ACT relating to legal process; to amend section 30-24,129, Reissue Revised Statutes of Nebraska, and section 68-919, Revised Statutes Cumulative Supplement, 2020; to adopt the Uniform Foreign-Country Money Judgments Recognition Act, the Uniform Registration of Canadian Money Judgments Act, the Uniform Powers of Appointment Act, and the Uniform Easement Relocation Act; to change provisions relating to succession to real property; to redefine estate of a recipient of medical assistance for purposes of claims against a medical assistance recipient; 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, 47:

Aguilar	Clements	Hansen, B.	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

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 507.** With Emergency Clause.

A BILL FOR AN ACT relating to the regulation of resources; to amend sections 37-448, 37-456, and 66-1330, Reissue Revised Statutes of Nebraska, and sections 37-201, 46-102, and 61-222, Revised Statutes Cumulative Supplement, 2020; to provide for and change provisions relating to hunting permits; to provide powers and duties for the Game and Parks Commission; to redefine elector under the Irrigation District Act; to change provisions relating to the use of the Water Sustainability Fund; to prohibit the use of treated seed in the production of agricultural ethyl alcohol 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, 48:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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 LB583 with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 583.**

A BILL FOR AN ACT relating to prescriptions; to amend sections 28-414, 28-414.01, 38-101, 38-2870, and 38-2891, Revised Statutes Cumulative Supplement, 2020; 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.

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:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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 58, 63, 181, 343, 372, 466, 616, 9, 17, 81, 143, 152, 154, 320, 320A, 338, 423, 423A, 451, 497, 500, 501, 507, 583.

### **GENERAL FILE**

**LEGISLATIVE BILL 336.** Title read. Considered.

Committee [AM380](#), found on page 621, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Committee [AM1092](#), found on page 1103, was offered.

Senator Hilgers offered his amendment, [FA38](#), found on page 1183, to the committee amendment.

The Hilgers amendment was adopted with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

**SPEAKER HILGERS PRESIDING**

The committee amendment, as amended, was adopted with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

Senator McDonnell withdrew his amendments, [AM848](#) and [AM1001](#), found on page 864 and 1039.

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 406A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

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

Senator Wayne filed the following amendment to [LB528](#):

[AM1190](#)

(Amendments to Standing Committee amendments, AM556)

- 1 1. Insert the following new section:
- 2 Sec. 20. Section 79-236, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-236 Beginning with the 1993-94 school year and ending with the
- 5 2021-22 school year, the enrollment option program shall be implemented
- 6 by all public school districts. The enrollment option program shall
- 7 terminate on July 1, 2022.
- 8 2. Renumber the remaining sections and correct internal references
- 9 and the repealer accordingly.

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 260.** Placed on Final Reading.

**LEGISLATIVE BILL 271.** Placed on Final Reading.

**LEGISLATIVE BILL 271A.** Placed on Final Reading.

**LEGISLATIVE BILL 411.** Placed on Final Reading.

[ST16](#)

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 "health information; to amend sections 81-6,125 and 81-6,128, Revised Statutes Cumulative Supplement, 2020; to require the provision and sharing of information by health care facilities and health insurance plans; to change provisions relating to the Health Information Technology Board; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Terrell McKinney, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 29, 2021, at 10:36 a.m. were the following: LBs 58, 63, 181e, 343, 372, 466, 616, 9e, 17e, 81, 143, 152e, 154, 320, 320A, 338e, 423, 423A, 451, 497, 500, 501, 507e and 583.

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

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 454A.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 454, One Hundred Seventh Legislature, First Session, 2021.

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

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

Senator Day name added to LB392.  
Senator Sanders name added to LB406.

**RECESS**

At 11:58 a.m., on a motion by Senator Stinner, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, McCollister, Pansing Brooks, Vargas, Walz, Williams, and Wishart who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 114.** Introduced by Education Committee: Walz, 15, Chairperson; Day, 49; Linehan, 39; McKinney, 11; Morfeld, 46; Murman, 38; Pansing Brooks, 28; Sanders, 45.

WHEREAS, teachers make all schools great, including early childhood, elementary, secondary, and postsecondary; and

WHEREAS, teachers spend countless hours preparing lessons, evaluating progress, and counseling and coaching students; and

WHEREAS, teachers fill many roles such as listeners, explorers, role models, motivators, and mentors; and

WHEREAS, teachers encounter students of widely differing backgrounds; and

WHEREAS, teachers went beyond expectations during the recent pandemic; and

WHEREAS, teachers open minds to ideas, knowledge, and dreams; and

WHEREAS, teachers mold future citizens through guidance and education; and

WHEREAS, teachers keep American democracy alive by laying the foundation for good citizenship; and

WHEREAS, our country's future depends upon providing quality education to all students; and

WHEREAS, the influence of teachers continues long after school days are only distant memories.

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

1. The Legislature recognizes May 4, 2021, as National Teacher Appreciation Day.

2. The Legislature urges Nebraskans to observe this day by taking time to recognize and acknowledge the impact of teachers on our lives.

3. The Legislature encourages all members of our state to join with us in expressing appreciation to our teachers for their dedication and devotion to their work.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 496A.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, One Hundred Seventh Legislature, First Session, 2021; to provide for transfers of funds; and to provide an operative date.



**ANNOUNCEMENT**

Senator Erdman announced the birthday of Senator McCollister.

**GENERAL FILE**

**LEGISLATIVE BILL 103.** Title read. Considered.

Committee [AM588](#), found on page 651, was offered.

Senator Groene offered his amendment, [AM1107](#), found on page 1167, to the committee amendment.

**SENATOR HUGHES PRESIDING****SPEAKER HILGERS PRESIDING**

Senator Groene withdrew his amendment.

Senator M. Cavanaugh offered the following amendment to the committee amendment:

[FA42](#)

Amend AM588

There is hereby appropriated

(1)\$17,000,000 from the General Fund for FY2021-22 and

(2)\$34,000,000 from the General Fund for FY2022-23, for Program 424.

Senator M. Cavanaugh withdrew her amendment.

Senator Dorn offered the following amendment to the committee amendment:

[AM1216](#)

(Amendments to Standing Committee amendments, AM588)

1 1. On page 1, lines 3, 4, 17, and 19, strike "\$5,000,000" and insert

2 "\$2,000,000".

Senator Dorn moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Dorn requested a roll call vote on his amendment.

Voting in the affirmative, 37:

Albrecht	Day	Halloran	Lindstrom	Slama
Arch	DeBoer	Hansen, B.	Linehan	Walz
Blood	Dorn	Hansen, M.	McCollister	Wayne
Bostar	Erdman	Hilgers	McDonnell	Williams
Bostelman	Flood	Hilkemann	McKinney	Wishart
Brandt	Friesen	Hunt	Morfeld	
Briese	Gragert	Kolterman	Moser	
Cavanaugh, J.	Groene	Lathrop	Murman	

Voting in the negative, 2:

Aguilar      Lowe

Present and not voting, 5:

Cavanaugh, M.    Clements      Geist      Hughes      Sanders

Excused and not voting, 5:

Brewer      Pahls      Pansing Brooks    Stinner      Vargas

The Dorn amendment was adopted with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 36 ayes, 2 nays, 6 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the advancement of the bill.

Advanced to Enrollment and Review Initial with 35 ayes, 3 nays, 6 present and not voting, and 5 excused and not voting.

**MOTION(S) - Rerefer LR107 to the Government, Military and Veterans Affairs Committee**

Senator Hunt offered her motion, [MO49](#), found on page 1170, to rerefer LR107 to the Government, Military, and Veterans Affairs Committee.

Senator Hunt moved for a call of the house. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Senator Hunt requested a roll call vote on the motion to rerefer the resolution.

Voting in the affirmative, 14:

Blood	Day	Hunt	McCollister	Walz
Cavanaugh, J.	DeBoer	Kolterman	McKinney	Wishart
Cavanaugh, M.	Hansen, M.	Lathrop	Morfeld	

Voting in the negative, 24:

Aguilar	Clements	Groene	Hughes	Murman
Albrecht	Dorn	Halloran	Lindstrom	Sanders
Arch	Friesen	Hansen, B.	Linehan	Slama
Bostelman	Geist	Hilgers	Lowe	Williams
Brandt	Gragert	Hilkemann	Moser	

Present and not voting, 1:

Bostar

Excused and not voting, 10:

Brewer	Erdman	McDonnell	Pansing Brooks	Vargas
Briese	Flood	Pahls	Stinner	Wayne

The Hunt motion to rerefer the resolution failed with 14 ayes, 24 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

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

Senator Wayne filed the following amendment to LB388:

AM1197

(Amendments to Standing Committee amendments, AM530)

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 Rural Municipal Broadband Access Act.

4 Sec. 12. The Legislature finds that many rural municipalities lack  
5 access to quality broadband services and Internet services, despite  
6 significant private, local, state, and federal investment in the  
7 development of broadband in Nebraska.

8 Sec. 13. For purposes of the Rural Municipal Broadband Access Act:

9 (1) Broadband services has the same meaning as in section 86-593;

10 (2) Existing provider means a broadband Internet service provider,  
11 including any telecommunications company, cable television company, or  
12 wireless network provider that provides broadband services or Internet  
13 services within the corporate limits and extraterritorial zoning  
14 jurisdiction of a municipality;

15 (3) Governing body means the city council of a city of the first  
16 class or city of the second class or the board of trustees of a village;

17 (4) Internet services has the same meaning as in section 86-593;

18 (5) Municipality means any city of the first class, city of the  
19 second class, or village;

20 (6) Underserved area means a geographical area of the state which  
21 lacks broadband Internet service providing access to the Internet at

22 speeds of at least one hundred megabits per second for downloading and  
23 twenty megabits per second for uploading; and  
24 (7) Unserved area means a geographical area of the state which lacks  
25 broadband Internet service providing access to the Internet at speeds of  
26 at least twenty-five megabits per second for downloading and three  
1 megabits per second for uploading.  
2 Sec. 14. (1) Beginning January 1, 2024, a municipality may provide  
3 broadband services or Internet services on a retail or wholesale basis  
4 within the corporate limits and extraterritorial zoning jurisdiction of  
5 such municipality if such municipality is located in an underserved or  
6 unserved area and meets the requirements of the Rural Municipal Broadband  
7 Access Act.  
8 (2) A municipality may initiate the process of developing a  
9 broadband network by conducting a feasibility study and ordering the  
10 preparation of a resolution of intent to develop such broadband network  
11 in accordance with section 15 of this act by a vote of the majority of  
12 the members of the governing body of the municipality.  
13 Sec. 15. (1) The proposed resolution of intent to develop a  
14 broadband network described in section 14 of this act shall contain and  
15 set forth the following:  
16 (a) A declaration that the municipality is located in either an  
17 underserved area or unserved area;  
18 (b) A list of all existing providers that currently provide  
19 broadband services or Internet services within the corporate limits and  
20 extraterritorial zoning jurisdiction of the municipality;  
21 (c) A description of any acts or omissions of any existing provider  
22 that have resulted in the municipality being located in an underserved  
23 area or unserved area;  
24 (d) A comparison of the rates charged by existing providers for  
25 broadband services or Internet services within the corporate limits or  
26 extraterritorial zoning jurisdiction of the municipality to rates charged  
27 in comparably sized municipalities in Nebraska and neighboring states;  
28 and  
29 (e) A description of any local, state, or federal funds known by the  
30 municipality to have been received by any existing provider to expand or  
31 supplement the provision of broadband services or Internet services,  
1 including funds from the Nebraska Telecommunications Universal Service  
2 Fund and funds under the Nebraska Broadband Bridge Act.  
3 (2) If the resolution of intent contains any description as set  
4 forth in subdivision (1)(c) of this section, the resolution of intent  
5 shall describe the efforts by the municipality to inform any such  
6 existing provider of the existing provider's acts and omissions and shall  
7 describe the opportunities afforded the existing provider to remedy the  
8 stated defects.  
9 Sec. 16. (1) The feasibility study and proposed resolution of intent  
10 to develop a broadband network shall be presented to the governing body  
11 of the municipality at a regular meeting of such governing body. At that  
12 meeting, the governing body may adopt the resolution of intent and, if it  
13 does so, shall set a date for holding a public hearing, which shall be at  
14 least forty-five days after the date of the meeting at which the  
15 resolution of intent was adopted.  
16 (2) Upon the adoption of a resolution of intent, the city clerk or  
17 village clerk of the municipality shall transmit a copy of the  
18 feasibility study and resolution of intent and notice of the date and  
19 time of the public hearing to any existing providers by certified mail,  
20 return receipt requested, within seven days after the meeting at which  
21 the resolution of intent was adopted.  
22 (3) At least thirty days prior to the public hearing, the  
23 municipality shall publish notice of the time and place of the public  
24 hearing and a summary of the resolution of intent in a legal newspaper

25 published in or of general circulation in the municipality.  
26 (4) At the public hearing, any existing provider shall be permitted  
27 to respond to the contents of the feasibility study, the statements set  
28 out in the resolution of intent, and any comments made at the public  
29 hearing.  
30 Sec. 17. After the public hearing held pursuant to section 16 of  
31 this act, the governing body of the municipality may:  
1 (1) By a two-thirds vote of its members, vote to develop a broadband  
2 network within the corporate limits and extraterritorial zoning  
3 jurisdiction of the municipality; or  
4 (2) By a majority vote of its members, submit the question of  
5 whether to develop a broadband network within the corporate limits and  
6 extraterritorial zoning jurisdiction of the municipality to the  
7 registered voters of the city as provided in section 18 of this act.  
8 Sec. 18. (1) After conducting a feasibility study and holding a  
9 public hearing on a resolution of intent as provided in the Rural  
10 Municipal Broadband Access Act, the governing body of a municipality may  
11 submit to the registered voters of the municipality at any general or  
12 special municipal election the question of whether the municipality  
13 should develop a broadband network under the act. The ballot language  
14 shall be in the following form:  
15 Shall the city or village of (name of city or village) develop a  
16 broadband network under the Rural Municipal Broadband Access Act to  
17 provide broadband services or Internet services on a retail or wholesale  
18 basis within the corporate limits and extraterritorial zoning  
19 jurisdiction of the city or village?  
20 (2) The municipality shall submit the question to the registered  
21 voters in the manner prescribed in the Election Act. The question may be  
22 placed before the registered voters of the municipality at any general or  
23 special municipal election called for the purpose and may be submitted in  
24 connection with any municipal special election called for any other  
25 purpose. The votes cast on the question shall be canvassed and the result  
26 found and declared as prescribed in the Election Act.  
27 (3) If a majority of the votes cast upon the question are in favor,  
28 then the municipality shall be authorized to provide broadband services  
29 or Internet services on a retail or wholesale basis within the corporate  
30 limits and extraterritorial zoning jurisdiction of such municipality.  
31 Sec. 19. (1) A municipality which develops a broadband network under  
1 the Rural Municipal Broadband Access Act shall ensure that such broadband  
2 network provides access to the Internet at speeds of one hundred megabits  
3 per second or greater for downloading and one hundred megabits per second  
4 or greater for uploading.  
5 (2) A municipality shall not develop a broadband network under the  
6 Rural Municipal Broadband Access Act on or after January 1, 2034, except  
7 that a municipality may continue to provide broadband services or  
8 Internet services after such date using any broadband network developed  
9 by such municipality prior to January 1, 2034.  
10 Sec. 20. Section 86-594, Reissue Revised Statutes of Nebraska, is  
11 amended to read:  
12 86-594 (1) Except as provided in the Educational Service Units Act,  
13 the Rural Municipal Broadband Access Act, and sections 79-1319,  
14 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501 to 85-1542, and  
15 86-575, an agency or political subdivision of the state that is not a  
16 public power supplier shall not provide on a retail or wholesale basis  
17 any broadband services, Internet services, telecommunications services,  
18 or video services.  
19 (2) The provisions of subsection (1) of this section shall not apply  
20 to services which an agency or political subdivision of the state was  
21 authorized to provide and was providing prior to January 1, 2005.  
22 Sec. 21. The Revisor of Statutes shall assign sections 11 to 19 of

- 23 this act to Chapter 19.  
 24 Sec. 22. Original section 86-594, Reissue Revised Statutes of  
 25 Nebraska, is repealed.  
 26 2. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to LB131A:

[AM1188](#)

- 1 1. Insert the following new section:  
 2 Sec. 2. The State Treasurer shall transfer \$10,000,000 from the  
 3 General Fund to the Municipal Natural Gas System Emergency Assistance  
 4 Fund on or after July 1, 2021, on such dates and in such amounts as  
 5 directed by the budget administrator of the budget division of the  
 6 Department of Administrative Services.  
 7 2. Renumber the remaining section accordingly.

Senator Linehan filed the following amendment to LB132:

[AM1203](#)

(Amendments to Standing Committee amendments, AM555)

- 1 1. Strike section 1.  
 2 2. Renumber the remaining sections accordingly.

Senator DeBoer filed the following amendment to LB132:

[AM1199](#)

(Amendments to Standing Committee amendments, AM555)

- 1 1. On page 1, line 4, strike "twenty-one" and insert "twenty-two";  
 2 in line 8 strike "Three" and insert "Four"; and strike beginning with the  
 3 comma in line 9 through "Legislature" in line 12.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 115.** Introduced by Lowe, 37.

**PURPOSE:** The purpose of this interim study is to examine and review liquor laws in Nebraska, including the Nebraska Liquor Control Act, to determine if any updates or revisions are necessary. The study shall include, but not be limited to, an examination of:

- (1) Laws relating to the manufacture, sale, and distribution of alcoholic liquor;
- (2) The types of licenses issued by the Nebraska Liquor Control Commission, including special designated liquor licenses; and
- (3) Any taxes and fees collected by the Nebraska Liquor Control Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 452.** Placed on Select File with amendment.

[ER79](#)

1 1. On page 1, strike beginning with "adopt" in line 1 through line 2  
2 and insert "amend section 79-729, Reissue Revised Statutes of Nebraska,  
3 and sections 79-760.01 and 79-760.02, Revised Statutes Cumulative  
4 Supplement, 2020; to adopt the Financial Literacy Act; to provide a  
5 graduation requirement; to change duties relating to academic content  
6 standards; to harmonize provisions; and to repeal the original  
7 sections."

**LEGISLATIVE BILL 452A.** Placed on Select File.

**LEGISLATIVE BILL 306.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Executive Board  
Room 1524

Thursday, May 6, 2021 12:00 p.m.

LR107

(Signed) Dan Hughes, Chairperson

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

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

Senator Lindstrom name added to LB649.

**ADJOURNMENT**

At 3:51 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 10:00 a.m., Tuesday, May 4, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-FIRST DAY - MAY 4, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 4, 2021

**PRAYER**

The prayer was offered by Senator Dorn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, Briese, Groene, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 388A.** Placed on Select File with amendment.

[ER78](#)

1 1. On page 1, line 3, after "2021" insert "; and to declare an  
2 emergency".

**LEGISLATIVE BILL 336.** Placed on Select File with amendment.

[ER80](#)

1 1. On page 1, strike beginning with "game" in line 1 through line 8  
2 and insert "the Game Law; to amend section 37-438, Revised Statutes  
3 Cumulative Supplement, 2020; to change certain fees; and to repeal the  
4 original section".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 2.** Placed on Final Reading.  
**LEGISLATIVE BILL 108.** Placed on Final Reading.  
**LEGISLATIVE BILL 108A.** Placed on Final Reading.  
**LEGISLATIVE BILL 247A.** Placed on Final Reading

**LEGISLATIVE BILL 273.** Placed on Final Reading.

**ST18**

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

1. On page 1, lines 5 through 8 and all amendments thereto have been struck and "change provisions relating to youth rehabilitation and treatment centers; to provide for motions for immediate change in placement; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 307.** Placed on Final Reading.

**ST17**

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

1. In the Lathrop amendment, AM1081, amendment 2 has been struck.
2. In the Geist amendment, AM1108:
  - a. Sections 1, 2, and 3 have been renumbered as sections 2, 3, and 4, respectively; and
  - b. On page 4, line 2, "juveniles" has been struck and "a juvenile" inserted; and in line 18 "and section 29-1816, Revised Statutes Cumulative Supplement, 2020," has been inserted after the comma.
3. On page 1, line 1, "section" has been struck and "sections 43-272 and" inserted; in line 2 ", and section 29-1816, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to transfer of a case to juvenile court" has been inserted after "Nebraska"; and in line 5 "section" has been struck and "sections" inserted.

**LEGISLATIVE BILL 485.** Placed on Final Reading.

**LEGISLATIVE BILL 644.** Placed on Final Reading.

**ST19**

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

1. In the E and R amendments, ER54, on page 38, line 11, "and property tax requests" has been inserted after "refunds".

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 116.** Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to review the credentialing requirements in the Public Accountancy Act in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 306A.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 485A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 407.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 90.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 166.** Title read. Considered.

Committee [AM389](#), found on page 511, was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 166A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 317.** Title read. Considered.

Committee [AM398](#), found on page 512, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 317A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 256.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 479.** Title read. Considered.

Committee [AM372](#), found on page 642, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 628.** Title read. Considered.

Senator Morfeld withdrew his amendments, [AM997](#) and [AM1129](#), found on pages 1059 and 1131.

Committee [AM1185](#), found on page 1181, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 454.** Title read. Considered.

Committee [AM789](#), found on page 784, was offered.

Senator Friesen offered the following amendment to the committee amendment:

[AM1231](#)

(Amendments to Standing Committee amendments, AM789)

1 1. On page 2, line 25, strike "ten" and insert "nine"; and in line  
2 28 strike "June" and insert "May".

**SENATOR WILLIAMS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 406.** Placed on Select File with amendment.

[ER81](#)

1 1. On page 1, strike beginning with "amend" in line 1 through line 6  
2 and insert "state legislative findings; to create the Statewide Tourism  
3 And Recreational Water Access and Resource Sustainability Special  
4 Committee of the Legislature; to provide powers and duties; and to  
5 declare an emergency."

**LEGISLATIVE BILL 406A.** Placed on Select File.

**LEGISLATIVE BILL 103.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

Senator Wayne filed the following amendment to [LB454](#):

[FA43](#)

On page 2, strike subsection 1 and 2 of section 2.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 566A.** Introduced by McDonnell, 5; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 566, One Hundred Seventh Legislature, First Session, 2021; to provide for a transfer of funds; and to declare an emergency.

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

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

Senator McCollister name added to LB496.

**RECESS**

At 12:02 p.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., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Albrecht, Bostar, Bostelman, Day, DeBoer, Flood, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 454.** Senator Friesen renewed his amendment, [AM1231](#), found in this day's Journal, to the committee amendment.

**SENATOR WILLIAMS PRESIDING**

Senator Friesen withdrew his amendment.

Senator Wayne offered the following amendment to the committee amendment:

[AM1234](#)

(Amendments to Standing Committee amendments, AM789)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 79-236, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 79-236 Beginning with the 1993-94 school year and ending with the
- 6 2021-22 school year, the enrollment option program shall be implemented
- 7 by all public school districts. The enrollment option program shall
- 8 terminate on July 1, 2022.
- 9 Sec. 2. Section 79-1001, Revised Statutes Cumulative Supplement,
- 10 2020, is amended to read:
- 11 79-1001 Sections 79-1001 to 79-1033 shall be known and may be cited
- 12 as the Tax Equity and Educational Opportunities Support Act. The Tax
- 13 Equity and Educational Opportunities Support Act shall be applicable for
- 14 state aid calculated and distributed pursuant to the act for school
- 15 fiscal years through school fiscal year 2021-22. The Tax Equity and
- 16 Educational Opportunities Support Act shall terminate on July 1, 2022.
- 17 Sec. 3. Original section 79-236, Reissue Revised Statutes of
- 18 Nebraska, and section 79-1001, Revised Statutes Cumulative Supplement,
- 19 2020, are repealed.

**SENATOR HUGHES PRESIDING**

Senator Wayne withdrew his amendment.

Committee [AM789](#), found on page 784 and considered in this day's Journal, was renewed.

**SENATOR WILLIAMS PRESIDING**

Senator Wayne reoffered his amendment, [AM1234](#), found in this day's Journal, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Aguilar	Dorn	Hughes	McDonnell	Wayne
Albrecht	Erdman	Kolterman	McKinney	
Bostelman	Geist	Lindstrom	Murman	
Brandt	Halloran	Linehan	Pahls	
Brewer	Hansen, B.	Lowe	Slama	

Voting in the negative, 14:

Bostar	Clements	Gragert	Hunt	Moser
Briese	Day	Groene	Lathrop	Williams
Cavanaugh, J.	DeBoer	Hilkemann	McCollister	

Present and not voting, 8:

Arch	Cavanaugh, M.	Hansen, M.	Walz
Blood	Friesen	Stinner	Wishart

Excused and not voting, 6:

Flood	Morfeld	Sanders
Hilgers	Pansing Brooks	Vargas

The Wayne amendment lost with 21 ayes, 14 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Friesen moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Friesen requested a roll call vote on the committee amendment.

Voting in the affirmative, 28:

Aguilar	Briese	Friesen	Kolterman	Pahls
Albrecht	Day	Gragert	Lindstrom	Slama
Bostar	DeBoer	Halloran	McCollister	Williams
Bostelman	Dorn	Hansen, B.	McDonnell	Wishart
Brandt	Erdman	Hansen, M.	Moser	
Brewer	Flood	Hughes	Murman	

Voting in the negative, 6:

Blood	Geist	Hilkemann
Clements	Groene	Lathrop

Present and not voting, 11:

Arch	Hunt	McKinney	Walz
Cavanaugh, J.	Linehan	Morfeld	Wayne
Cavanaugh, M.	Lowe	Stinner	

Excused and not voting, 4:

Hilgers	Pansing Brooks	Sanders	Vargas
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The committee amendment was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Friesen moved for a call of the house. The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

Senator Friesen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Albrecht	Briese	Gragert	Kolterman	Pahls
Bostar	Dorn	Halloran	Lindstrom	Slama
Bostelman	Erdman	Hansen, B.	Lowe	Williams
Brandt	Flood	Hansen, M.	McCollister	
Brewer	Friesen	Hughes	Murman	

Voting in the negative, 12:

Aguilar	Geist	Lathrop	McKinney
Blood	Hilkemann	Linehan	Moser
Day	Hunt	McDonnell	Stinner

Present and not voting, 10:



Arch Cavanaugh, M. DeBoer Morfeld Wayne  
Cavanaugh, J. Clements Groene Walz Wishart

Excused and not voting, 4:

Hilgers Pansing Brooks Sanders Vargas

Failed to advance to Enrollment and Review Initial with 23 ayes, 12 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to LB595:  
[AM1227](#)

(Amendments to E & R amendments, ER75)

1 1. On page 7, strike beginning with "enzymes" in line 19 through  
2 "alcohol" in line 20 and insert "all catalysts, chemicals, and materials  
3 used in the process of manufacturing ethyl alcohol and the production of  
4 coproducts".

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 39A.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 39, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**LEGISLATIVE BILL 529A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, One Hundred Seventh Legislature, First Session, 2021; to outright repeal section 49, Legislative Bill 380, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 566.** Title read. Considered.

Committee [AM606](#), found on page 652, was offered.

Senator McDonnell moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Senator McDonnell requested a roll call vote, in reverse order, on the

committee amendment.

Voting in the affirmative, 36:

Aguilar	DeBoer	Hilkemann	McCollister	Walz
Arch	Dorn	Hughes	McDonnell	Wayne
Blood	Erdman	Hunt	McKinney	Williams
Bostar	Flood	Kolterman	Morfeld	Wishart
Brandt	Gragert	Lathrop	Murman	
Brewer	Groene	Lindstrom	Pahls	
Cavanaugh, J.	Halloran	Linehan	Pansing Brooks	
Day	Hansen, M.	Low	Stinner	

Voting in the negative, 5:

Albrecht	Clements	Friesen	Moser	Slama
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Present and not voting, 4:

Bostelman	Cavanaugh, M.	Geist	Hansen, B.
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Excused and not voting, 4:

Briese	Hilgers	Sanders	Vargas
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The committee amendment was adopted with 36 ayes, 5 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator McDonnell offered his amendment, [AM344](#), found on page 811.

Senator McDonnell moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

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

Voting in the affirmative, 29:

Aguilar	Dorn	Hilkemann	McCollister	Stinner
Blood	Erdman	Kolterman	McDonnell	Walz
Bostar	Flood	Lathrop	McKinney	Wayne
Cavanaugh, J.	Gragert	Lindstrom	Morfeld	Williams
Day	Halloran	Linehan	Pahls	Wishart
DeBoer	Hansen, M.	Low	Pansing Brooks	

Voting in the negative, 9:

Albrecht	Brewer	Friesen	Groene	Slama
Bostelman	Clements	Geist	Moser	

Present and not voting, 7:

Arch	Cavanaugh, M.	Hughes	Murman
Brandt	Hansen, B.	Hunt	

Excused and not voting, 4:

Briese	Hilgers	Sanders	Vargas
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The McDonnell amendment was adopted with 29 ayes, 9 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 11 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to [LB568](#):  
[AM1209](#)

(Amendments to Standing Committee amendments, AM264)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 1. Strike sections 16 and 17 and insert the following new sections:
- 3 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 43-2404.02 (1) There is created a separate and distinct budgetary
- 6 program within the commission to be known as the Community-based Juvenile
- 7 Services Aid Program. Funding acquired from participation in the federal
- 8 act, state General Funds, and funding acquired from other sources which
- 9 may be used for purposes consistent with the Juvenile Services Act and
- 10 the federal act shall be used to aid in the establishment and provision
- 11 of community-based services for juveniles and families who have had, who
- 12 are at risk of, or who come in contact with the juvenile justice system,
- 13 and to reduce the risk for juveniles to come in contact with the juvenile
- 14 justice system.
- 15 (2)(a) Ten percent of the annual General Fund appropriation to the
- 16 Community-based Juvenile Services Aid Program, excluding administrative
- 17 budget funds, shall be set aside for the development of a common data set
- 18 and evaluation of the effectiveness of the Community-based Juvenile
- 19 Services Aid Program. The intent in creating this common data set is to
- 20 allow for evaluation of the use of the funds and the effectiveness of the
- 21 programs or outcomes in the Community-based Juvenile Services Aid
- 22 Program.
- 23 (b) The common data set shall be developed and maintained by the
- 24 commission and shall serve as a primary data collection site for any
- 25 intervention funded by the Community-based Juvenile Services Aid Program
- 26 designed to serve juveniles and deter involvement in the formal juvenile
- 1 justice system. The commission shall work with agencies and programs to
- 2 enhance existing data sets. To ensure that the data set permits
- 3 evaluation of recidivism and other measures, the commission shall work
- 4 with the Office of Probation Administration, juvenile diversion programs,

5 law enforcement, the courts, and others to compile data that demonstrates  
6 whether a youth has moved deeper into the juvenile justice system. The  
7 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist  
8 with the development of common definitions, variables, and training  
9 required for data collection and reporting into the common data set by  
10 juvenile justice programs. The common data set maintained by the  
11 commission shall be provided to the University of Nebraska at Omaha,  
12 Juvenile Justice Institute, to assess the effectiveness of the Community-  
13 based Juvenile Services Aid Program.

14 (c) Providing the commission access to records and information for,  
15 as well as the commission granting access to records and information  
16 from, the common data set is not a violation of confidentiality  
17 provisions under any law, rule, or regulation if done in good faith for  
18 purposes of evaluation. Records and documents, regardless of physical  
19 form, that are obtained or produced or presented to the commission for  
20 the common data set are not public records for purposes of sections  
21 84-712 to 84-712.09.

22 (d) The ten percent of the annual General Fund appropriation to the  
23 Community-based Juvenile Services Aid Program, excluding administrative  
24 budget funds, shall be appropriated as follows: In fiscal year 2015-16,  
25 seven percent shall go to the commission for development of the common  
26 data set and three percent shall go to the University of Nebraska at  
27 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year  
28 2016-17, six percent shall go to the commission for development and  
29 maintenance of the common data set and four percent shall go to the  
30 University of Nebraska at Omaha, Juvenile Justice Institute, for  
31 evaluation. Every fiscal year thereafter, beginning in fiscal year  
1 2017-18, five percent shall go to the commission for development and  
2 maintenance of the common data set and five percent shall go to the  
3 University of Nebraska at Omaha, Juvenile Justice Institute, for  
4 evaluation.

5 (e) The remaining funds in the annual General Fund appropriation to  
6 the Community-based Juvenile Services Aid Program shall be apportioned as  
7 aid to counties and federally recognized or state recognized Indian  
8 tribes in accordance with a formula established in rules and regulations  
9 adopted and promulgated by the commission that consider the difference  
10 among counties and Indian tribes in population, geography, and the  
11 availability of local resources with a goal of distribution across the  
12 state. The formula shall be based on the total number of residents per  
13 county and federally recognized or state recognized Indian tribe who are  
14 twelve years of age through eighteen years of age and other relevant  
15 factors as determined by the commission. The commission may require a  
16 local match of up to forty percent from the county, multiple counties,  
17 federally recognized or state-recognized Indian tribe or tribes, or any  
18 combination of the three which is receiving aid under such program. Any  
19 local expenditures for community-based programs for juveniles may be  
20 applied toward such match requirement.

21 (3)(a) In distributing funds provided under the Community-based  
22 Juvenile Services Aid Program, aid recipients shall prioritize programs  
23 and services that will divert juveniles from the juvenile justice system,  
24 address issues of excessive absenteeism, reduce the population of  
25 juveniles in juvenile detention and secure confinement, and provide  
26 prevention, intervention, and re-entry services to youth and families at  
27 risk of, involved in, and transitioning out of juvenile justice system  
28 involvement assist in transitioning juveniles from out-of-home  
29 placements.

30 (b) Funds received under the Community-based Juvenile Services Aid  
31 Program shall be used exclusively to assist the aid recipient in the  
1 implementation and operation of programs or the provision of services  
2 identified in the aid recipient's comprehensive juvenile services plan,

3 including programs for local planning and service coordination;  
4 screening, assessment, and evaluation; juvenile diversion; family  
5 diversion; excessive absenteeism diversion; alternatives to detention;  
6 family support services; treatment services; excessive absenteeism  
7 truancy prevention and intervention programs for all school-aged youth;  
8 pilot projects approved by the commission; payment of transportation  
9 costs to and from placements, evaluations, or services; personnel when  
10 the personnel are aligned with evidence-based treatment principles,  
11 programs, or practices; contracting with other state agencies or private  
12 organizations that provide evidence-based treatment or programs;  
13 preexisting programs that are aligned with evidence-based practices or  
14 best practices; and other services that will positively impact juveniles  
15 and families in or at risk of entering the juvenile justice system.  
16 (c) Funds received under the Community-based Juvenile Services Aid  
17 Program may be used one time by an aid recipient:  
18 (i) To convert an existing juvenile detention facility or other  
19 existing structure for use as an alternative to detention as defined in  
20 section 43-245;  
21 (ii) To invest in capital construction, including both new  
22 construction and renovations, for a facility for use as an alternative to  
23 detention; or  
24 (iii) For the initial lease of a facility for use as an alternative  
25 to detention.  
26 (d) Funds received under the Community-based Juvenile Services Aid  
27 Program shall not be used for the following:  
28 (i) Construction of secure detention facilities, secure youth  
29 treatment facilities, or secure youth confinement facilities;  
30 (ii) Capital construction or the lease or acquisition of facilities  
31 beyond the one-time use described in subdivision (3)(c) of this section;  
1 (iii) Programs, services, treatments, evaluations, or other  
2 preadjudication services that are not based on or grounded in evidence-  
3 based practices, principles, and research, except that the commission may  
4 approve pilot projects that authorize the use of such aid; or  
5 (iv) Office equipment, office supplies, or office space.  
6 (e) Any aid not distributed to counties or tribes under this  
7 subsection may shall be retained by the commission to implement pilot  
8 projects, program development trainings, or other statewide initiatives  
9 for the statewide benefit of counties and Indian tribes. The commission  
10 may also award any funds that are unspent, returned, de-obligated, or not  
11 distributed under this subsection to any new or existing grant recipient  
12 under the Community-based Juvenile Services Aid Program with an exhibited  
13 need for additional funds be distributed on a competitive basis under the  
14 Community-based Juvenile Services Aid Program for a county, multiple  
15 counties, federally recognized or state-recognized Indian tribe or  
16 tribes, or any combination of the three demonstrating additional need in  
17 the funding areas identified in this subsection.  
18 (f) If a county, multiple counties, or a federally recognized or  
19 state-recognized Indian tribe or tribes is denied aid under this section  
20 or receives no aid under this section, the entity may request an appeal  
21 pursuant to the appeal process in rules and regulations adopted and  
22 promulgated by the commission. The commission shall establish appeal and  
23 hearing procedures by December 15, 2014. The commission shall make appeal  
24 and hearing procedures available on its web site.  
25 (4)(a) Any recipient of aid under the Community-based Juvenile  
26 Services Aid Program shall electronically file an annual report as  
27 required by rules and regulations adopted and promulgated by the  
28 commission. Any program funded through the Community-based Juvenile  
29 Services Aid Program that served juveniles shall report data on the  
30 individual youth served. Any program that is not directly serving youth  
31 shall include program-level data. In either case, data collected shall

1 include, but not be limited to, the following: The type of juvenile  
2 service, how the service met the goals of the comprehensive juvenile  
3 services plan, demographic information on the juveniles served, program  
4 outcomes, the total number of juveniles served, and the number of  
5 juveniles who completed the program or intervention.

6 (b) Any recipient of aid under the Community-based Juvenile Services  
7 Aid Program shall be assisted by the University of Nebraska at Omaha,  
8 Juvenile Justice Institute, in reporting in the common data set, as set  
9 forth in the rules and regulations adopted and promulgated by the  
10 commission. Community-based aid utilization and evaluation data shall be  
11 stored and maintained by the commission.

12 (c) Evaluation of the use of funds and the evidence of the  
13 effectiveness of the programs shall be completed by the University of  
14 Nebraska at Omaha, Juvenile Justice Institute, specifically:

15 (i) The varying rates of recidivism, as defined by rules and  
16 regulations adopted and promulgated by the commission, and other measures  
17 for juveniles participating in community-based programs; and  
18 (ii) Whether juveniles are sent to staff secure or secure juvenile  
19 detention after participating in a program funded by the Community-based  
20 Juvenile Services Aid Program.

21 (5) The commission shall report annually to the Governor and the  
22 Legislature on the distribution and use of funds for aid appropriated  
23 under the Community-based Juvenile Services Aid Program. The report shall  
24 include, but not be limited to, an aggregate report of the use of the  
25 Community-based Juvenile Services Aid Program funds, including the types  
26 of juvenile services and programs that were funded, whether any  
27 recipients used the funds for a purpose described in subdivision (3)(c)  
28 of this section, demographic information on the total number of juveniles  
29 served, program success rates, the total number of juveniles sent to  
30 secure juvenile detention or residential treatment and secure  
31 confinement, and a listing of the expenditures of all counties and  
1 federally recognized or state-recognized Indian tribes for detention,  
2 residential treatment, and secure confinement. The report submitted to  
3 the Legislature shall be submitted electronically.

4 (6) The commission shall adopt and promulgate rules and regulations  
5 for the Community-based Juvenile Services Aid Program in consultation  
6 with the Director of the Community-based Juvenile Services Aid Program,  
7 the Director of Juvenile Diversion Programs, the Office of Probation  
8 Administration, the Nebraska Association of County Officials, and the  
9 University of Nebraska at Omaha, Juvenile Justice Institute. The rules  
10 and regulations shall include, but not be limited to:

11 (a) The required elements of a comprehensive juvenile services plan  
12 and planning process;

13 (b) The Community-based Juvenile Services Aid Program ~~formula~~,  
14 review process, match requirements, and fund distribution. The  
15 distribution process shall ensure a conflict of interest policy;

16 (c) A distribution process for funds retained under subsection (3)  
17 of this section;

18 (d) A plan for evaluating the effectiveness of plans and programs  
19 receiving funding;

20 (e) A reporting process for aid recipients;

21 (f) A reporting process for the commission to the Governor and  
22 Legislature. The report shall be made electronically to the Governor and  
23 the Legislature; and

24 (g) Requirements regarding the use of the common data set.

25 Sec. 17. Section 43-2404.03, Reissue Revised Statutes of Nebraska,  
26 is amended to read:  
27 43-2404.03 It is the intent of the Legislature to appropriate five  
28 million dollars each fiscal year through fiscal year 2022-23 and eight  
29 million five hundred thousand dollars for fiscal year 2023-24 and each

30 fiscal year thereafter to the Community-based Juvenile Services Aid  
31 Program.

1 Sec. 19. Section 43-2409, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 43-2409 (1) The coalition shall review periodically the performance  
4 of eligible applicants participating under the Commission Grant Program  
5 and the federal act to determine if substantial compliance criteria are  
6 being met. The commission shall establish criteria for defining  
7 substantial compliance.

8 ~~(2) Grants received by an eligible applicant under the Commission  
9 Grant Program shall not be used to replace or supplant any funds  
10 currently being used to support existing programs for juveniles.~~

11 ~~(2) (3) Grants received under the Commission Grant Program shall not  
12 be used for capital construction or the lease or acquisition of  
13 facilities except as provided in subdivision (3)(c) of section  
14 43-2404.02.~~

15 Sec. 29. (1) On and after July 1, 2023, there is established within  
16 the Nebraska Commission on Law Enforcement and Criminal Justice the  
17 position of Director of Absenteeism Prevention and Intervention Programs  
18 to be appointed by the executive director of the commission. The Director  
19 of Absenteeism Prevention and Intervention Programs shall be supervised  
20 by the Director of the Community-based Juvenile Services Aid Program.

21 (2) The Director of Absenteeism Prevention and Intervention Programs  
22 shall be responsible for developing, fostering, promoting, researching,  
23 and assessing new and existing excessive absenteeism prevention and  
24 intervention programs in collaboration with cities and counties. The  
25 director shall:

26 (a) In collaboration with the State Department of Education, provide  
27 technical assistance and guidance to excessive absenteeism prevention and  
28 intervention programs, school districts, and county attorneys for  
29 implementing evidence-based strategies or standardized, replicable  
30 practices that have been researched and have demonstrated positive  
31 outcomes;

1 (b) Establish baseline program guidelines based on evidence-based  
2 practices, principles, programs, and research; develop data collection  
3 and evaluation protocols; oversee statewide data collection; and generate  
4 an annual report on excessive absenteeism prevention and intervention  
5 programs;

6 (c) Develop relationships and collaborate with juvenile justice  
7 stakeholders; provide education and training as necessary; and serve on  
8 boards and committees when approved by the commission;

9 (d) Facilitate consistent communication and information-sharing  
10 among excessive absenteeism prevention and intervention programs;

11 (e) Assist program directors, county attorneys, school districts,  
12 and county boards in developing policies and practices that achieve the  
13 goals of quality excessive absenteeism prevention and intervention  
14 programs;

15 (f) Assist in comprehensive community planning efforts as they  
16 relate to the development of excessive absenteeism prevention and  
17 intervention programs;

18 (g) Develop and coordinate a statewide working group as a  
19 subcommittee of the Nebraska Coalition for Juvenile Justice to assist in  
20 regular strategic planning related to supporting, funding, monitoring,  
21 and evaluating the effectiveness of plans and programs receiving funds  
22 from the Community-based Juvenile Services Aid Program; and

23 (h) Assist the Director of the Community-based Juvenile Services Aid  
24 Program in the review of Community-based Juvenile Services Aid Program  
25 applications as provided in section 43-2404.02.

26 2. Renumber the remaining sections and correct the repealer  
27 accordingly.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 649.** Placed on General File with amendment.  
[AM1018](#) is available in the Bill Room.

(Signed) Matt Williams, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion 21-008

SUBJECT: Whether LR11CA Violates the Separate-Vote Requirement in Neb. Const. art. XVI, § 1.

REQUESTED BY: Senator Steve Erdman  
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

**INTRODUCTION**

LR11CA proposes to amend the Nebraska Constitution to prohibit the State and its political subdivisions from imposing taxes on income, property, inheritances, estates, and the retail sale of goods, and requires the Legislature to enact a consumption tax on purchases of services and new goods, except for fuel. The amendment would allow the Legislature to authorize political subdivisions to enact their own consumption taxes.

You ask us to address whether LR11CA violates the provision in Neb. Const. art. III, § 2, requiring that "[i]nitiative measures shall contain only one subject." Article III, § 2, reserves power to the people to adopt laws and constitutional amendments by initiative petition "independently of the Legislature." Neb. Const. art. III, § 2. As this constitutional provision applies only to exercise of the initiative power by the people, it has no application to a resolution of the Legislature proposing to amend the Constitution. Thus, the "single subject" requirement in art. III, § 2, has no application to LR11CA.

Amendments to the Nebraska Constitution proposed by the Legislature are instead governed by Neb. Const. art. XVI, § 1. This provision requires that, "[w]hen two or more amendments are submitted at the same election, they shall so be submitted as to enable the electors to vote on each amendment separately." Neb. Const. art XVI, § 1. The Nebraska Supreme Court has held that this "separate-vote" provision "imposes the same requirements as the single subject provision under article III, § 2." *State ex*



*rel. Loontjer v. Gale*, 288 Neb. 973, 993, 853 N.W.2d 494, 509 (2014) ["*Loontjer*"]. Thus, the proper question presented is whether LR11CA violates the "separate-vote" requirement in Neb. Const. art. XVI, § 1.

### ANALYSIS

#### **A. The Natural and Necessary Connection Test Applies to the Separate-Vote Provision.**

*Loontjer* involved a challenge to a legislative resolution to amend the Nebraska Constitution to "permit wagering on 'replayed' horseraces in addition to wagering on live horseraces." 288 Neb. at 975, 853 N.W.2d at 496. The resolution also "specif[ied] how the Legislature must appropriate the proceeds from a tax placed on wagering for both live and replayed horseraces." *Id.* Loontjer's counsel asked the Secretary of State not to place the proposed amendment on the ballot, contending it was legally insufficient because it violated the separate-vote provision in article XVI, § 1. He argued the resolution "presented at least two amendments: one that authorizes a new type of gambling on replayed horseraces, and one that directs tax revenues from new and currently authorized wagering to be used for property tax relief and education funding." *Id.* at 983, 853 N.W.2d at 503. He contended "that the Legislature was unconstitutionally presenting two separate and independent changes to the constitution for voters to approve or reject in a single vote." *Id.* When the Secretary of State declined to remove the proposed amendment from the ballot, Loontjer petitioned the Supreme Court for a writ of mandamus directing the Secretary not to certify the proposed amendment for placement on the ballot.

After finding the challenge was justiciable prior to the election, the Court considered the meaning of the separate-vote requirement in art. XVI, § 1. The Court "agree[d] with the parties that the separate-vote provision in article XVI, § 1, imposes the same requirements as the single subject provision under article III, § 2." *Id.* at 993, 853 N.W.2d at 509. "Like single subject rules [for constitutional amendments], a separate-vote provision is often said to be aimed at the practice of logrolling." *Id.* at 995, 853 N.W.2d at 510. "[L]ogrolling is the practice of combining dissimilar propositions into one proposed amendment so that voters must vote for or against the whole package even though they would have voted differently had the propositions been submitted separately." *Id.* "It is sometimes described as including favored but unrelated propositions in a proposed amendment to ensure passage of a provision that might otherwise fail." *Id.* The Court concluded "that the single subject rule for voter initiatives and the separate-vote provision for the Legislature's proposed amendments should be construed as imposing the same ballot requirements: A voter initiative or a legislatively proposed constitutional amendment may not contain two or more distinct subjects for voter approval in a single vote." *Id.* at 998-99, 853 N.W.2d at 512.

Turning to the test to be applied, the Court adopted the "natural and necessary connection test" formulated in prior cases dealing with proposed amendments for city charters and municipal ballot measures. *Id.* at Neb. at 1001, 853 N.W.2d at 513-14. Under that test, "[w]here the limits of a proposed law, having natural and necessary connection with each other, and, together, are part of one general subject, the proposal is a single and not a dual proposition." *Id.* at 999, 853 N.W.2d at 513 (quoting *Munch v. Tusa*, 140 Neb. 457, 463, 300 N.W. 385, 389 (1941)).

Applying the natural and necessary connection test to the challenged legislative resolution, the Court cautioned that "whether a proposed amendment's provisions deal with a single subject matter depends on how narrowly or broadly the subject matter is defined." *Id.* at 1001, 853 N.W.2d at 514. "[T]he controlling consideration in determining the singleness of an amendment is its singleness of purpose and the relationship of the details to the general subject." *Id.* (quoting *Munch v. Tusa*, 140 Neb. at 463, 300 N.W. at 389). "[T]he general subject of a proposed measure is defined by its primary purpose[.]" *Id.* at 1002, 853 N.W.2d at 514.<sup>1</sup> "Without a unifying purpose, separate proposals in a ballot measure necessarily present independent and distinct proposals that require a separate vote." *Id.* at 1003, 853 N.W.2d at 515. The primary purpose of the resolution was "to legalize a new form of wagering," not "to create new funding for property tax relief and education by requiring that all tax revenues from parimutuel wagering be used for such purposes." *Id.* Because there was no "natural and necessary connection" between "the proposal to use tax revenues from parimutuel wagering for property tax relief and education" and "legalizing a new form of wagering," the Court found the proposed amendment violated the separate-vote requirement in art. XVI, § 1, and directed the Secretary of State not to certify the proposal for placement on the ballot. *Id.* at 1004, 1006, 853 N.W.2d at 515, 517.

## **B. Summary of LR11CA.**

LR11CA proposes to amend article IV, § 28, of the Nebraska Constitution, and fourteen sections in article VIII of the Constitution. It would also create a new article VIII, § 14. The amendment to Neb. Const. art. VIII, § 28, would eliminate the Tax Equalization and Review Commission on January 1, 2025. All but one of the remaining changes would amend sections in article VIII by adding language providing that these sections would be "superseded" by new article VIII, § 14, and would "only apply with respect to taxes imposed prior to January 1, 2024." Among the sections that would be "superseded" are: (1) Article VIII, § 1 (taxation of real and personal property, and taxes other than property taxes "authorized by law"); (2) Article VIII, § 1A (prohibition against property tax for state purposes); (3) Article VIII, § 1B (legislative authorization to adopt income tax); (4) Article VIII, § 2 (property tax exemptions); (5) Article VIII, § 2A (exemption of personal property in transit in licensed warehouses or storage areas); (6) Article VIII, § 3 (redemption from sales of real estate for taxes); (7) Article VIII, § 4 (prohibition against Legislature

remitting or commuting taxes); (8) Article VIII, § 5 (limit on county taxes); (9) Article VIII, § 6 (special assessments or taxes for local improvements of cities, towns, and villages); (10) Article VIII, § 7 (no taxes on municipal corporations, inhabitants, or property for corporate purposes); (11) Article VIII, § 10 (alternative valuation for taxes upon grain and seed); (12) Article VIII, § 11 (payments in lieu of taxes by public corporations or political subdivisions providing electricity); and (13) Article VIII, § 13 (ratification and confirmation of existing revenue laws). The resolution would also amend Neb. Const. art. VIII, § 12, which allows cities or villages to incur indebtedness and to rehabilitate, acquire, or redevelop substandard and blighted property in a redevelopment project and pledge taxes on property in the project area. This section would be amended to provide that "[b]eginning January 1, 2024, cities and villages shall no longer have the power to incur indebtedness pursuant to subsection (1) of this section or to pledge taxes pursuant to subsection (2) of this section." Finally, the resolution would create a new article VIII, § 14, providing:

(1) Notwithstanding any other provision of this Constitution to the contrary, effective January 1, 2024, the State of Nebraska and all political subdivisions of the state shall be prohibited from imposing a tax on personal income, a tax on corporate income, a tax on personal property, a tax on real property, a tax on an inheritance from a deceased person, a tax on the estate of a deceased person, and a tax on the retail sale of goods except as provided in subsection (2) of this section. Any taxes described in this subsection that are imposed prior to January 1, 2024, may be collected through the end of calendar year 2024.

(2) The Legislature shall enact a consumption tax which shall apply to purchases of services and new goods, except for fuel. Such consumption tax shall begin no later than January 1, 2024. The Legislature may authorize political subdivisions of the state to enact their own consumption taxes upon such terms and conditions as the Legislature may provide.

### **C. Application of the Natural and Necessary Connection Test to LR11CA.**

The analysis under the separate-vote provision begins with identifying LR11CA's general subject. "The general subject is defined by its primary purpose." *McNally*, 307 Neb. at 119, 948 N.W.2d at 477. The general subject "must not be considered too broadly when considering an amendment to the constitution." *Wagner*, 307 Neb. at 153, 948 N.W.2d at 254. "An overly broad general subject might allow any secondary purpose to arguably be naturally and necessarily connected to it." *Id.* "Instead, a general subject must be characterized at a level of specificity that allows for meaningful review of the natural and necessary connection between it and the [measure's] other purposes." *Id.*

The Introducer's Statement of Intent explains that the purpose of the resolution is "for a constitutional amendment for a consumption tax." Committee Records on LR11CA, 107<sup>th</sup> Leg., 1<sup>st</sup> Sess. (Feb. 3, 2021). The statement also states: "LR11CA changes the way taxes are collected, and replaces the income tax, the sales tax, the property tax, and the inheritance tax with a consumption tax, and directs the Legislature to enact a consumption tax." *Id.* The ballot language for the proposed amendment states:

A constitutional amendment to prohibit the state and all political subdivisions from imposing an income tax, a property tax, an inheritance tax, an estate tax, and a tax on retail sales of goods and services except for a consumption tax and to require the Legislature to enact a consumption tax. LR11CA, § 2.

At the broadest level, the general subject of LR11CA is to prohibit the imposition of income, property, inheritance, estates, and sales taxes and require the Legislature to enact a consumption tax. The primary purpose of the amendment is to replace the prohibited forms of taxation with the consumption tax. LR11CA accomplishes this purpose by amending several sections of Article VIII of the Constitution dealing with revenue by providing that those sections are superseded by new Article VIII, § 14, which prohibits imposing taxes on income, property, inheritance, estates, and sales and requires the Legislature to impose a consumption tax. The superseded provisions of Article VIII, which relate to some of the forms of taxation to be prohibited by the amendment, appear for the most part to have a natural and necessary connection to the resolution's primary purpose of replacing those taxes with the consumption tax. The proposed amendment to Article IV, § 28, i.e., eliminating the Tax Equalization and Review Commission ["TERC"], also bears a natural and necessary connection to the amendment's primary purpose as eliminating the property tax would obviate the need for the TERC to perform the statewide equalization of assessments of property for taxation and other powers granted TERC by the Legislature related to property taxation.

We have some concern, however, that the proposed amendment to Neb. Const. art. VIII, § 11, which would eliminate payments in lieu of certain taxes by public corporations or political subdivisions providing electricity, and the amendment to Neb. Const. art. VIII, § 12, which would remove the power granted to cities and villages to incur indebtedness or pledge taxes to rehabilitate, acquire, or redevelop substandard and blighted property in a redevelopment project, are not naturally and necessarily connected to the amendment's primary purpose. "The term 'necessary' means something 'on which another thing is dependent or contingent.'" *Wagner*, 307 Neb. at 158-59, 948 N.W.2d at 257 (quoting Oxford English Dictionary Online). These portions of LR11CA do not seem dependent or contingent on the primary purpose of eliminating certain forms of taxation and replacing them with a consumption tax.

Another issue is whether it is proper to adopt such a broad view of the general subject or primary purpose of LR11CA. The separate-vote requirement "is intended to prevent the practice of logrolling in amending the State's fundamental law." *Loontjer*, 258 Neb. at 997, 853 N.W.2d at 511. Logrolling "is the practice of combining dissimilar propositions into one proposed amendment so that voters must vote for or against the whole package even though they would have voted differently had the propositions been submitted separately." *McNally*, 307 Neb. at 118-19, 948 N.W.2d at 476. The general subject or primary purpose of LR11CA could more narrowly be viewed as to require the enactment of a consumption tax to replace revenues lost by elimination of other taxes. But the amendment does not provide voters a choice as to whether to eliminate only some of the taxes to be replaced. For example, while some voters may approve of a consumption tax to replace the property tax and sales tax, they may not wish to prohibit taxes on income, inheritances, and estates. But the amendment does not permit such a choice. Rather, those voters "would be presented with a take-it-or-leave-it proposition" to vote for the consumption tax and prohibit all these other forms of taxation. *Loontjer*, 288 Neb. at 1004, 853 N.W.2d at 515. "[T]his type of proposition is at the heart of the prohibition against logrolling." *Id.* The prohibition of each of these other taxes could be viewed as distinct subjects which should be separately presented to voters, and the inability of voters to select which taxes would be replaced by the consumption tax may be held to constitute impermissible logrolling which violates art. XVI, § 1.

### CONCLUSION

Construed broadly, the general subject of LR11CA is to prohibit income, property, inheritance, estate, and sales taxes and require the Legislature to enact a consumption tax. The primary purpose would be to replace these taxes with the consumption tax. Apart from the proposed amendments to Neb. Const. art. VIII, §§ 11 and 12, the remaining provisions of LR11CA appear to bear a natural and necessary connection to this broad general subject and satisfy the separate-vote requirement. There is a question, however, whether the general subject of LR11CA should be construed more narrowly with the primary purpose being to enact a consumption tax to replace other taxes. Under this general subject, a question may exist as to whether the "all-or-nothing" approach in LR11CA, forcing voters who may favor a consumption tax to also choose to eliminate all of the other identified forms of taxation prohibited by the amendment, as opposed to allowing them to separately vote on which taxes to eliminate, constitutes impermissible logrolling in violation of art. XVI, § 1.

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

07-1404-29

<sup>1</sup>The Court most recently applied the "natural and necessary connection" test to decide single subject challenges to several initiative measures. *State ex rel. McNally v. Evnen*, 307 Neb. 103, 948 N.W.2d 463 (2020) ["*McNally*"]; *State ex rel. Wagner v. Evnen*, 307 Neb. 142, 948 N.W.2d 244 (2020) ["*Wagner*"].

### GENERAL FILE

**LEGISLATIVE BILL 131.** Title read. Considered.

Committee [AM751](#), found on page 812, was offered.

Senator Blood withdrew her amendment, [AM1087](#), found on page 1114, to the committee amendment.

Senator Friesen offered his amendment, [AM1112](#), found on page 1118, to the committee amendment.

Pending.

### 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.

William "Scott" Wilson - Coordinating Commission for Postsecondary Education

Aye: 7. Day, Linehan, Morfeld, Murman, Pansing Brooks, Sanders, Walz.  
Nay: 1. McKinney. 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.

Marjean C. Terrell - Board of Trustees of the Nebraska State Colleges  
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges

Aye: 7. Day, Linehan, Morfeld, Murman, Pansing Brooks, Sanders, Walz.  
Nay: 1. McKinney. Absent: 0. Present and not voting: 0.

(Signed) Lynne Walz, Chairperson

**ADJOURNMENT**

At 6:00 p.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, May 5, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-SECOND DAY - MAY 5, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 5, 2021

**PRAYER**

The prayer was offered by Senator Hilkemann.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Williams.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Sanders who was excused; and Senators Bostar, Bostelman, Briese, Day, M. Hansen, Hughes, Hunt, Morfeld, Pansing Brooks, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**ANNOUNCEMENT**

Senator DeBoer announced the birthday of Senator Bostar.

**GENERAL FILE**

**LEGISLATIVE BILL 39A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 6 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 306A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 7 present and not voting, and 12 excused and not voting.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 108, 109, 111, 112, and 113 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 108, 109, 111, 112, and 113.

**GENERAL FILE**

**LEGISLATIVE BILL 485A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 5 nays, 7 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 566A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 5 present and not voting, and 11 excused and not voting.

**LEGISLATIVE RESOLUTION 11CA.** Read. Considered.

**SENATOR HUGHES PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 117.** Introduced by Bostelman, 23.

**PURPOSE:** The purpose of this interim study is to examine the extent of surface water irrigation in the state, examine the condition of surface water irrigation projects and infrastructure, understand the status and projected costs of infrastructure rehabilitation projects, and evaluate the anticipated effects relating to completion or delay of those projects. The study may also examine the economic, social, recreational, environmental, and other benefits of water supply infrastructure rehabilitation.

The issues addressed by this interim study may include, but not be limited to:

(1) Identifying the location of current projects in irrigation districts, reclamation districts, public power districts, canal companies, and other

surface water projects and the effect of such projects on local and statewide water resources;

(2) Identifying the intentional and incidental acres served by surface water projects and the number of surface water irrigators served by such projects;

(3) Computing the number of miles of canals, laterals, pipelines, and drains operated and maintained by the districts for purposes of operating and maintaining surface water irrigation;

(4) Identifying the number, location, size, and purpose of dams, reservoirs, lakes, and other impoundments owned or operated by the districts;

(5) Evaluating information about the age, condition, operation, and maintenance of all surface water facilities owned or operated by the districts;

(6) Ascertaining amounts paid by the State of Nebraska and the federal government as a result of an operating agreement between those entities relating to the operation and maintenance of surface water projects identified by this study;

(7) Ascertaining the source of funds paid by the State of Nebraska to the federal government as a result of an operating agreement between those entities relating to the operation and maintenance of surface water projects identified by this study;

(8) Determining the benefits to agriculture, recreation, fish and wildlife management, municipalities, industry, the public water supply, and ground water recharge;

(9) Identifying the location of aging surface water infrastructure in Nebraska and compiling an estimate of future funding needed to address such infrastructure; and

(10) Reviewing potential sources for securing such funding, including, but not limited to, project owner financial inputs, local funding options, state funding options, federal funding options from project facility owners, and federal funding options from past development organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 may 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 118.** Introduced by Hunt, 8.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to defend the United States Capitol, the sacred symbol of our

democracy, against every act of sedition and insurrection, whether from citizens of the United States or their elected officials.

2. That we are greatly alarmed that a factious and treasonous spirit manifested on January 6, 2021, in a violent attack on the United States Capitol in Washington, D.C., and that such insurrection was spurred by influences emanating from some members of the United States Congress and former President of the United States, Donald J. Trump, with a desire to sow discord among the citizenry and to destroy the outcome of the free and fair election that resulted in the election of President Joseph R. Biden.

3. That we further protest against the actions of the mob of citizens who committed countless criminal acts resulting in incalculable property damage; caused physical injuries to many, including brave first responders; and brought about tragic loss of life, including an officer of the United States Capitol Police. We also protest the words of elected officials in the state legislatures and the United States Congress which sought to incite such mob.

4. That we express distress at the knowledge that this insurrection was fueled by lies and misinformation and an official abuse of power by some local, state, and federal leaders, including Nebraska's Attorney General, Nebraska's Secretary of State, and Nebraska's Governor, who used the powers and privileges of their offices, granted by the people themselves, as well as state resources, to file frivolous partisan lawsuits designed to usurp the democratic process.

5. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in defending the United States Capitol Building and our democratic election process.

6. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR118 was referred to the Reference Committee.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 39A.** Placed on Select File.**LEGISLATIVE BILL 306A.** Placed on Select File.**LEGISLATIVE BILL 485A.** Placed on Select File.**LEGISLATIVE BILL 566A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

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

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

Senator Cavanaugh, J. name added to LB241.

**RECESS**

At 11:56 a.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Sanders who was excused; and Senator Morfeld who was excused until he arrives.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 11CA.** Senator Blood offered the following amendment:

[AM1259](#)

1 1. Strike sections 1 and 2 and insert the following new sections:

2 Section 1. At the general election in November 2022, the following

3 proposed amendment to the Constitution of Nebraska shall be submitted to

4 the electors of the State of Nebraska for approval or rejection:

5 To add a new section 26 to Article XV:

6 XV-26 Beginning January 1, 2023, the State of Nebraska shall fully

7 fund all unfunded and underfunded mandates that are imposed on political

8 subdivisions by the state.

9 Sec. 2. The proposed amendment shall be submitted to the electors

10 in the manner prescribed by the Constitution of Nebraska, Article XVI,

11 section 1, with the following ballot language:

12 A constitutional amendment to require the State of Nebraska to fully

13 fund all unfunded and underfunded mandates that are imposed on political

14 subdivisions by the state.

15 For

16 Against.

**SENATOR WILLIAMS PRESIDING**

Senator Blood moved for a call of the house. The motion prevailed with 21 ayes, 9 nays, and 19 not voting.

Senator Blood requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 4:

Blood          Cavanaugh, J.    Cavanaugh, M.    Day

Voting in the negative, 30:

Aguilar	Briese	Geist	Hilkemann	McDonnell
Albrecht	Clements	Gragert	Hughes	Moser
Arch	Dorn	Groene	Kolterman	Murman
Bostelman	Erdman	Halloran	Lindstrom	Slama
Brandt	Flood	Hansen, B.	Linehan	Stinner
Brewer	Friesen	Hilgers	Lowe	Williams

Present and not voting, 13:

Bostar	Hunt	McKinney	Vargas	Wishart
DeBoer	Lathrop	Pahls	Walz	
Hansen, M.	McCollister	Pansing Brooks	Wayne	

Excused and not voting, 2:

Morfeld          Sanders

The Blood amendment lost with 4 ayes, 30 nays, 13 present and not voting, and 2 excused and not voting.

Senator Erdman requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 23:

Albrecht	Erdman	Halloran	Lindstrom	Pahls
Bostelman	Friesen	Hansen, B.	Linehan	Slama
Brewer	Geist	Hilgers	Lowe	Wayne
Briese	Gragert	Hilkemann	McDonnell	
Clements	Groene	Hughes	Murman	

Voting in the negative, 19:

Aguilar	DeBoer	Kolterman	Moser	Walz
Blood	Flood	Lathrop	Pansing Brooks	Williams
Bostar	Hansen, M.	McCollister	Stinner	Wishart
Day	Hunt	McKinney	Vargas	

Present and not voting, 5:

Arch            Brandt            Cavanaugh, J.    Cavanaugh, M.    Dorn

Excused and not voting, 2:

Morfeld            Sanders

Failed to advance to Enrollment and Review Initial with 23 ayes, 19 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 119.** Introduced by Clements, 2; Albrecht, 17; Arch, 14; Bostelman, 23; Brewer, 43; Briese, 41; Dorn, 30; Erdman, 47; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hilgers, 21; Hilkemann, 4; Hughes, 44; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Slama, 1.

WHEREAS, Perry Mitchell Gauthier was born to Marlin and Janice Gauthier on December 12, 1960, in Denver, Colorado; and

WHEREAS, in 1962 the Gauthier family moved to Grand Island, Nebraska; and

WHEREAS, Perry Gauthier graduated from Grand Island High School in 1979; and

WHEREAS, Perry studied architecture at the University of Nebraska - Lincoln and graduated second in his class and with honors in 1984; and

WHEREAS, Perry started his own business, Designers Ink, where he made use of his talents in architectural rendering and modeling; and

WHEREAS, Perry married his wife, Susan, in 1988, and became the proud father of his beloved son, Gabriel, in 1994 and his beloved son, Christian, in 1996; and

WHEREAS, Perry entered into the gospel ministry in the year 2000 as a part-time minister to college students and also as a church planter; and

WHEREAS, in 2007 Perry began a successful ministry of teaching God's Word to men and women at the Nebraska State Capitol through Capitol Ministries; and

WHEREAS, Perry married his wife, Faith, in 2016, who served faithfully by his side in ministry; and

WHEREAS, Perry trained and mentored other pastors to serve as Bible teachers and disciple-makers at several state capitols around the country during the last five years of his life; and

WHEREAS, Perry started Capitol Studies International in 2020; and

WHEREAS, Perry ministered to several followers of Christ through his podcast called, "The Capitol Minute"; and

WHEREAS, Perry faithfully proclaimed the gospel of Jesus Christ until his death and passed into heavenly glory on December 23, 2020.

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

1. That the Legislature respects Perry M. Gauthier as a loving husband and father.

2. That the Legislature recognizes Perry M. Gauthier as a skilled Bible teacher and faithful minister of the gospel of Jesus Christ.

3. That the Legislature honors the dedicated Christian ministry of Rev. Perry M. Gauthier, V.D.M. at the Nebraska State Capitol from 2007 to 2020.

4. That a copy of this resolution be sent to Perry's beloved wife, Faith Gauthier.

Laid over.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 407.** Placed on Select File with amendment.

[ER82](#)

1 1. On page 4, line 25, strike "Whose duties" and insert "Duties".

**LEGISLATIVE BILL 90.** Placed on Select File.

**LEGISLATIVE BILL 166.** Placed on Select File.

**LEGISLATIVE BILL 166A.** Placed on Select File.

**LEGISLATIVE BILL 317.** Placed on Select File.

**LEGISLATIVE BILL 317A.** Placed on Select File.

**LEGISLATIVE BILL 256.** Placed on Select File.

**LEGISLATIVE BILL 479.** Placed on Select File with amendment.

[ER83](#)

1 1. On page 1, line 3, after "membership" insert "and duties"; and in

2 line 4 after the semicolon insert "to require a report;".

**LEGISLATIVE BILL 628.** Placed on Select File with amendment.

[ER84](#)

1 1. On page 1, line 3, strike "and" and insert "to define terms;" and

2 in line 4 after "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 566.** Placed on Select File with amendment.

[ER85](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:



3 Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Shovel-Ready Capital Recovery and Investment Act.  
5 Sec. 2. The purpose of the Shovel-Ready Capital Recovery and  
6 Investment Act is to partner with the private sector by providing grants  
7 to qualified nonprofit organizations to assist such organizations with  
8 capital projects that have been delayed due to COVID-19 and that will  
9 provide a positive economic impact in the State of Nebraska.  
10 Sec. 3. For purposes of the Shovel-Ready Capital Recovery and  
11 Investment Act:  
12 (1) Capital project means a construction project to build, expand,  
13 or develop a new or existing facility or facilities or restoration work  
14 on a facility designated as a National Historic Landmark;  
15 (2) Cost, in the context of a capital project, means the cost of  
16 land, engineering, architectural planning, contract services,  
17 construction, materials, and equipment needed to complete the capital  
18 project;  
19 (3) COVID-19 means the novel coronavirus identified as SARS-CoV-2,  
20 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
21 mutating therefrom, and the health conditions or threats associated with  
22 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
23 mutating therefrom;  
24 (4) Department means the Department of Economic Development;  
25 (5) Qualified nonprofit organization means a tax-exempt organization  
26 under section 501(c)(3) of the Internal Revenue Code that:  
27 (a) Is related to arts, culture, or the humanities, including any  
28 organization formed for the purpose of developing and promoting the work  
29 of artists and the humanities in various visual and performing forms,  
30 such as film, sculpture, dance, painting, horticulture, multimedia,  
31 poetry, photography, performing arts, zoology, or botany; or  
32 (b) Owns a sports complex;  
33 (6) Sports complex means property that:  
34 (a) Includes indoor areas, outdoor areas, or both;  
35 (b) Is primarily used for competitive sports; and  
36 (c) Contains at least twelve separate sports venues; and  
37 (7) Sports venue includes, but is not limited to:  
38 (a) A baseball field;  
39 (b) A softball field;  
40 (c) A soccer field;  
41 (d) An outdoor stadium primarily used for competitive sports;  
42 (e) An outdoor arena primarily used for competitive sports; and  
43 (f) An enclosed, temperature-controlled building primarily used for  
44 competitive sports.  
45 Sec. 4. (1) Beginning July 1, 2021, through July 15, 2021, a  
46 qualified nonprofit organization may apply to the department for a grant  
47 under the Shovel-Ready Capital Recovery and Investment Act. The  
48 application shall include, but not be limited to, the following  
49 information:  
50 (a) A description of the qualified nonprofit organization's capital  
51 project;  
52 (b) The estimated cost of the capital project;  
53 (c) The date when the capital project was delayed due to COVID-19  
54 and the date when the capital project is expected to begin, which shall  
55 be no later than June 30, 2022; and  
56 (d) Documentation on the amount of funds for the capital project  
57 which have been received or will be received by the qualified nonprofit  
58 organization from private sources. Such amount shall be at least equal to  
59 the amount of any grant received under the act. The documentation  
60 provided under this subdivision does not need to identify the names of  
61 any donors.  
62 (2) The department shall consider applications in the order in which

5 they are received. If an applicant is a qualified nonprofit organization  
6 and otherwise qualifies for funding under the Shovel-Ready Capital  
7 Recovery and Investment Act, the department shall, subject to subsection  
8 (3) of this section, approve the application and notify the applicant of  
9 the approval.  
10 (3) The department may approve applications within the limits of  
11 available appropriations. The amount of any grant approved under this  
12 section shall be equal to the amount of funds to be supplied by the  
13 qualified nonprofit organization from private sources, as documented  
14 under subdivision (1)(d) of this section, subject to the following  
15 limitations:  
16 (a) For any capital project with an estimated cost of less than five  
17 million dollars, the grant shall not exceed one million dollars;  
18 (b) For any capital project with an estimated cost of at least five  
19 million dollars but less than twenty-five million dollars, the grant  
20 shall not exceed five million dollars;  
21 (c) For any capital project with an estimated cost of at least  
22 twenty-five million dollars but less than fifty million dollars, the  
23 grant shall not exceed ten million dollars; and  
24 (d) For any capital project with an estimated cost of fifty million  
25 dollars or more, the grant shall not exceed fifteen million dollars.  
26 Sec. 5. (1) Each qualified nonprofit organization that receives a  
27 grant under the Shovel-Ready Capital Recovery and Investment Act shall:  
28 (a) Secure all of the private funds described in subdivision (1)(d)  
29 of section 4 of this act through a written pledge or payment by December  
30 31, 2021, and shall begin construction on the organization's capital  
31 project by June 30, 2022; and  
1 (b) Abide by the federal laws commonly known as the Davis-Bacon and  
2 Related Acts.  
3 (2) Any qualified nonprofit organization that fails to meet the  
4 requirements of subsection (1) of this section shall repay any grant  
5 funds received under the act.  
6 Sec. 6. The Shovel-Ready Capital Recovery and Investment Fund is  
7 created. The fund shall consist of transfers authorized by the  
8 Legislature and any gifts, grants, or bequests from any source, including  
9 federal, state, public, and private sources. The fund shall be  
10 administered by the department and shall be used to make grants under the  
11 Shovel-Ready Capital Recovery and Investment Act. Any money in the fund  
12 available for investment shall be invested by the state investment  
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
14 State Funds Investment Act.  
15 Sec. 7. It is the intent of the Legislature to allocate twenty-five  
16 million dollars from the General Fund and seventy-five million dollars of  
17 federal funds allocated to states pursuant to the American Rescue Plan  
18 Act of 2021 from the Coronavirus State Fiscal Recovery Fund and received  
19 by the State of Nebraska on or after the effective date of this act, if  
20 such use is permitted, for use by the department for purposes of carrying  
21 out the Shovel-Ready Capital Recovery and Investment Act.  
22 Sec. 8. The department may adopt and promulgate rules and  
23 regulations to carry out the Shovel-Ready Capital Recovery and Investment  
24 Act.  
25 Sec. 9. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.  
27 2. On page 1, line 2, after the first semicolon insert "to authorize  
28 grants as prescribed;".

(Signed) Terrell McKinney, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 131.** Senator Friesen renewed his amendment, [AM1112](#), found on page 1118 and considered on page 1246, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 1 nays, and 27 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 8:

Brandt	Clements	Groene	Hughes
Brewer	Friesen	Halloran	Moser

Voting in the negative, 29:

Aguilar	DeBoer	Hilkemann	Morfeld	Vargas
Albrecht	Dorn	Hunt	Murman	Walz
Blood	Flood	Kolterman	Pahls	Wayne
Cavanaugh, J.	Gragert	Linehan	Pansing Brooks	Williams
Cavanaugh, M.	Hansen, B.	McDonnell	Slama	Wishart
Day	Hansen, M.	McKinney	Stinner	

Present and not voting, 9:

Arch	Bostelman	Erdman	Hilgers	McCollister
Bostar	Briese	Geist	Lowe	

Excused and not voting, 3:

Lathrop	Lindstrom	Sanders
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The Friesen amendment lost with 8 ayes, 29 nays, 9 present and not voting, and 3 excused and not voting.

Senator Flood withdrew his amendment, [AM1139](#), found on page 1156, to the committee amendment.

Senator Wayne offered the following amendment:

[AM1258](#)

(Amendments to Standing Committee amendments, AM751)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct internal references
- 3 3 accordingly.

The Wayne amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Committee [AM751](#), found on page 812 and considered on page 1246, was renewed.

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

Advanced to Enrollment and Review Initial with 28 ayes, 10 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 131A.** Title read. Considered.

Senator Wayne withdrew his amendment, [AM1188](#), found on page 1222.

Senator Wayne offered the following amendment:

[AM1257](#)

1 1. Insert the following new section:

2 Sec. 2. The State Treasurer shall transfer \$5,000,000 from the

3 General Fund to the Municipal Natural Gas System Emergency Assistance

4 Fund on or after July 1, 2021, on such dates and in such amounts as

5 directed by the budget administrator of the budget division of the

6 Department of Administrative Services.

7 2. On page 2, line 1, strike "\$10,000,000" and insert "\$5,000,000".

8 3. Renumber the remaining section accordingly.

The Wayne amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 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 132.** Title read. Considered.

**SPEAKER HILGERS PRESIDING**

Committee [AM555](#), found on page 595, was offered.

Senator DeBoer asked unanimous consent to withdraw her amendment, [AM1175](#), found on page 1182, to the committee amendment, and replace it with her substitute amendment, [AM1199](#), found on page 1222, to the committee amendment. No objections. So ordered.

**SENATOR WILLIAMS PRESIDING**

Senator DeBoer moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator DeBoer requested a roll call vote on her amendment.

Voting in the affirmative, 28:

Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Murman	Williams
Cavanaugh, J.	Gragert	Kolterman	Pansing Brooks	Wishart
Cavanaugh, M.	Hansen, M.	Lathrop	Stinner	
DeBoer	Hilgers	McCollister	Vargas	

Voting in the negative, 10:

Albrecht	Clements	Geist	Halloran	Lowe
Arch	Erdman	Groene	Linehan	Slama

Present and not voting, 3:

Aguilar	Brewer	McDonnell
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Excused and not voting, 8:

Blood	Day	Lindstrom	Pahls
Briese	Hansen, B.	Moser	Sanders

The DeBoer amendment was adopted with 28 ayes, 10 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

#### **SPEAKER HILGERS PRESIDING**

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

Senator Brewer filed the following amendment to [LB285](#):

##### [AM1134](#)

1 1. On page 6, after line 27 insert the following new subsection:  
 2 "~~(7) Nothing in this section shall prevent a political party or~~  
 3 ~~candidate from using the list of registered voters for campaign~~  
 4 ~~activities.~~".

Senator Brewer filed the following amendment to [LB285](#):

##### [AM1264](#)

(Amendments to AM1133)

1 1. Insert the following new sections:  
 2 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 16-404 (1) All ordinances and resolutions or orders for the  
 5 appropriation or payment of money in a city of the first class shall  
 6 require for their passage or adoption the concurrence of a majority of  
 7 all members elected to the city council. The mayor may vote on any such  
 8 matter when his or her vote will provide the additional vote required to

9 create a number of votes equal to a majority of the number of members  
10 elected to the city council, and the mayor shall, for the purpose of such  
11 vote, be deemed to be a member of the city council.

12 ~~(2)(a)~~ (2) Ordinances of a general or permanent nature in a city of  
13 the first class shall be read by title on three different days unless  
14 three-fourths of the city council members vote to suspend this  
15 requirement, except that in a city having a commission plan of government  
16 such requirement may be suspended by a three-fifths majority vote.

17 (b) Regardless of the form of government, such requirement shall not  
18 be suspended for any ordinance for the annexation of territory or the  
19 redrawing of boundaries for city council election districts or wards  
20 except as otherwise provided in subsection (4) of this section.

21 (c) In case such requirement is suspended, the ordinances shall be  
22 read by title or number and then moved for final passage.

23 (d) Three-fourths of the city council members may require a reading  
24 of any such ordinance in full before enactment under either procedure set  
25 out in this section, except that in a city having a commission plan of  
26 government, such reading may be required by a three-fifths majority vote.

1 (3) Ordinances in a city of the first class shall contain no subject  
2 which is not clearly expressed in the title, and, except as provided in  
3 section 19-915, no ordinance or section thereof shall be revised or  
4 amended unless the new ordinance contains the entire ordinance or section  
5 as revised or amended and the ordinance or section so amended is  
6 repealed, except that:

7 (a) For an ordinance revising all the ordinances of a city of the  
8 first class, the only title necessary shall be An ordinance of the city  
9 of ....., revising all the ordinances of the city. Under such title  
10 all the ordinances may be revised in sections and chapters or otherwise,  
11 may be corrected, added to, and any part suppressed, and may be repealed  
12 with or without a saving clause as to the whole or any part without other  
13 title; and

14 (b) For an ordinance used solely to revise ordinances or code  
15 sections or to enact new ordinances or code sections in order to adopt  
16 statutory changes made by the Legislature which are specific and  
17 mandatory and bring the ordinances or code sections into conformance with  
18 state law, the title need only state that the ordinance revises those  
19 ordinances or code sections affected by or enacts ordinances or code  
20 sections generated by legislative changes. Under such title, all such  
21 ordinances or code sections may be revised, repealed, or enacted in  
22 sections and chapters or otherwise by a single ordinance without other  
23 title.

24 (4) Following the release of the 2020 Census of Population data by  
25 the United States Department of Commerce, Bureau of the Census, as  
26 required by Public Law 94-171, the city council of any city of the first  
27 class requesting the adjustment of the boundaries of election districts  
28 shall provide to the election commissioner or county clerk (a) written  
29 notice of the need and necessity of his or her office to perform such  
30 adjustments and (b) a revised election district boundary map that has  
31 been approved by the requesting city council and subjected to all public  
1 review and challenge ordinances of the city by December 30, 2021. The  
2 revised election district boundary map shall be adopted by ordinance.  
3 Such ordinance shall be read by title on three different days unless  
4 three-fourths of the city council members vote to suspend this  
5 requirement.

6 Sec. 4. Section 17-614, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 17-614 (1)(a) ~~(1)~~ All ordinances and resolutions or orders for the  
9 appropriation or payment of money shall require for their passage or  
10 adoption the concurrence of a majority of all members elected to the city  
11 council in a city of the second class or village board of trustees. The

12 mayor of a city of the second class may vote when his or her vote would  
 13 provide the additional vote required to attain the number of votes equal  
 14 to a majority of the number of members elected to the city council, and  
 15 the mayor shall, for the purpose of such vote, be deemed to be a member  
 16 of the city council.

17 (b) Ordinances of a general or permanent nature shall be read by  
 18 title on three different days unless three-fourths of the city council or  
 19 village board of trustees vote to suspend this requirement. ~~Such~~, ~~except~~  
 20 ~~that such~~ requirement shall not be suspended for any ordinance for the  
 21 annexation of territory or the redrawing of boundaries for city council  
 22 or village board of trustees election districts or wards ~~except as~~  
 23 ~~otherwise provided in subsection (3) of this section.~~

24 (c) In case such requirement is suspended, the ordinances shall be  
 25 read by title and then moved for final passage.

26 (d) Three-fourths of the city council or village board of trustees  
 27 may require a reading of any such ordinance in full before enactment  
 28 under either procedure set out in this section.

29 (2) Ordinances shall contain no subject which is not clearly  
 30 expressed in the title, and, except as provided in section 19-915, no  
 31 ordinance or section of such ordinance shall be revised or amended unless  
 1 the new ordinance contains the entire ordinance or section as revised or  
 2 amended and the ordinance or section so amended is repealed, except that:

3 (a) For an ordinance revising all the ordinances of the city of the  
 4 second class or village, the title need only state that the ordinance  
 5 revises all the ordinances of the city or village. Under such title all  
 6 the ordinances may be revised in sections and chapters or otherwise, may  
 7 be corrected, added to, and any part suppressed, and may be repealed with  
 8 or without a saving clause as to the whole or any part without other  
 9 title; and

10 (b) For an ordinance used solely to revise ordinances or code  
 11 sections or to enact new ordinances or code sections in order to adopt  
 12 statutory changes made by the Legislature which are specific and  
 13 mandatory and bring the ordinances or code sections into conformance with  
 14 state law, the title need only state that the ordinance revises those  
 15 ordinances or code sections affected by or enacts ordinances or code  
 16 sections generated by legislative changes. Under such title, all such  
 17 ordinances or code sections may be revised, repealed, or enacted in  
 18 sections and chapters or otherwise by a single ordinance without other  
 19 title.

20 (3) Following the release of the 2020 Census of Population data by  
 21 the United States Department of Commerce, Bureau of the Census, as  
 22 required by Public Law 94-171, the city council of any city of the second  
 23 class or village board of trustees requesting the adjustment of the  
 24 boundaries of election districts shall provide to the election  
 25 commissioner or county clerk (a) written notice of the need and necessity  
 26 of his or her office to perform such adjustments and (b) a revised  
 27 election district boundary map that has been approved by the requesting  
 28 city council or village board of trustees and subjected to all public  
 29 review and challenge ordinances of the city or village by December 30,  
 30 2021. The revised election district boundary map shall be adopted by  
 31 ordinance. Such ordinance shall be read by title on three different days  
 1 unless three-fourths of the members of the city council or village board  
 2 of trustees vote to suspend this requirement.

3 Sec. 12. Section 32-716, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 32-716 (1) Any person, group, or association desiring to form a new  
 6 political party shall present to the Secretary of State petitions  
 7 containing signatures totaling not less than one percent of the total  
 8 votes cast for Governor at the most recent general election for such  
 9 office. The signatures of registered voters on such petitions shall be so

10 distributed as to include registered voters totaling at least one percent  
 11 of the votes cast for Governor in the most recent gubernatorial election  
 12 in each of the three congressional districts in this state. Petition  
 13 signers and petition circulators shall conform to the requirements of  
 14 sections 32-629 and 32-630. The petitions shall be filed with the  
 15 Secretary of State no later than January 15 ~~February 1~~ before any  
 16 statewide primary election for the new political party to be entitled to  
 17 have ballot position in the primary election of that year. If the new  
 18 political party desires to be established and have ballot position for  
 19 the general election and not in the primary election of that year, the  
 20 petitions shall be filed with the Secretary of State on or before July 15  
 21 ~~August 1~~ of that year. Prior to the circulation of petitions to form a  
 22 new political party, a sample copy of the petitions shall be filed with  
 23 the Secretary of State by the person, group, or association seeking to  
 24 establish the new party. The sample petition shall be accompanied by the  
 25 name and address of the person or the names and addresses of the members  
 26 of the group or association sponsoring the petition to form a new  
 27 political party. The sponsor or sponsors of the petition shall file, as  
 28 one instrument, all petition papers comprising a new political party  
 29 petition for signature verification with the Secretary of State. All  
 30 signed petitions in circulation but not filed with the Secretary of State  
 31 shall become invalid after July 15 in the year of the statewide general  
 1 election.

2 (2) The petition shall conform to the requirements of section  
 3 32-628. The Secretary of State shall prescribe the form of the petition  
 4 for the formation of a new political party. The petition shall be  
 5 addressed to and filed with the Secretary of State and shall state its  
 6 purpose and the name of the party to be formed. Such name shall not be or  
 7 include the name of any political party then in existence or any word  
 8 forming any part of the name of any political party then in existence,  
 9 and in order to avoid confusion regarding party affiliation of a  
 10 candidate or registered voter, the name of the party to be formed shall  
 11 not include the word "independent" or "nonpartisan". The petition shall  
 12 contain a statement substantially as follows:

13 We, the undersigned registered voters of the State of Nebraska and  
 14 the county of ....., being severally qualified to sign this  
 15 petition, respectfully request that the above-named new political party  
 16 be formed in the State of Nebraska, and each for himself or herself says:  
 17 I have personally signed this petition on the date opposite my name; I am  
 18 a registered voter of the State of Nebraska and county of .....  
 19 and am qualified to sign this petition; and my date of birth and city,  
 20 village, or post office address and my street and number or voting  
 21 precinct are correctly written after my name.

22 Sec. 13. Section 32-717, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:

24 32-717 Within twenty business ~~ten~~ days after all the petitions to  
 25 form a new political party which contain signatures are filed with the  
 26 Secretary of State, he or she shall determine the validity and  
 27 sufficiency of such petitions and signatures. Clerical and technical  
 28 errors in a petition shall be disregarded if the forms prescribed by the  
 29 Secretary of State are substantially followed. If the petitions are  
 30 determined to be sufficient and valid, the Secretary of State shall issue  
 31 a certification establishing the new political party. Copies of such  
 1 certification shall be issued to the person, group, or association  
 2 forming the new political party. Within twenty days after the  
 3 certification of establishment of the new political party by the  
 4 Secretary of State, the person, group, or association forming the new  
 5 political party or its new officers shall file with the Secretary of  
 6 State the constitution and bylaws of such party along with a certified  
 7 list of the names and addresses of the officers of the new political



8 party.  
9 2. On page 2, line 12; page 4, line 17; page 5, line 22; page 7,  
10 line 22; page 10, line 19; and page 12, line 23, after "Census," insert  
11 "as required by Public Law 94-171."  
12 3. Renumber the remaining sections and correct the repealer  
13 accordingly.

## MESSAGE(S) FROM THE GOVERNOR

May 5, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9e, 17e, 58, 63, 81, 143, 152e, 154, 181e, 320, 320A, 338e, 343, 372, 423, 423A, 451, 466, 497, 500, 501, 507e, 583, and 616 were received in my office on April 29, 2021.

These bills were signed and delivered to the Secretary of State on May 5, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 120.** Introduced by Lowe, 37.

WHEREAS, Janice Wiebusch grew up in Broken Bow, Nebraska, before attending the University of Nebraska at Lincoln where she earned a bachelor's degree in music education and then a master's degree in music; and

WHEREAS, Janice went on to receive her real estate license in 1976 and her broker's license in 1979; and

WHEREAS, Janice opened CBS Real Estate and Midland Partners before becoming owner and broker for Century 21 Midlands in Kearney, Nebraska; and

WHEREAS, Janice remained active in her community throughout her career, including as a member of the Kearney City Council, the chairperson of the Kearney Area Chamber of Commerce, the president of the Kearney Area Community Foundation, a board member of the Yanney Heritage Park Foundation, and on the board of directors of CHI Health Good Samaritan Hospital; and

WHEREAS, Janice was first appointed to the Nebraska Liquor Control Commission in 2009; and

WHEREAS, Janice participated in her last hearing as a commissioner on Tuesday, May 4, 2021; and

WHEREAS, Janice will end her service to the Nebraska Liquor Control Commission on May 24, 2021, after 12 years.

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

1. That the Legislature thanks Janice Wiebusch for her years of service to her community and the state of Nebraska at the Nebraska Liquor Control Commission.

2. That a copy of this resolution be sent to Janice Wiebusch.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 474A.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Seventh Legislature, First Session, 2021.

### **GENERAL FILE**

**LEGISLATIVE BILL 132.** Senator Linehan offered her amendment, [AM1203](#), found on page 1222, to the committee amendment.

Pending.

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

Senator Brandt filed the following amendment to [LB132](#):

[AM1247](#)

(Amendments to Standing Committee amendments, AM555)

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 5 of this act shall be known and may be

3 cited as the School Property Tax Stabilization Act.

4 Sec. 2. (1) On or before September 15, 2021, the State Department

5 of Education shall determine the total school property tax stabilization

6 payment to be paid to each eligible school district for the 2021-22

7 school fiscal year. On or before June 30, 2022, and on or before June 30

8 of each year thereafter through 2025, the State Department of Education

9 shall determine the total school property tax stabilization payment to be

10 paid to each eligible school district for the ensuing school fiscal year.

11 (2) A school district is eligible for a school property tax

12 stabilization payment if the school district property tax requirement

13 exceeds:

14 (a) For school fiscal year 2021-22, seventy percent of the formula

15 need calculated for such school district;

16 (b) For school fiscal year 2022-23, sixty-five percent of the

17 formula need calculated for such school district;  
18 (c) For school fiscal year 2023-24, sixty percent of the formula  
19 need calculated for such school district; and  
20 (d) For school fiscal years 2024-25 and 2025-26, fifty-five percent  
21 of the formula need calculated for such school district.  
22 (3) The school district property tax requirement for each school  
23 district shall equal the formula need calculated pursuant to section  
24 79-1007.11 minus the sum of the amount to be distributed pursuant to the  
25 Tax Equity and Educational Opportunities Support Act as certified  
26 pursuant to section 79-1022 and other actual receipts as determined  
1 pursuant to section 79-1018.01 for such school district for the school  
2 fiscal year for which a total school property tax stabilization payment  
3 is being calculated.  
4 (4) The school property tax stabilization base for an eligible  
5 school district shall equal the amount by which the school district  
6 property tax requirement exceeds;  
7 (a) For school fiscal year 2021-22, seventy percent of the formula  
8 need calculated for such school district;  
9 (b) For school fiscal year 2022-23, sixty-five percent of the  
10 formula need calculated for such school district;  
11 (c) For school fiscal year 2023-24, sixty percent of the formula  
12 need calculated for such school district; and  
13 (d) For school fiscal years 2024-25 and 2025-26, fifty-five percent  
14 of the formula need calculated for such school district.  
15 (5) The total school property tax stabilization payment to be paid  
16 to an eligible school district shall equal the school property tax  
17 stabilization base for such school district multiplied by fifty percent.  
18 Sec. 3. The total school property tax stabilization payment  
19 calculated pursuant to section 2 of this act for each eligible school  
20 district shall be certified to the Director of Administrative Services,  
21 the Auditor of Public Accounts, and each school district. The amounts  
22 certified pursuant to this section shall be divided and distributed in  
23 ten as nearly as possible equal monthly school property tax stabilization  
24 payments on the last business day of each month beginning in September of  
25 the school fiscal year for which such school property tax stabilization  
26 payments were certified and ending in June of such school fiscal year,  
27 except that a school district that would receive monthly school property  
28 tax stabilization payments of less than one thousand dollars shall  
29 receive the total school property tax stabilization payment on the last  
30 business day of December during such school fiscal year. The amounts  
31 certified pursuant to this section shall be shown as budgeted non-  
1 property-tax receipts and deducted prior to calculating the property tax  
2 request in the school district's general fund budget statement as  
3 provided to the Auditor of Public Accounts pursuant to section 79-1024.  
4 Sec. 4. It is the intent of the Legislature to appropriate the  
5 amount necessary to carry out the School Property Tax Stabilization Act  
6 for each school fiscal year. It is also the intent of the Legislature to  
7 fully fund the Tax Equity and Educational Opportunities Support Act  
8 before funding the School Property Tax Stabilization Act.  
9 Sec. 5. The School Property Tax Stabilization Act shall terminate  
10 on July 1, 2026.  
11 Sec. 6. Section 79-1018.01, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:  
13 79-1018.01 Except as otherwise provided in this section, local  
14 system formula resources include other actual receipts available for the  
15 funding of general fund operating expenditures as determined by the  
16 department for the second school fiscal year immediately preceding the  
17 school fiscal year in which aid is to be paid. Other actual receipts  
18 include:  
19 (1) Public power district sales tax revenue;

- 20 (2) Fines and license fees;
- 21 (3) Tuition receipts from individuals, other districts, or any other  
 22 source except receipts derived from adult education, receipts derived  
 23 from summer school tuition, receipts derived from early childhood  
 24 education tuition, tuition receipts from converted contracts beginning  
 25 with the calculation of state aid to be distributed in school fiscal year  
 26 2011-12, and receipts from educational entities as defined in section  
 27 79-1201.01 for providing distance education courses through the  
 28 Educational Service Unit Coordinating Council to such educational  
 29 entities;
- 30 (4) Transportation receipts;
- 31 (5) Interest on investments;
- 1 (6) Other miscellaneous noncategorical local receipts, not including  
 2 receipts from private foundations, individuals, associations, or  
 3 charitable organizations;
- 4 (7) Special education receipts;
- 5 (8) Special education receipts and non-special education receipts  
 6 from the state for wards of the court and wards of the state;
- 7 (9) All receipts from the temporary school fund. Receipts from the  
 8 temporary school fund shall only include (a) receipts pursuant to section  
 9 79-1035 and (b) the receipt of funds pursuant to section 79-1036 for  
 10 property leased for a public purpose as set forth in subdivision (1)(a)  
 11 of section 77-202;
- 12 (10) Motor vehicle tax receipts received;
- 13 (11) Pro rata motor vehicle license fee receipts;
- 14 (12) Other miscellaneous state receipts excluding revenue from the  
 15 School Property Tax Stabilization Act and the textbook loan program  
 16 authorized by section 79-734;
- 17 (13) Impact aid entitlements for the school fiscal year which have  
 18 actually been received by the district to the extent allowed by federal  
 19 law;
- 20 (14) All other noncategorical federal receipts;
- 21 (15) Receipts under the federal Medicare Catastrophic Coverage Act  
 22 of 1988, as such act existed on January 1, 2014, as authorized pursuant  
 23 to sections 43-2510 and 43-2511 for services to school-age children,  
 24 excluding amounts designated as reimbursement for costs associated with  
 25 the implementation and administration of the billing system pursuant to  
 26 section 43-2511;
- 27 (16) Receipts for accelerated or differentiated curriculum programs  
 28 pursuant to sections 79-1106 to 79-1108.03; and
- 29 (17) Revenue received from the nameplate capacity tax distributed  
 30 pursuant to section 77-6204.
- 31 Sec. 9. Original section 79-1018.01, Revised Statutes Cumulative  
 1 Supplement, 2020, is repealed.
- 2 2. Renumber the remaining sections accordingly.

Senator Groene filed the following amendment to LB132:

AM1246

(Amendments to Standing Committee amendments, AM555)

- 1 1. On page 1, line 18, strike "school administrator" and insert  
 2 "local agricultural producer"; and in line 21 strike "school  
 3 administrator" and insert "local business owner".
- 4 2. On page 2, line 1, strike "a school administrator" and insert "an  
 5 individual working in private business".

Senator Wayne filed the following amendment to LB496:

AM1083

(Amendments to Standing Committee amendments, AM1054)

- 1 1. Strike section 7 and 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 ~~or~~ ~~and~~  
19 produced at the trial. For purposes of this subdivision, testimony or  
20 evidence from a witness who previously had a testimonial or  
21 constitutional privilege and who, because of such privilege, refused to  
22 testify or produce evidence in a prior proceeding, shall be considered  
23 newly discovered evidence;

24 (6) ~~Newly~~ ~~newly~~ discovered exculpatory DNA or similar forensic  
25 testing evidence obtained under the DNA Testing Act; or

26 (7) ~~Error~~ ~~error~~ of law occurring at the trial.

1 The changes made to this section by this legislative bill shall  
2 apply to all persons, otherwise eligible in accordance with the  
3 provisions of this section, whether convicted prior to, on, or subsequent  
4 to the operative date of this section.

5 Sec. 2. Section 29-2103, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-2103 (1) A motion for new trial shall be made by written  
8 application and may be filed either during or after the term of the court  
9 at which the verdict was rendered.

10 (2) A motion for a new trial shall state the grounds under section  
11 29-2101 which are the basis for the motion and shall be supported by  
12 evidence as provided in section 29-2102.

13 (3) A motion for new trial based on the grounds set forth in  
14 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed  
15 within ten days after the verdict was rendered unless such filing is  
16 unavoidably prevented, and the grounds for such motion may be stated by  
17 directly incorporating the appropriate language of section 29-2101  
18 without further particularity.

19 (4)(a) Except as provided in subdivision (4)(b) of this section, a

20 (4) ~~A~~ motion for new trial based on the grounds set forth in subdivision  
21 (5) of section 29-2101 shall be filed within a reasonable time after the  
22 discovery of the new evidence and cannot be filed more than five years  
23 after the date of the verdict, unless the motion and supporting documents  
24 show the new evidence could not with reasonable diligence have been  
25 discovered ~~or~~ ~~and~~ produced at trial and such evidence is so substantial  
26 that a different result may have occurred.

27 (b) The time limitation in this subsection does not apply if the  
28 motion for a new trial involves a conviction for a Class I, IA, or IB  
29 felony.

30 (5) A motion for new trial based on the grounds set forth in  
31 subdivision (6) of section 29-2101 shall be filed within ninety days  
1 after a final order is issued under section 29-4123 or within ninety days  
2 after the hearing if no final order is entered, whichever occurs first.

3 (6) The changes made to this section by this legislative bill shall

4 apply to all persons, otherwise eligible in accordance with the

5 provisions of this section, whether convicted prior to, on, or subsequent  
6 to the operative date of this section.

7 Sec. 9. Sections 3, 4, 5, 6, 7, 8, and 11 of this act become  
8 operative on January 1, 2022. The other sections of this act become  
9 operative on their effective date.

10 Sec. 10. Original sections 29-2101 and 29-2103, Reissue Revised  
11 Statutes of Nebraska, are repealed.

12 2. On page 5, line 21, strike "act" and insert "section".

13 3. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to LB496:  
AM1204

(Amendments to Standing Committee amendments, AM1054)

1 1. Strike section 7 and insert the following sections:

2 Section 1. Section 29-1401, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 29-1401 (1) The district courts are hereby vested with power to call  
5 grand juries.

6 (2) A grand jury may be called and summoned in the manner provided  
7 by law on such day of a regular term of the district court in each year  
8 in each county of the state as the district court may direct and at such  
9 other times and upon such notice as the district court may deem  
10 necessary.

11 (3) District courts shall call a grand jury in each case that a  
12 petition meets the requirements of section 32-628, includes a recital as  
13 to the reason for requesting the convening of the grand jury and a  
14 specific reference to the statute or statutes which are alleged to have  
15 been violated, and is signed not more than ninety days prior to the date  
16 of filing under section 29-1401.02 by not less than ten percent of the  
17 registered voters of the county who cast votes for the office of Governor  
18 in such county at the most recent general election held for such office.

19 (4) District courts shall call a grand jury in each case upon  
20 certification by the county coroner or coroner's physician that a person  
21 has died while being apprehended by or while in the custody of a law  
22 enforcement officer or detention personnel. In each case subject to this  
23 subsection:

24 (a) Law enforcement personnel from the jurisdiction in which the  
25 death occurred shall immediately secure the scene, preserve all evidence,  
26 and investigate the matter as in any other homicide. The case shall be  
1 treated as an open, ongoing matter until all evidence, reports, and other  
2 relevant material which has been assembled are transferred to the special  
3 prosecutor appointed a prosecuting attorney selected pursuant to  
4 subdivision (b) of this subsection;

5 (b) ~~The county attorney or a member of his or her staff shall be the~~  
6 ~~prosecuting attorney.~~ Except as provided in subdivision (d) of this  
7 subsection, ~~the prosecuting attorney shall,~~ as soon as practicable, the  
8 court shall appoint a special prosecutor who has had at least five years  
9 experience in criminal litigation, including felony litigation. The  
10 special prosecutor shall select a team of three peace officers trained to  
11 investigate homicides. ~~At least two of such investigators shall be from~~  
12 ~~jurisdictions outside the jurisdiction where agencies other than the~~  
13 ~~agency under which the death occurred. The team shall examine all~~  
14 evidence concerning the cause of death and present the findings of its  
15 investigation to the special prosecutor prosecuting attorney;

16 (c) A grand jury shall be impaneled within thirty days after the  
17 certification by the county coroner or coroner's physician, unless the  
18 court extends such time period upon the showing of a compelling reason;  
19 and

20 (d) A special prosecutor need not be appointed in ~~in~~ those cases in  
21 which the death has been certified by a licensed practicing physician to

22 be from natural causes ~~and~~ ; the county attorney or a member of his or  
 23 her staff may present such finding to a grand jury ~~without selecting a~~  
 24 ~~three member team of peace officers to investigate.~~  
 25 Sec. 8. Sections 2, 3, 4, 5, 6, 7, and 10 of this act become  
 26 operative on January 1, 2022. The other sections of this act become  
 27 operative on their effective date.  
 28 Sec. 9. Original section 29-1401, Reissue Revised Statutes of  
 29 Nebraska, is repealed.  
 30 2. On page 5, line 21, strike "act" and insert "section".  
 31 3. Renumber the remaining sections accordingly.

Senator Brewer filed the following amendment to LB51:  
AM1249

(Amendments to Standing Committee amendments, AM745)

1 1. Strike sections 4, 5, 6, 7, 8, 13, and 27 and all amendments  
 2 thereto and insert the following new sections:  
 3 Sec. 19. Section 81-1438, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 81-1438 (1) The governing body of any county or city of this state,  
 6 other than (a) (1) a county containing a city of the metropolitan or  
 7 primary class or (b) (2) a city of the metropolitan or primary class, may  
 8 establish a law enforcement reserve force. Members of such force shall be  
 9 appointed at the discretion of the governing body. The governing body may  
 10 limit the size of such reserve force.  
 11 (2)(a) A member of a law enforcement reserve force appointed under  
 12 this section cannot make arrests, issue citations, detain members of the  
 13 public, or seize evidence without being under the direct supervision of a  
 14 physically present certified law enforcement officer.  
 15 (b) A reserve officer may perform functions at the direction of the  
 16 county sheriff or chief of police when under the direct supervision of  
 17 the county sheriff or chief of police. Such functions shall not include  
 18 making arrests, issuing citations, detaining members of the public, or  
 19 seizing evidence.  
 20 (c) A reserve officer is not limited with respect to the amount of  
 21 hours worked annually.  
 22 Sec. 20. Section 81-1439, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:  
 24 81-1439 (1) The Nebraska Commission on Law Enforcement and Criminal  
 25 Justice shall establish minimum physical, mental, educational, and moral  
 26 qualifications for all members of any law enforcement reserve force. The  
 1 commission shall also establish training and continuing education  
 2 standards and be responsible for providing such training for all members.  
 3 The commission shall delegate its responsibilities pursuant to this  
 4 section to the Nebraska Police Standards Advisory Council.  
 5 (2) Individuals appointed to a law enforcement reserve force shall  
 6 receive training through or under the supervision of the Nebraska Law  
 7 Enforcement Training Center and shall achieve the minimum training  
 8 standards within one year after the date of appointment. Such training  
 9 may be provided by the training center through regional workshops,  
 10 training sessions, or similar means of instruction anywhere in the state.  
 11 (3) Members of the law enforcement reserve force shall be subject to  
 12 the same continuing education requirements as ~~all other~~ law enforcement  
 13 officers pursuant to sections 81-1401 to 81-1414.10 and sections 7, 9 to  
 14 11, and 13 to 18 of this act.  
 15 (4) The governing body establishing a law enforcement reserve force  
 16 shall adopt and publish a reserve force manual setting forth the minimum  
 17 qualifications, training standards, standard operating procedures, and  
 18 continuing education requirements for such force and such higher  
 19 qualifications, standards, and operating procedures as may actually be  
 20 used.

21 Sec. 21. Section 81-1440, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 81-1440 Subject to the restrictions set forth in subsection (2) of  
24 section 81-1438, law Law enforcement reserve officers shall serve as  
25 peace officers on the orders and at the discretion of the sheriff, the  
26 mayor, or the chief of police.

27 Sec. 22. Section 81-1443, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 81-1443 (1) Subject to the restrictions set forth in subsection (2)  
30 of section 81-1438, law Law enforcement reserve officers, upon being  
31 activated by the sheriff, the mayor, or the chief of police, and while on  
1 assigned duty, shall be vested with the same rights, privileges,  
2 obligations, and duties of any other peace officer of this state.

3 (2) No person appointed to the reserve force may carry a weapon or  
4 otherwise act as a peace officer until such person ~~he~~ has been approved  
5 by the governing body. After approval, such person ~~he~~ may carry a weapon  
6 only when authorized by the sheriff or chief of police and when  
7 discharging official duties as a duly constituted peace officer.

8 (3) Law enforcement reserve officers shall be subordinate to regular  
9 force officers, shall not serve as a peace officer unless under the  
10 direction of regular officers, and when serving with regular force  
11 officers shall wear no insignia of rank. Each department for which a  
12 reserve force is established shall appoint a regular force officer as the  
13 reserve force coordinating and supervising officer. Such regular officer  
14 shall report directly to the sheriff or the chief of police.

15 2. On page 27, line 4, strike "or"; after line 4 insert the  
16 following new subdivision:

17 "(viii) A member of a law enforcement reserve force appointed in  
18 accordance with section 81-1438; or"; and in line 5 strike "(viii)" and  
19 insert "(ix)".

20 3. On page 31, line 1, strike "and"; in line 2, before the stricken  
21 "10" insert "(11)" and reinstate the stricken matter beginning with  
22 "Establish" through line 4; and in line 5, strike "(11)", show as  
23 stricken, and insert "(12)".

24 4. On page 44, line 30, after "arrest" insert "in a manner that  
25 poses a risk of bodily injury to the officer or any other person".

26 5. On page 45, after line 6 insert the following new subdivision:  
27 "(a) Bodily injury has the same meaning as in section 28-109;"; in  
28 line 7 strike "(a)" and insert "(b)"; in line 10 strike "(b)" and insert  
29 "(c)"; and in line 12 strike "(c)" and insert "(d)".

30 6. Renumber the remaining sections and correct the repealer and  
31 internal references accordingly.

### ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs  
Committee will hold an executive session Thursday, May 6, 2021, at 10:30  
a.m., in Room 2022.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Kolterman name added to LB236.

Senator McKinney name added to LB241.



**ADJOURNMENT**

At 8:00 p.m., on a motion by Senator Flood, the Legislature adjourned until 9:00 a.m., Thursday, May 6, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-THIRD DAY - MAY 6, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 6, 2021

**PRAYER**

The prayer was offered by Senator Moser.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Aguilar.

**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, Bostar, Briese, Day, Groene, M. Hansen, Hunt, Lindstrom, Morfeld, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-second day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 411A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 485A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 241.** Title read. Considered.

Senator Vargas withdrew his amendment, [AM580](#), found on page 606.

Senator Vargas offered the following amendment:

AM1163

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 Meatpacking Employees COVID-19 Protection Act.

5 Sec. 2. For purposes of the Meatpacking Employees COVID-19  
6 Protection Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) COVID-19 means the novel COVID-19 identified as SARS-CoV-2, the  
9 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating  
10 therefrom, and the health conditions or threats associated with the  
11 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating  
12 therefrom;

13 (3) COVID-19 test means a test capable of determining whether an  
14 individual has COVID-19;

15 (4) Department means the Department of Labor;

16 (5) Employer or meatpacking operation means a business with more  
17 than one hundred workers which engages in slaughtering, butchering, meat  
18 canning, meatpacking, meat manufacturing, poultry canning, poultry  
19 packing, poultry manufacturing, pet food manufacturing, processing of  
20 meatpacking products, or rendering. Employer or meatpacking operation  
21 does not include grocery stores, delis, restaurants, butchers, or other  
22 retail entities preparing meat products for immediate consumption;

23 (6) Face mask means an item of double-layered cloth or various other  
24 materials with elastic bands or cloth ties to secure such mask over the  
25 wearer's nose and mouth in an effort to contain or reduce the spread of  
26 potentially infectious respiratory secretions at the source, that is, the  
27 wearer's nose and mouth. A face mask is intended to reduce the spread of  
1 COVID-19 from the wearer to others, whether or not the face mask protects  
2 the wearer;

3 (7) Hand sanitizer means alcohol-based hand sanitizer that is at  
4 least sixty percent alcohol;

5 (8) Meatpacking products includes livestock products and poultry  
6 products as such terms are defined in section 54-1902;

7 (9) Meat processing worker or worker means any individual whom an  
8 employer permits to work in a meatpacking operation, and also includes  
9 independent contractors and individuals performing work for an employer  
10 through a temporary service or staffing agency. An individual need not be  
11 directly in contact with meatpacking products to be considered a worker;

12 (10) Negative test result means a COVID-19 test result which  
13 indicates that a worker was not infected with COVID-19 at the time of  
14 testing;

15 (11) Positive case count means the total number of positive COVID-19  
16 test results; and

17 (12) Positive test result means a COVID-19 test result which  
18 indicates that a worker was infected with COVID-19 at the time of  
19 testing.

20 Sec. 3. Meatpacking operations shall comply with the protections  
21 and requirements of section 4 of this act beginning on the effective date  
22 of this act and shall maintain such compliance until June 30, 2022.

23 Sec. 4. (1) An employer shall reconfigure common or congregate  
24 spaces to allow for a six-foot social distancing radius, including, but  
25 not limited to, lunch rooms, break rooms, and locker rooms. Where  
26 feasible, an employer shall reinforce such social distancing with the use  
27 of plastic barriers.

28 (2) An employer shall provide all workers with face masks and shall  
29 make face shields available free of charge. An employer shall replace  
30 face masks daily and more often as necessary, such as when face masks are  
31 damaged or soiled. Any individual present at a meatpacking operation

1 facility shall wear a face mask properly secured over the individual's  
2 nose and mouth while in the facility.  
3 (3) An employer shall provide all workers with the ability to  
4 frequently and routinely sanitize their hands with either hand washing or  
5 hand sanitizing stations. An employer shall provide gloves to any worker  
6 upon request.  
7 (4) An employer shall comply with standards for ventilation set  
8 forth in the rules and regulations of the federal Occupational Safety and  
9 Health Administration.  
10 (5) Each time before an individual enters a meatpacking operation  
11 facility, the employer shall screen such individual for COVID-19. Such  
12 screening procedure shall include a temperature check with the result  
13 disclosed to the individual and shall require completion of an oral or  
14 written questionnaire including questions about possible COVID-19  
15 symptoms and disclosure of known exposure to COVID-19.  
16 (6)(a) An employer shall permit any worker who suspects that such  
17 worker may have been exposed to COVID-19 to leave the meatpacking  
18 operation premises in order to receive a COVID-19 test on paid work time.  
19 (b) A worker displaying or experiencing symptoms of COVID-19 who has  
20 received a COVID-19 test shall be allowed to await test results while  
21 quarantined away from the meatpacking operation. An asymptomatic worker  
22 may return to work unless such worker develops symptoms.  
23 (c) An employer shall allow a worker who receives a positive test  
24 result to quarantine away from the meatpacking operation with paid sick  
25 leave and without penalty. Such paid sick leave shall not count against  
26 other paid sick leave to which a worker is otherwise entitled under state  
27 law or employer policy. An employer shall not require a worker to return  
28 to work while the worker is still showing symptoms of COVID-19 or within  
29 two weeks after a positive test result.  
30 (d) An employer shall allow a worker who receives a negative test  
31 result to return to work upon receipt of such result.  
1 (e) An employer shall permit any worker to leave the meatpacking  
2 operation premises in order to receive a COVID-19 vaccine on paid work  
3 time unless such test is provided at the premises.  
4 (7) An employer shall track, for each meatpacking operation facility  
5 it operates, the total number of COVID-19-related deaths and the positive  
6 case count known to the employer. Such tracking shall be done on a daily  
7 basis and shall be disaggregated by race and ethnicity. The employer  
8 shall provide such data in a monthly report to the Department of Health  
9 and Human Services, the Department of Labor, the Business and Labor  
10 Committee of the Legislature, and the Health and Human Services Committee  
11 of the Legislature. Such data and report shall be submitted in the form  
12 and manner prescribed by the commissioner.  
13 (8) If a worker is confirmed to have contracted COVID-19, the  
14 employer shall identify all workers who worked in the same work area and  
15 on the same shift and notify all such workers of their possible exposure.  
16 Such notification shall be given in writing, in person, or by telephone.  
17 Such notification shall maintain the confidentiality of the infected  
18 worker's identity as required by the federal Americans with Disabilities  
19 Act of 1990, as amended, as such act existed on January 1, 2021.  
20 (9) An employer shall disseminate all communications, notices, and  
21 any published materials required by or regarding this section in English,  
22 Spanish, and such other languages as required by subdivision (2)(e) of  
23 section 48-2213.  
24 Sec. 5. (1) The department shall have the authority to administer  
25 and enforce the Meatpacking Employees COVID-19 Protection Act under the  
26 auspices of the meatpacking industry worker rights coordinator.  
27 (2)(a) The department, including the coordinator, may conduct  
28 unannounced workplace inspections of employers. The coordinator or the  
29 coordinator's delegate has the authority to inspect employer records and

30 make remedial recommendations during such inspection.  
31 (b) No later than thirty days following a workplace inspection, the  
1 coordinator or delegate shall file a final report of findings, including  
2 any findings of violations of the Meatpacking Employees COVID-19  
3 Protection Act, with the department and provide a copy to the employer  
4 and its workers' collective-bargaining representative, if any. The report  
5 shall be considered a public record.  
6 Sec. 6. (1) The commissioner shall issue a citation to an employer  
7 when an inspection reveals that the employer is in violation of the  
8 Meatpacking Employees COVID-19 Protection Act. Such citation shall  
9 additionally list with particularity the nature of each violation and  
10 prescribe required hazard abatement measures and a reasonable timeline  
11 for such compliance.  
12 (2) When a citation is issued, the commissioner shall notify the  
13 employer of the proposed administrative penalty, if any, by certified  
14 mail or any other manner of delivery by which the United States Postal  
15 Service can verify delivery or by any method of service recognized under  
16 Chapter 25, article 5. The citation shall specify a deadline by which the  
17 employer must abate the violation. The deadline shall be set at the  
18 discretion of the commissioner but shall not be later than forty-five  
19 days after the date of issuance of the citation. The administrative  
20 penalty shall be not less than five thousand dollars in the case of a  
21 first violation and not less than fifty thousand dollars in the case of a  
22 second or subsequent violation.  
23 (3) An employer shall provide proof of abatement of the violation to  
24 the commissioner within seven days after any abatement deadline named in  
25 the citation. The commissioner shall assess an additional administrative  
26 penalty of five thousand dollars for failure to comply with this  
27 subsection for each unabated hazard.  
28 (4) The employer shall have fifteen business days after the date of  
29 the citation or penalty to contest such citation or penalty. Notice of  
30 contest shall be filed with the commissioner who shall set a hearing in  
31 accordance with the Administrative Procedure Act.  
1 Sec. 7. The department may adopt and promulgate rules and  
2 regulations as necessary to carry out the Meatpacking Employees COVID-19  
3 Protection Act.  
4 Sec. 8. The department may suspend the requirements of subsection  
5 (1), (2), or (5) of section 4 of this act if strict compliance with such  
6 provisions would conflict with or be more stringent than official  
7 guidance from the Centers for Disease Control and Prevention of the  
8 United States Department of Health and Human Services regarding COVID-19  
9 in employment settings that specifically relates to social distancing,  
10 the use of face masks, or COVID-19 health screenings.  
11 Sec. 9. Since an emergency exists, this act takes effect when  
12 passed and approved according to law.

### **SPEAKER HILGERS PRESIDING**

Senator Slama moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Vargas moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

Senator Vargas requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Aguilar	DeBoer	Hunt	Moser	Wayne
Blood	Dorn	Lathrop	Pahls	Williams
Bostar	Flood	Linehan	Pansing Brooks	Wishart
Brandt	Gragert	McCollister	Sanders	
Cavanaugh, J.	Hansen, M.	McDonnell	Stinner	
Cavanaugh, M.	Hilgers	McKinney	Vargas	
Day	Hilkemann	Morfeld	Walz	

Voting in the negative, 13:

Albrecht	Briese	Geist	Kolterman	Slama
Arch	Clements	Halloran	Lindstrom	
Bostelman	Erdman	Hansen, B.	Low	

Present and not voting, 3:

Brewer	Friesen	Murman
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Excused and not voting, 2:

Groene	Hughes
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The Vargas amendment was adopted with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator Vargas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Day	Hilkemann	McKinney	Walz
Blood	DeBoer	Hunt	Morfeld	Wayne
Bostar	Dorn	Lathrop	Pahls	Wishart
Brandt	Flood	Linehan	Pansing Brooks	
Cavanaugh, J.	Gragert	McCollister	Sanders	
Cavanaugh, M.	Hansen, M.	McDonnell	Vargas	

Voting in the negative, 16:

Albrecht	Clements	Hansen, B.	Lowe
Arch	Erdman	Hilgers	Moser
Bostelman	Geist	Kolterman	Murman
Briese	Halloran	Lindstrom	Slama

Present and not voting, 4:

Brewer	Friesen	Stinner	Williams
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Excused and not voting, 2:

Groene	Hughes
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Advanced to Enrollment and Review Initial with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB561:  
AM1256

(Amendments to Final Reading copy)

- 1 1. Strike sections 27 to 31.
- 2 2. On page 1, line 4, strike "9-607, 9-646.01, 9-651,"; in line 6 strike "9-601,"; and strike beginning with "change" in line 16 through 4 "to" in line 17.
- 5 3. On page 5, line 24, strike "47" and insert "42".
- 6 4. On page 6, line 11, strike "47" and insert "42".
- 7 5. On page 35, line 11, strike "36 to 45" and insert "31 to 40".
- 8 6. On page 45, line 17, strike "47" and insert "42".
- 9 7. On page 49, lines 20 and 25, strike "47" and insert "42".
- 10 8. On page 50, lines 4 and 5, strike "47" and insert "42".
- 11 9. On page 57, line 5, strike "9-607, 9-646.01, 9-651,"; and in line 12 7 strike "9-601,".
- 13 10. Renumber the remaining sections accordingly.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 121.** Introduced by Hunt, 8.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to maintain and defend the American people and the right of all Nebraskans to an urgent, robust, and professional response to the public health and attendant economic crises caused by the COVID-19 pandemic.
2. That we are greatly alarmed that a factious and contentious spirit manifested itself in some former and current members of the state and



federal governments during the coronavirus emergency of 2019 and 2020, emanating both from the legislative and executive branches, with the desire to obstruct the dissemination of scientific evidence regarding the severity of the COVID-19 pandemic and methods for its mitigation. This design appears to have no other end except to signal an adherence to principles of personal liberty without regard for one's fellow human beings, the obvious tendency and inevitable consequence of which would be to contribute to hundreds of thousands of preventable deaths in the several states.

3. That we extend our appreciation to the membership of the current federal executive and legislative branches for decisive action taken to produce pandemic relief policies, which are grounded in best practices in science, medicine, and public health and promote common purpose, trust, transparency, and accountability.

4. That we express appreciation for the efforts of Nebraska's mayors, city councils, public health workers and officials, and other local government workers who adhered to scientific best practices in implementing mask requirements and safety measures designed to protect our citizenry. We similarly appreciate the efforts of the University of Nebraska Medical Center and all frontline healthcare workers who placed themselves at extraordinary risk in serving the public during the COVID-19 pandemic.

5. That we celebrate the widespread accessibility of the COVID-19 vaccination available to Americans at no cost and acknowledge that society has reached this remarkable achievement as a result of the diligent and sometimes thankless work of the scientists, doctors, and frontline workers, each of whom played a vital role in reaching this point.

6. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in defending the Constitution of the United States, the several states, and the American people against future pandemics.

7. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR121 was referred to the Reference Committee.

**GENERAL FILE**

**LEGISLATIVE BILL 132.** Senator Linehan renewed her amendment, [AM1203](#), found on page 1222, to the committee amendment.

Senator Linehan withdrew her amendment.

Senator Brandt offered his amendment, [AM1247](#), found on page 1267, to the committee amendment.

Senator Brandt withdrew his amendment.

Senator Friesen offered the following motion:

[MO60](#)

Recommit to the Education Committee.

Pending.

**RECESS**

At 11:58 a.m., on a motion by Senator Blood, 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 Albrecht, Bostar, Hunt, Linehan, McCollister, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

**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.

Eric Dunning Director - Department of Insurance

Aye: 8. Aguilar, Bostar, Flood, Lindstrom, McCollister, Pahls, Slama, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Matt Williams, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 489.** Placed on General File with amendment.

[AM1217](#)

1 1. Strike the original sections and insert the following new  
2 section:  
3 Section 1. No state official or state employee of any state agency,  
4 except an employee of the Legislative Council, shall testify at a public  
5 hearing before the Legislature on any issue in any capacity other than  
6 neutral unless such official or employee is on unpaid leave from state  
7 employment for the duration of such public hearing.

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 132.** Senator Friesen renewed his motion, [MO60](#), found in this day's Journal, to recommit to the Education Committee.

Senator Friesen withdrew his motion to recommit to committee.

Senator Groene offered his amendment, [AM1246](#), found on page 1268, to the committee amendment.

Senator Groene withdrew his amendment.

Committee [AM555](#), found on page 595 and considered on page 1261, was renewed.

The committee amendment lost with 1 aye, 35 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 5 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 132A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

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

Senator Blood filed the following amendment to [LR107](#):

[AM1277](#)

1 1. Insert the following new RESOLVED paragraph:  
2 7. That the COVID-19 virus originated in Communist China. Further,  
3 that those who love America support safety guidelines and vaccinations;  
4 whereas, those who support Communist China oppose such safety measures.  
5 As patriots, we want to defeat communism and protect America from the  
6 communist threat by wearing our masks and practicing prescribed social

7 distancing measures.

8 2. Renumber the remaining RESOLVED paragraphs accordingly.

Senator Flood filed the following amendment to [LB595](#):  
[AM1225](#) is available in the Bill Room.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 122.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

**PURPOSE:** The purpose of this interim study is to examine the statutes governing cities of the metropolitan class in Chapter 14 of the Nebraska Revised Statutes. The goal of the study is to determine statutes that need to be updated or modernized because those statutes contain obsolete, antiquated, or duplicate language.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 123.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

**PURPOSE:** The purpose of this interim study is to review the occupational regulations for radon measurement specialists and radon mitigation specialists. Such a review is required by section 84-948 of the Nebraska Revised Statutes. This study shall fulfill the requirements of the Occupational Board Reform Act. The study shall include an examination of the guidelines issued by the Department of Health and Human Services to determine qualifications for radon measurement specialists and radon mitigation specialists pursuant to the Radiation Control Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 124.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine issues related to the designation of extremely blighted areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in Article VIII, section 12, of the Constitution of Nebraska and the Community Development Law that govern extremely blighted areas;

(2) A review of areas that have been designated by municipalities as extremely blighted areas since the passage of Amendment 2 by Nebraska voters in November 2020;

(3) An examination of the definition of extremely blighted area under the Community Development Law and whether such definition is sufficiently limited to encourage the use of tax-increment financing in the hardest hit neighborhoods within municipalities; and

(4) An examination of any additional requirements placed by municipalities on the use of tax-increment financing for more than fifteen years within areas that have been designated as extremely blighted areas, including whether such additional requirements should be codified in the Community Development Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 125.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine issues related to the designation of enhanced employment areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in the Community Development Law that govern enhanced employment areas;

(2) A review of the procedures utilized by municipalities for the review and approval of proposed enhanced employment areas;

(3) An examination of the different statutory requirements for enhanced employment areas within areas that have been designated blighted and substandard under the Community Development Law and outside of areas that have been designated blighted and substandard under the Community Development Law; and

(4) An examination of the interaction between enhanced employment areas and the use of tax-increment financing by municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 126.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the designation of blighted areas and extremely blighted areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in the Community Development Law that provide for designation of an area as a blighted area or an extremely blighted area;

(2) A review of the Community Development Law to determine if a process exists for removing a blighted area designation or an extremely blighted area designation from an area;

(3) A review of areas which are no longer designated by a municipality as a blighted area or an extremely blighted area and the procedures utilized to remove such a designation; and

(4) An examination of whether the Community Development Law should require a regular review of areas designated as a blighted area or an extremely blighted area to determine whether those areas still meet the statutory requirements for those designations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 432A.** 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 432, One Hundred Seventh Legislature, First Session, 2021.

**GENERAL FILE**

**LEGISLATIVE BILL 147.** Title read. Considered.

Committee [AM926](#), found on page 938, was offered.

**SENATOR HUGHES PRESIDING**

Senator Kolterman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 32:

Aguilar	DeBoer	Hughes	McDonnell	Walz
Blood	Dorn	Hunt	McKinney	Wayne
Bostar	Flood	Kolterman	Morfeld	Williams
Brandt	Gragert	Lathrop	Pahls	Wishart
Cavanaugh, J.	Hansen, M.	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Hilgers	Linehan	Stinner	
Day	Hilkemann	McCollister	Vargas	

Voting in the negative, 10:

Albrecht	Clements	Halloran	Moser	Sanders
Brewer	Erdman	Low	Murman	Slama

Present and not voting, 6:

Bostelman	Friesen	Groene
Briese	Geist	Hansen, B.

Excused and not voting, 1:

Arch

The committee amendment was adopted with 32 ayes, 10 nays, 6 present and not voting, and 1 excused and not voting.

Senator Kolterman withdrew his amendment, [AM295](#), found on page 461.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

### AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB407](#):

[AM1282](#)

- 1 1. On page 4, line 30, strike "and" and insert "or".
- 2 2. On page 4, line 31; and page 5, line 22, after "jail" insert "in
- 3 a high-population county".

Senator Brewer filed the following amendment to [LB51](#):

[AM1292](#)

(Amendments to Standing Committee amendments, AM745)

- 1 1. On page 36, strike beginning with "A" in line 22 through "of" in
- 2 line 23 and insert "The council may extend"; in line 25 strike "The" and
- 3 insert "Upon application by a noncertified conditional officer, the"; in
- 4 line 26 after the semicolon insert "and"; in line 27 strike "may" and
- 5 insert "shall"; and in line 28 strike "the following showing" and insert
- 6 "finding".
- 7 2. On page 37, line 4, strike "will enroll" and insert "is
- 8 enrolled"; strike beginning with "for" in line 5 through "center" in line
- 9 6; and in line 7 strike "is not for the purpose of evading" and insert
- 10 "would not be contrary to".
- 11 3. On page 46, line 20, strike the period and insert "incurred
- 12 pursuant to this section. In awarding such grants, the commission shall
- 13 prioritize smaller law enforcement agencies.".

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 127.** Introduced by Hilkemann, 4.

PURPOSE: The purpose of this interim study is to identify a more equitable scale for motor vehicle taxation.

The interim study shall include, but not be limited to, an examination of:

- (1) The average number of vehicles registered that pay zero percent of the motor vehicle tax;
- (2) The amount of annual revenue generated by the motor vehicle tax;
- (3) The possibility of rescheduling the percentage of motor vehicle tax by vehicle age to achieve a revenue-neutral impact;
- (4) To what extent decreasing the motor vehicle tax on newer vehicles and increasing the motor vehicle tax on older vehicles would incentivize consumers to purchase new vehicles; and
- (5) The potential for reduction in pollution by increasing the motor vehicle tax on older vehicles.



NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### GENERAL FILE

**LEGISLATIVE BILL 496.** Title read. Considered.

Committee [AM1054](#), found on page 1073, was offered.

### SPEAKER HILGERS PRESIDING

Senator Wayne offered his amendment, [AM1083](#), found on page 1268, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 1 nays, and 27 not voting.

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

Voting in the affirmative, 24:

Aguilar	Cavanaugh, J.	Hansen, M.	McCollister	Vargas
Blood	Cavanaugh, M.	Hunt	McKinney	Walz
Bostar	Day	Kolterman	Morfeld	Wayne
Brandt	DeBoer	Lathrop	Pahls	Wishart
Brewer	Dorn	Linehan	Pansing Brooks	

Voting in the negative, 9:

Albrecht	Clements	Geist	Moser	Sanders
Bostelman	Flood	Lowe	Murman	

Present and not voting, 8:

Arch	Gragert	Hilkemann	Stinner
Briese	Hilgers	Lindstrom	Williams

Excused and not voting, 8:

Erdman	Groene	Hansen, B.	McDonnell
Friesen	Halloran	Hughes	Slama

The Wayne amendment lost with 24 ayes, 9 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

### EASE

The Legislature was at ease from 6:02 p.m. until 6:32 p.m.

### GENERAL FILE

**LEGISLATIVE BILL 496.** Senator J. Cavanaugh offered the following amendment to the committee amendment:

[AM1274](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. Strike section 7 and insert the following new sections:  
 2 Section 1. Section 29-3001, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 29-3001 (1) A prisoner in custody under sentence and claiming a  
 5 right to be released on the ground that there was such a denial or  
 6 infringement of the rights of the prisoner as to render the judgment void  
 7 or voidable under the Constitution of this state or the Constitution of  
 8 the United States, may file a verified motion, in the court which imposed  
 9 such sentence, stating the grounds relied upon and asking the court to  
 10 vacate or set aside the sentence.  
 11 (2) Unless the motion and the files and records of the case show to  
 12 the satisfaction of the court that the prisoner is entitled to no relief,  
 13 the court shall cause notice thereof to be served on the county attorney,  
 14 grant a prompt hearing thereon, and determine the issues and make  
 15 findings of fact and conclusions of law with respect thereto. If the  
 16 court finds that there was such a denial or infringement of the rights of  
 17 the prisoner as to render the judgment void or voidable under the  
 18 Constitution of this state or the Constitution of the United States, the  
 19 court shall vacate and set aside the judgment and shall discharge the  
 20 prisoner or resentence the prisoner or grant a new trial as may appear  
 21 appropriate. Proceedings under the provisions of sections 29-3001 to  
 22 29-3004 shall be civil in nature. Costs shall be taxed as in habeas  
 23 corpus cases.  
 24 (3) A court may entertain and determine such motion without  
 25 requiring the production of the prisoner, whether or not a hearing is  
 26 held. Testimony of the prisoner or other witnesses may be offered by  
 1 deposition. The court need not entertain a second motion or successive  
 2 motions for similar relief on behalf of the same prisoner.  
 3 (4) A one-year period of limitation shall apply to the filing of a  
 4 verified motion for postconviction relief. The one-year limitation period  
 5 shall run from the later of:  
 6 (a) The date the judgment of conviction became final by the  
 7 conclusion of a direct appeal or the expiration of the time for filing a  
 8 direct appeal;  
 9 (b) The date on which the factual predicate of the constitutional  
 10 claim or claims alleged could have been discovered through the exercise  
 11 of due diligence;  
 12 (c) The date on which an impediment created by state action, in

13 violation of the Constitution of the United States or the Constitution of  
 14 Nebraska or any law of this state, is removed, if the prisoner was  
 15 prevented from filing a verified motion by such state action;  
 16 (d) The date on which a constitutional claim asserted was initially  
 17 recognized by the Supreme Court of the United States or the Nebraska  
 18 Supreme Court, if the newly recognized right has been made applicable  
 19 retroactively to cases on postconviction collateral review; or  
 20 (e) The date on which the Supreme Court of the United States denies  
 21 a writ of certiorari or affirms a conviction appealed from the Nebraska  
 22 Supreme Court August 27, 2011. This subdivision only applies if, within  
 23 thirty days after petitioning the Supreme Court of the United States for  
 24 a writ of certiorari, the prisoner files a notice in the district court  
 25 of conviction stating that the prisoner has filed such petition.  
 26 Sec. 8. Sections 2, 3, 4, 5, 6, 7, and 10 of this act become  
 27 operative on January 1, 2022. The other sections of this act become  
 28 operative on their effective date.  
 29 Sec. 9. Original section 29-3001, Reissue Revised Statutes of  
 30 Nebraska, is repealed.  
 31 2. On page 5, line 21, strike "act" and insert "section"; and in  
 1 line 30, after "cause" insert "pursuant to section 29-506 or 29-1607".

Senator Wayne offered the following motion:

[MO61](#)

Bracket until May 28, 2021.

### SENATOR SLAMA PRESIDING

Senator Wayne withdrew his motion to bracket.

The J. Cavanaugh amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 128.** Introduced by Brewer, 43; Aguilar, 35; Albrecht, 17; Arch, 14; Brandt, 32; Briese, 41; Clements, 2; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; Hilkemann, 4; Hunt, 8; Kolterman, 24; Lathrop, 12; McCollister, 20; Pansing Brooks, 28; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, Chief Standing Bear of the Ponca Tribe is a significant historical and civil rights figure from Nebraska's Niobrara River Valley region; and

WHEREAS, the United States federal government removed the Ponca Tribe to Indian Territory in 1877; and

WHEREAS, Chief Standing Bear's epic return to his Nebraska homeland to bury his son culminated in the historic court case, United States ex rel. Standing Bear v. Crook, which took place in Omaha, Nebraska, in May 1879; and

WHEREAS, the court case set the historic precedent that Chief Standing Bear, as a Native American individual, was found to be a person under the law; and

WHEREAS, nearly all photographic and other representations of Chief Standing Bear portray him with his inherited ceremonial tomahawk; and

WHEREAS, Chief Standing Bear's financial indigency should have resulted in court-appointed counsel, but instead led him to offer compensation to his attorney John L. Webster in the form of his tomahawk; and

WHEREAS, the tomahawk was later given to the Peabody Museum of Archaeology and Ethnology at Harvard University, despite the fact that this institution did not have a relationship with either Chief Standing Bear or with the events that transpired in his life; and

WHEREAS, this tomahawk is an item of patrimony and is a prominent and recognizable cultural artifact of great significance to the Ponca and to Native Americans; and

WHEREAS, the Peabody Museum has recently apologized for its historic practices of collecting and maintaining possession of Native American cultural objects and has declared its new commitment to changing these practices in the future.

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

1. That the Legislature encourages the Peabody Museum of Archaeology and Ethnology at Harvard University to fulfill its commitment to repatriation of Native American objects.

2. That the Legislature encourages the Peabody Museum of Archaeology and Ethnology at Harvard University to respect the wishes of and requests from the Ponca Tribe of Nebraska and descendants of Chief Standing Bear for repatriation of Chief Standing Bear's tomahawk to the Ponca Tribe of Nebraska.

3. That copies of this resolution be sent to the Ponca Tribe of Nebraska, the Peabody Museum of Archaeology and Ethnology at Harvard University, and the Commission on Indian Affairs.

Laid over.

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

Senator Hunt filed the following amendment to [LB496](#):

[AM1289](#)

(Amendments to Standing Committee amendments, AM1054)

- 1 On page 6, after line 9 insert the following new subsection:
- 2 "~~(5) A candidate for elective office as defined in sections 32-104~~
- 3 ~~and 32-109 who does not have a DNA sample available for use in the State~~
- 4 ~~DNA Sample Bank shall, at his or her own expense, have a DNA sample~~
- 5 ~~collected by the sheriff before his or her name may be placed on any~~
- 6 ~~ballot.~~"; and in line 10 strike "~~(5)~~" and insert "~~(6)~~".

Senator Hunt filed the following amendment to [LB496](#):

[AM1288](#)

(Amendments to Standing Committee amendments, AM1054)

- 1 1. On page 1, line 5, before "The" insert "(1)"; and after line 20
- 2 insert the following subsection:
- 3 "(2) The Legislature finds that firearms in the hands of known
- 4 violent criminals pose a safety threat to the public and that each person
- 5 who intends to carry a concealed weapon should be subject to thorough
- 6 vetting including a check on whether their DNA sample exists in the State
- 7 DNA Sample Bank from some prior arrest."
- 8 2. On page 6, after line 9 insert the following new subsection:
- 9 "(5) A person who is applying for a permit under the Concealed
- 10 Handgun Permit Act who does not have a DNA sample available for use in
- 11 the State DNA Sample Bank shall, at his or her own expense, have a DNA
- 12 sample collected by the sheriff as part of the permit application
- 13 process."; and in line 10 strike "(5)" and insert "(6)".

Senator Hunt filed the following amendment to [LB496](#):

[AM1283](#)

(Amendments to Standing Committee amendments, AM1054)

- 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 29-4102, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 29-4102 The Legislature finds that DNA data banks are an important
- 7 tool in criminal investigations, in the exclusion of individuals who are
- 8 the subject of criminal investigations or prosecutions, in deterring and
- 9 detecting recidivist acts, and in locating and identifying missing
- 10 persons and human remains. ~~It Several states have enacted laws requiring~~
- 11 ~~persons convicted of certain crimes to provide genetic samples for DNA~~
- 12 ~~typing tests. Moreover, it is the policy of this state to assist federal,~~
- 13 ~~state, and local criminal justice and law enforcement agencies in the~~
- 14 ~~identification and detection of individuals in criminal investigations~~
- 15 ~~and in locating and identifying missing persons and human remains. It is~~
- 16 ~~in the best interest of this state to establish a State DNA Data Base for~~
- 17 ~~DNA records and a State DNA Sample Bank as a repository for DNA samples~~
- 18 ~~from all individuals nineteen years of age and older convicted of felony~~
- 19 ~~offenses and other specified offenses and from individuals for purposes~~
- 20 ~~of assisting in locating and identifying missing persons and human~~
- 21 ~~remains.~~
- 22 Sec. 2. Section 29-4103, Reissue Revised Statutes of Nebraska, is
- 23 amended to read:
- 24 29-4103 For purposes of the DNA Identification Information Act:
- 25 (1) Combined DNA Index System means the Federal Bureau of
- 26 Investigation's national DNA identification index system that allows the
- 1 storage and exchange of DNA records submitted by state and local forensic
- 2 DNA laboratories;
- 3 (2) DNA means deoxyribonucleic acid which is located in the cells
- 4 and provides an individual's personal genetic blueprint. DNA encodes
- 5 genetic information that is the basis of human heredity and forensic
- 6 identification;
- 7 (3) DNA record means the DNA identification information stored in
- 8 the State DNA Data Base or the Combined DNA Index System which is derived
- 9 from DNA typing test results;
- 10 (4) DNA sample means a blood, tissue, or bodily fluid sample
- 11 provided by any person covered by the DNA Identification Information Act
- 12 for analysis or storage, or both;
- 13 (5) DNA typing tests means the laboratory procedures which evaluate

14 the characteristics of a DNA sample which are of value in establishing  
15 the identity of an individual; and

16 (6) Law enforcement agency includes a police department, a town  
17 marshal, a county sheriff, and the Nebraska State Patrol; ;

18 ~~(7) Other specified offense means misdemeanor stalking pursuant to  
19 sections 28-311.02 to 28-311.05 or false imprisonment in the second  
20 degree pursuant to section 28-315 or an attempt, conspiracy, or  
21 solicitation to commit stalking pursuant to sections 28-311.02 to  
22 28-311.05, false imprisonment in the first degree pursuant to section  
23 28-314, false imprisonment in the second degree pursuant to section  
24 28-315, knowing and intentional sexual abuse of a vulnerable adult or  
25 senior adult pursuant to subdivision (1)(c) of section 28-386, or a  
26 violation of the Sex Offender Registration Act pursuant to section  
27 29-4011; and~~

28 ~~(8) Released means any release, parole, furlough, work release,  
29 prerelease, or release in any other manner from a prison, a jail, or any  
30 other detention facility or institution.~~

31 Sec. 3. Section 29-4104, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 29-4104 The State DNA Data Base is established. The Nebraska State  
3 Patrol shall administer the State DNA Data Base and shall provide DNA  
4 records to the Federal Bureau of Investigation for storage and  
5 maintenance in the Combined DNA Index System. The patrol shall provide  
6 for liaison with the Federal Bureau of Investigation and other law  
7 enforcement agencies in regard to the state's participation in the  
8 Combined DNA Index System. The State DNA Data Base shall store and  
9 maintain DNA records of all Nebraska residents who are nineteen years of  
10 age or older, related to:

11 ~~(1) Forensic casework, including, but not limited to, forensic  
12 casework relating to missing persons, relatives of missing persons, and  
13 unidentified human remains;~~

14 ~~(2) Convicted offenders required to provide a DNA sample under the  
15 DNA Identification Information Act;~~

16 ~~(3) Anonymous DNA records used for research or quality control; and  
17 (4) Missing persons, relatives of missing persons, and unidentified  
18 human remains.~~

19 Sec. 4. Section 29-4105, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 29-4105 (1) The Nebraska State Patrol shall prescribe procedures to  
22 be used in the collection, submission, identification, analysis, storage,  
23 and disposition of DNA samples in the State DNA Sample Bank and DNA  
24 records in the State DNA Data Base. These procedures shall include  
25 quality assurance guidelines for laboratories which submit DNA records to  
26 the State DNA Data Base and shall also require that all laboratories be  
27 accredited by the American Society of Crime Laboratory Directors-LAB-  
28 Laboratory Accreditation Board or the National Forensic Science  
29 Technology Center or by any other national accrediting body or public  
30 agency which has requirements that are substantially equivalent to or  
31 more comprehensive than those of the society or center. The State DNA  
1 Data Base shall be compatible with the procedures specified by the  
2 Federal Bureau of Investigation, including the use of comparable test  
3 procedures, laboratory equipment, supplies, and computer software. The  
4 DNA records shall be securely stored in the State DNA Data Base and  
5 retained in a manner consistent with the procedures established by the  
6 Federal Bureau of Investigation.

7 (2) The Nebraska State Patrol may contract with the University of  
8 Nebraska Medical Center to establish the State DNA Sample Bank at the  
9 medical center and for DNA typing tests. The State DNA Sample Bank shall  
10 serve as the repository of DNA samples collected under the DNA  
11 Identification Information Act and other forensic casework. Any such

12 contract shall require that the University of Nebraska Medical Center be  
13 subject to the same restrictions and requirements of the act, insofar as  
14 applicable, as the Nebraska State Patrol, as well as any additional  
15 restrictions imposed by the patrol.

16 (3) The DNA samples and DNA records shall only be used by the  
17 Nebraska State Patrol (a) to create a separate population data base  
18 comprised of DNA records obtained after all personal identification is  
19 removed and (b) for quality assurance, training, and research purposes  
20 related to human DNA identification. The patrol may share or disseminate  
21 the population data base with other law enforcement agencies or forensic  
22 DNA laboratories which assist the patrol with statistical data bases. The  
23 population data base may be made available to and searched by other  
24 agencies participating in the Combined DNA Index System.

25 ~~(4) Except for records and samples expunged under section 29-4109,  
26 the Nebraska State Patrol shall permanently retain DNA samples and  
27 records of an individual obtained under section 29-4106. Any other DNA  
28 samples and records related to forensic casework, other than those used  
29 for research or quality control, shall not be permanently retained but  
30 shall be retained only as long as needed for a criminal investigation or  
31 criminal prosecution.~~

1 ~~(5) If the Nebraska State Patrol determines after analysis that a  
2 forensic sample has been submitted by an individual who has been  
3 eliminated as a suspect in a crime, the patrol or the law enforcement  
4 agency which submitted the sample shall destroy the DNA sample and record  
5 in the presence of a witness. After destruction, the patrol or law  
6 enforcement agency shall make and keep a written record of the  
7 destruction, signed by the individual who witnessed the destruction.  
8 After the patrol or the law enforcement agency destroys the DNA sample  
9 and record, it shall notify the individual if he or she is not a minor or  
10 the parent or legal guardian of a minor by certified mail that the sample  
11 and record have been destroyed. Destruction of a DNA sample and record  
12 under this section shall not be considered the offense of tampering with  
13 physical evidence under section 28-922.~~

14 Sec. 5. Section 29-4106, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-4106 (1) Except as provided in subsection (2) of this section,  
17 beginning July 1, 2022, any resident of Nebraska shall, within thirty  
18 days after reaching nineteen years of age, report to a law enforcement  
19 facility in such resident's county or municipality and have a DNA sample  
20 collected. A person who is convicted of a felony offense or other  
21 specified offense on or after July 15, 2010, who does not have a DNA  
22 sample available for use in the State DNA Sample Bank, shall, at his or  
23 her own expense, have a DNA sample collected:

24 (2)(a) Residents of Nebraska who are already nineteen years of age  
25 before July 1, 2022, shall report to a law enforcement facility in such  
26 resident's county or municipality and have a DNA sample collected  
27 according to the implementation schedule set forth in this subsection.

28 (b) On or before July 1, 2022, the Nebraska State Patrol shall  
29 create a schedule to obtain DNA samples of all Nebraska residents  
30 described in this subsection. The implementation schedule shall require  
31 that all such residents have a DNA sample collected by July 1, 2027.

1 (c) This subsection does not apply to a person who already has a DNA  
2 sample available for use in the State DNA Sample Bank.

3 (3) DNA samples collected under this section shall be collected at  
4 the state's expense.

5 (a) Upon intake to a prison, jail, or other detention facility or  
6 institution to which such person is sentenced. If the person is already  
7 confined at the time of sentencing, the person shall have a DNA sample  
8 collected immediately after the sentencing. Such DNA sample shall be  
9 collected at the place of incarceration or confinement. Such person shall

10 not be released unless and until a DNA sample has been collected; or  
11 (b) As a condition for any sentence which will not involve an intake  
12 into a prison, jail, or other detention facility or institution. Such DNA  
13 samples shall be collected as follows:

14 (i) In any county containing a city of the metropolitan class, a  
15 person placed on probation or who received a penalty of a fine or time  
16 served shall have such DNA sample collected by a probation officer at a  
17 probation office. Such person shall not be released unless and until a  
18 DNA sample has been collected; and

19 (ii) In all other counties, a person placed on probation shall have  
20 such DNA sample collected by a probation officer at a probation office,  
21 and a person not placed on probation who receives a penalty of a fine or  
22 time served shall have such DNA sample collected by the county sheriff.  
23 Such person shall not be released unless and until a DNA sample has been  
24 collected.

25 (2) A person who has been convicted of a felony offense or other  
26 specified offense before July 15, 2010, who does not have a DNA sample  
27 available for use in the State DNA Sample Bank, and who is still serving  
28 a term of confinement or probation for such felony offense or other  
29 specified offense on July 15, 2010, shall not be released prior to the  
30 expiration of his or her maximum term of confinement or revocation or  
31 discharge from his or her probation unless and until a DNA sample has  
1 been collected.

2 (3) A person who is serving a term of probation and has a DNA sample  
3 collected pursuant to this section shall pay all costs associated with  
4 the collection of the DNA sample.

5 (4) If the court waives the cost of taking a DNA sample for any  
6 reason, a county jail or other county detention facility or institution  
7 collecting the DNA sample shall not be held financially responsible for  
8 the cost of the DNA sample kit.

9 Sec. 6, Section 29-4108, Revised Statutes Cumulative Supplement,  
10 2020, is amended to read:

11 29-4108 (1) All DNA samples and DNA records submitted to the State  
12 DNA Sample Bank or the State DNA Data Base are confidential except as  
13 otherwise provided in the DNA Identification Information Act. The  
14 Nebraska State Patrol shall make DNA records in the State DNA Data Base  
15 available:

16 (a) To law enforcement agencies and forensic DNA laboratories which  
17 serve such agencies and which participate in the Combined DNA Index  
18 System; and

19 (b) Upon written or electronic request and in furtherance of an  
20 official investigation of a criminal offense or offender or suspected  
21 offender.

22 (2) The Nebraska State Patrol shall adopt and promulgate rules and  
23 regulations governing the methods of obtaining information from the State  
24 DNA Data Base and the Combined DNA Index System and procedures for  
25 verification of the identity and authority of the requester.

26 (3) The Nebraska State Patrol may, for good cause shown, revoke or  
27 suspend the right of a forensic DNA laboratory in this state to have  
28 access to or submit records to the State DNA Data Base.

29 (4) For purposes of this subsection, person means a law enforcement  
30 agency, the Federal Bureau of Investigation, any forensic DNA laboratory,  
31 or person. No records or DNA samples shall be provided to any person  
1 unless such person enters into a written agreement with the Nebraska  
2 State Patrol to comply with the provisions of section 29-4109 relative to  
3 expungement, when notified by the Nebraska State Patrol that expungement  
4 has been granted. Every person shall comply with the provisions of  
5 section 29-4109 within ten calendar days of receipt of such notice and  
6 certify in writing to the Nebraska State Patrol that such compliance has  
7 been effectuated. The Nebraska State Patrol shall provide notice of such



8 certification to the person who was granted expungement.  
 9 Sec. 7. Original sections 29-4102, 29-4103, 29-4104, 29-4105, and  
 10 29-4106, Reissue Revised Statutes of Nebraska, and section 29-4108,  
 11 Revised Statutes Cumulative Supplement, 2020, are repealed.  
 12 Sec. 8. The following sections are outright repealed: Sections  
 13 29-4109 and 29-4113, Reissue Revised Statutes of Nebraska.

Senator Hunt filed the following amendment to [LB496](#):

[AM1290](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. On page 6, after line 9 insert the following new subsection:  
 2 "(5) An applicant for any license to practice podiatry under the  
 3 Podiatry Practice Act who does not have a DNA sample available for use in  
 4 the State DNA Sample Bank shall, at his or her own expense, have a DNA  
 5 sample collected by the sheriff before he or she may hold himself or  
 6 herself out as a licensed podiatrist."; and in line 10 strike "(5)" and  
 7 insert "(6)".

## GENERAL FILE

**LEGISLATIVE BILL 496.** Senator Pansing Brooks offered the following amendment to the committee amendment:

[AM1285](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. On page 1, line 18, after "individuals" insert "nineteen years of  
 2 age or older".  
 3 2. On page 5, line 20, strike "An adult" and insert "A person  
 4 nineteen years of age or older".  
 5 3. On page 6, after line 6 insert the following new subdivision:  
 6 "(c) Nothing in this subsection shall be construed to authorize the  
 7 collection of DNA samples from persons who are younger than nineteen  
 8 years of age.".

The Pansing Brooks amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Hunt offered her amendment, [AM1289](#), found in this day's Journal, to the committee amendment.

Pending.

## ADJOURNMENT

At 9:58 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Friday, May 7, 2021.

Patrick J. O'Donnell  
 Clerk of the Legislature



**SEVENTY-FOURTH DAY - MAY 7, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 7, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Albrecht.

**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 Bostar, Briese, Day, Erdman, M. Hansen, Pansing Brooks, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 131.** Placed on Select File with amendment.  
[ER89](#) is available in the Bill Room.

**LEGISLATIVE BILL 131A.** Placed on Select File with amendment.  
[ER88](#)

1 1. On page 1, line 3, after the semicolon insert "to transfer funds  
2 as prescribed;".

**LEGISLATIVE BILL 241.** Placed on Select File with amendment.  
[ER86](#)

1 1. In the Vargas amendment, AM1163, on page 4, line 3, strike "test"

2 and insert "vaccine".

**LEGISLATIVE BILL 132.** Placed on Select File.

**LEGISLATIVE BILL 132A.** Placed on Select File with amendment.

[ER87](#)

1 1. On page 1, line 3, strike the second "and" and insert "an".

(Signed) Terrell McKinney, Chairperson

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 411A.** Placed on Final Reading.

**LEGISLATIVE BILL 485A.** Placed on Final Reading.

(Signed) Terrell McKinney, 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 May 6, 2021, 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

Houghton Bradford Whitted PC, LLO

City of Ralston

Joslyn Art Museum

Omaha Performing Arts

Lautenbaugh, Scott

Nebraska Vape Vendors Association

Neilan Strategy Group

Independent Insurance Agents of Nebraska

O'Hara Lindsay & Associates, Inc.

Aunt Bertha

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR128 was referred to the Reference Committee.

**GENERAL FILE**

**LEGISLATIVE BILL 496.** Senator Hunt renewed her amendment, [AM1289](#), found on page 1292 and considered on page 1297, to the committee amendment.

**SPEAKER HILGERS PRESIDING**

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

Senator Hunt requested a roll call vote on her amendment.

Voting in the affirmative, 2:

Cavanaugh, J.     Cavanaugh, M.

Voting in the negative, 40:

Aguilar	Clements	Halloran	Lindstrom	Murman
Albrecht	DeBoer	Hansen, B.	Linehan	Pansing Brooks
Arch	Dorn	Hansen, M.	Lowe	Sanders
Bostar	Flood	Hilgers	McCollister	Slama
Bostelman	Friesen	Hilkemann	McDonnell	Stinner
Brandt	Geist	Hughes	McKinney	Walz
Brewer	Gragert	Kolterman	Morfeld	Williams
Briese	Groene	Lathrop	Moser	Wishart

Present and not voting, 5:

Blood             Day             Hunt             Pahls             Wayne

Excused and not voting, 2:

Erdman             Vargas

The Hunt amendment lost with 2 ayes, 40 nays, 5 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

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

Senator Brewer filed the following amendment to [LB285](#):  
[AM1299](#)

(Amendments to AM1133)

1 1. Insert the following new sections:

2 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:

4 16-404 (1) All ordinances and resolutions or orders for the  
5 appropriation or payment of money in a city of the first class shall  
6 require for their passage or adoption the concurrence of a majority of  
7 all members elected to the city council. The mayor may vote on any such  
8 matter when his or her vote will provide the additional vote required to  
9 create a number of votes equal to a majority of the number of members  
10 elected to the city council, and the mayor shall, for the purpose of such  
11 vote, be deemed to be a member of the city council.

12 ~~(2)(a)~~ ~~(2)~~ Ordinances of a general or permanent nature in a city of  
13 the first class shall be read by title on three different days unless  
14 three-fourths of the city council members vote to suspend this  
15 requirement, except that in a city having a commission plan of government  
16 such requirement may be suspended by a three-fifths majority vote.

17 ~~(b)~~ Regardless of the form of government, such requirement shall not  
18 be suspended for any ordinance for the annexation of territory or the  
19 redrawing of boundaries for city council election districts or wards  
20 except as otherwise provided in subsection (4) of this section.

21 ~~(c)~~ In case such requirement is suspended, the ordinances shall be  
22 read by title or number and then moved for final passage.

23 ~~(d)~~ Three-fourths of the city council members may require a reading  
24 of any such ordinance in full before enactment under either procedure set  
25 out in this section, except that in a city having a commission plan of  
26 government, such reading may be required by a three-fifths majority vote.

1 (3) Ordinances in a city of the first class shall contain no subject  
2 which is not clearly expressed in the title, and, except as provided in  
3 section 19-915, no ordinance or section thereof shall be revised or  
4 amended unless the new ordinance contains the entire ordinance or section  
5 as revised or amended and the ordinance or section so amended is  
6 repealed, except that:

7 (a) For an ordinance revising all the ordinances of a city of the  
8 first class, the only title necessary shall be An ordinance of the city  
9 of ....., revising all the ordinances of the city. Under such title  
10 all the ordinances may be revised in sections and chapters or otherwise,  
11 may be corrected, added to, and any part suppressed, and may be repealed  
12 with or without a saving clause as to the whole or any part without other  
13 title; and

14 (b) For an ordinance used solely to revise ordinances or code  
15 sections or to enact new ordinances or code sections in order to adopt  
16 statutory changes made by the Legislature which are specific and  
17 mandatory and bring the ordinances or code sections into conformance with  
18 state law, the title need only state that the ordinance revises those  
19 ordinances or code sections affected by or enacts ordinances or code  
20 sections generated by legislative changes. Under such title, all such  
21 ordinances or code sections may be revised, repealed, or enacted in  
22 sections and chapters or otherwise by a single ordinance without other  
23 title.

24 (4) Following the release of the 2020 Census of Population data by  
25 the United States Department of Commerce, Bureau of the Census, as  
26 required by Public Law 94-171, the city council of any city of the first  
27 class requesting the adjustment of the boundaries of election districts  
28 shall provide to the election commissioner or county clerk (a) written  
29 notice of the need and necessity of his or her office to perform such  
30 adjustments and (b) a revised election district boundary map that has  
31 been approved by the requesting city council and subjected to all public  
1 review and challenge ordinances of the city by December 30, 2021. The  
2 revised election district boundary map shall be adopted by ordinance.  
3 Such ordinance shall be read by title on three different days unless  
4 three-fourths of the city council members vote to suspend this

5 requirement.

6 Sec. 4. Section 17-614, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 17-614 (1)(a) (+) All ordinances and resolutions or orders for the  
9 appropriation or payment of money shall require for their passage or  
10 adoption the concurrence of a majority of all members elected to the city  
11 council in a city of the second class or village board of trustees. The  
12 mayor of a city of the second class may vote when his or her vote would  
13 provide the additional vote required to attain the number of votes equal  
14 to a majority of the number of members elected to the city council, and  
15 the mayor shall, for the purpose of such vote, be deemed to be a member  
16 of the city council.

17 (b) Ordinances of a general or permanent nature shall be read by  
18 title on three different days unless three-fourths of the city council or  
19 village board of trustees vote to suspend this requirement. ~~Such~~ ~~except~~  
20 ~~that such~~ requirement shall not be suspended for any ordinance for the  
21 annexation of territory or the redrawing of boundaries for city council  
22 or village board of trustees election districts or wards except as  
23 otherwise provided in subsection (3) of this section.

24 (c) In case such requirement is suspended, the ordinances shall be  
25 read by title and then moved for final passage.

26 (d) Three-fourths of the city council or village board of trustees  
27 may require a reading of any such ordinance in full before enactment  
28 under either procedure set out in this section.

29 (2) Ordinances shall contain no subject which is not clearly  
30 expressed in the title, and, except as provided in section 19-915, no  
31 ordinance or section of such ordinance shall be revised or amended unless  
1 the new ordinance contains the entire ordinance or section as revised or  
2 amended and the ordinance or section so amended is repealed, except that:

3 (a) For an ordinance revising all the ordinances of the city of the  
4 second class or village, the title need only state that the ordinance  
5 revises all the ordinances of the city or village. Under such title all  
6 the ordinances may be revised in sections and chapters or otherwise, may  
7 be corrected, added to, and any part suppressed, and may be repealed with  
8 or without a saving clause as to the whole or any part without other  
9 title; and

10 (b) For an ordinance used solely to revise ordinances or code  
11 sections or to enact new ordinances or code sections in order to adopt  
12 statutory changes made by the Legislature which are specific and  
13 mandatory and bring the ordinances or code sections into conformance with  
14 state law, the title need only state that the ordinance revises those  
15 ordinances or code sections affected by or enacts ordinances or code  
16 sections generated by legislative changes. Under such title, all such  
17 ordinances or code sections may be revised, repealed, or enacted in  
18 sections and chapters or otherwise by a single ordinance without other  
19 title.

20 (3) Following the release of the 2020 Census of Population data by  
21 the United States Department of Commerce, Bureau of the Census, as  
22 required by Public Law 94-171, the city council of any city of the second  
23 class or village board of trustees requesting the adjustment of the  
24 boundaries of election districts shall provide to the election  
25 commissioner or county clerk (a) written notice of the need and necessity  
26 of his or her office to perform such adjustments and (b) a revised  
27 election district boundary map that has been approved by the requesting  
28 city council or village board of trustees and subjected to all public  
29 review and challenge ordinances of the city or village by December 30,  
30 2021. The revised election district boundary map shall be adopted by  
31 ordinance. Such ordinance shall be read by title on three different days  
1 unless three-fourths of the members of the city council or village board  
2 of trustees vote to suspend this requirement.

- 3 2. On page 2, line 12; page 4, line 17; page 5, line 22; page 7,  
 4 line 22; page 10, line 19; and page 12, line 23, after "Census," insert  
 5 "as required by Public Law 94-171."  
 6 3. Renumber the remaining sections accordingly.

Senator Brewer filed the following amendment to LB285:

AM1300

1 1. Insert the following new sections:

2 Sec. 12. Section 32-716, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 32-716 (1) Any person, group, or association desiring to form a new  
 5 political party shall present to the Secretary of State petitions  
 6 containing signatures totaling not less than one percent of the total  
 7 votes cast for Governor at the most recent general election for such  
 8 office. The signatures of registered voters on such petitions shall be so  
 9 distributed as to include registered voters totaling at least one percent  
 10 of the votes cast for Governor in the most recent gubernatorial election  
 11 in each of the three congressional districts in this state. Petition  
 12 signers and petition circulators shall conform to the requirements of  
 13 sections 32-629 and 32-630. The petitions shall be filed with the  
 14 Secretary of State no later than January 15 ~~February 1~~ before any  
 15 statewide primary election for the new political party to be entitled to  
 16 have ballot position in the primary election of that year. If the new  
 17 political party desires to be established and have ballot position for  
 18 the general election and not in the primary election of that year, the  
 19 petitions shall be filed with the Secretary of State on or before July 15  
 20 ~~August 1~~ of that year. Prior to the circulation of petitions to form a  
 21 new political party, a sample copy of the petitions shall be filed with  
 22 the Secretary of State by the person, group, or association seeking to  
 23 establish the new party. The sample petition shall be accompanied by the  
 24 name and address of the person or the names and addresses of the members  
 25 of the group or association sponsoring the petition to form a new  
 26 political party. The sponsor or sponsors of the petition shall file, as  
 27 one instrument, all petition papers comprising a new political party  
 1 petition for signature verification with the Secretary of State. All  
 2 signed petitions in circulation but not filed with the Secretary of State  
 3 shall become invalid after July 15 in the year of the statewide general  
 4 election.

5 (2) The petition shall conform to the requirements of section  
 6 32-628. The Secretary of State shall prescribe the form of the petition  
 7 for the formation of a new political party. The petition shall be  
 8 addressed to and filed with the Secretary of State and shall state its  
 9 purpose and the name of the party to be formed. Such name shall not be or  
 10 include the name of any political party then in existence or any word  
 11 forming any part of the name of any political party then in existence,  
 12 and in order to avoid confusion regarding party affiliation of a  
 13 candidate or registered voter, the name of the party to be formed shall  
 14 not include the word "independent" or "nonpartisan". The petition shall  
 15 contain a statement substantially as follows:

16 We, the undersigned registered voters of the State of Nebraska and  
 17 the county of ....., being severally qualified to sign this  
 18 petition, respectfully request that the above-named new political party  
 19 be formed in the State of Nebraska, and each for himself or herself says:  
 20 I have personally signed this petition on the date opposite my name; I am  
 21 a registered voter of the State of Nebraska and county of .....  
 22 and am qualified to sign this petition; and my date of birth and city,  
 23 village, or post office address and my street and number or voting  
 24 precinct are correctly written after my name.

25 Sec. 13. Section 32-717, Reissue Revised Statutes of Nebraska, is  
 26 amended to read:



27 32-717 Within ~~twenty business ten~~ days after all the petitions to  
 28 form a new political party which contain signatures are filed with the  
 29 Secretary of State, he or she shall determine the validity and  
 30 sufficiency of such petitions and signatures. Clerical and technical  
 31 errors in a petition shall be disregarded if the forms prescribed by the  
 1 Secretary of State are substantially followed. If the petitions are  
 2 determined to be sufficient and valid, the Secretary of State shall issue  
 3 a certification establishing the new political party. Copies of such  
 4 certification shall be issued to the person, group, or association  
 5 forming the new political party. Within twenty days after the  
 6 certification of establishment of the new political party by the  
 7 Secretary of State, the person, group, or association forming the new  
 8 political party or its new officers shall file with the Secretary of  
 9 State the constitution and bylaws of such party along with a certified  
 10 list of the names and addresses of the officers of the new political  
 11 party.  
 12 2. On page 6, after line 27 insert the following new subsection:  
 13 "(7) Nothing in this section shall prevent a political party or  
 14 candidate from using the list of registered voters for campaign  
 15 activities.".  
 16 3. Renumber the remaining sections and correct the repealer  
 17 accordingly.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 129.** Introduced by Wishart, 27;  
 McDonnell, 5; Stinner, 48.

**PURPOSE:** The purpose of this interim study is to review and examine staffing at the Department of Correctional Services, including, but not limited to, staff recruitment, staff retention, staffing levels, and wage compression at individual facilities, as well as the effects of reduced staffing on the operations of these facilities and offender outcomes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### GENERAL FILE

**LEGISLATIVE BILL 496.** Senator Hunt offered her amendment, [AM1288](#), found on page 1293, to the committee amendment.

**PRESIDENT FOLEY PRESIDING**

Senator Hilkemann offered the following motion:

[MO63](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Hilkemann moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Hilkemann requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	DeBoer	Hilgers	McCollister	Slama
Albrecht	Dorn	Hilkemann	McDonnell	Stinner
Arch	Erdman	Hughes	Morfeld	Walz
Bostelman	Geist	Kolterman	Moser	Williams
Brandt	Gragert	Lathrop	Murman	Wishart
Brewer	Halloran	Lindstrom	Pahls	
Clements	Hansen, B.	Lowe	Sanders	

Voting in the negative, 8:

Bostar	Cavanaugh, M.	Hansen, M.	McKinney
Cavanaugh, J.	Flood	Hunt	Wayne

Present and not voting, 6:

Blood	Day	Linehan
Briese	Friesen	Pansing Brooks

Excused and not voting, 2:

Groene	Vargas
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The Hilkemann motion to invoke cloture prevailed with 33 ayes, 8 nays, 6 present and not voting, and 2 excused and not voting.

Senator Hunt requested a roll call vote on her amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

Aguilar	DeBoer	Hansen, M.	McCollister	Stinner
Albrecht	Dorn	Hilgers	McDonnell	Walz
Arch	Erdman	Hilkemann	McKinney	Wayne
Bostar	Flood	Hughes	Morfeld	Williams
Bostelman	Friesen	Kolterman	Moser	Wishart
Brandt	Geist	Lathrop	Murman	
Brewer	Gragert	Lindstrom	Pansing Brooks	
Briese	Halloran	Linehan	Sanders	
Clements	Hansen, B.	Lowe	Slama	

Present and not voting, 6:

Blood	Cavanaugh, M.	Hunt
Cavanaugh, J.	Day	Pahls

Excused and not voting, 2:

Groene	Vargas
--------	--------

The Hunt amendment lost with 0 ayes, 41 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

Senator Hunt requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Aguilar	Clements	Hilgers	Lowe	Sanders
Albrecht	Dorn	Hilkemann	McCollister	Slama
Arch	Erdman	Hughes	McDonnell	Stinner
Bostelman	Geist	Kolterman	Morfeld	Walz
Brandt	Gragert	Lathrop	Moser	Williams
Brewer	Halloran	Lindstrom	Murman	Wishart

Voting in the negative, 11:

Bostar	Day	Hansen, M.	Pansing Brooks
Cavanaugh, J.	Flood	Hunt	Wayne
Cavanaugh, M.	Friesen	McKinney	

Present and not voting, 6:

Blood	DeBoer	Linehan
Briese	Hansen, B.	Pahls

Excused and not voting, 2:

Groene Vargas

Advanced to Enrollment and Review Initial with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 496A.** Title read. Considered.

Pending.

### ANNOUNCEMENT

Senator Arch announced the Health and Human Services Committee will hold an executive session Monday, May 10, 2021, at 9:30 a.m., in Room 2022.

### AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB496:  
AM1304

(Amendments to Standing Committee amendments, AM1054)

1 1. Insert the following new sections:

2 Sec. 7. Section 29-4603, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 29-4603 In order to recover under the Nebraska Claims for Wrongful  
5 Conviction and Imprisonment Act, the claimant shall prove each of the  
6 following by clear and convincing evidence:

7 (1) That he or she either:

8 (a) Was convicted of one or more felony crimes and subsequently  
9 sentenced to a term of imprisonment for such felony crime or crimes and  
10 has served all or any part of the sentence; or

11 (b) Had a DNA sample collected pursuant to subsection (3) of section  
12 29-4106 and was detained or imprisoned on the charge or charges which  
13 provided the authority for obtaining such sample;

14 (2) With respect to a the crime or crimes under subdivision (1)(a)  
15 (4) of this section, that the Board of Pardons has pardoned the claimant,  
16 that a court has vacated the conviction of the claimant, or that the  
17 conviction was reversed and remanded for a new trial and no subsequent  
18 conviction was obtained;

19 (3) With respect to a charge or charges under subdivision (1)(b) of  
20 this section, that such charge or charges were later dismissed;

21 (4) (3) That he or she was innocent of the crime or crimes under  
22 subdivision (1) of this section; and

23 (5) (4) That he or she did not commit or suborn perjury, fabricate  
24 evidence, or otherwise make a false statement to cause or bring about  
25 such conviction or the conviction of another, with respect to the crime  
26 or crimes under subdivision (1) of this section, except that a guilty  
1 plea, a confession, or an admission, coerced by law enforcement and later  
2 found to be false, does not constitute bringing about his or her own  
3 conviction of such crime or crimes.

4 Sec. 8. Section 29-4604, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 29-4604 (1) A claimant under the Nebraska Claims for Wrongful

7 Conviction and Imprisonment Act shall recover damages found to  
8 proximately result from the wrongful conviction or collection of a DNA  
9 sample and detention or imprisonment and that have been proved based upon  
10 a preponderance of the evidence.  
11 (2) The following costs shall not offset damages:  
12 (a) Costs of imprisonment; and  
13 (b) Value of any care or education provided to the claimant while he  
14 or she was imprisoned.  
15 (3) No damages shall be payable to the claimant for any period of  
16 time during which he or she was concurrently imprisoned for any unrelated  
17 criminal offense.  
18 (4) In no case shall damages awarded under the act exceed five  
19 hundred thousand dollars per claimant per occurrence.  
20 (5) A claimant's cause of action under the act shall not be  
21 assignable and shall not survive the claimant's death.  
22 Sec. 9. Section 29-4605, Reissue Revised Statutes of Nebraska, is  
23 amended to read:  
24 29-4605 If the court finds that any property of the claimant was  
25 subjected to a lien to recover costs of defense services rendered by the  
26 state to defend the claimant in connection with the criminal case that  
27 resulted in his or her wrongful conviction or collection of a DNA sample  
28 and detention or imprisonment, the court shall extinguish the lien.  
29 2. Renumber the remaining sections and correct the repealer  
30 accordingly.

Senator Wayne filed the following amendment to [LB496](#):

[FA44](#)

Strike section one.

### ADJOURNMENT

At 11:55 a.m., on a motion by Senator B. Hansen, the Legislature adjourned until 10:00 a.m., Monday, May 10, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-FIFTH DAY - MAY 10, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 10, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Arch.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Bostar, M. Hansen, Morfeld, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 54.** Placed on General File with amendment.

[AM1268](#)

- 1 1. On page 3, strike lines 14 through 17 and insert the following
- 2 new subdivisions:
- 3 "(b) When the harm caused by an intentional tort is a proximate
- 4 result of the failure of a political subdivision to exercise reasonable
- 5 care to either:
- 6 (i) Control a person over whom it has taken charge; or
- 7 (ii) Protect a person who is in the political subdivision's care,
- 8 custody, or control from harm caused by a non-employee actor;".
- 9 2. On page 6, strike lines 22 through 24 and insert the following
- 10 new subdivisions:
- 11 "(b) When the harm caused by an intentional tort is a proximate

12 result of the failure of a state agency to exercise reasonable care to  
 13 either:

14 (i) Control a person over whom it has taken charge; or

15 (ii) Protect a person who is in the state agency's care, custody, or

16 control from harm caused by a non-employee actor;".

**LEGISLATIVE BILL 139.** Placed on General File with amendment.

AM1293

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 COVID-19 Liability Act.

5 Sec. 2. For purposes of the COVID-19 Liability Act:

6 (1) COVID-19 means the novel coronavirus identified as SARS-CoV-2,  
 7 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
 8 mutating therefrom, and the health conditions or threats associated with  
 9 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
 10 mutating therefrom;

11 (2) Federal public health guidance means and includes written or  
 12 oral guidance related to COVID-19 issued by any of the following:

13 (a) The Centers for Disease Control and Prevention of the United  
 14 States Department of Health and Human Services;

15 (b) The Centers for Medicare and Medicaid Services of the United  
 16 States Department of Health and Human Services; or

17 (c) The federal Occupational Safety and Health Administration; and

18 (3)(a) Person means:

19 (i) Any natural person;

20 (ii) Any sole proprietorship, partnership, limited liability  
 21 partnership, corporation, limited liability company, business trust,  
 22 estate, trust, unincorporated association, or joint venture;

23 (iii) The State of Nebraska and any political subdivision of the  
 24 state;

25 (iv) Any school, college, university, institution of higher  
 26 education, religious organization, or charitable organization; or  
 27 (v) Any other legal or commercial entity.

1 (b) Person includes an employee, director, governing board, officer,  
 2 agent, independent contractor, or volunteer of a person listed in  
 3 subdivision (3)(a) of this section.

4 Sec. 3. A person may not bring or maintain a civil action seeking  
 5 recovery for any injuries or damages sustained from exposure or potential  
 6 exposure to COVID-19 on or after the effective date of this act if the  
 7 act or omission alleged to violate a duty of care was in substantial  
 8 compliance with any federal public health guidance that was applicable to  
 9 the person, place, or activity at issue at the time of the alleged  
 10 exposure or potential exposure.

11 Sec. 4. The COVID-19 Liability Act shall not be construed to:

12 (1) Create, recognize, or ratify a claim or cause of action of any  
 13 kind;

14 (2) Eliminate or satisfy a required element of a claim or cause of  
 15 action of any kind;

16 (3) Affect rights or coverage limits under the Nebraska Workers'  
 17 Compensation Act;

18 (4) Abrogate, amend, repeal, alter, or affect any statutory or  
 19 common law immunity or limitation of liability; or

20 (5) Constitute a waiver of the sovereign immunity of the State of  
 21 Nebraska or any political subdivision of the state.

22 Sec. 5. Sections 5 to 9 of this act shall be known and may be cited  
 23 as the Health Care Crisis Protocol Act.

24 Sec. 6. For purposes of the Health Care Crisis Protocol Act:

25 (1) Chief executive officer means the chief executive officer of the



26 Department of Health and Human Services;

27 (2) Chief medical officer means the chief medical officer

28 established under section 81-3115;

29 (3) Critical access hospital has the same meaning as in section

30 71-409;

31 (4) Emergency care provider has the same meaning as in section  
1 38-1206.04;

2 (5) Health care crisis protocol means plans and protocols for triage  
3 and the application of medical services and resources for critically ill  
4 patients in the event that the demand for medical services and resources  
5 exceeds supply as a result of a pervasive or catastrophic disaster; and

6 (6) Health care provider has the same meaning as in section 44-2803.

7 Sec. 7. (1) On or before July 1, 2022, the chief executive officer  
8 and chief medical officer shall adopt and promulgate rules and  
9 regulations establishing a health care crisis protocol. The health care  
10 crisis protocol shall be updated from time to time thereafter as such  
11 officers deem appropriate.

12 (2) The health care crisis protocol shall establish criteria for  
13 triage and the application of medical services and resources for  
14 critically ill patients. Such criteria shall:

15 (a) Ensure that every patient has equitable access to any medical  
16 services or resources from which such patient may benefit;

17 (b) Be clear and transparent and as objective as possible;

18 (c) Minimize inequitable outcomes; and

19 (d) Be based upon biological factors related only to the likelihood  
20 or magnitude of benefit likely to be received from the provision of  
21 medical services and resources. Factors that have no bearing on the  
22 likelihood or magnitude of such benefit shall not be considered. Such  
23 factors that shall not be considered include, but are not limited to,  
24 race, disability, gender, sexual orientation, gender identity, ethnicity,  
25 ability to pay, socioeconomic status, English language proficiency,  
26 perceived social worth, perceived quality of life, immigration status,  
27 incarceration status, homelessness, the past use of medical services or  
28 resources, or the predicted future use of such resources.

29 (3) The health care crisis protocol shall establish the  
30 extraordinary circumstances in which the health care crisis protocol may  
31 be employed.

1 Sec. 8. The health care crisis protocol does not change or alter  
2 the standard for malpractice or professional negligence for health care  
3 providers set forth in section 44-2810.

4 Sec. 9. (1)(a) On or before January 1, 2022, the chief executive  
5 officer shall establish an advisory committee that will provide  
6 recommendations for developing and implementing the health care crisis  
7 protocol. The advisory committee shall consist of ten to fifteen members  
8 appointed by the chief executive officer. The members shall be chosen  
9 from among persons that represent emergency management agencies, health  
10 care providers, health care consumers, the aging community, the  
11 disability community, public health experts, academic medical centers,  
12 critical access hospitals, and emergency care providers and persons with  
13 expertise in law and ethics.

14 (b) The members shall represent diverse geographic regions of the  
15 state, including urban and rural areas, and represent, to the extent  
16 possible, the racial and ethnic diversity of the state.

17 (c) The chief executive officer shall stagger the terms of the  
18 initial appointments by appointing four of the initial appointments for a  
19 term of one year, four for a term of two years, and the remainder for a  
20 term of three years. Thereafter members shall serve for terms of four  
21 years. Members may be reappointed.

22 (d) Members of the advisory committee shall serve without  
23 compensation and shall not be reimbursed for expenses associated with

24 their service on the advisory committee.

25 (2) On or before April 30, 2022, the advisory committee shall make  
26 its recommendations to the chief executive officer and chief medical  
27 officer regarding development and implementation of the health care  
28 crisis protocol.

29 (3) On or before April 30, 2024, and on or before April 30 of each  
30 even-numbered year thereafter, the advisory committee shall review the  
31 health care crisis protocol and make recommendations to the chief  
1 executive officer and chief medical officer regarding any changes that  
2 are needed. Such officers may seek recommendations from the advisory  
3 committee at other times as needed.

4 Sec. 10. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.

(Signed) Steve Lathrop, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB496:  
AM1309

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 ~~or~~ ~~and~~  
19 produced at the trial. For purposes of this subdivision, testimony or  
20 evidence from a witness who previously had a testimonial or  
21 constitutional privilege and who, because of such privilege, refused to  
22 testify or produce evidence in a prior proceeding, shall be considered  
23 newly discovered evidence;

24 (6) ~~Newly~~ ~~newly~~ discovered exculpatory DNA or similar forensic  
25 testing evidence obtained under the DNA Testing Act; or

26 (7) ~~Error~~ ~~error~~ of law occurring at the trial.

27 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 operative date of this section.

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) Except as provided in subdivision (4)(b) of this section, a  
 19 (4)-A motion for new trial based on the grounds set forth in subdivision  
 20 (5) of section 29-2101 shall be filed within a reasonable time after the  
 21 discovery of the new evidence and cannot be filed more than five years  
 22 after the date of the verdict, unless the motion and supporting documents  
 23 show the new evidence could not with reasonable diligence have been  
 24 discovered or and produced at trial and such evidence is so substantial  
 25 that a different result may have occurred.  
 26 (b) The time limitation in this subsection does not apply if the  
 27 motion for a new trial involves a conviction for a Class I, IA, or IB  
 28 felony.  
 29 (5) A motion for new trial based on the grounds set forth in  
 30 subdivision (6) of section 29-2101 shall be filed within ninety days  
 31 after a final order is issued under section 29-4123 or within ninety days  
 1 after the hearing if no final order is entered, whichever occurs first.  
 2 (6) The changes made to this section by this legislative bill shall  
 3 apply to all persons, otherwise eligible in accordance with the  
 4 provisions of this section, whether convicted prior to, on, or subsequent  
 5 to the operative date of this section.  
 6 2. Renumber the remaining sections and correct the repealer  
 7 accordingly.  
 8 3. Correct the operative date section so that the sections added by  
 9 this amendment become operative three calendar months after adjournment  
 10 of this legislative session.

Senator Blood filed the following amendment to LR107:  
AM1276

1 1. Insert the following new RESOLVED paragraph:  
 2 3. We are also outraged by the seditious attacks on the United  
 3 States Capitol Building that occurred on January 6, 2021, and the acts of  
 4 nefarious aggression carried out against the United States and especially  
 5 against the brave law enforcement officers who defended the United States  
 6 Capitol Building and those sheltering inside it.  
 7 2. Renumber the remaining RESOLVED paragraphs accordingly.

**ATTORNEY GENERAL'S OPINION**

Opinion 21-010

SUBJECT:                   Constitutionality of Adjusting the Value of  
                                   "Damaged" Property for Tax Purposes

REQUESTED BY:       Senator Steve Erdman  
                                   Nebraska State Legislature

WRITTEN BY:           Douglas J. Peterson, Attorney General  
                                   Lynn A. Melson, Assistant Attorney General

## INTRODUCTION

You have requested an opinion of the Attorney General concerning LB 165 which would amend Neb. Rev. Stat. §§ 77-1301, 77-1307, 77-1308, 77-1309 and 77-1725.01 (Cum. Supp. 2020) to provide tax relief to those with "damaged" real property. With the enactment of LB 512, Laws 2019, the Legislature provided property tax relief to those with destroyed real property by requiring the county board of equalization to adjust the assessed value of the property. You now ask whether replacing the word "destroyed" with the word "damaged" in these statutes would violate the Nebraska Constitution in any way and whether striking the definition of a calamity in § 77-1307(2) would make LB 165 unconstitutional in any way. You have asked that we provide our opinion as soon as possible as you are considering an attempt at an amendment of another bill.

Your opinion request does not articulate a specific constitutional provision which LB 165 may contravene. We have frequently explained in the past that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 09008 (April 16, 2008); Op. Att'y Gen. No. 04015 (April 7, 2004). However, in a recent opinion, we discussed whether LB 512, Laws 2019, would violate Neb. Const. art. VIII, § 1, the "uniformity clause." Op. Att'y Gen. No. 19006 (April 24, 2019). LB 165 would amend many of the same statutes amended by or created by LB 512 and it appears that your question may relate to our prior opinion. Given the short time frame in which to provide our opinion and the fact that LB 165 would amend the statutory provisions created by LB 512, Laws 2019, our analysis will discuss the uniformity clause.

## ANALYSIS

### I. Uniformity Clause

Neb. Const. art. VIII, § 1(1) provides: "[T]axes shall be levied by valuation uniformly and proportionately upon all real property and franchises . . . except as otherwise provided in or permitted by this Constitution." 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).

This office has discussed the Nebraska case law concerning the uniformity clause in a number of opinions, including Op. Att'y Gen. No. 16007 (March 16, 2016); Op. Att'y Gen. No. 19013 (November 20, 2019); and Op. Att'y Gen. No. 19006 (April 24, 2019). "The object of the uniformity clause is accomplished 'if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value.'" *Constructors, Inc. v. Cass County Bd. Of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000) ["*Constructors*"] (quoting *County of Gage v. State Bd. Of Equal.*, 185 Neb. 749, 755, 178 N.W.2d 759, 764 (1970)). "The

Legislature may prescribe standards and methods for the determination of the value of real . . . property at uniform and proportionate values." *Carpenter v. State Bd. Of Equal.*, 178 Neb. 611, 615, 134 N.W.2d 272, 276 (1965). "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). ["*Xerox*"] (quoting Neb. Rev. Stat. § 77-201). "While absolute uniformity of approach may not be possible, there must be a reasonable attempt at uniformity." *County of Sarpy v. State Bd. of Equal.*, 185 Neb. 760, 765, 178 N.W.2d 765, 769 (1970).

In our prior analysis of AM1217 to LB 512, Laws 2019, we noted that the Nebraska Supreme Court has adopted a strict construction of our state's uniformity clause, which raised some question as to the constitutionality of AM1217.

The taxation of property "must be uniform, not only as to the rate of taxation, but to the valuation of the property as well." *State ex rel. Meyer v. McNeil*, 185 Neb. 586, 588, 177 N.W.2d 596, 598 (1970) ["*McNeil*"]. The Court held in *McNeil* that legislation attempting to provide a different method of valuing certain farm machinery and equipment violated the uniformity clause. "The establishment of two methods of valuation of property in the same class for taxation purposes results in a want of uniformity within the constitutional prohibition of Article VIII, section 1." *Id.* at 588, 177 N.W.2d at 598. "There can be no difference in the method of determining valuation or the rate of tax to be imposed unless the separate classification rests on some reason of public policy, some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation . . . ." *Id.* at 588-89, 177 N.W.2d at 598.

\* \* \*

More recently, in *Constructors*, the Court again stated that the uniformity clause requires that all property within a taxing jurisdiction be assessed and taxed at a uniform standard of value. A valuation scheme which created two subclasses of land, farmland controlled by mining companies and similar farmland not controlled by mining companies, and provided differential tax treatment of each subclass was found to violate the uniformity clause.

Op. Att'y Gen. No. 19006 at 3-4.

In that opinion, we expressed our concern that, with the enactment of AM1217, most real property would continue to be valued at its actual value on January 1, pursuant to Neb. Rev. Stat. § 77-1301(1), while certain "destroyed real property" would be valued on a different date with use of a statutory prorated formula.

It is possible that the Court could find that AM1217 establishes a second, non-uniform standard of value for destroyed real property. However, in our view, it is also possible that the Court could determine that the creation of a different assessment date and adjustment of assessed value to reflect the actual value of the destroyed property on that date does not violate our state constitution's uniformity clause.

Op. Att'y Gen. No. 19006 at 4.

Based, in part, on the legislative history of AM1217 to LB 512, we opined that "an argument could be made that the separate classification for real property destroyed by a natural disaster rests on a 'substantial difference of situation or circumstances' so as to justify the separate classification." (footnote omitted). We concluded, in that opinion, that the provisions of AM1217 did not clearly contravene the uniformity clause.

## II. Constitutionality of LB 165

You now ask us to address the constitutionality of certain provisions of LB 165. Currently, Neb. Rev. Stat. § 77-1307(1) states the legislative finding that "fires, earthquakes, floods and tornadoes occur with enough frequency" that property tax relief to owners of affected real property should be granted. In § 77-1307(2), the term "calamity" is defined as a "disastrous event, including, but not limited to, a fire, an earthquake, a flood, a tornado, or other natural event" and the term "destroyed real property" is defined as "real property that suffers significant property damage as a result of a calamity."

With LB 165 you propose to amend §§ 77-1301, 77-1307, 77-1308, 77-1309, and 77-1725.01 by replacing the word "destroyed" with the word "damaged." LB 165 would also omit the definition of "calamity" now found at § 77-1307(2)(a) and the reference to "result of a calamity" in the definition of damaged (currently destroyed) real property now found at § 77-1307(2)(b). Damaged real property, under LB 165, § 2, would be defined as real property that suffers significant property damage. And, the term significant property damage would be described as damage to an improvement exceeding twenty percent of the improvement's assessed value in the current tax year or damage to land exceeding twenty percent of the land's assessed value in the current tax year. If LB 165 is enacted, most real property would continue to be valued at its actual value on January 1, pursuant to Neb. Rev. Stat. § 77-1301(1), without taking into account any fluctuations in value. Any real property with "significant property damage" from whatever cause, other than damage caused by the owner of the property, would receive an adjusted value based on the assessed value on the date it suffered the significant property damage. LB 165, § 4.

Your question is whether replacing the word "destroyed" with "damaged" in these statutes and deleting the definition of calamity would make the statutes unconstitutional. We previously concluded that these statutes did

not appear to clearly contravene the uniformity clause in Op. Att'y Gen. No. 19006. In light of our 2019 opinion, the question is perhaps whether these proposed changes in terminology would lead us to a different conclusion. We note that, while certain terms and definitions would change, the concept remains the same. LB 165, like LB 512, would afford tax relief to those property owners with damaged property by requiring the county board of equalization to adjust the assessed value of the property. As with LB 512, a court could find that LB 165 creates a second, non-uniform standard of value for damaged property. While LB 165 would change the terminology so as to perhaps provide tax relief to a broader group of property owners, an argument can still be made that the statutes are constitutional with regard to the uniformity clause.

The Nebraska Supreme Court has not yet addressed the requirements of the uniformity clause with regard to legislation similar to LB 165 or with regard to the statutory provisions which your bill would amend. As discussed above in section I. of this opinion, if a constitutional challenge was made to the legislation you propose, the court would determine, as stated by the Supreme Court in *McNeil*, whether "the separate classification rests on some reason of public policy, some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation ...." *Id.* at 588-89, 177 N.W.2d at 598.

A court would first look at the language of LB 165 itself to determine whether the differential tax treatment for damaged property rests on "some substantial difference of situation or circumstances." In our prior opinion discussing LB 512, we stated that a court could also consider the legislative history of that bill in order to determine the Legislature's purpose in enacting the legislation and that the floor debate on LB 512 included some statements concerning the sudden, unforeseen and calamitous nature of natural disasters that might be used to justify the separate classification of destroyed property for tax purposes. Op. Att'y Gen. No. 19006 at 4. The committee hearing transcript and floor debate relating to LB 165 are not yet available, but we note that the reasons articulated in support of the bill may also become important in a court's analysis.

### CONCLUSION

In our prior opinion concerning LB 512, we concluded that, while Neb. Const. art. VIII, § 1 raised some concerns regarding the constitutionality of that bill, the bill did not clearly contravene the uniformity clause. For the reasons discussed above, it is our view that the changes in terminology found in LB 165 would not alter that conclusion. In other words, we cannot say that the statutory amendments proposed by LB 165 plainly violate Neb. Const. art. VIII, § 1.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General

(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

Opinion 21-009

SUBJECT: LB 228 – Whether the Property Assessed Clean Energy Act authorizes retroactive financing of eligible energy projects which have been completed.

REQUESTED BY: Senator Adam Morfeld  
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 whether the current language of the Property Assessed Clean Energy ("PACE") Act prohibits a property owner from receiving PACE financing after an otherwise eligible energy project has been completed. This relates to LB 228, which you introduced to specifically authorize PACE financing for projects that have already been completed. After a review of the current language of the PACE Act, it appears that PACE financing is not available for projects that have already been completed because the current language of the PACE Act provides for financing costs before the project begins. Our analysis supporting this conclusion is set forth below.

**THE PROPERTY ASSESSED CLEAN ENERGY ACT AND LB 228**

The PACE Act, Neb. Rev. Stat. § 13-3201 *et seq.*, was enacted as LB 1012 in 2016. The Act provides a mechanism by which municipalities can encourage property owners to install energy efficient projects or improvements on their property through financing that is repaid as an assessment that runs with the land. Under the PACE Act, a municipality may, after public hearing, pass a resolution or ordinance to create a clean energy assessment district. Neb. Rev. Stat. § 13-3204. After a clean energy assessment district has been formed, the municipality may enter into an assessment contract with the owner of qualifying property within that district, as well as with a third-party lender, to finance energy projects. Neb. Rev. Stat. § 13-3205. The costs financed may include "the cost of materials and labor necessary for installation, permit fees, inspection fees, application and administrative fees, bank fees, and all other fees incurred by the owner pursuant to the installation." Neb. Rev. Stat. § 13-3205(1). The financing is repaid through annual assessments on the property benefited by the energy



project. *Id.* The annual assessments cannot exceed the weighted average useful life of the project. Neb. Rev. Stat. § 13-3204(3)(i).

Once a project has received PACE financing, a PACE lien against the qualifying property may be established. For qualifying property that is a single-family residential property, a PACE lien is automatically established. For qualifying property that is not a single-family residential property, a PACE lien may be filed once an annual assessment becomes delinquent. The owner of qualifying property must obtain "an acknowledged and verified written consent and subordination agreement executed by each mortgage holder or trust deed beneficiary stating that the mortgagee or beneficiary consents to the imposition of the annual assessment and that the priority of the mortgage or trust deed is subordinated to the PACE lien." Neb. Rev. Stat. § 13-3205(2)(a).

The PACE Act was subsequently amended in 2017 by LB 625 and LB 23 in 2019. Notably, LB 23 originally sought to make retroactive financing available for PACE projects but those provisions were removed by a committee amendment.

LB 228, introduced by you, would make explicit that PACE financing is authorized for projects that have already been completed.

## DISCUSSION

### *Statutory Analysis*

You have asked whether the current language of the PACE Act allows for retroactive financing of otherwise eligible projects. "In discerning the meaning of a statute, a court determines and gives 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." *Farmers Coop. v. State*, 296 Neb. 347, 354, 893 N.W.2d 728, 735 *opinion modified on denial of reh'g*, 297 Neb. 132, 898 N.W.2d 674 (2017).

There is no specific language in the PACE Act authorizing retroactive financing for eligible projects. There are, however, indications from the text that the purpose of the Act is to provide an incentive for property owners to use energy efficient options in situations where the cost might otherwise be prohibitive. Neb. Rev. Stat. § 13-3202, which contains the legislative findings for the PACE Act, provides that "[t]he upfront costs for energy efficiency improvements and renewable energy systems prohibit many property owners from making improvements. Therefore, it is necessary to authorize municipalities to implement an alternative financing method through the creation of clean energy assessment districts." *Id.* at (3). If the PACE Act is meant to address these prohibitive upfront costs, PACE financing would necessarily have to be made available prior to the project beginning. Making PACE financing available for projects that have already

been completed would not further the purpose of the Act because those upfront costs were presumably already financed in some other way.

Further, the process to obtain PACE financing seems to envision the process taking place prior to the project beginning. One part of this process is the assessment contract between the municipality and the property owner. The statutory requirements for the assessment contract indicate that the assessment contract was meant to be in place prior to the project beginning. Neb. Rev. Stat. § 13-3205(3)(a) provides that an assessment contract must include, "[a] description of the energy project, including the estimated cost of the energy project and a description of the estimated savings in accordance with standards acceptable to the municipality." (emphasis added). In addition, the assessment contract must include "[a] mechanism for . . . [v]erifying the final costs of the energy project upon its completion." *Id.* at (b)(1). Because the statute requires that the assessment contract include "estimated costs" and "estimated savings," as well as a mechanism for future verification of the costs of the project, the assessment contract is clearly meant to be entered into before the costs and savings are known and before verification of final costs is possible.

A municipality that creates a clean energy assessment district is also required to report to the Urban Affairs Committee of the Legislature "[t]he total dollar amount of energy projects undertaken pursuant to the act." Neb. Rev. Stat. § 13-3211(1)(b). The language "undertaken pursuant to the act" seems to refer to projects that were entered into because of the act, rather than projects that were already completed but retroactively financed by the act. Given the legislative findings, as well as the phrasing in various parts of the act, it appears that PACE financing was meant to be used before the project was completed.

It is also important to consider what is not found in the statute. "The intent of the Legislature may be found through its omission of words from a statute as well as its inclusion of words in a statute." *Stewart v. Nebraska Dept. of Revenue*, 294 Neb. 1010, 1019-20, 885 N.W.2d 723, 730 (2016). If retroactive financing were envisioned by the PACE Act, it would be reasonable to expect that the provisions would specifically provide for retroactive financing of projects. As stated, there is no specific authorization for retroactive financing of PACE eligible projects. There are also no broader provisions regarding how financing would work if the project were already completed, particularly with regard to how the financing would be adjusted to account for the shorter life span of the project. Although not in itself determinative, the PACE Act's silence on these questions is indicative that retroactive financing was not intended by the PACE Act.

For these reasons, we do not believe PACE financing is currently authorized for projects that have already been completed.

*Legislative History*

Based on the foregoing analysis, we do not believe the plain language of the PACE Act is ambiguous. However, if a court were to determine it was ambiguous, a court may look to legislative history to ascertain its meaning. *See State v. McColery*, 301 Neb. 516, 522, 919 N.W.2d 153, 158 (2018) ("An appellate court can examine an act's legislative history if a statute is ambiguous or requires interpretation."). An examination of the legislative history supports our opinion that retroactive financing is not authorized by the PACE Act.

As stated, the PACE Act was originally enacted by LB 1012 in 2016 and was subsequently amended in 2017 and 2019. The legislative history of LB 1012 appears to support the idea that the PACE program was originally meant as an upfront incentive.

The Urban Affairs Committee Statement provides, in relevant part:

LB 1012 would adopt the Property Assessed Clean Energy (PACE) Act. PACE is a financing mechanism that allows municipalities to finance the up-front costs of energy efficiency and renewable energy improvements on commercial, industrial, and residential properties.

Committee Records on LB 1012, 104<sup>th</sup> Neb. Leg., 2<sup>nd</sup> Sess. (Committee Statement) (February 9, 2016). In introducing the bill at the committee hearing, Senator Mello stated that:

While energy efficient improvements can significantly decrease a property's energy use, and therefore the owner's utility bills, they often require high upfront costs to install. This is a significant hurdle for many families and many business owners in Omaha but across cities across the state [sic].

Committee Records on LB 1012, 104<sup>th</sup> Neb. Leg., 2<sup>nd</sup> Sess. 18 (Transcript of the Urban Affairs Committee Hearing) (February 9, 2016). During the hearing, Senator Mello offered similar comments in response to a question from Senator Ebke:

SENATOR EBKE: I have a question. Let's say that this goes into place and somebody wants to put \$10,000 of new windows into their home. Where does the money come from, because I would think that the contractors would want the money up front. So where does that money come from?

SENATOR MELLO: The concept, Senator Ebke, is that municipalities have to create essentially a special district. And the municipality helps facilitate the financing for these projects through bond financing with the banking industry. So to some extent, the city is going to help secure the

up-front funding for property owners who wish to enter into this program, to pay for those upgrades to the property.

*Id.* at 19. These statements are consistent with the Legislative Findings that the PACE Act was meant to provide financing before a project began, not after it had been completed.

The legislative history for LB 23 in 2019 is clearer that retroactive financing is not authorized by the PACE Act. LB 23, as introduced by Senator Kolterman, specifically sought to make retroactive PACE financing available. *See* LB 23, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (2016) (Introduced Bill). However, all of the language relating to retroactivity was removed by a committee amendment. *See* AM 795 to LB 23, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (2016); Floor Debate on LB 23, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 33-34 (April 8, 2019) (Statement of Sen. Wayne). ("First, the bill originally would have authorized the use of PACE financing to retroactively finance energy improvements and renewable energy systems that were already in place. . . . AM795 makes two primary changes. First, the amendment eliminates the retroactivity of financing provisions of the – from the green copy."). Before advancing the bill to Enrollment and Review, Senator Kolterman sought clarification of why the provisions relating to retroactive financing were removed.

KOLTERMAN: Senator, this bill is very clean, except I have – I need your opinion just so we get something on the record. Under the PACE Act as we amended it in LB23, when would a developer have to apply for PACE financing on a particular project? And are there specific application deadlines in statute? Are they set by the local government? And how does all that work? I ask this because we're clarifying that and I want to make sure people understand it.

WAYNE: Thank you, Senator Kolterman. The green copy of LB23 contained provisions that would have authorized the use of PACE to retroactively finance energy efficiency improvements and renewable energy systems that were already in place. Because that provision was specifically removed from LB23 with the adoption of AM795 on General File, I believe the intent of the Legislature is abundantly clear that we do not – or we did not intend to authorize retroactive PACE financing.

Floor Debate on LB 23, 106<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. 24-25 (April 23, 2019) (emphasis added). The Legislature voted to adopt the committee amendment after Senator Wayne's initial comments and voted to advance the bill after the exchange between Senator Kolterman and Senator Wayne.

We recognize that legislative history is not always a clear indicator of legislative intent and that the statements of one senator, even the introducing senator, are not necessarily indicative of the intent of the body. In that light, the legislative history of LB 1012 is helpful but not necessarily definitive. The legislative history of LB 23, however, is much stronger – the committee

introduced an amendment that specifically removed provisions related to retroactive financing and the Legislature as a whole adopted that amendment after being specifically apprised of the change, ultimately passing the amended bill to change other aspects of the PACE Act. We think this is a clear indication of legislative intent.

### CONCLUSION

The PACE Act does not directly address the question of whether retroactive financing is available for otherwise eligible projects that have already been completed. However, the Act indicates that PACE financing is meant to be used as an incentive to choose energy efficient options and the statutory procedure seems to envision the financing taking place before a project begins, rather than after completion. We do not believe the statute is ambiguous. If it were found to be ambiguous, we believe the legislative history is sufficiently clear to conclude that retroactive financing was not authorized by the Legislature.

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

### MOTION(S) - Return LB100 to Select File

Senator Blood moved to return LB100 to Select File for her specific amendment, [AM817](#), found on page 834.

The Blood motion to return prevailed with 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 100.** The Blood specific amendment, [AM817](#), found on page 834, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### MOTION(S) - Return LB561 to Select File

Senator Hilgers moved to return LB561 to Select File for his specific amendment, [AM1256](#), found on page 1280.

The Hilgers motion to return prevailed with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 561.** The Hilgers specific amendment, [AM1256](#), found on page 1280, was adopted with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 540.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 296.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 313.** [ER70](#), found on page 1152, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 521.** Considered.

Senator Erdman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Day	Hilgers	McCollister	Slama
Blood	DeBoer	Hilkemann	McDonnell	Williams
Bostelman	Flood	Hughes	McKinney	Wishart
Brandt	Friesen	Hunt	Morfeld	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, M.	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 13:

Albrecht	Clements	Gragert	Lowe	Sanders
Arch	Dorn	Groene	Moser	
Brewer	Erdman	Halloran	Murman	

Present and not voting, 6:

Bostar	Lindstrom	Vargas
Cavanaugh, J.	Linehan	Walz

Excused and not voting, 3:

Hansen, M.	Stinner	Wayne
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Advanced to Enrollment and Review for Engrossment with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 209.** [ER71](#), found on page 1154, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 407.** [ER82](#), found on page 1256, was adopted.

Senator McDonnell offered his amendment, [AM1282](#), found on page 1288.

The McDonnell amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 90.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 166.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 166A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 317.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 317A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 256.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 479.** [ER83](#), found on page 1256, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 628.** [ER84](#), found on page 1256, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 568.** Title read. Considered.

Committee [AM264](#), found on page 621, was offered.

Senator Pansing Brooks offered her amendment, [AM1209](#), found on page 1235, to the committee amendment.

Pending.

### AMENDMENT(S) - Print in Journal

Senator Flood filed the following amendment to [LB131](#):  
[AM1275](#)

(Amendments to E & R amendments, ER89)

- 1 1. Strike section 24 and insert the following new sections:
- 2 Sec. 12. Section 16-6,100, Revised Statutes Cumulative Supplement,
- 3 2020, is amended to read:
- 4 16-6,100 The mayor and city council of a city of the first class
- 5 shall have the power to borrow money and pledge the property and credit
- 6 of the city upon its negotiable bonds or otherwise for the purpose of
- 7 acquiring, by purchasing or constructing, including site acquisition, or
- 8 aiding in the acquiring of a city hall, jail, auditorium, buildings for
- 9 the fire department, and other public buildings, including the
- 10 acquisition of buildings authorized to be acquired by Chapter 72, article
- 11 14, and including acquisition of buildings to be leased in whole or in
- 12 part by the city to any other political or governmental subdivision of
- 13 the State of Nebraska authorized by law to lease such buildings. No such
- 14 bonds shall be issued until after the same have been authorized by a
- 15 majority vote of the electors of the city voting on the proposition of
- 16 their issuance at an election called for the submission of such
- 17 proposition and of which election notice of the time and place thereof
- 18 shall have been given by publication in a legal newspaper in or of
- 19 general circulation in the city three successive weeks prior thereto. If
- 20 the ~~buildings building~~ to be acquired ~~are is~~ to be used by the State of
- 21 Nebraska or its agency or agencies under a lease authorized by Chapter
- 22 72, article 14, or the ~~buildings are building~~ is to be leased by any
- 23 other political or governmental subdivision of the State of Nebraska or
- 24 other governmental agencies and if the combined area of the ~~buildings~~
- 25 ~~building~~ to be leased by the state or its agency or agencies and the
- 26 political or governmental subdivision of the State of Nebraska is more
- 1 than fifty percent of the area of the ~~buildings building~~ and if the cost
- 2 of acquisition does not exceed ~~five two~~ million dollars, no such vote of
- 3 the electors will be required.
- 4 Sec. 25. Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
- 5 21, 22, 23, 26, and 27 become operative three calendar months after the
- 6 adjournment of this legislative session. The other sections of this act
- 7 become operative on their effective date.
- 8 2. Renumber the remaining sections, correct internal references, and
- 9 correct the repealer accordingly.

### COMMITTEE REPORT(S) Health and Human Services

**LEGISLATIVE BILL 376.** Placed on General File with amendment.

[AM1307](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The Legislature finds and declares that:
- 4 (1) The family is vital to the fundamental development of each
- 5 person in the State of Nebraska;
- 6 (2) A growing number of families are searching for ways to provide



7 supports for disabled family members in the home rather than placing them  
8 in state or private institutional or residential facilities;  
9 (3) The informal support of family caregivers is the backbone of the  
10 system of long-term care services, and the assistance provided to a  
11 person with a disability is critical to the financial well-being of the  
12 state, particularly when such assistance helps to defer a more costly  
13 institutional or residential placement;  
14 (4) Necessary services should be available to families caring for a  
15 disabled family member so that disabled persons may remain in the home;  
16 (5) The State of Nebraska should make every effort to preserve each  
17 family unit having a child with disabilities, to ensure that decisions  
18 regarding a child with disabilities are based on the best interests of  
19 the child and the family, and to ensure that services are provided that  
20 promote independent living, family-centered care, and individual choices;  
21 (6) The State of Nebraska should promote cost-effective health care  
22 alternatives for disabled persons and should maximize state, federal, and  
23 private funding to ensure adequate health care supports and services are  
24 available for children with disabilities and their families;  
25 (7) Early intervention (a) has been shown to help a child with a  
26 developmental delay, or at risk of a developmental delay, to acquire  
27 skills during the most critical period of growth, (b) is a recognized  
1 public health approach that helps to ensure that a child has access to  
2 services and supports to help the child acquire living skills and  
3 increase the likelihood that the child will be self-sufficient or have  
4 less dependency on state services, and (c) is a less costly approach for  
5 the use of limited state and federal resources;  
6 (8) A child with disabilities often needs support after school and  
7 during the evening, weekend, and summertime or other school breaks in  
8 order to maximize the opportunities for socialization and community  
9 integration and to allow family caregivers the ability to work, focus on  
10 self-care, socialize, and participate in community integration;  
11 (9) A family support waiver as proposed under section 2 of this act  
12 will supplement the continuum of developmental disability services and  
13 other state programming for children with disabilities, remediate current  
14 program gaps, and offer a pathway for children with disabilities to gain  
15 access to the medical assistance program and capped long-term services  
16 and supports; and  
17 (10) Providing support to family caregivers allows them to remain in  
18 the workforce which in turn allows the state to benefit from the family  
19 caregivers' private health insurance as a first payer.  
20 Sec. 2. (1) The Department of Health and Human Services shall apply  
21 for a three-year medicaid waiver under section 1915(c) of the Social  
22 Security Act to administer a family support program which is a home and  
23 community-based services program as provided in this section.  
24 (2)(a) The Advisory Committee on Developmental Disabilities created  
25 in section 83-1212.01 shall assist in the development and guide the  
26 implementation of the family support program. The family support program  
27 shall be administered by the Division of Developmental Disabilities of  
28 the Department of Health and Human Services.  
29 (b) It is the intent of the Legislature that any funds distributed  
30 to Nebraska pursuant to section 9817 of the American Rescue Plan Act of  
31 2021, Public Law 117-2, be used to eliminate unmet needs relating to home  
1 and community-based services for persons with developmental disabilities  
2 as much as is possible.  
3 (c) If funds are distributed to Nebraska pursuant to section 9817 of  
4 the American Rescue Plan Act of 2021, it is the intent of the Legislature  
5 that such funds distributed to Nebraska should at least partially fund  
6 the family support program if doing so is in accordance with federal law,  
7 rules, regulations, or guidance.  
8 (3) The family support program shall:

9 (a) Offer an annual capped budget for long-term services and  
 10 supports of ten thousand dollars for each eligible applicant;  
 11 (b) Offer a pathway for medicaid eligibility for disabled children  
 12 by disregarding parental income and establishing eligibility based on a  
 13 child's income and assets;  
 14 (c) Allow a family to self-direct services, including contracting  
 15 for services and supports approved by the division; and  
 16 (d) Not exceed eight hundred fifty participants.  
 17 (4) The department, in consultation with the advisory committee,  
 18 shall adopt and promulgate rules and regulations for the implementation  
 19 of the family support program to be set at an intermediate care facility  
 20 institutional level of care to support children with intellectual and  
 21 developmental disabilities and their families. Such rules and regulations  
 22 shall include, but not be limited to:  
 23 (a) Criteria for and types of long-term services and supports to be  
 24 provided by the family support program;  
 25 (b) The method for allocating resources to family units  
 26 participating in the family support program;  
 27 (c) Eligibility determination, including, but not limited to, a  
 28 child's maximum income and assets;  
 29 (d) The enrollment process;  
 30 (e) Limits on benefits; and  
 31 (f) Processes to establish quality assurance, including, but not  
 1 limited to, measures of family satisfaction.  
 2 (5) The division shall administer the family support program within  
 3 the limits of the appropriations by the Legislature for such program.  
 4 (6) The division shall submit an annual report electronically to the  
 5 Legislature on the family support program. The report shall include:  
 6 (a) The distribution of available funds, the total number of  
 7 children and families served, and the status of the waiting list for the  
 8 comprehensive waiver and other applicable waivers;  
 9 (b) A summary of any grievances filed by family units pertaining to  
 10 the family support program, including any appeals and a description of  
 11 how such grievances were resolved;  
 12 (c) The number and demographics of children with disabilities and  
 13 their families who applied under the family support program but who were  
 14 not found eligible and the reason such children and their families were  
 15 not found eligible;  
 16 (d) Quality assurance activities and the results of annual measures  
 17 of family satisfaction; and  
 18 (e) Recommendations to innovate the family support program, improve  
 19 current programming, and maximize limited funding, including, but not  
 20 limited to, the potential utilization of other medicaid pathways or  
 21 medicaid waivers that could help increase access to medicaid and long-  
 22 term services and supports for children with disabilities or special  
 23 health care needs.  
 24 Sec. 3. In order to be eligible for services and support under  
 25 section 2 of this act:  
 26 (1) The child shall reside in the State of Nebraska;  
 27 (2) The income and assets of the child shall not exceed the maximum  
 28 established under subsection (4) of section 2 of this act;  
 29 (3) The child shall have a medically determinable physical or mental  
 30 impairment or combination of impairments that (a) causes marked and  
 31 severe functional limitations and (b) can be expected to cause death or  
 1 has lasted or can be expected to last for a continuous period of not less  
 2 than twelve months; and  
 3 (4) The child shall be determined to meet the intermediate care  
 4 facility institutional level of care criteria as set forth in subsection  
 5 (4) of section 2 of this act.  
 6 Sec. 4. The Department of Health and Human Services shall allocate

7 medicaid waiver benefits under section 2 of this act based on  
8 appropriations by the Legislature for such waiver and give priority  
9 status in the following order:  
10 (1) First, to disabled children and family units in crisis  
11 situations in which the disabled child tends to self-injure or injure  
12 siblings and other family members;  
13 (2) Second, to disabled children who are at risk for placement in  
14 juvenile detention centers, other institutional settings, or out-of-home  
15 placements;  
16 (3) Third, to disabled children whose primary caretakers are  
17 grandparents because no other family caregivers are available to provide  
18 care;  
19 (4) Fourth, to families who have more than one disabled child  
20 residing in the family home; and  
21 (5) Fifth, based on the date of application under the family support  
22 program.

23 Sec. 5. The Department of Health and Human Services shall  
24 collaborate with a private, nonprofit organization with expertise in  
25 developmental disabilities for an independent evaluation of the family  
26 support program set forth in section 2 of this act if private funding is  
27 made available for such purpose. The evaluation shall be completed by  
28 December 15, 2023, and shall be submitted electronically to the  
29 department and to the Health and Human Services Committee of the  
30 Legislature.

31 Sec. 6. Section 83-1212.01, Revised Statutes Cumulative Supplement,  
1 2020, is amended to read:

2 83-1212.01 (1) There is hereby created the Advisory Committee on  
3 Developmental Disabilities. The advisory committee shall consist of a  
4 representative of a statewide advocacy organization for persons with  
5 developmental disabilities and their families, a representative of  
6 Nebraska's designated protection and advocacy organization, a  
7 representative of the Nebraska Planning Council on Developmental  
8 Disabilities, a representative of the University Center for Excellence in  
9 Developmental Disability Education, Research and Service as defined in  
10 section 68-1114, and not more than fifteen additional members. At least  
11 fifty-one percent of the members shall be persons with developmental  
12 disabilities and family members of persons with developmental  
13 disabilities.

14 (2) The members shall be appointed by the Governor for staggered  
15 terms of three years. Any vacancy shall be filled by the Governor for the  
16 remainder of the term. One of the members shall be designated as  
17 chairperson by the Governor. Members shall be reimbursed for expenses as  
18 provided in sections 81-1174 to 81-1177.

19 (3) The advisory committee shall advise the department regarding all  
20 aspects of the funding and delivery of services to persons with  
21 developmental disabilities.

22 (4) The advisory committee shall (a) provide sufficient oversight to  
23 ensure that persons placed in the custody of the department under the  
24 Developmental Disabilities Court-Ordered Custody Act are receiving the  
25 least restrictive treatment and services necessary, and (b) oversee the  
26 design and implementation of the quality management and improvement plan  
27 described in section 83-1216.01, and (c) assist, provide feedback, and  
28 guide the implementation of the family support program under section 2 of  
29 this act.

30 (5) The department shall inform the advisory committee of proposed  
31 systemic changes to services for persons with developmental disabilities  
1 at least thirty days prior to implementation of the changes so that the  
2 advisory committee may provide for a response to the proposed changes. If  
3 the director determines that circumstances require implementation of the  
4 changes prior to such notice, the department shall inform the advisory

5 committee as soon as possible. The advisory committee, in partnership  
6 with the director, shall establish criteria for the process of providing  
7 the information and receiving the response.  
8 Sec. 7. Original section 83-1212.01, Revised Statutes Cumulative  
9 Supplement, 2020, is repealed.

(Signed) John Arch, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 258A.** 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 258, One Hundred Seventh Legislature, First Session, 2021.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 130.** Introduced by Hunt, 8.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to maintain and defend the viability of our planet and its natural resources from the urgent existential threat of climate change and to support legislation that will move Nebraska toward a clean energy economy.

2. That we are greatly alarmed that a faction of state and federal legislative leaders have failed to acknowledge the established science of climate change, higher frequency of extreme weather events, and growing effects of climate change on the economy of the United States. Further, this failure by state and federal legislative leaders is a betrayal of the United States Declaration of Independence, which declares a right to "life, liberty and the pursuit of happiness", which is contingent upon a habitable planet and a natural environment capable of sustaining human, animal, and plant life.

3. That we express distress at the Donald J. Trump presidential administration's actions to abandon protections for public lands and roll back Environmental Protection Agency rules.

4. That we are grateful for President Joseph R. Biden's leadership in swiftly and decisively taking action to revoke the permit for the dangerous proposed Keystone XL Pipeline construction project, which would threaten to wreak environmental havoc on its path through Nebraska and his directives issued to protect air and water quality and public lands across the nation.

5. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary

of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in taking decisive action to minimize the impacts of climate change we are already facing and to prevent further damage to our planet and ecosystems.

6. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR130 was referred to the Reference Committee.

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

Health and Human Services  
Room 1510

Tuesday, May 18, 2021 12:15 p.m.  
Valerie Hitz - Commission for the Deaf and Hard of Hearing  
Colton Palmer - State Board of Health

(Signed) John Arch, Chairperson

#### **RECESS**

At 11:59 a.m., on a motion by Senator Sanders, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senator Linehan who was excused; and Senators Briese, Day, Hilkemann, Kolterman, Morfeld, Stinner, Vargas, and Walz who were excused until they arrive.

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

Senator Linehan filed the following amendment to [LB595](#):  
[AM1250](#)

(Amendments to E&R amendments, ER75)

1 1. On page 4, strike line 13 and insert "(A) Internet access  
2 services, (B) agricultural global positioning system locating services,  
3 or (C) over-the-air radio and television broadcasting licensed by the  
4 Federal Communications Commission, including antennas and studio  
5 transmitter link systems. For purposes of this subdivision, studio  
6 transmitter link system means a system which serves as a conduit to  
7 deliver audio from its origin in a studio to a broadcast transmitter.".

**GENERAL FILE**

**LEGISLATIVE BILL 568.** Senator Pansing Brooks renewed her amendment, [AM1209](#), found on page 621 and considered in this day's Journal, to the committee amendment.

**SENATOR WILLIAMS PRESIDING****SPEAKER HILGERS PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 25:

Blood	Day	Hunt	McDonnell	Vargas
Bostar	DeBoer	Kolterman	McKinney	Walz
Brandt	Flood	Lathrop	Morfeld	Wayne
Cavanaugh, J.	Hansen, M.	Lindstrom	Pahls	Williams
Cavanaugh, M.	Hilkemann	McCollister	Pansing Brooks	Wishart

Voting in the negative, 12:

Aguilar	Clements	Hughes	Murman
Albrecht	Erdman	Lowe	Sanders
Bostelman	Groene	Moser	Slama

Present and not voting, 10:

Arch	Briese	Friesen	Gragert	Hansen, B.
Brewer	Dorn	Geist	Halloran	Hilgers

Excused and not voting, 2:

Linehan Stinner

The Pansing Brooks amendment was adopted with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Groene offered the following amendment to the committee amendment:

[AM1324](#)

(Amendments to Standing Committee amendments, AM264)

- 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 sections:
- 4 Section 1. Section 43-245, Revised Statutes Cumulative Supplement,
- 5 2020, is amended to read:
- 6 43-245 For purposes of the Nebraska Juvenile Code, unless the
- 7 context otherwise requires:
- 8 (1) Abandonment means a parent's intentionally withholding from a
- 9 child, without just cause or excuse, the parent's presence, care, love,
- 10 protection, and maintenance and the opportunity for the display of
- 11 parental affection for the child;
- 12 (2) Age of majority means nineteen years of age;
- 13 (3) Alternative to detention means a program or directive that
- 14 increases supervision of a youth in the community in an effort to ensure
- 15 the youth attends court and refrains from committing a new law violation.
- 16 Alternative to detention includes, but is not limited to, electronic
- 17 monitoring, day and evening reporting centers, house arrest, tracking,
- 18 family crisis response, ~~and temporary shelter placement, and restricting~~
- 19 ~~driving privileges to school, school activities, and work.~~ Except for the
- 20 use of manually controlled delayed egress of not more than thirty
- 21 seconds, placements that utilize physical construction or hardware to
- 22 restrain a youth's freedom of movement and ingress and egress from
- 23 placement are not considered alternatives to detention;
- 24 (4) Approved center means a center that has applied for and received
- 25 approval from the Director of the Office of Dispute Resolution under
- 26 section 25-2909;
- 1 (5) Civil citation means a noncriminal notice which cannot result in
- 2 a criminal record and is described in section 43-248.02;
- 3 (6) Cost or costs means (a) the sum or equivalent expended, paid, or
- 4 charged for goods or services, or expenses incurred, or (b) the
- 5 contracted or negotiated price;
- 6 (7) Criminal street gang means a group of three or more people with
- 7 a common identifying name, sign, or symbol whose group identity or
- 8 purposes include engaging in illegal activities;
- 9 (8) Criminal street gang member means a person who willingly or
- 10 voluntarily becomes and remains a member of a criminal street gang;
- 11 (9) Custodian means a nonparental caretaker having physical custody
- 12 of the juvenile and includes an appointee described in section 43-294;
- 13 (10) Guardian means a person, other than a parent, who has qualified
- 14 by law as the guardian of a juvenile pursuant to testamentary or court
- 15 appointment, but excludes a person who is merely a guardian ad litem;
- 16 (11) Juvenile means any person under the age of eighteen;
- 17 (12) Juvenile court means the separate juvenile court where it has
- 18 been established pursuant to sections 43-2,111 to 43-2,127 and the county
- 19 court sitting as a juvenile court in all other counties. Nothing in the
- 20 Nebraska Juvenile Code shall be construed to deprive the district courts
- 21 of their habeas corpus, common-law, or chancery jurisdiction or the

22 county courts and district courts of jurisdiction of domestic relations  
23 matters as defined in section 25-2740;  
24 (13) Juvenile detention facility has the same meaning as in section  
25 83-4,125;  
26 (14) Legal custody has the same meaning as in section 43-2922;  
27 (15) Mental health facility means a treatment facility as defined in  
28 section 71-914 or a government, private, or state hospital which treats  
29 mental illness;  
30 (16) Nonoffender means a juvenile who is subject to the jurisdiction  
31 of the juvenile court for reasons other than legally prohibited conduct,  
1 including, but not limited to, juveniles described in subdivision (3)(a)  
2 of section 43-247;  
3 (17) Parent means one or both parents or stepparents when the  
4 stepparent is married to a parent who has physical custody of the  
5 juvenile as of the filing of the petition;  
6 (18) Parties means the juvenile as described in section 43-247 and  
7 his or her parent, guardian, or custodian;  
8 (19) Physical custody has the same meaning as in section 43-2922;  
9 (20) Except in proceedings under the Nebraska Indian Child Welfare  
10 Act, relative means father, mother, grandfather, grandmother, brother,  
11 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,  
12 first cousin, nephew, or niece;  
13 (21) Restorative justice means practices, programs, or services that  
14 emphasize repairing the harm caused to victims and the community by  
15 persons who have caused the harm or committed an offense. Restorative  
16 justice practices may include, but are not limited to, victim youth  
17 conferencing, victim-offender mediation, youth or community dialogue,  
18 panels, circles, and truancy mediation;  
19 (22) Restorative justice facilitator means a qualified individual  
20 who has been trained to facilitate restorative justice practices. A  
21 qualified individual shall be approved by the referring county attorney,  
22 city attorney, or juvenile or county court judge. Factors for approval  
23 may include, but are not limited to, an individual's education and  
24 training in restorative justice principles and practices; experience in  
25 facilitating restorative justice sessions; understanding of the necessity  
26 to do no harm to either the victim or the person who harmed the victim;  
27 and proven commitment to ethical practices;  
28 (23) Seal a record means that a record shall not be available to the  
29 public except upon the order of a court upon good cause shown;  
30 (24) Secure detention means detention in a highly structured,  
31 residential, hardware-secured facility designed to restrict a juvenile's  
1 movement;  
2 (25) Staff secure juvenile facility means a juvenile residential  
3 facility operated by a political subdivision (a) which does not include  
4 construction designed to physically restrict the movements and activities  
5 of juveniles who are in custody in the facility, (b) in which physical  
6 restriction of movement or activity of juveniles is provided solely  
7 through staff, (c) which may establish reasonable rules restricting  
8 ingress to and egress from the facility, and (d) in which the movements  
9 and activities of individual juvenile residents may, for treatment  
10 purposes, be restricted or subject to control through the use of  
11 intensive staff supervision. Staff secure juvenile facility does not  
12 include any institution operated by the Department of Correctional  
13 Services;  
14 (26) Status offender means a juvenile who has been charged with or  
15 adjudicated for conduct which would not be a crime if committed by an  
16 adult, including, but not limited to, juveniles charged under subdivision  
17 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;  
18 (27) Traffic offense means any nonfelonious act in violation of a  
19 law or ordinance regulating vehicular or pedestrian travel, whether



20 designated a misdemeanor or a traffic infraction; and  
 21 (28) Young adult means an individual older than eighteen years of  
 22 age but under twenty-one years of age.  
 23 Sec. 2. Section 43-260.05, Reissue Revised Statutes of Nebraska, is  
 24 amended to read:  
 25 43-260.05 A juvenile pretrial diversion program may:  
 26 (1) Provide screening services to the court and county attorney or  
 27 city attorney to help identify likely candidates for the program;  
 28 (2) Establish goals for diverted juvenile offenders and monitor  
 29 performance of the goals;  
 30 (3) Coordinate chemical dependency assessments of diverted juvenile  
 31 offenders when indicated, require drug testing, make appropriate  
 1 referrals for treatment, and monitor treatment and aftercare;  
 2 (4) Use electronic tracking and monitoring;  
 3 (5) Restrict driving privileges to school, school activities, and  
 4 work;  
 5 (6) (4) Coordinate individual, group, and family counseling  
 6 services;  
 7 (7) (5) Oversee the payment of victim restitution by diverted  
 8 juvenile offenders;  
 9 (8) (6) Assist diverted juvenile offenders in identifying and  
 10 contacting appropriate community resources;  
 11 (9) (7) Coordinate educational services to diverted juvenile  
 12 offenders to enable them to earn a high school diploma or general  
 13 education development diploma; and  
 14 (10) (8) Provide accurate information on how diverted juvenile  
 15 offenders perform in the program to the juvenile courts, county  
 16 attorneys, city attorneys, defense attorneys, and probation officers.  
 17 Sec. 3. Original section 43-260.05, Reissue Revised Statutes of  
 18 Nebraska, and section 43-245, Revised Statutes Cumulative Supplement,  
 19 2020, are repealed.

The Groene amendment lost with 18 ayes, 14 nays, 14 present and not voting, and 3 excused and not voting.

Committee [AM264](#), found on page 621 and considered in this day's Journal, was renewed.

### SENATOR HUGHES PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Lathrop requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 25:

Blood	Day	Hunt	McDonnell	Vargas
Bostar	DeBoer	Kolterman	McKinney	Walz
Brandt	Flood	Lathrop	Morfeld	Wayne
Cavanaugh, J.	Hansen, M.	Lindstrom	Pahls	Williams
Cavanaugh, M.	Hilkemann	McCollister	Pansing Brooks	Wishart

Voting in the negative, 11:

Albrecht	Geist	Lowe	Sanders
Clements	Groene	Moser	Slama
Erdman	Hughes	Murman	

Present and not voting, 10:

Arch	Brewer	Dorn	Gragert	Hansen, B.
Bostelman	Briese	Friesen	Halloran	Hilgers

Excused and not voting, 3:

Aguilar	Linehan	Stinner
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The committee amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Blood	Day	Hunt	McDonnell	Vargas
Bostar	DeBoer	Kolterman	McKinney	Walz
Brandt	Flood	Lathrop	Morfeld	Wayne
Cavanaugh, J.	Hansen, M.	Lindstrom	Pahls	Williams
Cavanaugh, M.	Hilkemann	McCollister	Pansing Brooks	Wishart

Voting in the negative, 19:

Albrecht	Clements	Gragert	Hilgers	Murman
Arch	Dorn	Groene	Hughes	Sanders
Bostelman	Erdman	Halloran	Lowe	Slama
Briese	Geist	Hansen, B.	Moser	

Present and not voting, 2:

Brewer	Friesen
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Excused and not voting, 3:

Aguilar	Linehan	Stinner
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Advanced to Enrollment and Review Initial with 25 ayes, 19 nays, 2 present

and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 131.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to examine the lack of affordable housing in Nebraska, identify barriers to affordable housing, and explore statutory changes necessary to encourage the development of affordable housing across the state. The 2019 Blueprint Nebraska report, which includes contributions from housing experts across the state, indicates that the state's economic development has slowed as a result of a shortage of affordable housing units and states a goal of building an additional thirty thousand to fifty thousand housing units in the coming years. The report suggests that stimulating construction through increased funding and collaboration are key steps to addressing the shortage.

This interim study shall assess the affordable housing situation in this state and explore ways to support the housing industry and other stakeholders in providing an appropriate level of affordable housing.

This study shall include, but not be limited to:

(1) A collection of existing data on the number of affordable housing units still needed to address the statewide housing shortage;

(2) An examination of existing federal, state, and local funding sources and the entities and processes through which such funds are disseminated, including, but not limited to, (a) an overview of federal and state funding opportunities available through the Department of Economic Development, the Nebraska Investment Finance Authority, and the Department of Health and Human Services and (b) an examination of how those entities coordinate to boost efforts to increase affordable housing in Nebraska communities;

(3) A review of potential statutory changes that would consolidate entities, create new entities, or provide for new duties to state agencies related to affordable housing, and whether those changes would increase efficiency in community efforts to rehabilitate and build affordable housing units; and

(4) A determination of whether additional state funding is needed to increase development and access to affordable housing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 132.** Introduced by Dorn, 30; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Larry J. Dix of Lincoln, Nebraska, has displayed outstanding public service and leadership during his life; and

WHEREAS, Larry is a native Nebraskan and a graduate of Kearney State College; and

WHEREAS, after receiving his bachelor's degree, Larry spent five years in the Buffalo County Assessor's office; and

WHEREAS, Larry began his service as the executive director of the Nebraska Association of County Officials "NACO" in January 2002; and

WHEREAS, as NACO's executive director, Larry was responsible for coordinating and administering all association activities, and he dedicated himself to the improvement of county government; and

WHEREAS, Larry's duties included serving as the principal state lobbyist for NACO, during which time he forged enduring relationships with many past and present members of this Legislature; and

WHEREAS, Larry has worked with the Legislature for the past nineteen years to formulate state statutes, which have resulted in efficient and effective local government; and

WHEREAS, Larry has served the citizens of Nebraska as a steward for their best interests in both his professional and private life; and

WHEREAS, Larry retired as NACO's executive director on January 31, 2021.

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

1. That the Legislature recognizes Larry J. Dix for his many years of public service and thanks Larry for his lifelong contributions to the State of Nebraska.
2. That the Legislature congratulates Larry J. Dix on his retirement.
3. That a copy of this resolution be sent to Larry J. Dix.

Laid over.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 649A.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 649, One Hundred Seventh Legislature, First Session, 2021.

**LEGISLATIVE BILL 147A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 147, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 147.** Placed on Select File with amendment. [ER91](#) is available in the Bill Room.

**LEGISLATIVE BILL 496.** Placed on Select File with amendment. [ER90](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 29-3001, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 29-3001 (1) A prisoner in custody under sentence and claiming a  
6 right to be released on the ground that there was such a denial or  
7 infringement of the rights of the prisoner as to render the judgment void  
8 or voidable under the Constitution of this state or the Constitution of  
9 the United States, may file a verified motion, in the court which imposed  
10 such sentence, stating the grounds relied upon and asking the court to  
11 vacate or set aside the sentence.  
12 (2) Unless the motion and the files and records of the case show to  
13 the satisfaction of the court that the prisoner is entitled to no relief,  
14 the court shall cause notice thereof to be served on the county attorney,  
15 grant a prompt hearing thereon, and determine the issues and make  
16 findings of fact and conclusions of law with respect thereto. If the  
17 court finds that there was such a denial or infringement of the rights of  
18 the prisoner as to render the judgment void or voidable under the  
19 Constitution of this state or the Constitution of the United States, the  
20 court shall vacate and set aside the judgment and shall discharge the  
21 prisoner or resentence the prisoner or grant a new trial as may appear  
22 appropriate. Proceedings under the provisions of sections 29-3001 to  
23 29-3004 shall be civil in nature. Costs shall be taxed as in habeas  
24 corpus cases.  
25 (3) A court may entertain and determine such motion without  
26 requiring the production of the prisoner, whether or not a hearing is  
27 held. Testimony of the prisoner or other witnesses may be offered by  
1 deposition. The court need not entertain a second motion or successive  
2 motions for similar relief on behalf of the same prisoner.  
3 (4) A one-year period of limitation shall apply to the filing of a  
4 verified motion for postconviction relief. The one-year limitation period

5 shall run from the later of:

6 (a) The date the judgment of conviction became final by the  
7 conclusion of a direct appeal or the expiration of the time for filing a  
8 direct appeal;

9 (b) The date on which the factual predicate of the constitutional  
10 claim or claims alleged could have been discovered through the exercise  
11 of due diligence;

12 (c) The date on which an impediment created by state action, in  
13 violation of the Constitution of the United States or the Constitution of  
14 Nebraska or any law of this state, is removed, if the prisoner was  
15 prevented from filing a verified motion by such state action;

16 (d) The date on which a constitutional claim asserted was initially  
17 recognized by the Supreme Court of the United States or the Nebraska  
18 Supreme Court, if the newly recognized right has been made applicable  
19 retroactively to cases on postconviction collateral review; or

20 (e) The date on which the Supreme Court of the United States denies  
21 a writ of certiorari or affirms a conviction appealed from the Nebraska  
22 Supreme Court August 27, 2011. This subdivision only applies if, within  
23 thirty days after petitioning the Supreme Court of the United States for  
24 a writ of certiorari, the prisoner files a notice in the district court  
25 of conviction stating that the prisoner has filed such petition.

26 Sec. 2. Section 29-4102, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 29-4102 The Legislature finds that DNA data banks are an important  
29 tool in criminal investigations, in the exclusion of individuals who are  
30 the subject of criminal investigations or prosecutions, in deterring and  
31 detecting recidivist acts, and in locating and identifying missing  
1 persons and human remains. Several states have enacted laws requiring  
2 persons convicted of certain crimes to provide genetic samples for DNA  
3 typing tests. Moreover, it is the policy of this state to assist federal,  
4 state, and local criminal justice and law enforcement agencies in the  
5 identification and detection of individuals in criminal investigations  
6 and in locating and identifying missing persons and human remains. It is  
7 in the best interest of this state to establish a State DNA Data Base for  
8 DNA records and a State DNA Sample Bank as a repository for DNA samples  
9 from individuals convicted of felony offenses and other specified  
10 offenses, from individuals nineteen years of age or older charged with  
11 crimes of violence or burglary, and from individuals for purposes of  
12 assisting in locating and identifying missing persons and human remains.

13 Sec. 3. Section 29-4103, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 29-4103 For purposes of the DNA Identification Information Act:

16 (1) Burglary means burglary with intent to commit a felony pursuant  
17 to section 28-507;

18 (2) (4) Combined DNA Index System means the Federal Bureau of  
19 Investigation's national DNA identification index system that allows the  
20 storage and exchange of DNA records submitted by state and local forensic  
21 DNA laboratories;

22 (3) Crime of violence means any of the following offenses when  
23 charged as a felony:

24 (a) Arson in the first degree pursuant to section 28-502;

25 (b) Assault in the first degree pursuant to section 28-308;

26 (c) Assault in the second degree pursuant to section 28-309;

27 (d) Kidnapping pursuant to section 28-313;

28 (e) Manslaughter pursuant to section 28-305;

29 (f) Murder in the first degree pursuant to section 28-303;

30 (g) Murder in the second degree pursuant to section 28-304;

31 (h) Sexual assault in the first degree pursuant to section 28-319;

1 (i) Sexual assault of a child in the first degree pursuant to  
2 section 28-319.01;

3 (j) Sexual assault in the second degree pursuant to section 28-320;  
4 (k) Sexual assault of a child in the second or third degree pursuant  
5 to section 28-320.01;  
6 (l) Child enticement by means of an electronic communication device  
7 pursuant to section 28-320.02;  
8 (m) Sexual abuse of an inmate or parolee in the first degree  
9 pursuant to section 28-322.02;  
10 (n) Sexual abuse of an inmate or parolee in the second degree  
11 pursuant to section 28-322.03;  
12 (o) Sexual abuse of a protected individual pursuant to section  
13 28-322.04;  
14 (p) Robbery pursuant to section 28-324;  
15 (q) Violation of the Homicide of the Unborn Child Act pursuant to  
16 sections 28-388 through 28-393;  
17 (r) Incest with a person who is under eighteen years of age pursuant  
18 to section 28-703; or  
19 (s) Any attempt or conspiracy to commit an offense listed in  
20 subdivision (3)(a) through (r) of this section;  
21 (4) (2) DNA means deoxyribonucleic acid which is located in the  
22 cells and provides an individual's personal genetic blueprint. DNA  
23 encodes genetic information that is the basis of human heredity and  
24 forensic identification;  
25 (5) (3) DNA record means the DNA identification information stored  
26 in the State DNA Data Base or the Combined DNA Index System which is  
27 derived from DNA typing test results;  
28 (6) (4) DNA sample means a blood, tissue, or bodily fluid sample  
29 provided by any person covered by the DNA Identification Information Act  
30 for analysis or storage, or both;  
31 (7) (5) DNA typing tests means the laboratory procedures which  
1 evaluate the characteristics of a DNA sample which are of value in  
2 establishing the identity of an individual;  
3 (8) (6) Law enforcement agency includes a police department, a town  
4 marshal, a county sheriff, and the Nebraska State Patrol;  
5 (9) (7) Other specified offense means misdemeanor stalking pursuant  
6 to sections 28-311.02 to 28-311.05 or false imprisonment in the second  
7 degree pursuant to section 28-315 or an attempt, conspiracy, or  
8 solicitation to commit stalking pursuant to sections 28-311.02 to  
9 28-311.05, false imprisonment in the first degree pursuant to section  
10 28-314, false imprisonment in the second degree pursuant to section  
11 28-315, knowing and intentional sexual abuse of a vulnerable adult or  
12 senior adult pursuant to subdivision (1)(c) of section 28-386, or a  
13 violation of the Sex Offender Registration Act pursuant to section  
14 29-4011; and  
15 (10) (8) Released means any release, parole, furlough, work release,  
16 prerelease, or release in any other manner from a prison, a jail, or any  
17 other detention facility or institution.  
18 Sec. 4. Section 29-4104, Reissue Revised Statutes of Nebraska, is  
19 amended to read:  
20 29-4104 The State DNA Data Base is established. The Nebraska State  
21 Patrol shall administer the State DNA Data Base and shall provide DNA  
22 records to the Federal Bureau of Investigation for storage and  
23 maintenance in the Combined DNA Index System. The patrol shall provide  
24 for liaison with the Federal Bureau of Investigation and other law  
25 enforcement agencies in regard to the state's participation in the  
26 Combined DNA Index System. The State DNA Data Base shall store and  
27 maintain DNA records related to:  
28 (1) Forensic casework, including, but not limited to, forensic  
29 casework relating to missing persons, relatives of missing persons, and  
30 unidentified human remains;  
31 (2) Convicted or charged offenders required to provide a DNA sample

1 under the DNA Identification Information Act;

2 (3) Anonymous DNA records used for research or quality control; and

3 (4) Missing persons, relatives of missing persons, and unidentified

4 human remains.

5 Sec. 5. Section 29-4106, Reissue Revised Statutes of Nebraska, is

6 amended to read:

7 29-4106 (1) A person who is convicted of a felony offense or other

8 specified offense on or after July 15, 2010, who does not have a DNA

9 sample available for use in the State DNA Sample Bank, shall, at his or

10 her own expense, have a DNA sample collected:

11 (a) Upon intake to a prison, jail, or other detention facility or

12 institution to which such person is sentenced. If the person is already

13 confined at the time of sentencing, the person shall have a DNA sample

14 collected immediately after the sentencing. Such DNA sample shall be

15 collected at the place of incarceration or confinement. Such person shall

16 not be released unless and until a DNA sample has been collected; or

17 (b) As a condition for any sentence which will not involve an intake

18 into a prison, jail, or other detention facility or institution. Such DNA

19 samples shall be collected as follows:

20 (i) In any county containing a city of the metropolitan class, a

21 person placed on probation or who received a penalty of a fine or time

22 served shall have such DNA sample collected by a probation officer at a

23 probation office. Such person shall not be released unless and until a

24 DNA sample has been collected; and

25 (ii) In all other counties, a person placed on probation shall have

26 such DNA sample collected by a probation officer at a probation office,

27 and a person not placed on probation who receives a penalty of a fine or

28 time served shall have such DNA sample collected by the county sheriff.

29 Such person shall not be released unless and until a DNA sample has been

30 collected.

31 (2) A person who has been convicted of a felony offense or other

1 specified offense before July 15, 2010, who does not have a DNA sample

2 available for use in the State DNA Sample Bank, and who is still serving

3 a term of confinement or probation for such felony offense or other

4 specified offense on July 15, 2010, shall not be released prior to the

5 expiration of his or her maximum term of confinement or revocation or

6 discharge from his or her probation unless and until a DNA sample has

7 been collected.

8 (3)(a) A person nineteen years of age or older who is charged with a

9 crime of violence or burglary on or after the operative date of this

10 section, who does not have a DNA sample available for use in the State

11 DNA Sample Bank, shall have a DNA sample collected by a law enforcement

12 official at the receiving criminal detention facility during the booking

13 process. If the first appearance of such person in court for the alleged

14 crime of violence or burglary is not due to arrest but by citation or

15 summons, the court shall order collection of a DNA sample.

16 (b) A DNA sample collected under this subsection shall not be tested

17 or placed in the State DNA Data Base until after a judicial determination

18 of probable cause pursuant to section 29-506 or 29-1607 on the crime of

19 violence or burglary has been made or a hearing to determine probable

20 cause has been waived, unless requested or consented to by the person

21 whose DNA sample is to be collected. If the charges for the crime of

22 violence or burglary are determined to be unsupported by probable cause,

23 the DNA sample shall be immediately destroyed and notice that the sample

24 was destroyed shall be sent to the person whose DNA sample was collected

25 and counsel of record for such person.

26 (c) Nothing in this subsection shall be construed to authorize the

27 collection of DNA samples from persons who are younger than nineteen

28 years of age.

29 (4) (3) A person who is serving a term of probation and has a DNA



30 sample collected pursuant to this section shall pay all costs associated  
31 with the collection of the DNA sample.

1 ~~(5)~~ (4) If the court waives the cost of taking a DNA sample for any  
2 reason, a county jail or other county detention facility or institution  
3 collecting the DNA sample shall not be held financially responsible for  
4 the cost of the DNA sample kit.

5 Sec. 6. Section 29-4106.01, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-4106.01 (1) A person required to submit a DNA sample pursuant to  
8 subsection (1) or (2) of section 29-4106 shall be given the choice of  
9 having the sample collected by a blood draw or a buccal cell collection  
10 kit. Any person who collects a DNA sample pursuant to section 29-4106  
11 shall honor the choice of collection method made by the person providing  
12 the DNA sample. If the person required to submit the DNA sample does not  
13 indicate a preference as to the method of collection, either method may  
14 be used to collect the sample.

15 (2) A person required to submit a DNA sample pursuant to subsection  
16 (3) of section 29-4106 shall have the sample collected by buccal cell  
17 collection kit.

18 Sec. 7. Section 29-4109, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 29-4109 (1) A person whose DNA record has been included in the  
21 State DNA Data Base pursuant to the DNA Identification Information Act  
22 may request expungement on the grounds that: ~~the~~

23 (a) The conviction on which the authority for including such  
24 person's DNA record was based has been reversed and the case dismissed;  
25 or -

26 (b) The charge on which the authority for including such person's  
27 DNA record was based has been dismissed.

28 (2) The Nebraska State Patrol shall purge all DNA records and  
29 identifiable information in the data base pertaining to the person and  
30 destroy all DNA samples from the person upon receipt of a written request  
31 for expungement pursuant to this section and a certified copy of the  
1 final court order reversing and dismissing the conviction or dismissing  
2 the charge.

3 (3) Within ten calendar days of granting expungement, the Nebraska  
4 State Patrol shall provide written notice of such expungement pursuant to  
5 subsection (4) of section 29-4108, to any person to whom DNA records and  
6 samples have been made available. The Nebraska State Patrol shall  
7 establish procedures for providing notice of certification of expungement  
8 to the person who was granted expungement.

9 Sec. 8. Sections 2, 3, 4, 5, 6, 7, and 10 of this act become  
10 operative on January 1, 2022. The other sections of this act become  
11 operative on their effective date.

12 Sec. 9. Original section 29-3001, Reissue Revised Statutes of  
13 Nebraska, is repealed.

14 Sec. 10. Original sections 29-4102, 29-4103, 29-4104, 29-4106,  
15 29-4106.01, and 29-4109, Reissue Revised Statutes of Nebraska, are  
16 repealed.

17 2. On page 1, strike beginning with "the" in line 1 through line 6  
18 and insert "criminal procedure; to amend sections 29-3001, 29-4102,  
19 29-4103, 29-4104, 29-4106, 29-4106.01, and 29-4109, Reissue Revised  
20 Statutes of Nebraska; to change a motion for postconviction limitation;  
21 to require collection of DNA samples under the DNA Identification  
22 Information Act from persons arrested for burglary or crimes of violence;  
23 to define terms; to provide for expungement; to harmonize provisions; to  
24 provide operative dates; and to repeal the original sections."

(Signed) Terrell McKinney, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR118	Executive Board
LR121	Executive Board
LR128	Government, Military and Veterans Affairs

(Signed) Dan Hughes, Chairperson  
Executive Board

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

Senator Wayne filed the following amendment to LB131:  
AM1303

(Amendments to E & R amendments, ER89)

1 1. On page 1, strike beginning with the second "the" in line 13  
2 through the first comma in line 15; and in line 26 strike "ninety" and  
3 insert "eighty".

**GENERAL FILE**

**LEGISLATIVE BILL 649.** Title read. Considered.

Committee AM1018, found on page 1240, was offered.

Senator Flood offered the following amendment to the committee amendment:

AM1278

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new section:  
2 Sec. 47. Section 8-1120, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:  
4 8-1120 (1) Except as otherwise provided in this section, the  
5 Securities Act of Nebraska shall be administered by the Director of  
6 Banking and Finance who may employ such deputies, examiners, assistants,  
7 or counsel as may be reasonably necessary for the purpose thereof. The  
8 employment of any person for the administration of the act is subject to  
9 section 49-1499.07. The director may delegate to a deputy director or  
10 counsel any powers, authority, and duties imposed upon or granted to the  
11 director under the act, such as may be lawfully delegated under the  
12 common law or the statutes of this state. The director may also employ  
13 special counsel with respect to any investigation conducted by him or her  
14 under the act or with respect to any litigation to which the director is  
15 a party under the act.  
16 (2) A security issued by and representing an interest in or a debt  
17 of, or guaranteed by, any insurance company shall be registered, pursuant  
18 to the provisions of sections 8-1104 to 8-1109, with the Director of  
19 Insurance who shall as to such registrations administer and enforce the  
20 act, and as pertains to the administration and enforcement of such  
21 registration of such securities all references in the act to director  
22 shall mean the Director of Insurance.  
23 (3)(a) It shall be unlawful for the director or any of his or her

24 employees to use for personal benefit any information which is filed with  
25 or obtained by the director and which is not made public. Neither the  
26 director nor any of his or her employees shall disclose any confidential  
1 information except among themselves, when necessary or appropriate in a  
2 proceeding, examination, or investigation under the act, or as authorized  
3 in subdivision (3)(b) of this subsection. No provision of the act shall  
4 either create or derogate from any privilege which exists at common law  
5 or otherwise when documentary or other evidence is sought under a  
6 subpoena directed to the director or any of his or her employees.

7 (b)(i) In administering the act, the director may also:

8 (A) Enter into agreements or relationships with other government  
9 officials, including, but not limited to, the securities administrator of  
10 a foreign state and the Securities and Exchange Commission, or self-  
11 regulatory organizations, to share resources, standardized or uniform  
12 methods or procedures, and documents, records, and information; or  
13 (B) Accept and rely on examination or investigation reports made by  
14 other government officials, including, but not limited to, the securities  
15 administrator of a foreign state and the Securities and Exchange  
16 Commission, or self-regulatory organizations.

17 (ii) For purposes of this subdivision, foreign state means any state  
18 of the United States, other than the State of Nebraska, any territory of  
19 the United States, including Puerto Rico, Guam, American Samoa, the Trust  
20 Territory of the Pacific Islands, or the Virgin Islands, and the District  
21 of Columbia.

22 (4) The director may adopt and promulgate rules and regulations and  
23 prescribe forms to carry out the act. No rule and regulation may be  
24 adopted and promulgated or form may be prescribed unless the director  
25 finds that the action is necessary or appropriate in the public interest  
26 or for the protection of investors and consistent with the purposes  
27 fairly intended by the policy and provisions of the act. In adopting and  
28 promulgating rules and regulations and prescribing forms the director may  
29 cooperate with the securities administrators of the other states and the  
30 Securities and Exchange Commission with a view to effectuating the policy  
31 of the Securities Act of Nebraska to achieve maximum uniformity in the  
1 form and content of registration statements, applications, and reports  
2 wherever practicable. All rules and regulations and forms of the director  
3 shall be published and made available to any person upon request.

4 (5) No provision of the act imposing any liability shall apply to  
5 any act done or omitted in good faith in conformity with any rule and  
6 regulation, form, or order of the director, notwithstanding that the rule  
7 and regulation or form may later be amended or rescinded or be determined  
8 by judicial or other authority to be invalid for any reason.

9 (6) Every hearing in an administrative proceeding shall be public  
10 unless the director in his or her discretion grants a request joined in  
11 by all the respondents that the hearing be conducted privately.

12 ~~(7)(a) (7)~~ The Securities Act Cash Fund is created. All filing fees,  
13 registration fees, and all other fees and all money collected by or paid  
14 to the director under any of the provisions of the act shall be remitted  
15 to the State Treasurer for credit to the fund, except that registration  
16 fees collected by or paid to the Director of Insurance pursuant to the  
17 provisions of the act shall be credited to the Department of Insurance  
18 Cash Fund. The Securities Act Cash Fund shall be used for the purpose of  
19 administering and enforcing the provisions of the act, except that  
20 transfers may be made to the General Fund at the direction of the  
21 Legislature. Any money in the Securities Act Cash Fund available for  
22 investment shall be invested by the state investment officer pursuant to  
23 the Nebraska Capital Expansion Act and the Nebraska State Funds  
24 Investment Act.

25 (b) The State Treasurer shall transfer seven hundred twelve thousand  
26 four hundred eighty-nine dollars from the Securities Act Cash Fund to the

27 Financial Institution Assessment Fund on or before October 30, 2021, on  
 28 such date as directed by the budget administrator of the budget division  
 29 of the Department of Administrative Services.

30 (c) The State Treasurer shall transfer three hundred ninety-seven  
 31 thousand eighty-nine dollars from the Securities Act Cash Fund to the  
 1 Financial Institution Assessment Fund on or before October 30, 2022, on  
 2 such date as directed by the budget administrator of the budget division  
 3 of the Department of Administrative Services.

4 (8) A document is filed when it is received by the director. The  
 5 director shall keep a register of all applications for registration and  
 6 registration statements which are or have ever been effective under the  
 7 Securities Act of Nebraska and all denial, suspension, or revocation  
 8 orders which have ever been entered under the act. The register shall be  
 9 open for public inspection. The information contained in or filed with  
 10 any registration statement, application, or report may be made available  
 11 to the public under such conditions as the director may prescribe.

12 (9) The director may, by rule and regulation or order, authorize or  
 13 require the filing of any document required to be filed under the act by  
 14 electronic or other means, processes, or systems.

15 (10) Upon request and at such reasonable charges as he or she shall  
 16 prescribe, the director shall furnish to any person photostatic or other  
 17 copies, certified under his or her seal of office if requested, of any  
 18 entry in the register or any document which is a matter of public record.  
 19 In any proceeding or prosecution under the act, any copy so certified  
 20 shall be prima facie evidence of the contents of the entry or document  
 21 certified.

22 (11) The director in his or her discretion may honor requests from  
 23 interested persons for interpretative opinions.

24 2. On page 81, line 30, strike "and 68" and insert "48, and 69"; and  
 25 in line 31 strike "48, 49, 50, 51," and insert "49, 50, 51, 52,".

26 3. On page 82, strike line 1 and insert "53, 54, 55, 56, 57, 58, 59,  
 27 60, 61, 62, 63, 64, 65, 66, 67, and 70 of"; and in line 6 after "8-702,"  
 28 insert "8-1120,".

29 4. Renumber the remaining sections accordingly.

The Flood amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Morfeld offered the following amendment to the committee amendment:

AM1338

(Amendments to Standing Committee amendments, AM1018)

1 1. On page 4, line 20, after the last comma insert "credit union,".

2 2. On page 8, line 28, after "Corporation" insert "or National  
 3 Credit Union Share Insurance Fund insurance".

4 3. On page 10, lines 14 and 26, after "Corporation" insert "or  
 5 National Credit Union Administration"; and in line 21 after "FDIC" insert  
 6 "or NCUA".

7 4. On page 11, line 26; and page 13, line 4, after "company" insert  
 8 "or credit union service organization".

9 5. On page 18, line 14, after the comma insert "state or federally  
 10 chartered credit union".

11 6. On page 41, line 31, after "insurance" insert "or National Credit  
 12 Union Share Insurance Fund insurance".

Senator Morfeld withdrew and refiled his amendment, AM1338.

The committee amendment, as amended, was adopted with 39 ayes, 1 nay, 3

present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

### EASE

The Legislature was at ease from 5:50 p.m. until 6:19 p.m.

### AMENDMENT(S) - Print in Journal

Senator Slama filed the following amendment to LB241:

[AM1330](#)

(Amendments to AM1163)

1 1. On page 4, strike lines 4 through 12; in line 13, strike "(8)"  
2 and insert "(7)"; and in line 20 strike "(9)" and insert "(8)".

Senator Slama filed the following amendment to LB241:

[AM1331](#)

(Amendments to AM1163)

1 1. On page 4, strike line 16.

### ATTORNEY GENERAL'S OPINION

#### Opinion 21-011

SUBJECT:           Constitutionality of Legislation Delegating to  
                          Counties the Power to Authorize by Ordinance the  
                          Permitless Concealed Carry of Weapons (LB236).

REQUESTED BY:    Senator Tom Brewer  
                          Nebraska Legislature

WRITTEN BY:       Douglas J. Peterson, Attorney General  
                          Joshua R. Shasserre, Assistant Attorney General

### INTRODUCTION

You have requested an opinion from this office regarding the constitutionality of LB236, which would give counties the power to adopt ordinances authorizing the permitless carry of concealed weapons. Introducer's Statement of Intent for LB236, 107<sup>th</sup> Leg., 1<sup>st</sup> Sess. (February 24, 2021). Presently, the Government, Military and Veterans Affairs Committee has filed a General File amendment, AM438, to LB236 that replaces the bill. As modified by AM438, LB236 amends three statutes: (1) Neb. Rev. Stat. § 23-187, which grants counties discretionary authority to regulate enumerated subjects by ordinance; (2) Neb. Rev. Stat. § 28-1202, which defines the criminal offense of carrying a concealed weapon; and (3) Neb. Rev. Stat. § 69-2428, which provides that an individual may obtain a permit to carry a concealed handgun in accordance with the Concealed

Handgun Permit Act, Neb. Rev. Stat. §§ 69-2427 through 69-2449 (2018). You have specifically asked whether "the Nebraska Legislature [has] authority under the Nebraska Constitution to delegate to counties the power to authorize by ordinance the permitless concealed carry of weapons as contemplated by Legislative Bill 236." The scope of our analysis is therefore limited to the question of delegation of legislative authority.

### ANALYSIS

"The Legislature has plenary legislative authority except as limited by the state and federal Constitutions." *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996) (citing *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, but, rather is a restriction on legislative power, and the Legislature may legislate upon any subject not inhibited by the Constitution." *Id.* (citing *State ex rel. Meyer v. County of Lancaster*, 173 Neb. 195, 113 N.W.2d 63 (1962)). "The legislative authority of the Nebraska Unicameral is, therefore, extensive. However, it is not limitless." Op. Att'y Gen. No. 02012 (April 5, 2002) at 5.

The provisions of the Nebraska Constitution that may inhibit the Legislature from enacting legislation that delegates its authority are Article II, § 1 and Article III, § 1. The latter provision, which assigns the State's legislative power, states, in relevant part, "[t]he legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. Article II, § 1, which establishes the separation of governmental power, 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.

Neb. Const. art. II § 1(1). Article II, § 1 "prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives, except as the Constitution itself otherwise directs or permits." *State v. Philipps*, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994); *Davio v. Nebraska Dep't of Health and Human Services*, 280 Neb. 263, 274, 786 N.W.2d 655, 665 (2010) ["*Davio*"]. With respect to a delegation of authority by the Nebraska Unicameral, the Nebraska Supreme Court has held that "[i]t is fundamental that the Legislature may not delegate legislative power to an administrative or executive authority." *Bosselman, Inc. v. State*, 230 Neb. 471, 476, 432 N.W.2d 226, 229 (1988) ["*Bosselman*"] (citing *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 780, 104 N.W.2d 227, 230 (1960) ["*Lincoln Dairy*"]; *Smithberger v. Banning*, 129 Neb. 651, 262 N.W. 492 (1935)).

As this office has previously explained, the Nebraska Supreme Court in *Bosselman* found that the constitutional prohibition against horizontal delegation of legislative power to the executive branch also prohibits a vertical delegation of power from the Nebraska Unicameral to "local governing bodies such as city councils and county boards." Op. Att'y Gen. No. 07012 (May 29, 2007) at 7. Citing the decision in *Lennox v. Housing Authority of Omaha*, which observed "that the Legislature could not delegate its powers to make law to the housing authority and council of the city of Omaha without imposing adequate standards to guide the discretion of those local bodies," the *Bosselman* court rejected the argument that the non-delegation rule expressed in *Lincoln Dairy* did not apply to delegations by the Legislature to local governing bodies. *Bosselman*, 230 Neb. at 476, 432 N.W.2d at 230 (citing *Lennox v. Housing Authority of City of Omaha*, 137 Neb. 582, 290 N.W. 451 (1940)).

Various legal authorities have analyzed these local delegation issues under two rubrics. The first asks whether the power delegated to the county is a matter of local or statewide concern. The second asks whether the Legislature has provided sufficiently definite standards to guide the county in exercising the power delegated. The following sections consider both of these lines of analysis.

### **I. The Power Delegated To County Boards In LB236 Pertains To A Matter Of Statewide Concern.**

This office has previously recognized that the Legislature can delegate to "political subdivisions the power to govern matters which are local in scope." Op. Att'y Gen. No. 89024 (March 24, 1989) at 1 (referencing *Peterson v. Cook*, 175 Neb. 296, 121 N.W.2d 399 (1963)) (emphasis added). The distinction between permissible delegation on matters of local concern and impermissible delegation on matters of statewide concern is recognized in multiple jurisdictions. As one leading treatise states: "[T]he legislature may expressly or implicitly delegate to appropriate local governmental entities such as municipal corporations, counties, and towns, as well as their proper officers and boards, all powers, whether legislative or otherwise, which are incident to municipal government and of purely local concern. . . . [M]atters which must be dealt with at the state level are not delegable[.]" 16 C.J.S. *Constitutional Law* § 366 (March 2021).

The delegation proposed in LB236, as amended b Section 1 of AM438, is for a county board to authorize by ordinance the "carrying of concealed weapons for all persons not otherwise prohibited from possessing or carrying such weapons under state or federal law." Sec. 1(2). The proposed grant of legislative authority to a county board is limited to counties that do not contain a city of the metropolitan class or primary class.<sup>1</sup> *Id.* Section 2 of AM438 creates an additional exemption to the criminal offense of carrying a concealed weapon in counties where the county board has authorized permitless concealed carry pursuant to Section 1. Sec. 2(3).

The authority of a county board necessarily involves a delegation of power from the Legislature, for "a county, like all political subdivisions, has only that power delegated to it by the Legislature[.]" *DLH, Inc. v. Lancaster County Bd. of Com'rs*, 264 Neb. 358, 362, 648 N.W.2d 277, 280 (2002) ["*DLH, Inc.*"] (citing *Enterprise Partners v. County of Perkins*, 260 Neb. 650, 619 N.W.2d 464 (2000)). "Nebraska statutes vest the powers of a county in a 'county board[.]'" *Butler County Dairy, L.L.C. v. Butler County*, 285 Neb. 408, 417, 827 N.W.2d 267, 278 (2013) (citing Neb. Rev. Stat. § 23-103 (2012)). A county, even though a body politic and corporate, is a creature of statute and has only such authority as conferred by the Legislature or necessarily implied to carry out its expressed powers. *Wetovick v. County of Nance*, 279 Neb. 773, 787, 782 N.W.2d 298, 311 (2010) ["*Wetovick*"]; *Lindburg v. Bennett*, 117 Neb. 66, 219 N.W.2d 851 (1928). Counties "are subdivisions of the state government upon which, for convenience, certain powers have been conferred, strictly limited, however, to the exercise of certain functions more easily carried out by subdivision." *Wilson v. Ulysses Twp. of Butler Cty.*, 72 Neb. 807, 812, 101 N.W. 986, 988 (1904) ["*Wilson*"] (emphasis added). "A grant of power to a county is strictly construed, and reasonable doubts regarding the existence of its power are resolved against it." *Wetovick*, 279 Neb. at 787, 782 N.W.2d at 311.

The relatively recent grant of legislative authority for county boards to enact ordinances, now codified in Neb. Rev. Stat. § 23-187 (Cum. Supp. 2020), exemplifies the type of limited, localized authority to which *Wilson* refers. Section 23-187 permits counties to enact ordinances addressing certain enumerated subjects: the operation of vehicles on a highway; parking and abandonment of motor vehicles; the operation of low-speed vehicles and golf carts; false alarms from security systems; registration of peddlers; graffiti; and disturbance of the peace specifically by disorderly conduct, lewd or lascivious behavior, or public nudity. "The principal objective of construing a statute is to determine and give effect to the legislative intent of the enactment." *Kuhn v. Wells Fargo Bank of Neb.*, 278 Neb. 428, 445, 771 N.W.2d 103, 118 (2009). "[T]o ascertain the intent of the Legislature, a court may examine the legislative history of the act in question." *Goolsby v. Anderson*, 250 Neb. 306, 309, 549 N.W.2d 153, 156 (1996). The legislative history of the first statute providing this authority, 2009 Neb. Laws LB532, indicates that an impetus for giving counties this authority was the Nebraska Supreme Court's decision in *DLH, Inc.*. Committee Records on LB532, 101<sup>st</sup> Leg., 1<sup>st</sup> Sess. 49 (February 20, 2009). In *DLH, Inc.*, the court found that the Lancaster County board lacked authority to revoke the liquor license of an establishment that permitted nude performances in violation of a county resolution, reasoning that a "resolution" is distinguishable from and of less force and effect than a "regulation." *DLH, Inc.*, 264 Neb. at 362-363, 648 N.W.2d at 280. The legislative history also indicates that questions were posed regarding the constitutionality of the Legislature delegating the authority to enact ordinances to county boards. That concern was apparently assuaged by testimony of the Sarpy County Attorney referring to the limited authority of



counties on matters such as zoning, animal control, and traffic. Committee Records on LB532, 101<sup>st</sup> Leg., 1<sup>st</sup> Sess. 52-53 (February 20, 2009). It is reasonable to conclude from both the text and the legislative history of this statute that the subject matter for which county boards are permitted to enact ordinances is intended to be local in scope and strictly limited to certain functions more easily carried out by a county board. The question is whether the authority conferred by LB236 is consistent with this statutory scheme in that it is likewise local in scope.

The Nebraska Supreme Court has previously addressed whether a particular matter is of statewide or localized concern when assessing conflicts between state statute and local ordinance as part of preemption analysis. So far, the court has not established a bright-line rule. As it has explained, "[t]here is no sure test which will enable us to distinguish between matters of strictly municipal concern and those of state concern. The court must consider each case as it arises and draw the line of demarcation." *Jacobberger v. Terry*, 211 Neb. 878, 883, 320 N.W.2d 903, 906 (1982) (quoting *Carlberg v. Metcalf*, 120 Neb. 481, 487, 234 N.W. 87, 90 (1930)).

This office has previously considered whether the carrying of concealed weapons is a matter of local or statewide concern when analyzing whether the Concealed Handgun Permit Act preempted certain local ordinances that could impede the otherwise lawful carrying of concealed weapons. In Op. Att'y Gen. No. 09001 (January 13, 2009), we stated:

[T]he Legislature appears to have occupied the entire field with regard to the carrying of concealed handguns. On that subject, the Concealed Handgun Permit Act has set forth the overall policy of the state when it comes to the carrying of concealed handguns and the licensing of persons to do so and has set forth a comprehensive regulatory scheme for implementing that policy. Therefore, cities and villages lack authority to legislate for themselves with respect to this subject. This is true even for cities operating under a home rule charter.

*Id.* at 5. We noted that our analysis "would apply equally to any counties that might seek to bar the carrying of concealed handguns by permitholders under the act." *Id.* at 2. Similarly, in Op. Att'y Gen. No. 10008 (March 26, 2010), we observed that the Legislature had enacted legislation, 2009 Neb. Laws LB430, which contained a provision that "was clearly designed to remove any authority cities and villages might otherwise have to regulate the ownership or possession of concealed handguns by permitholders under the act." *Id.* at 2; *see* Neb. Rev. Stat. § 18-1703 (2012). The Nebraska Supreme Court has not established whether carrying concealed handguns is a matter of statewide or local concern. However, we think that a court would likely conclude that the regulation of concealed handguns under the Concealed Handgun Permit Act's shall issue statutory scheme is a matter of statewide concern. Such conclusion has been made more likely through the

enactment of additional legislation intended to both cement the state's field preemption and remove regulatory authority of political subdivisions.

## **II. The Power Delegated By LB236 Is Likely Impermissible Under The Nebraska Constitution.**

As stated above, this office has previously explained that the Nebraska Supreme Court in *Bosselman* applies the non-delegation rule expressed in *Lincoln Dairy* to delegations of power from the Nebraska Unicameral to "local governing bodies such as city councils and county boards." Op. Att'y Gen. No. 07012 (May 29, 2007). In *Lincoln Dairy*, the Nebraska Supreme Court stated that "[t]he Legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations," so long as the power granted is "limited to the expressed legislative purpose and administered in accordance with standards prescribed in the legislative act." *Lincoln Dairy*, 170 Neb. at 780, 104 N.W.2d at 230 (citing *Board of Regents of University of Nebraska v. Lancaster County*, 154 Neb. 398, 403, 48 N.W.2d 221, 224 (1951)). "[C]learly and definitively stated" standards in the enabling legislative act must "provide[ ] the local governing bodies with adequate, sufficient, and definite standards within which they are to exercise their discretion"; "standards may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available." *Bosselman*, 230 Neb. at 476-77, 432 N.W.2d at 229-30; *Ponderosa Ridge LLC v. Banner County*, 250 Neb. 944, 951, 554 N.W.2d 151, 157 (1996); *Yant v. City of Grand Island*, 279 Neb. 935, 945, 784 N.W.2d 101, 109 (2010); *Davio*, 280 Neb. at 274, 786 N.W.2d at 665. Thus, "[w]here the Legislature has provided reasonable limitations and standards for carrying out the delegated duties, there is no unconstitutional delegation of legislative authority." *Bosselman*, 230 Neb. at 476-77, 432 N.W.2d at 230 (quoting *Ewing v. Scotts Bluff Cty. Bd. of Equal.*, 227 Neb. 798, 805, 420 N.W.2d 685, 690 (1988)); *In re Application U-2*, 226 Neb. 594, 413 N.W.2d 290 (1987)). However, where the violation of an administrative rule constitutes a criminal act, the Legislature's delegation of authority to an administrative body may still be impermissible as "[i]t is axiomatic that the power to define crimes and criminal offenses is in the Legislature and it may not delegate such power to an administrative agency." *Lincoln Dairy*, 170 Neb. at 783, 104 N.W.2d at 231.

In Op. Att'y Gen. No. 07012 (May 29, 2007), this office analyzed the then Final Reading version of 2007 Neb. Laws LB395, which provided for a statewide smoking ban that included a local "opt out" provision authorizing local governmental bodies, including counties, to adopt a nonsmoking ordinance that was less stringent than the state standard included in the bill. We stated:

[T]he bill . . . establishes limits as to how less stringent a particular ordinance or resolution may be, i.e., it provides that the ordinance or

resolution cannot be less stringent than the Sections 71-5707 to 71-5709 as they existed prior to September 1, 2007. Those sections, in turn, contain detailed provisions regarding where individuals may smoke, how smoking areas may be designated and how persons in charge of public places should make efforts to prevent smoking and minimize the presence of environmental tobacco smoke. We believe that those sections provide clear standards which establish the limits for nonsmoking bans by local government, and by which the powers granted to local government under LB 395 can be administered. On that basis, we do not believe that the fact that LB 395 allows local governmental subdivisions to adopt nonsmoking bans less stringent than that set out in LB 395 constitutes an improper delegation of legislative authority.

*Id.* at 7.<sup>2</sup>

Applying the same analysis to LB236, we are concerned that the grant of authority to county boards to effectively "opt out" of the Concealed Handgun Permit Act's statewide licensing scheme might constitute an improper delegation of legislative authority. The statutory scheme proposed in 2007 Neb. Laws LB395 provided detailed standards for local ordinances, thus providing local governing bodies "with adequate, sufficient, and definite standards within which they are to exercise their discretion." *Bosselman*, 230 Neb. at 477, 432 N.W.2d at 230. LB236, in contrast, appears to lack adequate, sufficient, and definite statutory standards necessary for a county board to consider before enacting such an ordinance. The standards defining the exercise of county boards' discretion in LB236 are limited to the existing statutory requirements found in §§ 23-187 to 23-193 for enacting any county ordinance. These sections pertain solely to procedural requirements for notice, public hearing, and formal adoption of a properly formatted ordinance; they provide no relevant standard for the subject matter at issue. Sec. 1(2). The only additional standard found in AM438 is that a county board must first receive "advice and counsel from the county sheriff" before enacting an opt-out ordinance. Sec. 1(2). This advice-and-counsel requirement is vague and provides no uniform standard from which any county sheriff may base his or her input. Moreover, because LB236 authorizes county boards to create exemptions to the criminal offense of carrying a concealed weapon, the bill raises the additional concern that the Legislature is impermissibly delegating its exclusive power to define criminal offenses. *Lincoln Dairy*, 170 Neb. at 783, 104 N.W.2d at 231.

In light of precedent in other jurisdictions regarding delegation of legislative authority to counties, it is unclear whether further amendment to LB236 providing more definite standards would necessarily cure the delegation concerns explained above. For example, the Supreme Court of Michigan, when construing a provision of the Michigan state constitution that is substantially equivalent to art. III § 1, concluded that its legislature improperly delegated its power to counties over a matter of statewide

concern by enacting legislation that allowed counties to permit conduct otherwise prohibited by the act. *Arlan's Dept. Stores, Inc. v. Kelley*, 374 Mich. 70, 130 N.W.2d 892 (1964). Unlike Nebraska law, which requires that the powers conferred to counties be strictly construed, the Michigan Constitution expressly provided that laws concerning the delegation of powers are to be liberally construed in favor of counties. *Id.* at 76-77, 130 N.W.2d at 895. Even so, the court determined that the constitution did "not permit counties to determine legislative policies of *Statewide* concern, nor does it permit the State legislature to delegate such power." *Id.* at 77, 130 N.W.2d at 895 (emphasis in original). The court ultimately reasoned that the legislative act violated "the principle of legislative delegation of power because, while purporting to be a State law, it permit[ted] each county to change the State law to suit its own purposes. This is not delegation of authority to a county to enact a local county ordinance. . . . A county cannot, by action which affects only that county, be permitted to alter the *Statewide* policy." *Id.* This case thus suggests that even if LB236 included more definite standards, the bill might still be unconstitutional if a court concludes that it addresses a matter of statewide (rather than local) concern.

Rather than amending LB236 to include concrete standards, we note an alternative means of alleviating concern regarding impermissible legislative delegation. That is for the Legislature to amend LB236 to allow permitless concealed carry of handguns statewide, even while retaining the state's existing permit structure for purposes of state reciprocity or conformity with federal law, as has been enacted in at least eighteen states as of the date of this opinion.<sup>3</sup>

### CONCLUSION

LB236's delegation of authority to certain county boards to enact ordinances that allow the permitless concealed carry of weapons presents significant constitutional concerns under art. II, § 1 and art. III, § 1 of the Nebraska Constitution. LB236 addresses a topic—the carrying of concealed weapons—that is a matter of statewide (rather than local) concern not delegable to counties. LB236 also does not provide adequate, significant, and definite standards to guide county boards in exercising their discretion to enact ordinances that would effectively alter this statewide policy.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Joshua R. Shasserre  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

<sup>1</sup>This provision is presently subject to amendment by AM874, which would limit this grant of authority to counties that do "not contain more than one hundred thousand inhabitants."

<sup>2</sup>LB395 was carried over into the second session of the 100<sup>th</sup> Legislature and was approved by the Governor on February 26, 2008. The Nebraska Clean Indoor Air Act then became operable on June 1, 2009, after the bill was amended and the local governmental body "opt out" provision was removed.

<sup>3</sup>See, e.g., Alaska Stat. § 11.61.220(a); Ariz. Rev. Stat. § 13-3102; Idaho Code § 18-3302; 2021 IA HB 756, amending Iowa Code § 724.5; Kan. Stat. Ann. § 21-6302(4); 2019 KY SB 150. Ky. Rev. Stat. Ann. §§ 237.110, 527.020; Me. Rev. Stat. tit. 25, § 2001-A et seq.; Miss. Code Ann. § 97-37-7(24); Mo. Rev. Stat. § 571.030; Mont. Code Ann. § 45-8-316; 2017 NH SB 12; N.D. Cent. Code §§ 62.1-02-04 – 62.1-02-05, 62.1-04-01 – 62.1-04-05; Okla. Stat. tit. 21, §§ 1277, 1290.1 – 1290.26; S.D. Codified Laws §§ 23-7-7 – 23-7-8.6, 22-14-23, 13-32-7; Tenn. Code Ann. § 39-17-1307; Utah Code Ann. § 76-10-523; W. Va. Code § 61-7-3; Wyo. Stat. Ann. § 6-8-104.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 133.** Introduced by Murman, 38; Arch, 14; Cavanaugh, M., 6; Day, 49; Gragert, 40; Hansen, B., 16; Lowe, 37; Walz, 15; Williams, 36.

WHEREAS, Tim Kolb, an advocate for disability rights, began his activism in 1989 after being denied twenty-four-hour, home-based care while being threatened with life in a nursing home. He lost his appeal and took his case to the district court. In 1991, District Court Judge Bernard Sprague directed the state to provide that care which enabled him to live in his own home in Franklin with his wife Karen; and

WHEREAS, in 1995, Tim was instrumental in passing the "Tim Kolb Amendment" to the Nurse Practice Act by the Nebraska Legislature to allow people with disabilities to get care at home; and

WHEREAS, Tim worked for years to improve the Medical Insurance for Workers with Disabilities Program. The new and improved version was passed into law and will take effect October 1, 2021; and

WHEREAS, Tim was a council member of the Nebraska Statewide Independent Living Council "SILC", the liaison of the SILC to the State Rehabilitation Council, the President of the Board of Directors for Independence Rising and the Center for Independent Living, and the founder and Chief Executive Officer of the Kolb Foundation for Disability Education. In addition, Tim represented the Kolb Foundation for Disability Education on the Nebraska Consortium for Citizens with Disabilities and served on the Nebraska Council on Developmental Disabilities and the Community Advisory board for Munroe-Meyer; and

WHEREAS, Tim Kolb passed away on May 1, 2021.

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

1. That the Legislature recognizes Tim Kolb for his service to Nebraskans with disabilities and the State of Nebraska and expresses its condolences to his family.

2. That a copy of this resolution be sent to his wife, Karen Kolb.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 51.** [ER67](#), found on page 1126, was adopted.

Senator Brewer offered his amendment, [AM1249](#), found on page 1271.

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

Senator Brewer offered his amendment, [AM1292](#), found on page 1288.

The Brewer amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 51A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 572.** [ER29](#), found on page 769, was adopted.

Senator Halloran offered his amendment, [AM813](#), found on page 801.

The Halloran amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Williams offered the Stinner amendment, [AM875](#), found on page 1071.

The Stinner amendment was withdrawn.

Senator Brandt withdrew his amendment, [FA30](#), found on page 1129.

Senator Erdman withdrew his amendment, [AM1154](#), found on page 1167.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 258.** Title read. Considered.

Senator Vargas offered the following amendment:

[AM966](#)

1 1. On page 2, line 24, strike "four or more" and insert "more than  
2 fifty".

**SPEAKER HILGERS PRESIDING**

Senator Vargas moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

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

Voting in the affirmative, 19:

Blood	DeBoer	Lathrop	Morfeld	Wayne
Bostar	Flood	McCollister	Pansing Brooks	Williams
Cavanaugh, J.	Hansen, M.	McDonnell	Vargas	Wishart
Cavanaugh, M.	Hunt	McKinney	Walz	

Voting in the negative, 16:

Albrecht	Clements	Geist	Moser
Arch	Dorn	Halloran	Murman
Brandt	Erdman	Hansen, B.	Sanders
Brewer	Friesen	Lowe	Slama

Present and not voting, 5:

Gragert	Hilgers	Hilkemann	Hughes	Lindstrom
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Excused and not voting, 9:

Aguilar	Briese	Groene	Linehan	Stinner
Bostelman	Day	Kolterman	Pahls	

The Vargas amendment lost with 19 ayes, 16 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Vargas offered the following amendment:

[AM1348](#)

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 Healthy and Safe Families and Workplaces Act.

5 Sec. 2. For purposes of the Healthy and Safe Families and

6 Workplaces Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) Department means the Department of Labor;

9 (3) Domestic abuse means any behavior within an intimate

10 relationship that causes physical, psychological, or emotional harm to

11 those in the relationship, including behavior that causes the employee

12 fear or concern for the employee's own safety or the safety of someone

13 close to the employee or behavior done with the intent to harm or exert

14 control over the employee;

15 (4) Domestic assault means domestic assault in the first, second, or

16 third degree under section 28-323 or any similar crime committed in

17 another state;

18 (5) Employee means any individual employed full-time by an employer

19 who receives compensation from such employer and includes recipients of

20 public benefits who are engaged in work activity as a condition of

21 receiving public assistance. Employee does not include a minor child

22 employed by a parent.

23 (6) Employer includes any individual, partnership, limited liability

24 company, association, corporation, business trust, legal representative,

25 or any organized group of persons employing more than fifty employees at

26 any one time, excluding any employees who work no more than twenty weeks

27 in any calendar year, but does not include the United States, the State

1 of Nebraska, or any political subdivision thereof;

2 (7) Family member means:

3 (a) A biological, adopted, or foster child, a stepchild, or a legal

4 ward of an employee or the employee's spouse or domestic partner

5 regardless of the age or dependency status of such child, stepchild, or

6 legal ward;

7 (b) A person to whom the employee or the employee's spouse or

8 domestic partner stood in loco parentis when such person was a minor

9 child, regardless of the age or dependency status of person;

10 (c) A biological, adoptive, or foster parent, a stepparent, or a

11 legal guardian of an employee or the employee's spouse or domestic

12 partner

13 (d) A person who stood in loco parentis to the employee or the

14 employee's spouse or domestic partner when the employee or the employee's

15 spouse or domestic partner was a minor child;

16 (e) An employee's spouse or domestic partner; or

17 (f) A grandparent, grandchild, or sibling, whether of a biological,

18 foster, adoptive, or step relationship, of the employee or the employee's

19 spouse or domestic partner;

20 (8) Health care professional means any person licensed under federal

21 or state law to provide medical or emergency services, including, but not

22 limited to, doctors, nurses, and emergency room personnel;

23 (9) Sexual assault means sexual assault under section 28-319 or

24 28-320, sexual assault of a child under section 28-319.01 or 28-320.01,

25 sexual assault by use of an electronic communication device under section

26 28-320.02, or any similar crime committed in another state;

27 (10) Sick and safe time means leave time that is uncompensated and

28 available to an employee for the purposes described in section 4 of this

29 act; and

30 (11) Stalking means stalking under section 28-311.03 or any similar

31 crime committed in another state.

1 Sec. 3. (1) Employees shall accrue a minimum of one hour of sick

2 and safe time for every thirty hours worked. Employees shall not accrue

3 more than forty hours of sick and safe time in a calendar year unless the

4 employer selects a higher limit.

5 (2) Employees who are exempt from overtime requirements under 29



6 U.S.C. 213(a)(1) shall be assumed to work forty hours in each work week  
7 for purposes of sick and safe time accrual unless their normal work week  
8 is less than forty hours, in which case sick and safe time accrues based  
9 upon that normal work week.  
10 (3) Sick and safe time accrual shall begin at the commencement of  
11 employment.  
12 (4) Employees shall be entitled to use accrued sick and safe time  
13 beginning on the sixtieth calendar day following commencement of  
14 employment. After the sixtieth calendar day, employees may use sick and  
15 safe time as it is accrued.  
16 (5) Sick and safe time shall be carried over to subsequent calendar  
17 years, except that an employee's use of sick and safe time in each  
18 calendar year shall not exceed forty hours unless the employer selects a  
19 higher limit.  
20 (6) Any employer with a leave policy which makes available an amount  
21 of leave which is sufficient to meet the accrual requirements for sick  
22 and safe time under this section and which may be used for the same  
23 purposes and under the same conditions as sick and safe time under the  
24 Healthy and Safe Families and Workplaces Act is not required to provide  
25 additional sick and safe time.  
26 (7) Nothing in this section shall be construed as requiring  
27 financial or other reimbursement to an employee from an employer upon the  
28 employee's termination, resignation, retirement, or other separation from  
29 employment for accrued sick and safe time that has not been used.  
30 (8) If an employee is transferred to a separate division, entity, or  
31 location, but remains employed by the same employer, the employee shall  
1 be entitled to all sick and safe time accrued at the prior division,  
2 entity, or location and is entitled to use all sick and safe time as  
3 provided in this section. When there is a separation from employment and  
4 the employee is rehired within six months after separation by the same  
5 employer, previously accrued sick and safe time that had not been used  
6 shall be reinstated, and the employee shall be entitled to use accrued  
7 sick and safe time and accrue additional sick and safe time at the  
8 recommencement of employment.  
9 Sec. 4. (1) An employer shall allow an employee to use sick and  
10 safe time for:  
11 (a) An employee's mental or physical illness, injury, or health  
12 condition; an employee's need for medical diagnosis, care, or treatment  
13 of a mental or physical illness, injury, or health condition; or an  
14 employee's need for preventive medical care;  
15 (b) Care of a family member with a mental or physical illness,  
16 injury, or health condition; care of a family member who needs medical  
17 diagnosis, care, or treatment of a mental or physical illness, injury, or  
18 health condition; or care of a family member who needs preventive medical  
19 care; or  
20 (c) Absence necessary due to domestic abuse, domestic assault,  
21 sexual assault, or stalking, regardless of whether a charge has been  
22 filed or a conviction has been obtained, if the leave is to allow the  
23 employee to obtain any of the following for the employee or the  
24 employee's family member:  
25 (i) Medical attention needed to recover from physical or  
26 psychological injury or disability caused by such domestic abuse,  
27 domestic assault, sexual assault, or stalking;  
28 (ii) Services from a victim services organization;  
29 (iii) Psychological or other counseling;  
30 (iv) Relocation due to the domestic abuse, domestic assault, sexual  
31 assault, or stalking; or  
1 (v) Legal services, including preparing for or participating in any  
2 civil or criminal legal proceeding relating to or resulting from the  
3 domestic abuse, domestic assault, sexual assault, or stalking.

4 (2) Sick and safe time shall be provided upon the oral request of an  
5 employee as soon as practicable after the employee is aware of the need  
6 for such sick and safe time. The request shall include the expected  
7 duration of the absence, if reasonably possible.  
8 (3) An employer cannot require, as a condition of an employee's  
9 taking sick and safe time, that the employee search for or find a  
10 replacement worker to cover the hours during which the employee is on  
11 sick and safe time.  
12 (4) Accrued sick and safe time may be used in the smaller of hourly  
13 increments or the smallest increment that the employer's payroll system  
14 uses to account for absences or use of other time.  
15 (5)(a) If the use of sick and safe time exceeds more than three  
16 consecutive workdays, an employer may require reasonable documentation  
17 that the sick and safe time has been used for a purpose described in  
18 subsection (1) of this section.  
19 (b) Documentation signed by a health care professional indicating  
20 that sick time is necessary shall be considered reasonable documentation.  
21 (c) The following documentation shall be considered reasonable  
22 documentation for absences due to domestic abuse, domestic assault,  
23 sexual assault, or stalking:  
24 (i) A police report indicating that the employee or the employee's  
25 family member was a victim of domestic abuse, domestic assault, sexual  
26 assault, or stalking;  
27 (ii) A court order protecting or separating the employee or the  
28 employee's family member from the perpetrator of an act of domestic  
29 abuse, domestic assault, sexual assault, or stalking or other evidence  
30 from the court or prosecuting attorney that the employee or the  
31 employee's family member has appeared in court or is scheduled to appear  
1 in court in a proceeding related to the domestic abuse, domestic assault,  
2 sexual assault, or stalking; or  
3 (iii) Other documentation signed by an advocate as defined in  
4 section 29-4302, an attorney, a police officer, a licensed mental health  
5 professional, a medical professional, a social worker, an anti-violence  
6 counselor, or a member of the clergy affirming that the employee or the  
7 employee's family member is a victim of domestic abuse, domestic assault,  
8 sexual assault, or stalking.  
9 (d) The employee may choose the type of applicable documentation to  
10 submit and the employer shall not require more than one type of  
11 reasonable documentation for the same incident.  
12 (e) An employer shall not require that the documentation explain the  
13 nature of the illness or the details of the domestic abuse, domestic  
14 assault, sexual assault, or stalking.  
15 (f) If required by the employer, the employee shall provide such  
16 reasonable documentation to the employer no later than thirty days after  
17 the first day of the period of time for which the employee is requesting  
18 sick and safe time. The employer shall not delay the commencement of sick  
19 and safe time on the basis that the employer has not yet received the  
20 documentation.  
21 (6) Any information provided to an employer regarding sick and safe  
22 time shall be confidential except to the extent that any disclosure of  
23 such information is:  
24 (a) Requested or consented to in writing by the employee;  
25 (b) Otherwise required by federal or state law; or  
26 (c) Necessary to prevent a clear and definite danger to other  
27 employees.  
28 Sec. 5. (1) It shall be unlawful for an employer or any other  
29 person to interfere with, restrain, or deny the exercise of, or the  
30 attempt to exercise, any right protected under the Healthy and Safe  
31 Families and Workplaces Act.  
1 (2) An employer shall not take retaliatory personnel action or

2 discriminate against an employee because the employee has exercised  
3 rights protected under the act. Such rights include, but are not limited  
4 to, the right to use sick and safe time pursuant to the act, the right to  
5 file a complaint or inform any person about any employer's alleged  
6 violation of the act, the right to cooperate with the department in its  
7 investigations of alleged violations of the act, and the right to inform  
8 any person of potential rights under the act.  
9 (3) It is unlawful for an employer's absence control policy to count  
10 sick and safe time taken under the act as an absence that may lead to or  
11 result in discipline, discharge, demotion, suspension, or any other  
12 adverse action.  
13 (4) The protections of this section shall apply to any person who  
14 mistakenly but in good faith alleges violations of the act.  
15 Sec. 6. Employers shall give notice at the time of hire that  
16 employees are entitled to sick and safe time, the amount of sick and safe  
17 time, the terms of use for sick and safe time guaranteed under the  
18 Healthy and Safe Families and Workplaces Act, that retaliation against  
19 employees who request or use sick and safe time is prohibited, and that  
20 each employee has the right to file a complaint or bring a civil action  
21 if sick and safe time is denied by the employer or the employee is  
22 retaliated against for exercising rights under the act.  
23 Sec. 7. (1) An employee may report to the commissioner any  
24 suspected violation of the Healthy and Safe Families and Workplaces Act.  
25 The commissioner shall encourage reporting pursuant to this subsection by  
26 keeping confidential, to the maximum extent permitted by applicable law,  
27 the name and other identifying information of the employee reporting the  
28 suspected violation, except that with the authorization of such employee,  
29 the commissioner may disclose the employee's name and identifying  
30 information as necessary to enforce the act or for other appropriate  
31 purposes. The commissioner may summon witnesses and require the  
1 production of records, books, and documents for examination in any  
2 investigation conducted by the department pursuant to this section. The  
3 commissioner shall assess an administrative penalty against an employer  
4 when an investigation reveals that the employer violated the act. The  
5 administrative penalty shall be not more than five hundred dollars in the  
6 case of a first violation and not more than five thousand dollars in the  
7 case of a second or subsequent violation. The commissioner shall notify  
8 the employer of the proposed administrative penalty by certified mail or  
9 any other manner of delivery by which the United States Postal Service  
10 can verify delivery. The employer shall have fifteen working days after  
11 the date the commissioner sends notification of the penalty to contest  
12 such penalty. Notice of contest shall be sent to the commissioner who  
13 shall provide a hearing in accordance with the Administrative Procedure  
14 Act.  
15 (2) Any employee aggrieved by a violation of the Health and Safe  
16 Families and Workplaces Act or any entity, a member of which is an  
17 employee aggrieved by a violation of the act, may bring a civil action in  
18 a court of competent jurisdiction against an employer who violates the  
19 act. The action may be brought without first filing an administrative  
20 complaint. Upon prevailing in an action brought pursuant to this  
21 subsection, such employee or entity shall be entitled to appropriate  
22 relief, including temporary or permanent injunctive relief, general and  
23 special damages, and reasonable attorney's fees and costs.  
24 Sec. 8. (1) Nothing in the Healthy and Safe Families and Workplaces  
25 Act shall be construed to discourage or prohibit an employer from the  
26 adoption or retention of a sick and safe time policy that is more  
27 generous than the policy required by the act.  
28 (2) The act provides minimum requirements pertaining to sick and  
29 safe time and shall not be construed to preempt, limit, or otherwise  
30 affect the applicability of any other law, rule, regulation, requirement,

31 policy, contract, or standard that provides for greater accrual or use by  
 1 employees of sick and safe time, whether paid or unpaid, or that extends  
 2 other protections to employees.  
 3 Sec. 9. The department shall administer and enforce the Healthy and  
 4 Safe Families and Workplaces Act and may adopt and promulgate rules and  
 5 regulations to carry out the purposes of the act.  
 6 Sec. 10. If any section in this act or any part of any section is  
 7 declared invalid or unconstitutional, the declaration shall not affect  
 8 the validity or constitutionality of the remaining portions.

Senator Slama moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Hunt requested a roll call vote on the Vargas amendment.

Voting in the affirmative, 18:

Blood	DeBoer	Lathrop	Morfeld	Wayne
Bostar	Flood	McCollister	Pansing Brooks	Wishart
Cavanaugh, J.	Hansen, M.	McDonnell	Vargas	
Cavanaugh, M.	Hunt	McKinney	Walz	

Voting in the negative, 14:

Albrecht	Brewer	Geist	Lowe	Sanders
Arch	Clements	Halloran	Moser	Slama
Brandt	Dorn	Hansen, B.	Murman	

Present and not voting, 6:

Erdman	Hilgers	Lindstrom
Gragert	Hilkemann	Williams

Excused and not voting, 11:

Aguilar	Day	Hughes	Pahls
Bostelman	Friesen	Kolterman	Stinner
Briese	Groene	Linehan	

The Vargas amendment lost with 18 ayes, 14 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen moved for a call of the house. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator Vargas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Blood	DeBoer	McCollister	Pansing Brooks	Wishart
Bostar	Hansen, M.	McDonnell	Vargas	
Cavanaugh, J.	Hunt	McKinney	Walz	
Cavanaugh, M.	Lathrop	Morfeld	Wayne	

Voting in the negative, 20:

Albrecht	Clements	Geist	Hilkemann	Murman
Arch	Dorn	Gragert	Lindstrom	Sanders
Brandt	Erdman	Hansen, B.	Lowe	Slama
Brewer	Flood	Hilgers	Moser	Williams

Excused and not voting, 12:

Aguilar	Day	Halloran	Linehan
Bostelman	Friesen	Hughes	Pahls
Briese	Groene	Kolterman	Stinner

Failed to advance to Enrollment and Review Initial with 17 ayes, 20 nays, and 12 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR114 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR114.

### AMENDMENT(S) - Print in Journal

Senator Bostar filed the following amendment to LB630:

#### AM1261

- 1 1. Strike the original section and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. (1) The State Department of Education shall develop and
- 4 implement a pilot program to study the efficacy of commercial air filters
- 5 in classrooms to remove common pollutants and particulate matter and
- 6 their impact on academic and behavioral performance.
- 7 (2) It is the intent of the Legislature that:
- 8 (a) The pilot program development and implementation be completed in
- 9 consultation with the University of Nebraska;
- 10 (b) The study be two years in duration over school years 2021-22 and
- 11 2022-23;
- 12 (c) The pilot program include fifty participating schools with six
- 13 participating classrooms in each participating school;
- 14 (d) Participating schools voluntarily agree to participate in the
- 15 pilot program;
- 16 (e) Participating classrooms be used to educate students in any

17 grade between, and including, grades 3 through 8;  
 18 (f) No more than fifty percent of participating schools be selected  
 19 from the same school district; and  
 20 (g) Fifty percent of the participating classrooms be randomly  
 21 assigned to the control group.  
 22 (3) Upon conclusion of the pilot program, the department shall  
 23 electronically report the results to the Clerk of the Legislature and to  
 24 the Education Committee of the Legislature.  
 25 (4) The State Board of Education may adopt and promulgate rules and  
 26 regulations to carry out this section.

Senator Flood filed the following amendment to LB595:  
AM811 is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to LB432:  
AM1313

(Amendments to E&R amendments, ER76)

1 1. Strike section 10 and insert the following new section:  
 2 Sec. 12. (1) The Parents of Stillborn Children Assistance Fund is  
 3 created. The fund shall be administered by the Department of Health and  
 4 Human Services and shall be used to make grants to parents of stillborn  
 5 children to reimburse such parents for funeral expenses related to such  
 6 children. The fund shall consist of any funds appropriated by the  
 7 Legislature and revenue received from gifts, bequests, donations, or  
 8 other contributions from public or private sources. Any money in the fund  
 9 available for investment shall be invested by the state investment  
 10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 11 State Funds Investment Act.  
 12 (2) If a fetal death certificate has been filed for a stillborn  
 13 child pursuant to subsection (1) of section 71-606, a parent of such  
 14 child may apply for a grant under this section on a form prescribed by  
 15 the Department of Health and Human Services. The application shall  
 16 include documentation to show the funeral expenses incurred for the  
 17 stillborn child and any other related information required by the  
 18 department.  
 19 (3) If a parent qualifies for a grant under this section, the  
 20 department shall, subject to subsection (5) of this section, approve the  
 21 application and notify the parent of the approval.  
 22 (4) The grant shall be equal to the amount of funeral expenses  
 23 incurred by the parent, not to exceed ten thousand dollars.  
 24 (5) The department shall approve no more than one million five  
 25 hundred thousand dollars of grants per year under this section.  
 26 2. On page 22, line 4, strike "77-2715.07, 77-2716," and insert  
 1 "77-2716".  
 2 3. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hansen, M. name added to LR128.

**ADJOURNMENT**

At 8:09 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Tuesday, May 11, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-SIXTH DAY - MAY 11, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 11, 2021

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Blood.

**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 Hunt who was excused; and Senators Geist, B. Hansen, Lathrop, Pansing Brooks, Sanders, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 147A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 432A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 529A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 649A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 64.** Senator Friesen offered the following amendment:

[AM1359](#) is available in the Bill Room.

Senator Friesen withdrew his amendment.

Senator Stinner offered the following amendment:

[AM1360](#)

(Amendments to Standing Committee amendments, AM473)

- 1 1. On page 8, line 25, after the semicolon insert "and"; in line 27
- 2 strike "and before January 1, 2026,"; in line 28 strike the semicolon and
- 3 insert an underscored period; after line 28 insert the following new
- 4 subdivision:
- 5 "(b) It is the intent of the Legislature to enact legislation within
- 6 five years after the effective date of this act to increase the
- 7 percentage of social security benefits that are excluded under this
- 8 subsection to (i) sixty percent for taxable years beginning or deemed to
- 9 begin on or after January 1, 2026, and before January 1, 2027, under the
- 10 Internal Revenue Code of 1986, as amended, (ii) seventy percent for
- 11 taxable years beginning or deemed to begin on or after January 1, 2027,
- 12 and before January 1, 2028, under the Internal Revenue Code of 1986, as
- 13 amended, (iii) eighty percent for taxable years beginning or deemed to
- 14 begin on or after January 1, 2028, and before January 1, 2029, under the
- 15 Internal Revenue Code of 1986, as amended, (iv) ninety percent for
- 16 taxable years beginning or deemed to begin on or after January 1, 2029,
- 17 and before January 1, 2030, under the Internal Revenue Code of 1986, as
- 18 amended, and (v) one hundred percent for taxable years beginning or
- 19 deemed to begin on or after January 1, 2030, under the Internal Revenue
- 20 Code of 1986, as amended."; and strike lines 29 through 31.
- 21 2. On page 9, strike lines 1 through 12.
- 22 3. Reletter the remaining subdivisions accordingly.

The Stinner amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Lindstrom requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 432.** [ER76](#), found on page 1177, was adopted.

Senator Linehan withdrew her amendment, [AM1080](#), found on page 1134.

Senator Williams offered his amendment, [AM1127](#), found on page 1138.

The Williams amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh offered her amendment, [AM1313](#), found on page 1366.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 5:

Blood          Cavanaugh, J.    Cavanaugh, M.    Hansen, M.    McKinney

Voting in the negative, 23:

Aguilar	Dorn	Groene	Lowe	Slama
Albrecht	Erdman	Halloran	McDonnell	Stinner
Arch	Flood	Hansen, B.	Moser	Williams
Bostelman	Friesen	Hughes	Murman	
Clements	Gragert	Linehan	Sanders	

Present and not voting, 18:

Bostar	DeBoer	Kolterman	Morfeld	Wayne
Brandt	Geist	Lathrop	Pahls	Wishart
Briese	Hilgers	Lindstrom	Pansing Brooks	
Day	Hilkemann	McCollister	Walz	

Excused and not voting, 3:

Brewer          Hunt                  Vargas

The M. Cavanaugh amendment lost with 5 ayes, 23 nays, 18 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Linehan offered the following amendment:

[AM1182](#)

(Amendments to E&R amendments, ER76)

1 1. On page 4, line 18, strike "no later than January 1, 2022".

2 2. On page 5, strike beginning with "Beginning" in line 2 through  
3 "2023" in line 3 and insert "On or before December 1, 2023, and on or  
4 before December 1 of each year thereafter".

The Linehan amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator J. Cavanaugh offered the following amendment:

[AM1346](#)

(Amendments to E&R amendments, ER76)

- 1 1. Strike section 12.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Pending.

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

Government, Military and Veterans Affairs  
Room 1525

Tuesday, May 18, 2021 12:00 p.m.  
LR128

(Signed) Tom Brewer, Chairperson

#### **SELECT FILE**

**LEGISLATIVE BILL 432.** Senator J. Cavanaugh renewed his amendment, [AM1346](#), found in this day's Journal.

Pending.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR130	Executive Board

(Signed) Dan Hughes, Chairperson  
Executive Board

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

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

Senator Hansen, M. name added to LB64.

**RECESS**

At 11:59 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., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, Hilkemann, Morfeld, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**SENATOR WILLIAMS PRESIDING****COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 100.** Placed on Final Reading Second.

**LEGISLATIVE BILL 561.** Placed on Final Reading Second.

(Signed) Terrell McKinney, Chairperson

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

Senator McDonnell filed the following amendment to [LB566](#):

[AM1345](#)

(Amendments to E & R amendments, ER85)

- 1 1. On page 2, line 5, strike "Owns" and insert "Operates"; in line 9
- 2 strike "at least twelve" and insert "multiple"; and in line 27 after
- 3 "begin" insert "or resume".
- 4 2. On page 3, line 11, strike "appropriations" and insert
- 5 "funding"; in line 17 after the second "million" insert "five hundred
- 6 thousand"; and in line 30 after "begin" insert "or resume".
- 7 3. On page 4, line 15, strike "twenty-five" and insert "fifteen";
- 8 in line 16 strike "seventy-five million dollars of" and insert "an
- 9 additional amount of federal funds, subject to the appropriations
- 10 process, up to the amount needed to fully fund all approved grants,
- 11 from"; and in line 20 after "permitted" insert "under section 9901 of the
- 12 American Rescue Plan Act of 2021".

**SELECT FILE**

**LEGISLATIVE BILL 432.** Speaker Hilgers requested to pass over LB432.

**LEGISLATIVE BILL 595.** [ER75](#), found on page 1177, was adopted.

Senator Albrecht offered her amendment, [AM1227](#), found on page 1233.

**SPEAKER HILGERS PRESIDING**

The Albrecht amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Flood withdrew his amendment, [AM1225](#), found on page 1284.

Senator Linehan offered her amendment, [AM1250](#), found on page 1334.

The Linehan amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Flood offered his amendment, [AM811](#), found on page 1366.

Senator Flood withdrew his amendment.

Senator M. Cavanaugh offered the following motion:

[MO64](#)

Bracket until May 20, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**SENATOR WILLIAMS PRESIDING**

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Aguilar	Briese	Groene	Lathrop	Pahls
Albrecht	Clements	Halloran	Lindstrom	Sanders
Arch	Day	Hansen, B.	Linehan	Slama
Blood	Dorn	Hilgers	Lowe	Stinner
Bostar	Erdman	Hilkemann	McCollister	Williams
Bostelman	Friesen	Hughes	McDonnell	
Brandt	Geist	Hunt	Moser	
Brewer	Gragert	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, J.	DeBoer	Hansen, M.	Morfeld	Vargas
Cavanaugh, M.	Flood	McKinney	Pansing Brooks	Walz

Excused and not voting, 2:

Wayne	Wishart
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Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 432.** Senator J. Cavanaugh withdrew his amendment, [AM1346](#), found and considered in this day's Journal.

Senator M. Cavanaugh offered the following amendment:

[FA45](#)

Strike section 10.

The M. Cavanaugh amendment was lost with 8 ayes, 20 nays, 20 present and not voting, and 1 excused and not voting.

Senator McDonnell offered the following amendment:

[AM1370](#)

(Amendments to E&R amendments, ER76)

1 1. Insert the following new sections:

2 Sec. 10. Section 13-520, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 13-520 The limitations in section 13-519 shall not apply to (1)

5 restricted funds budgeted for capital improvements, (2) restricted funds

6 expended from a qualified sinking fund for acquisition or replacement of

7 tangible personal property with a useful life of five years or more, (3)

8 restricted funds pledged to retire bonds as defined in subdivision (1) of

9 section 10-134 and approved according to law, (4) restricted funds used

10 by a public airport to retire interest-free loans from the Division of

11 Aeronautics of the Department of Transportation in lieu of bonded

12 indebtedness at a lower cost to the public airport, (5) restricted funds

13 budgeted in support of a service which is the subject of an agreement or

14 a modification of an existing agreement whether operated by one of the

15 parties to the agreement or by an independent joint entity or joint

16 public agency, (6) restricted funds budgeted to pay for repairs to

17 infrastructure damaged by a natural disaster which is declared a disaster

18 emergency pursuant to the Emergency Management Act, (7) restricted funds

19 budgeted to pay for judgments, except judgments or orders from the

20 Commission of Industrial Relations, obtained against a governmental unit

21 which require or obligate a governmental unit to pay such judgment, to

22 the extent such judgment is not paid by liability insurance coverage of a

23 governmental unit, (8) restricted funds budgeted to pay benefits under

24 the Firefighter Cancer Benefits Act, or (9) ~~(8)~~ the dollar amount by

25 which restricted funds budgeted by a natural resources district to

26 administer and implement ground water management activities and

1 integrated management activities under the Nebraska Ground Water

2 Management and Protection Act exceed its restricted funds budgeted to

3 administer and implement ground water management activities and

4 integrated management activities for FY2003-04.

5 Sec. 14. Section 77-3442, Revised Statutes Cumulative Supplement,

6 2020, is amended to read:

7 77-3442 (1) Property tax levies for the support of local governments

8 for fiscal years beginning on or after July 1, 1998, shall be limited to

9 the amounts set forth in this section except as provided in section

10 77-3444.

11 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this

12 section, school districts and multiple-district school systems may levy a

13 maximum levy of one dollar and five cents per one hundred dollars of

14 taxable valuation of property subject to the levy.

15 (b) For each fiscal year prior to fiscal year 2017-18, learning

16 communities may levy a maximum levy for the general fund budgets of  
17 member school districts of ninety-five cents per one hundred dollars of  
18 taxable valuation of property subject to the levy. The proceeds from the  
19 levy pursuant to this subdivision shall be distributed pursuant to  
20 section 79-1073.

21 (c) Except as provided in subdivision (2)(e) of this section, for  
22 each fiscal year prior to fiscal year 2017-18, school districts that are  
23 members of learning communities may levy for purposes of such districts'  
24 general fund budget and special building funds a maximum combined levy of  
25 the difference of one dollar and five cents on each one hundred dollars  
26 of taxable property subject to the levy minus the learning community levy  
27 pursuant to subdivision (2)(b) of this section for such learning  
28 community.

29 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)  
30 of this section are (i) amounts levied to pay for current and future sums  
31 agreed to be paid by a school district to certificated employees in  
1 exchange for a voluntary termination of employment occurring prior to  
2 September 1, 2017, (ii) amounts levied by a school district otherwise at  
3 the maximum levy pursuant to subdivision (2)(a) of this section to pay  
4 for current and future qualified voluntary termination incentives for  
5 certificated teachers pursuant to subsection (3) of section 79-8,142 that  
6 are not otherwise included in an exclusion pursuant to subdivision (2)(d)  
7 of this section, (iii) amounts levied by a school district otherwise at  
8 the maximum levy pursuant to subdivision (2)(a) of this section to pay  
9 for seventy-five percent of the current and future sums agreed to be paid  
10 to certificated employees in exchange for a voluntary termination of  
11 employment occurring between September 1, 2017, and August 31, 2018, as a  
12 result of a collective-bargaining agreement in force and effect on  
13 September 1, 2017, that are not otherwise included in an exclusion  
14 pursuant to subdivision (2)(d) of this section, (iv) amounts levied by a  
15 school district otherwise at the maximum levy pursuant to subdivision (2)  
16 (a) of this section to pay for fifty percent of the current and future  
17 sums agreed to be paid to certificated employees in exchange for a  
18 voluntary termination of employment occurring between September 1, 2018,  
19 and August 31, 2019, as a result of a collective-bargaining agreement in  
20 force and effect on September 1, 2017, that are not otherwise included in  
21 an exclusion pursuant to subdivision (2)(d) of this section, (v) amounts  
22 levied by a school district otherwise at the maximum levy pursuant to  
23 subdivision (2)(a) of this section to pay for twenty-five percent of the  
24 current and future sums agreed to be paid to certificated employees in  
25 exchange for a voluntary termination of employment occurring between  
26 September 1, 2019, and August 31, 2020, as a result of a collective-  
27 bargaining agreement in force and effect on September 1, 2017, that are  
28 not otherwise included in an exclusion pursuant to subdivision (2)(d) of  
29 this section, (vi) amounts levied in compliance with sections 79-10,110  
30 and 79-10,110.02, and (vii) amounts levied to pay for special building  
31 funds and sinking funds established for projects commenced prior to April  
1 1, 1996, for construction, expansion, or alteration of school district  
2 buildings. For purposes of this subsection, commenced means any action  
3 taken by the school board on the record which commits the board to expend  
4 district funds in planning, constructing, or carrying out the project.

5 (e) Federal aid school districts may exceed the maximum levy  
6 prescribed by subdivision (2)(a) or (2)(c) of this section only to the  
7 extent necessary to qualify to receive federal aid pursuant to Title VIII  
8 of Public Law 103-382, as such title existed on September 1, 2001. For  
9 purposes of this subdivision, federal aid school district means any  
10 school district which receives ten percent or more of the revenue for its  
11 general fund budget from federal government sources pursuant to Title  
12 VIII of Public Law 103-382, as such title existed on September 1, 2001.

13 (f) For each fiscal year, learning communities may levy a maximum



14 levy of one-half cent on each one hundred dollars of taxable property  
15 subject to the levy for elementary learning center facility leases, for  
16 remodeling of leased elementary learning center facilities, and for up to  
17 fifty percent of the estimated cost for focus school or program capital  
18 projects approved by the learning community coordinating council pursuant  
19 to section 79-2111.

20 (g) For each fiscal year, learning communities may levy a maximum  
21 levy of one and one-half cents on each one hundred dollars of taxable  
22 property subject to the levy for early childhood education programs for  
23 children in poverty, for elementary learning center employees, for  
24 contracts with other entities or individuals who are not employees of the  
25 learning community for elementary learning center programs and services,  
26 and for pilot projects, except that no more than ten percent of such levy  
27 may be used for elementary learning center employees.

28 (3) For each fiscal year, community college areas may levy the  
29 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in  
30 accordance with the provisions of such subdivisions. A community college  
31 area may exceed the levy provided in subdivision (2)(b) of section  
1 85-1517 by the amount necessary to retire general obligation bonds  
2 assumed by the community college area or issued pursuant to section  
3 85-1515 according to the terms of such bonds or for any obligation  
4 pursuant to section 85-1535 entered into prior to January 1, 1997.

5 (4)(a) Natural resources districts may levy a maximum levy of four  
6 and one-half cents per one hundred dollars of taxable valuation of  
7 property subject to the levy.

8 (b) Natural resources districts shall also have the power and  
9 authority to levy a tax equal to the dollar amount by which their  
10 restricted funds budgeted to administer and implement ground water  
11 management activities and integrated management activities under the  
12 Nebraska Ground Water Management and Protection Act exceed their  
13 restricted funds budgeted to administer and implement ground water  
14 management activities and integrated management activities for FY2003-04,  
15 not to exceed one cent on each one hundred dollars of taxable valuation  
16 annually on all of the taxable property within the district.

17 (c) In addition, natural resources districts located in a river  
18 basin, subbasin, or reach that has been determined to be fully  
19 appropriated pursuant to section 46-714 or designated as overappropriated  
20 pursuant to section 46-713 by the Department of Natural Resources shall  
21 also have the power and authority to levy a tax equal to the dollar  
22 amount by which their restricted funds budgeted to administer and  
23 implement ground water management activities and integrated management  
24 activities under the Nebraska Ground Water Management and Protection Act  
25 exceed their restricted funds budgeted to administer and implement ground  
26 water management activities and integrated management activities for  
27 FY2005-06, not to exceed three cents on each one hundred dollars of  
28 taxable valuation on all of the taxable property within the district for  
29 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
30 2017-18.

31 (5) Any educational service unit authorized to levy a property tax  
1 pursuant to section 79-1225 may levy a maximum levy of one and one-half  
2 cents per one hundred dollars of taxable valuation of property subject to  
3 the levy.

4 (6)(a) Incorporated cities and villages which are not within the  
5 boundaries of a municipal county may levy a maximum levy of forty-five  
6 cents per one hundred dollars of taxable valuation of property subject to  
7 the levy plus an additional five cents per one hundred dollars of taxable  
8 valuation to provide financing for the municipality's share of revenue  
9 required under an agreement or agreements executed pursuant to the  
10 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
11 levy shall include amounts levied to pay for sums to support a library

12 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
13 community nurse, home health nurse, or home health agency pursuant to  
14 section 71-1637, or statue, memorial, or monument pursuant to section  
15 80-202.

16 (b) Incorporated cities and villages which are within the boundaries  
17 of a municipal county may levy a maximum levy of ninety cents per one  
18 hundred dollars of taxable valuation of property subject to the levy. The  
19 maximum levy shall include amounts paid to a municipal county for county  
20 services, amounts levied to pay for sums to support a library pursuant to  
21 section 51-201, a museum pursuant to section 51-501, a visiting community  
22 nurse, home health nurse, or home health agency pursuant to section  
23 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

24 (7) Sanitary and improvement districts which have been in existence  
25 for more than five years may levy a maximum levy of forty cents per one  
26 hundred dollars of taxable valuation of property subject to the levy, and  
27 sanitary and improvement districts which have been in existence for five  
28 years or less shall not have a maximum levy. Unconsolidated sanitary and  
29 improvement districts which have been in existence for more than five  
30 years and are located in a municipal county may levy a maximum of eighty-  
31 five cents per hundred dollars of taxable valuation of property subject  
1 to the levy.

2 (8) Counties may levy or authorize a maximum levy of fifty cents per  
3 one hundred dollars of taxable valuation of property subject to the levy,  
4 except that five cents per one hundred dollars of taxable valuation of  
5 property subject to the levy may only be levied to provide financing for  
6 the county's share of revenue required under an agreement or agreements  
7 executed pursuant to the Interlocal Cooperation Act or the Joint Public  
8 Agency Act. The maximum levy shall include amounts levied to pay for sums  
9 to support a library pursuant to section 51-201 or museum pursuant to  
10 section 51-501. The county may allocate up to fifteen cents of its  
11 authority to other political subdivisions subject to allocation of  
12 property tax authority under subsection (1) of section 77-3443 and not  
13 specifically covered in this section to levy taxes as authorized by law  
14 which do not collectively exceed fifteen cents per one hundred dollars of  
15 taxable valuation on any parcel or item of taxable property. The county  
16 may allocate to one or more other political subdivisions subject to  
17 allocation of property tax authority by the county under subsection (1)  
18 of section 77-3443 some or all of the county's five cents per one hundred  
19 dollars of valuation authorized for support of an agreement or agreements  
20 to be levied by the political subdivision for the purpose of supporting  
21 that political subdivision's share of revenue required under an agreement  
22 or agreements executed pursuant to the Interlocal Cooperation Act or the  
23 Joint Public Agency Act. If an allocation by a county would cause another  
24 county to exceed its levy authority under this section, the second county  
25 may exceed the levy authority in order to levy the amount allocated.

26 (9) Municipal counties may levy or authorize a maximum levy of one  
27 dollar per one hundred dollars of taxable valuation of property subject  
28 to the levy. The municipal county may allocate levy authority to any  
29 political subdivision or entity subject to allocation under section  
30 77-3443.

31 (10) Beginning July 1, 2016, rural and suburban fire protection  
1 districts may levy a maximum levy of ten and one-half cents per one  
2 hundred dollars of taxable valuation of property subject to the levy if  
3 (a) such district is located in a county that had a levy pursuant to  
4 subsection (8) of this section in the previous year of at least forty  
5 cents per one hundred dollars of taxable valuation of property subject to  
6 the levy or (b) such district had a levy request pursuant to section  
7 77-3443 in any of the three previous years and the county board of the  
8 county in which the greatest portion of the valuation of such district is  
9 located did not authorize any levy authority to such district in such

10 year.

11 (11) A regional metropolitan transit authority may levy a maximum  
12 levy of ten cents per one hundred dollars of taxable valuation of  
13 property subject to the levy for each fiscal year that commences on the  
14 January 1 that follows the effective date of the conversion of the  
15 transit authority established under the Transit Authority Law into the  
16 regional metropolitan transit authority.

17 (12) Property tax levies (a) for judgments, except judgments or  
18 orders from the Commission of Industrial Relations, obtained against a  
19 political subdivision which require or obligate a political subdivision  
20 to pay such judgment, to the extent such judgment is not paid by  
21 liability insurance coverage of a political subdivision, (b) for  
22 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
23 for bonds as defined in section 10-134 approved according to law and  
24 secured by a levy on property except as provided in section 44-4317 for  
25 bonded indebtedness issued by educational service units and school  
26 districts, ~~and~~ (d) for payments by a public airport to retire interest-  
27 free loans from the Division of Aeronautics of the Department of  
28 Transportation in lieu of bonded indebtedness at a lower cost to the  
29 public airport, ~~and~~ (e) to pay for cancer benefits provided on or after  
30 January 1, 2022, pursuant to the Firefighter Cancer Benefits Act are not  
31 included in the levy limits established by this section.

1 (13) The limitations on tax levies provided in this section are to  
2 include all other general or special levies provided by law.  
3 Notwithstanding other provisions of law, the only exceptions to the  
4 limits in this section are those provided by or authorized by sections  
5 77-3442 to 77-3444.

6 (14) Tax levies in excess of the limitations in this section shall  
7 be considered unauthorized levies under section 77-1606 unless approved  
8 under section 77-3444.

9 (15) For purposes of sections 77-3442 to 77-3444, political  
10 subdivision means a political subdivision of this state and a county  
11 agricultural society.

12 (16) For school districts that file a binding resolution on or  
13 before May 9, 2008, with the county assessors, county clerks, and county  
14 treasurers for all counties in which the school district has territory  
15 pursuant to subsection (7) of section 79-458, if the combined levies,  
16 except levies for bonded indebtedness approved by the voters of the  
17 school district and levies for the refinancing of such bonded  
18 indebtedness, are in excess of the greater of (a) one dollar and twenty  
19 cents per one hundred dollars of taxable valuation of property subject to  
20 the levy or (b) the maximum levy authorized by a vote pursuant to section  
21 77-3444, all school district levies, except levies for bonded  
22 indebtedness approved by the voters of the school district and levies for  
23 the refinancing of such bonded indebtedness, shall be considered  
24 unauthorized levies under section 77-1606.

25 Sec. 16. The State Fire Marshal shall create a report regarding  
26 firefighters including the (1) type of department, including fire and  
27 rescue and fire only, (2) number of firefighters, including paid, paid  
28 per call, and unpaid, (3) department classification, including all paid  
29 departments, all volunteer departments, and all combination paid and  
30 volunteer departments, and (4) number of fire stations.

31 2. On page 1, line 26; and page 2, line 1, strike "twelve" and  
1 insert "twenty-four".

2 3. On page 1, line 26, strike "and" and insert an underscored comma;  
3 and in line 27 after "Nebraska" insert ". (3) have been actively engaged  
4 in fire suppression at an actual fire or fire training event, and (4)  
5 wear all available personal protective equipment when fighting any fire,  
6 including a self-contained breathing apparatus when fighting structure  
7 fires".

8 4. On page 4, line 7, strike "subdivisions (1)(a) and (b) and  
 9 subsection" and insert "subsections (1) and"; in line 8 strike "sixty"  
 10 and insert "thirty-six"; in line 9 after the period insert "If a  
 11 firefighter has a physical examination during the thirty-six months of  
 12 eligibility that reveals evidence of cancer, the firefighter shall be  
 13 eligible for benefits under subsections (1) and (2) of section 4 of this  
 14 act even if such benefits are paid after the thirty-six-month eligibility  
 15 period ends."; in line 26 strike "sixty" and insert "thirty-six"; and in  
 16 line 29 before "Any" insert "(1)".  
 17 5. On page 5, after line 6 insert the following new subsection:  
 18 "(2) If the firefighters in a fire department are being provided  
 19 cancer benefits under the Firefighter Cancer Benefits Act, the fire chief  
 20 of such fire department, or his or her designee, shall submit an annual  
 21 report to the governing body of the rural or suburban fire protection  
 22 district, airport authority, city, or village served by such fire  
 23 department listing the total number of fire suppression incidents  
 24 occurring during the most recently completed calendar year. Such report  
 25 shall be submitted on or before February 15, 2023, and on or before  
 26 February 15 of each year thereafter."  
 27 6. Renumber the remaining sections accordingly.  
 28 7. Correct the operative date and repealer sections so that the  
 29 sections added by this amendment become operative on their effective  
 30 date.

The McDonnell amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Linehan offered the following amendment:

[AM1374](#)

(Amendments to E&R amendments, ER76)

1 1. On page 19, line 4, strike "and"; and strike lines 5 through 8  
 2 and insert:  
 3 "(c) For taxable years beginning or deemed to begin on or after  
 4 January 1, 2022, and before January 1, 2023, at a rate equal to 5.58  
 5 percent on the first one hundred thousand dollars of taxable income and  
 6 at the rate of 7.50 percent on all taxable income in excess of one  
 7 hundred thousand dollars; and  
 8 (d) For taxable years beginning or deemed to begin on or after  
 9 January 1, 2023, at a rate equal to 5.58 percent on the first one hundred  
 10 thousand dollars of taxable income and at the rate of 7.25 percent on all  
 11 taxable income in excess of one hundred thousand dollars.  
 12 It is the intent of the Legislature to enact legislation after the  
 13 operative date of this section to lower the tax rate applicable to income  
 14 in excess of one hundred thousand dollars to 7.00 percent for taxable  
 15 years beginning or deemed to begin on or after January 1, 2024, and  
 16 before January 1, 2025, and to 6.84 percent for taxable years beginning  
 17 or deemed to begin on or after January 1, 2025."

The Linehan 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.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 134.** Introduced by Redistricting Committee: Blood, 3; Briese, 41; Lathrop, 12; Morfeld, 46; Wayne, 13.

WHEREAS, redistricting of the various election districts will be considered as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created the Redistricting Committee to administer the 2021 redistricting process; and

WHEREAS, the Redistricting Committee adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2021 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. Population data from the 2020 United States Census will be used for purposes of redistricting.

2. District boundaries established by the Legislature during the 2021 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters, preserve communities of interest, and preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria

under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2021:

UNITED STATES HOUSE OF REPRESENTATIVES

- (a) Three single-member districts.
- (b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.
- (c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, the preservation of communities of interest, and the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

LEGISLATURE

- (a) Forty-nine single-member districts.
- (b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.
- (c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.
- (d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

NEBRASKA SUPREME COURT

- (a) Six single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

BOARD OF REGENTS

- (a) Eight single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

PUBLIC SERVICE COMMISSION

- (a) Five single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

STATE BOARD OF EDUCATION

- (a) Eight single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR134 was referred to the Reference Committee.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR134	Redistricting

(Signed) Dan Hughes, Chairperson  
Executive Board

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 135.** Introduced by Hunt, 8.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to maintain and defend the Constitution of the United States and the Constitution of Nebraska against every act of aggression whether foreign or domestic, including every act of malevolent attack upon the free exercise of the right to vote as protected by the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the Constitution of the United States.

2. That we are greatly alarmed that a factious and contentious spirit has recently manifested itself in our state government, emanating from the majority party in both the legislative and executive branches, with the desire to enlarge their powers by attempting to abridge the free exercise of the right to vote, particularly for minority groups, and infringing upon the execution of free and fair elections. This design appears to have no other end except to consolidate the power of the majority party in Nebraska, the obvious tendency and inevitable consequence of which would be to obliterate completely the rights of underserved populations to participate equitably in elections.

3. That we honor and celebrate the independence of the United States judicial system in its prudent decisions to reject frivolous lawsuits brought by former President of the United States, Donald J. Trump, and his allies, including Nebraska Attorney General, Doug Peterson, alleging voter fraud, of which there is no evidence.

4. That we in particular protest the ominous plan by members of this Legislature to require voter identification, which harks back to the racist practices of poll taxing and literacy tests, and a proposal to erode Nebraska's

long held tradition of allocating its electoral votes in accordance with the will of voters in each congressional district.

5. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in defending the sacred right of all American citizens to vote in free and fair elections.

6. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

**LEGISLATIVE RESOLUTION 136.** Introduced by Brewer, 43; Clements, 2; Erdman, 47; Gragert, 40; Halloran, 33.

**PURPOSE:** The purpose of this interim study is to examine, understand, and evaluate the causes, impacts, and costs of rolling electrical power outages during the extreme weather events of February 2021. The study shall also identify and evaluate the differing effects, if any, of public power district membership in the Southwest Power Pool (SPP) and the costs and benefits of SPP membership.

The study shall include, but not be limited to, an examination of:

(1) The February 2021 rolling power outages to clearly determine the cause, the impact on generation resources, and the necessity to curtail power usage in Nebraska as a result of the event;

(2) The financial impact of rolling power outages on communities, businesses, and residents in Nebraska;

(3) The governing structures, business models, revenue structures and generation diversity of power entities in Nebraska and regional transmission organizations that are available to Nebraska entities;

(4) How transparency, visibility, and public input processes can be improved in SPP decisionmaking and what role Nebraska's rural electrical systems and public power districts play when emergency decisions to shut off electricity are made;

(5) To what degree each public power district and associated regional transmission organizations rely on accredited capacity in Nebraska and by out-of-state members, and to what degree, if any, those accredited capacity sources played a part in the rolling power outages of February 2021;

(6) The effect, if any, changes made by Laws 2016, LB824, had on power generation in the state;



(7) The costs, benefits, risks, and disadvantages of public power participation in regional transmission organizations;

(8) The authority of public power districts within the state of Nebraska to join and enter into agreements with regional transmission organizations such as SPP;

(9) Any weather-induced generation reduction from the extreme cold of February 2021 and what impact it had on energy resources; and

(10) Any alternatives and mitigation measures to avoid rolling power outages in Nebraska in the future, including requirements to develop robust baseload capacity in the regional marketplace and the degree to which it may be helpful to develop micro-grids using advanced nuclear reactor technology in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR135 was referred to the Reference Committee.

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

Executive Board  
Room 1524

Tuesday, May 18, 2021 12:00 p.m.

LR118

LR121

LR130

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications  
Room 1113

Tuesday, May 18, 2021 8:30 a.m.

Alec Gorynski - State Highway Commission

Matthew O'Daniel - Motor Vehicle Industry Licensing Board

Brad Jacobs - Motor Vehicle Industry Licensing Board

Clint Jones - Motor Vehicle Industry Licensing Board

Shane J. Greckel - Nebraska Information Technology Commission  
Daniel Spray - Nebraska Information Technology Commission

(Signed) Curt Friesen, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 630.** Senator Bostar offered his amendment, [AM1261](#), found on page 1365.

The Bostar amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 630A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 306.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 306A.** Advanced to Enrollment and Review for Engrossment.

### AMENDMENT(S) - Print in Journal

Senator Moser filed the following amendment to [LB579](#):

[AM1377](#)

- 1 1. Strike original section 1.
- 2 2. On page 4, line 8, strike "[Heartland Expressway](#)" and insert
- 3 "[expressway system](#)"; and in line 11 strike "and" and after "[letting](#)"
- 4 insert "[and required funding for project completion](#)".
- 5 3. Renumber the remaining sections and correct the repealer
- 6 accordingly.

Senator Brandt filed the following amendment to [LB241](#):

[FA46](#)

Strike the emergency clause.

### GENERAL FILE

**LEGISLATIVE BILL 376.** Title read. Considered.

Committee [AM1307](#), found on page 1328, 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 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 376A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs  
Room 1510

Wednesday, May 19, 2021 12:30 p.m.  
Zachary Cheek - Nebraska Arts Council  
Ann Michelle Dudley - Nebraska Arts Council  
Brenda Davis - Nebraska Arts Council  
Pamela Snow - Nebraska Arts Council  
Sharon Hofschire - Nebraska Arts Council  
Boyd Pedersen - State Electrical Board  
Kurt Griess - State Electrical Board

(Signed) Tom Briese, Chairperson

**SPEAKER HILGERS PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 139.** Title read. Considered.

Committee [AM1293](#), found on page 1312, was offered.

Senator Lathrop offered the following amendment to the committee amendment:

[AM1375](#)

(Amendments to Standing Committee amendments, AM1293)

- 1 1. Strike sections 5 to 9 and insert the following new sections:
- 2 Sec. 5. Sections 5 to 9 of this act shall be known and may be cited
- 3 as the Health Care Crisis Protocol Act.
- 4 Sec. 6. For purposes of the Health Care Crisis Protocol Act, health
- 5 care crisis protocol means the plans and protocols for triage and the
- 6 application of medical services and resources for critically ill patients
- 7 in the event that the demand for medical services and resources exceeds
- 8 supply as a result of a pervasive or catastrophic disaster as provided in
- 9 the Health Care Crisis Protocol for the State of Nebraska published by
- 10 the Nebraska Medical Emergency Operations Center, dated May 10, 2021.
- 11 Sec. 7. The health care crisis protocol may be activated only in
- 12 extraordinary circumstances when the level of demand for medical services
- 13 and resources exceeds the available resources required to deliver the
- 14 generally accepted standard of care and crisis operations will be in
- 15 effect for a sustained period.
- 16 Sec. 8. The health care crisis protocol does not change or alter the
- 17 standard for malpractice or professional negligence for health care
- 18 providers set forth in section 44-2810.
- 19 Sec. 9. (1) Each hospital shall have the health care crisis protocol
- 20 available for inspection by the public.
- 21 (2) The Department of Health and Human Services shall publish a copy

22 of the health care crisis protocol on the department's web site for  
 23 inspection by the public.  
 24 (3) For purposes of this section, hospital means a hospital licensed  
 25 under the Health Care Facility Licensure Act.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Hunt offered the following amendment:

[AM1372](#)

(Amendments to Standing Committee amendments, AM1293)

1 1. 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 Healthy and Safe Families and Workplaces Act.  
 4 Sec. 2. For purposes of the Healthy and Safe Families and  
 5 Workplaces Act:  
 6 (1) Commissioner means the Commissioner of Labor;  
 7 (2) Department means the Department of Labor;  
 8 (3) Domestic abuse means any behavior within an intimate  
 9 relationship that causes physical, psychological, or emotional harm to  
 10 those in the relationship, including behavior that causes the employee  
 11 fear or concern for the employee's own safety or the safety of someone  
 12 close to the employee or behavior done with the intent to harm or exert  
 13 control over the employee;  
 14 (4) Domestic assault means domestic assault in the first, second, or  
 15 third degree under section 28-323 or any similar crime committed in  
 16 another state;  
 17 (5) Employee means any individual employed full-time by an employer  
 18 who receives compensation from such employer and includes recipients of  
 19 public benefits who are engaged in work activity as a condition of  
 20 receiving public assistance. Employee does not include a minor child  
 21 employed by a parent.  
 22 (6) Employer includes any individual, partnership, limited liability  
 23 company, association, corporation, business trust, legal representative,  
 24 or any organized group of persons employing more than fifty employees at  
 25 any one time, excluding any employees who work no more than twenty weeks  
 26 in any calendar year, but does not include the United States, the State  
 1 of Nebraska, or any political subdivision thereof;  
 2 (7) Family member means:  
 3 (a) A biological, adopted, or foster child, a stepchild, or a legal  
 4 ward of an employee or the employee's spouse or domestic partner  
 5 regardless of the age or dependency status of such child, stepchild, or  
 6 legal ward;  
 7 (b) A person to whom the employee or the employee's spouse or  
 8 domestic partner stood in loco parentis when such person was a minor  
 9 child, regardless of the age or dependency status of person;  
 10 (c) A biological, adoptive, or foster parent, a stepparent, or a  
 11 legal guardian of an employee or the employee's spouse or domestic  
 12 partner  
 13 (d) A person who stood in loco parentis to the employee or the  
 14 employee's spouse or domestic partner when the employee or the employee's  
 15 spouse or domestic partner was a minor child;  
 16 (e) An employee's spouse or domestic partner; or  
 17 (f) A grandparent, grandchild, or sibling, whether of a biological,  
 18 foster, adoptive, or step relationship, of the employee or the employee's  
 19 spouse or domestic partner;  
 20 (8) Health care professional means any person licensed under federal  
 21 or state law to provide medical or emergency services, including, but not  
 22 limited to, doctors, nurses, and emergency room personnel;

23 (9) Sexual assault means sexual assault under section 28-319 or  
24 28-320, sexual assault of a child under section 28-319.01 or 28-320.01,  
25 sexual assault by use of an electronic communication device under section  
26 28-320.02, or any similar crime committed in another state;  
27 (10) Sick and safe time means leave time that is uncompensated and  
28 available to an employee for the purposes described in section 4 of this  
29 act; and  
30 (11) Stalking means stalking under section 28-311.03 or any similar  
31 crime committed in another state.  
1 Sec. 3. (1) Employees shall accrue a minimum of one hour of sick  
2 and safe time for every thirty hours worked. Employees shall not accrue  
3 more than forty hours of sick and safe time in a calendar year unless the  
4 employer selects a higher limit.  
5 (2) Employees who are exempt from overtime requirements under 29  
6 U.S.C. 213(a)(1) shall be assumed to work forty hours in each work week  
7 for purposes of sick and safe time accrual unless their normal work week  
8 is less than forty hours, in which case sick and safe time accrues based  
9 upon that normal work week.  
10 (3) Sick and safe time accrual shall begin at the commencement of  
11 employment.  
12 (4) Employees shall be entitled to use accrued sick and safe time  
13 beginning on the sixtieth calendar day following commencement of  
14 employment. After the sixtieth calendar day, employees may use sick and  
15 safe time as it is accrued.  
16 (5) Sick and safe time shall be carried over to subsequent calendar  
17 years, except that an employee's use of sick and safe time in each  
18 calendar year shall not exceed forty hours unless the employer selects a  
19 higher limit.  
20 (6) Any employer with a leave policy which makes available an amount  
21 of leave which is sufficient to meet the accrual requirements for sick  
22 and safe time under this section and which may be used for the same  
23 purposes and under the same conditions as sick and safe time under the  
24 Healthy and Safe Families and Workplaces Act is not required to provide  
25 additional sick and safe time.  
26 (7) Nothing in this section shall be construed as requiring  
27 financial or other reimbursement to an employee from an employer upon the  
28 employee's termination, resignation, retirement, or other separation from  
29 employment for accrued sick and safe time that has not been used.  
30 (8) If an employee is transferred to a separate division, entity, or  
31 location, but remains employed by the same employer, the employee shall  
1 be entitled to all sick and safe time accrued at the prior division,  
2 entity, or location and is entitled to use all sick and safe time as  
3 provided in this section. When there is a separation from employment and  
4 the employee is rehired within six months after separation by the same  
5 employer, previously accrued sick and safe time that had not been used  
6 shall be reinstated, and the employee shall be entitled to use accrued  
7 sick and safe time and accrue additional sick and safe time at the  
8 recommencement of employment.  
9 Sec. 4. (1) An employer shall allow an employee to use sick and  
10 safe time for:  
11 (a) An employee's mental or physical illness, injury, or health  
12 condition; an employee's need for medical diagnosis, care, or treatment  
13 of a mental or physical illness, injury, or health condition; or an  
14 employee's need for preventive medical care;  
15 (b) Care of a family member with a mental or physical illness,  
16 injury, or health condition; care of a family member who needs medical  
17 diagnosis, care, or treatment of a mental or physical illness, injury, or  
18 health condition; or care of a family member who needs preventive medical  
19 care; or  
20 (c) Absence necessary due to domestic abuse, domestic assault,

21 sexual assault, or stalking, regardless of whether a charge has been  
22 filed or a conviction has been obtained, if the leave is to allow the  
23 employee to obtain any of the following for the employee or the  
24 employee's family member:  
25 (i) Medical attention needed to recover from physical or  
26 psychological injury or disability caused by such domestic abuse,  
27 domestic assault, sexual assault, or stalking;  
28 (ii) Services from a victim services organization;  
29 (iii) Psychological or other counseling;  
30 (iv) Relocation due to the domestic abuse, domestic assault, sexual  
31 assault, or stalking; or  
1 (v) Legal services, including preparing for or participating in any  
2 civil or criminal legal proceeding relating to or resulting from the  
3 domestic abuse, domestic assault, sexual assault, or stalking.  
4 (2) Sick and safe time shall be provided upon the oral request of an  
5 employee as soon as practicable after the employee is aware of the need  
6 for such sick and safe time. The request shall include the expected  
7 duration of the absence, if reasonably possible.  
8 (3) An employer cannot require, as a condition of an employee's  
9 taking sick and safe time, that the employee search for or find a  
10 replacement worker to cover the hours during which the employee is on  
11 sick and safe time.  
12 (4) Accrued sick and safe time may be used in the smaller of hourly  
13 increments or the smallest increment that the employer's payroll system  
14 uses to account for absences or use of other time.  
15 (5)(a) If the use of sick and safe time exceeds more than three  
16 consecutive workdays, an employer may require reasonable documentation  
17 that the sick and safe time has been used for a purpose described in  
18 subsection (1) of this section.  
19 (b) Documentation signed by a health care professional indicating  
20 that sick time is necessary shall be considered reasonable documentation.  
21 (c) The following documentation shall be considered reasonable  
22 documentation for absences due to domestic abuse, domestic assault,  
23 sexual assault, or stalking:  
24 (i) A police report indicating that the employee or the employee's  
25 family member was a victim of domestic abuse, domestic assault, sexual  
26 assault, or stalking;  
27 (ii) A court order protecting or separating the employee or the  
28 employee's family member from the perpetrator of an act of domestic  
29 abuse, domestic assault, sexual assault, or stalking or other evidence  
30 from the court or prosecuting attorney that the employee or the  
31 employee's family member has appeared in court or is scheduled to appear  
1 in court in a proceeding related to the domestic abuse, domestic assault,  
2 sexual assault, or stalking; or  
3 (iii) Other documentation signed by an advocate as defined in  
4 section 29-4302, an attorney, a police officer, a licensed mental health  
5 professional, a medical professional, a social worker, an antiviolen  
6 counselor, or a member of the clergy affirming that the employee or the  
7 employee's family member is a victim of domestic abuse, domestic assault,  
8 sexual assault, or stalking.  
9 (d) The employee may choose the type of applicable documentation to  
10 submit and the employer shall not require more than one type of  
11 reasonable documentation for the same incident.  
12 (e) An employer shall not require that the documentation explain the  
13 nature of the illness or the details of the domestic abuse, domestic  
14 assault, sexual assault, or stalking.  
15 (f) If required by the employer, the employee shall provide such  
16 reasonable documentation to the employer no later than thirty days after  
17 the first day of the period of time for which the employee is requesting  
18 sick and safe time. The employer shall not delay the commencement of sick

19 and safe time on the basis that the employer has not yet received the  
20 documentation.

21 (6) Any information provided to an employer regarding sick and safe  
22 time shall be confidential except to the extent that any disclosure of  
23 such information is:

24 (a) Requested or consented to in writing by the employee;

25 (b) Otherwise required by federal or state law; or

26 (c) Necessary to prevent a clear and definite danger to other  
27 employees.

28 Sec. 5. (1) It shall be unlawful for an employer or any other  
29 person to interfere with, restrain, or deny the exercise of, or the  
30 attempt to exercise, any right protected under the Healthy and Safe  
31 Families and Workplaces Act.

1 (2) An employer shall not take retaliatory personnel action or  
2 discriminate against an employee because the employee has exercised  
3 rights protected under the act. Such rights include, but are not limited  
4 to, the right to use sick and safe time pursuant to the act, the right to  
5 file a complaint or inform any person about any employer's alleged  
6 violation of the act, the right to cooperate with the department in its  
7 investigations of alleged violations of the act, and the right to inform  
8 any person of potential rights under the act.

9 (3) It is unlawful for an employer's absence control policy to count  
10 sick and safe time taken under the act as an absence that may lead to or  
11 result in discipline, discharge, demotion, suspension, or any other  
12 adverse action.

13 (4) The protections of this section shall apply to any person who  
14 mistakenly but in good faith alleges violations of the act.

15 Sec. 6. Employers shall give notice at the time of hire that  
16 employees are entitled to sick and safe time, the amount of sick and safe  
17 time, the terms of use for sick and safe time guaranteed under the  
18 Healthy and Safe Families and Workplaces Act, that retaliation against  
19 employees who request or use sick and safe time is prohibited, and that  
20 each employee has the right to file a complaint or bring a civil action  
21 if sick and safe time is denied by the employer or the employee is  
22 retaliated against for exercising rights under the act.

23 Sec. 7. (1) An employee may report to the commissioner any  
24 suspected violation of the Healthy and Safe Families and Workplaces Act.  
25 The commissioner shall encourage reporting pursuant to this subsection by  
26 keeping confidential, to the maximum extent permitted by applicable law,  
27 the name and other identifying information of the employee reporting the  
28 suspected violation, except that with the authorization of such employee,  
29 the commissioner may disclose the employee's name and identifying  
30 information as necessary to enforce the act or for other appropriate  
31 purposes. The commissioner may summon witnesses and require the  
1 production of records, books, and documents for examination in any  
2 investigation conducted by the department pursuant to this section. The  
3 commissioner shall assess an administrative penalty against an employer  
4 when an investigation reveals that the employer violated the act. The  
5 administrative penalty shall be not more than five hundred dollars in the  
6 case of a first violation and not more than five thousand dollars in the  
7 case of a second or subsequent violation. The commissioner shall notify  
8 the employer of the proposed administrative penalty by certified mail or  
9 any other manner of delivery by which the United States Postal Service  
10 can verify delivery. The employer shall have fifteen working days after  
11 the date the commissioner sends notification of the penalty to contest  
12 such penalty. Notice of contest shall be sent to the commissioner who  
13 shall provide a hearing in accordance with the Administrative Procedure  
14 Act.

15 (2) Any employee aggrieved by a violation of the Health and Safe  
16 Families and Workplaces Act or any entity, a member of which is an

17 employee aggrieved by a violation of the act, may bring a civil action in  
 18 a court of competent jurisdiction against an employer who violates the  
 19 act. The action may be brought without first filing an administrative  
 20 complaint. Upon prevailing in an action brought pursuant to this  
 21 subsection, such employee or entity shall be entitled to appropriate  
 22 relief, including temporary or permanent injunctive relief, general and  
 23 special damages, and reasonable attorney's fees and costs.  
 24 Sec. 8. (1) Nothing in the Healthy and Safe Families and Workplaces  
 25 Act shall be construed to discourage or prohibit an employer from the  
 26 adoption or retention of a sick and safe time policy that is more  
 27 generous than the policy required by the act.  
 28 (2) The act provides minimum requirements pertaining to sick and  
 29 safe time and shall not be construed to preempt, limit, or otherwise  
 30 affect the applicability of any other law, rule, regulation, requirement,  
 31 policy, contract, or standard that provides for greater accrual or use by  
 1 employees of sick and safe time, whether paid or unpaid, or that extends  
 2 other protections to employees.  
 3 Sec. 9. The department shall administer and enforce the Healthy and  
 4 Safe Families and Workplaces Act and may adopt and promulgate rules and  
 5 regulations to carry out the purposes of the act.  
 6 Sec. 19. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become  
 7 operative three calendar months after the adjournment of this legislative  
 8 session. The other sections of this act become operative on their  
 9 effective date.  
 10 Sec. 20. If any section in this act or any part of any section is  
 11 declared invalid or unconstitutional, the declaration shall not affect  
 12 the validity or constitutionality of the remaining portions.  
 13 2. On page 1, line 3, strike "1 to 4" and insert "10 to 13".  
 14 3. On page 2, line 6, strike "effective date of this act" and insert  
 15 "operative date of this section"; and in line 22 strike "5 to 9" and  
 16 insert "14 to 18".  
 17 4. Renumber the remaining sections accordingly.

Senator Slama requested a ruling of the Chair on whether the Hunt amendment is germane to the bill.

The Chair ruled that the Hunt amendment is not germane to the bill.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 54.** Title read. Considered.

Committee [AM1268](#), found on page 1311, was offered.

#### **SENATOR WILLIAMS PRESIDING**

Senator Lathrop moved for a call of the house. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Lathrop requested a roll call vote, in reverse order, on the committee amendment.



Voting in the affirmative, 33:

Blood	Day	Hilgers	McCollister	Stinner
Bostar	DeBoer	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hunt	McKinney	Walz
Brandt	Geist	Kolterman	Morfeld	Williams
Briese	Gragert	Lathrop	Moser	Wishart
Cavanaugh, J.	Hansen, B.	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Linehan	Slama	

Voting in the negative, 1:

Erdman

Present and not voting, 11:

Aguilar	Clements	Groene	Murman
Albrecht	Dorn	Halloran	Sanders
Brewer	Friesen	Lowe	

Excused and not voting, 4:

Arch	Hughes	Pahls	Wayne
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The committee amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Lathrop moved for a call of the house. The motion prevailed with 36 ayes, 5 nays, and 4 not voting.

Senator Lathrop requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Blood	Day	Hunt	McCollister	Stinner
Bostar	DeBoer	Kolterman	McDonnell	Vargas
Brandt	Flood	Lathrop	McKinney	Walz
Cavanaugh, J.	Hansen, M.	Lindstrom	Morfeld	Williams
Cavanaugh, M.	Hilkemann	Linehan	Pansing Brooks	Wishart

Voting in the negative, 13:

Albrecht	Erdman	Halloran	Lowe	Slama
Bostelman	Geist	Hansen, B.	Moser	
Clements	Groene	Hilgers	Murman	

Present and not voting, 7:

Aguilar	Briese	Friesen	Sanders
Brewer	Dorn	Gragert	

Excused and not voting, 4:

Arch	Hughes	Pahls	Wayne
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Advanced to Enrollment and Review Initial with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB236:

AM1388

(Amendments to Standing Committee amendments, AM438)

- 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 sections:
- 4 Section 1. Section 28-1202, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 28-1202 (1)(a) Except as otherwise provided in this section, any
- 7 person who carries a weapon or weapons concealed on or about his or her
- 8 person, such as a handgun, a knife, brass or iron knuckles, or any other
- 9 deadly weapon, commits the offense of carrying a concealed weapon.
- 10 (b) It is an affirmative defense that the defendant was engaged in
- 11 any lawful business, calling, or employment at the time he or she was
- 12 carrying any weapon or weapons and the circumstances in which such person
- 13 was placed at the time were such as to justify a prudent person in
- 14 carrying the weapon or weapons for the defense of his or her person,
- 15 property, or family.
- 16 (2) This section does not apply to a person who is the holder of a
- 17 valid permit issued under the Concealed Handgun Permit Act if the
- 18 concealed weapon the defendant is carrying is a handgun.
- 19 (3)(a) This section does not apply to storing or transporting a
- 20 firearm in a motor vehicle for any lawful purpose or to transporting a
- 21 firearm directly to or from a motor vehicle to or from any place where
- 22 such firearm may be lawfully possessed or carried by such person, if such
- 23 firearm is unloaded, kept separate from ammunition, and enclosed in a
- 24 case. This subsection shall not apply to any person prohibited by state
- 25 or federal law from possessing, carrying, transporting, shipping, or
- 26 receiving a firearm.
- 1 (b) For purposes of this subsection, case means (i) a hard-sided or
- 2 soft-sided box, container, or receptacle intended or designed for the
- 3 primary purpose of storing or transporting a firearm or (ii) the firearm
- 4 manufacturer's original packaging.
- 5 (4) ~~(3)~~ Carrying a concealed weapon is a Class I misdemeanor.

6 (5) (4) In the case of a second or subsequent conviction under this  
7 section, carrying a concealed weapon is a Class IV felony.  
8 Sec. 2. Section 69-2436, Reissue Revised Statutes of Nebraska, is  
9 amended to read:  
10 69-2436 (1) A permit to carry a concealed handgun is valid  
11 throughout the state for a period of five years after the date of  
12 issuance. The fee for issuing a permit is one hundred dollars.  
13 (2) The Nebraska State Patrol shall renew a ~~permitholder's person's~~  
14 permit to carry a concealed handgun for a renewal period of five years,  
15 subject to continuing compliance with the requirements of section  
16 69-2433, except as provided in subsection (4) of section 69-2443. The  
17 renewal fee is fifty dollars, and renewal may be applied for ~~no earlier~~  
18 ~~than up to~~ four months before expiration of ~~the~~ a permit ~~and no later~~  
19 ~~than thirty business days after the date of expiration of the permit to~~  
20 ~~carry a concealed handgun. At least four months before expiration of a~~  
21 ~~permit to carry a concealed handgun, the Nebraska State Patrol shall send~~  
22 ~~to the permitholder by United States mail or electronically notice of~~  
23 ~~expiration of the permit.~~  
24 (3) The applicant shall submit the fee with the application to the  
25 Nebraska State Patrol. The fee shall be remitted to the State Treasurer  
26 for credit to the Nebraska State Patrol Cash Fund.  
27 (4) ~~On or before June 30, 2007, the Nebraska State Patrol shall~~  
28 ~~journal entry, as necessary, all current fiscal year expenses and~~  
29 ~~revenue, including investment income, from the Public Safety Cash Fund~~  
30 ~~under the Concealed Handgun Permit Act and recode them against the~~  
31 ~~Nebraska State Patrol Cash Fund and its program appropriation.~~  
1 Sec. 3. Original sections 28-1202 and 69-2436, Reissue Revised  
2 Statutes of Nebraska, are repealed.

Senator B. Hansen filed the following amendment to LB241:

[FA47](#)

Amend AM1330.

On page 1, line 2, strike "and in line 20 strike "(9)" and insert "(8)".

Senator Hunt filed the following amendment to LR107:

[AM1380](#)

1 1. Strike the original provisions and insert the following new  
2 provisions:  
3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
5 1. That we hereby reaffirm our solemn oaths of office by expressing  
6 a firm resolution to defend the United States Capitol, the sacred symbol  
7 of our democracy, against every act of sedition and insurrection, whether  
8 from citizens of the United States or their elected officials.  
9 2. That we are greatly alarmed that a factious and treasonous spirit  
10 manifested on January 6, 2021, in a violent attack on the United States  
11 Capitol in Washington, D.C., and that such insurrection was spurred by  
12 influences emanating from some members of the United States Congress and  
13 former President of the United States, Donald J. Trump, with a desire to  
14 sow discord among the citizenry and to destroy the outcome of the free  
15 and fair election that resulted in the election of President Joseph R.  
16 Biden.  
17 3. That we further protest against the actions of the mob of  
18 citizens who committed countless criminal acts resulting in incalculable  
19 property damage; caused physical injuries to many, including brave first  
20 responders; and brought about tragic loss of life, including an officer  
21 of the United States Capitol Police. We also protest the words of elected  
22 officials in the state legislatures and the United States Congress which  
23 sought to incite such mob.

24 4. That we express distress at the knowledge that this insurrection  
 25 was fueled by lies and misinformation and an official abuse of power by  
 26 some local, state, and federal leaders, including Nebraska's Attorney  
 27 General, Nebraska's Secretary of State, and Nebraska's Governor, who used  
 1 the powers and privileges of their offices, granted by the people  
 2 themselves, as well as state resources, to file frivolous partisan  
 3 lawsuits designed to usurp the democratic process.  
 4 5. That the Legislature requests cooperation from the Governor of  
 5 Nebraska, the Nebraska Attorney General, the President of the United  
 6 States, the President pro tempore of the United States Senate, the  
 7 Secretary of the United States Senate, the Speaker of the United States  
 8 House of Representatives, the Clerk of the United States House of  
 9 Representatives, and the presiding officers of each of the legislative  
 10 houses in the several states in defending the United States Capitol  
 11 Building and our democratic election process.  
 12 6. That the Clerk of the Legislature shall transmit copies of this  
 13 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
 14 the President of the United States, the President pro tempore of the  
 15 Senate, the Secretary of the United States Senate, the Speaker of the  
 16 United States House of Representatives, the Clerk of the United States  
 17 House of Representatives, and to the presiding officers of each of the  
 18 legislative houses in the several states.

Senator Hunt filed the following amendment to [LR107](#):  
[AM1381](#)

1 1. Strike the original provisions and insert the following new  
 2 provisions:  
 3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
 4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
 5 1. That we hereby reaffirm our solemn oaths of office by expressing  
 6 a firm resolution to maintain and defend the right to safe and legal  
 7 abortion, as recognized and affirmed as a fundamental constitutional  
 8 right by the Supreme Court of the United States in *Roe v. Wade*.  
 9 2. That we find medication abortion to be a safe medical procedure,  
 10 and a two-dose regimen of the medications mifepristone and misoprostol is  
 11 a common way to induce abortion in early pregnancy with very low  
 12 potential for risk, that most Nebraskans live in a county with no  
 13 abortion provider, and that appointments for medication abortion can be  
 14 difficult to access for low-income rural patients or those working  
 15 multiple jobs.  
 16 3. That we strongly affirm the decision of the United States Food  
 17 and Drug Administration to issue a temporary policy which allows  
 18 mifepristone to be prescribed via telemedicine and received by mail for a  
 19 patient living in a state that does not have unnecessary restrictions on  
 20 abortion care.  
 21 4. That we acknowledge that the elimination of an unnecessary in-  
 22 person requirement for a patient to swallow abortion medication in the  
 23 presence of a physician will reduce the risk of COVID-19 exposure and  
 24 infection, that restrictions that cause delays in a patient's ability to  
 25 access abortion care contribute to higher levels of risk in more invasive  
 26 medical procedures, that the requirement to receive a medication abortion  
 27 in the presence of a physician constitutes an undue burden on a patient  
 1 seeking a medication abortion, and that such matters should be assessed  
 2 on the basis of science and evidence rather than religious doctrine.  
 3 5. That we affirm the sacred patient-doctor relationship and a  
 4 constitutional right to the liberty to decide what, if any, procedure is  
 5 necessary for the health of an individual or that person's family. We  
 6 explicitly reject the idea of policies that would restrain a patient's  
 7 right to access safe and legal abortion care.  
 8 6. That the Legislature requests cooperation from the Governor of

9 Nebraska, the Nebraska Attorney General, the President of the United  
10 States, the President pro tempore of the United States Senate, the  
11 Secretary of the United States Senate, the Speaker of the United States  
12 House of Representatives, the Clerk of the United States House of  
13 Representatives, and the presiding officers of each of the legislative  
14 houses in the several states in defending the Constitution of the United  
15 States, the Constitution of Nebraska, and the people of Nebraska against  
16 attacks on their right to reproductive healthcare.  
17 7. That the Clerk of the Legislature shall transmit copies of this  
18 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
19 the President of the United States, the President pro tempore of the  
20 Senate, the Secretary of the United States Senate, the Speaker of the  
21 United States House of Representatives, the Clerk of the United States  
22 House of Representatives, and to the presiding officers of each of the  
23 legislative houses in the several states.

Senator Hunt filed the following amendment to [LR107](#):  
[AM1382](#)

1 1. Strike the original provisions and insert the following new  
2 provisions:  
3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
5 1. That we hereby reaffirm our solemn oaths of office by expressing  
6 a firm resolution to maintain and defend the American people and the  
7 right of all Nebraskans to an urgent, robust, and professional response  
8 to the public health and attendant economic crises caused by the COVID-19  
9 pandemic.  
10 2. That we are greatly alarmed that a factious and contentious  
11 spirit manifested itself in some former and current members of the state  
12 and federal governments during the coronavirus emergency of 2019 and  
13 2020, emanating both from the legislative and executive branches, with  
14 the desire to obstruct the dissemination of scientific evidence regarding  
15 the severity of the COVID-19 pandemic and methods for its mitigation.  
16 This design appears to have no other end except to signal an adherence to  
17 principles of personal liberty without regard for one's fellow human  
18 beings, the obvious tendency and inevitable consequence of which would be  
19 to contribute to hundreds of thousands of preventable deaths in the  
20 several states.  
21 3. That we extend our appreciation to the membership of the current  
22 federal executive and legislative branches for decisive action taken to  
23 produce pandemic relief policies, which are grounded in best practices in  
24 science, medicine, and public health and promote common purpose, trust,  
25 transparency, and accountability.  
26 4. That we express appreciation for the efforts of Nebraska's  
27 mayors, city councils, public health workers and officials, and other  
1 local government workers who adhered to scientific best practices in  
2 implementing mask requirements and safety measures designed to protect  
3 our citizenry. We similarly appreciate the efforts of the University of  
4 Nebraska Medical Center and all frontline healthcare workers who placed  
5 themselves at extraordinary risk in serving the public during the  
6 COVID-19 pandemic.  
7 5. That we celebrate the widespread accessibility of the COVID-19  
8 vaccination available to Americans at no cost and acknowledge that  
9 society has reached this remarkable achievement as a result of the  
10 diligent and sometimes thankless work of the scientists, doctors, and  
11 frontline workers, each of whom played a vital role in reaching this  
12 point.  
13 6. That the Legislature requests cooperation from the Governor of  
14 Nebraska, the Nebraska Attorney General, the President of the United  
15 States, the President pro tempore of the United States Senate, the

16 Secretary of the United States Senate, the Speaker of the United States  
 17 House of Representatives, the Clerk of the United States House of  
 18 Representatives, and the presiding officers of each of the legislative  
 19 houses in the several states in defending the Constitution of the United  
 20 States, the several states, and the American people against future  
 21 pandemics.  
 22 7. That the Clerk of the Legislature shall transmit copies of this  
 23 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
 24 the President of the United States, the President pro tempore of the  
 25 Senate, the Secretary of the United States Senate, the Speaker of the  
 26 United States House of Representatives, the Clerk of the United States  
 27 House of Representatives, and to the presiding officers of each of the  
 28 legislative houses in the several states.

Senator Hunt filed the following amendment to [LR107](#):  
[AM1383](#)

1 1. Strike the original provisions and insert the following new  
 2 provisions:  
 3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
 4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
 5 1. That we hereby reaffirm our solemn oaths of office by expressing  
 6 a firm resolution to maintain and defend the Constitution of the United  
 7 States and the Constitution of Nebraska against every act of aggression  
 8 whether foreign or domestic, including every act of malevolent attack  
 9 upon the free exercise of the right to vote as protected by the  
 10 Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the Constitution of  
 11 the United States.  
 12 2. That we are greatly alarmed that a factious and contentious  
 13 spirit has recently manifested itself in our state government, emanating  
 14 from the majority party in both the legislative and executive branches,  
 15 with the desire to enlarge their powers by attempting to abridge the free  
 16 exercise of the right to vote, particularly for minority groups, and  
 17 infringing upon the execution of free and fair elections. This design  
 18 appears to have no other end except to consolidate the power of the  
 19 majority party in Nebraska, the obvious tendency and inevitable  
 20 consequence of which would be to obliterate completely the rights of  
 21 underserved populations to participate equitably in elections.  
 22 3. That we honor and celebrate the independence of the United States  
 23 judicial system in its prudent decisions to reject frivolous lawsuits  
 24 brought by former President of the United States, Donald J. Trump, and  
 25 his allies, including Nebraska Attorney General, Doug Peterson, alleging  
 26 voter fraud, of which there is no evidence.  
 27 4. That we in particular protest the ominous plan by members of this  
 1 Legislature to require voter identification, which harks back to the  
 2 racist practices of poll taxing and literacy tests, and a proposal to  
 3 erode Nebraska's long held tradition of allocating its electoral votes in  
 4 accordance with the will of voters in each congressional district.  
 5 5. That the Legislature requests cooperation from the Governor of  
 6 Nebraska, the Nebraska Attorney General, the President of the United  
 7 States, the President pro tempore of the United States Senate, the  
 8 Secretary of the United States Senate, the Speaker of the United States  
 9 House of Representatives, the Clerk of the United States House of  
 10 Representatives, and the presiding officers of each of the legislative  
 11 houses in the several states in defending the sacred right of all  
 12 American citizens to vote in free and fair elections.  
 13 6. That the Clerk of the Legislature shall transmit copies of this  
 14 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
 15 the President of the United States, the President pro tempore of the  
 16 Senate, the Secretary of the United States Senate, the Speaker of the  
 17 United States House of Representatives, the Clerk of the United States

18 House of Representatives, and to the presiding officers of each of the  
19 legislative houses in the several states.

Senator Hunt filed the following amendment to LR107:

AM1384

1 1. Strike the original provisions and insert the following new  
2 provisions:  
3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
5 1. That we hereby reaffirm our solemn oaths of office by expressing  
6 a firm resolution to maintain and defend the viability of our planet and  
7 its natural resources from the urgent existential threat of climate  
8 change and to support legislation that will move Nebraska toward a clean  
9 energy economy.  
10 2. That we are greatly alarmed that a faction of state and federal  
11 legislative leaders have failed to acknowledge the established science of  
12 climate change, higher frequency of extreme weather events, and growing  
13 effects of climate change on the economy of the United States. Further,  
14 this failure by state and federal legislative leaders is a betrayal of  
15 the United States Declaration of Independence, which declares a right to  
16 "life, liberty and the pursuit of happiness", which is contingent upon a  
17 habitable planet and a natural environment capable of sustaining human,  
18 animal, and plant life.  
19 3. That we express distress at the Donald J. Trump presidential  
20 administration's actions to abandon protections for public lands and roll  
21 back Environmental Protection Agency rules.  
22 4. That we are grateful for President Joseph R. Biden's leadership  
23 in swiftly and decisively taking action to revoke the permit for the  
24 dangerous proposed Keystone XL Pipeline construction project, which would  
25 threaten to wreak environmental havoc on its path through Nebraska and  
26 his directives issued to protect air and water quality and public lands  
27 across the nation.  
1 5. That the Legislature requests cooperation from the Governor of  
2 Nebraska, the Nebraska Attorney General, the President of the United  
3 States, the President pro tempore of the United States Senate, the  
4 Secretary of the United States Senate, the Speaker of the United States  
5 House of Representatives, the Clerk of the United States House of  
6 Representatives, and the presiding officers of each of the legislative  
7 houses in the several states in taking decisive action to minimize the  
8 impacts of climate change we are already facing and to prevent further  
9 damage to our planet and ecosystems.  
10 6. That the Clerk of the Legislature shall transmit copies of this  
11 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
12 the President of the United States, the President pro tempore of the  
13 Senate, the Secretary of the United States Senate, the Speaker of the  
14 United States House of Representatives, the Clerk of the United States  
15 House of Representatives, and to the presiding officers of each of the  
16 legislative houses in the several states.

Senator Hunt filed the following amendment to LR107:

AM1385

1 1. Strike the original provisions and insert the following new  
2 provisions:  
3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
4 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
5 1. That we hereby reaffirm our solemn oaths of office by expressing  
6 a firm resolution to maintain and defend the right of every child in  
7 America to have access to nutritious meals, including our full support  
8 for state and federal legislation targeted at addressing childhood

9 hunger.

10 2. That we express distress at Nebraska's outdated, moralistic, and  
 11 unpopular law preventing access to food assistance for people who have  
 12 completed terms of parole, probation, or post-release supervision for a  
 13 past drug conviction. We further recognize that the ban, which only some  
 14 states have adopted, is rooted in systemic racism and the failed War on  
 15 Drugs.

16 3. That we commend the strategy revealed by the federal executive  
 17 branch in the American Families Plan to take decisive action to mitigate  
 18 childhood hunger by providing children and their parents with nutritional  
 19 resources year-round, regardless of whether the children are in the  
 20 classroom. We celebrate the Biden administration's plan to expand the  
 21 Summer Electronic Benefit Transfer for Children Program and make this  
 22 program permanent, expand programs that offer free school meals to all  
 23 children, and institute automatic eligibility for free school meals.

24 4. That we further commend the executive branch for including  
 25 measures in its American Families Plan that would provide much-needed  
 26 assistance to low-income households, including restoring access to the  
 27 Supplemental Nutrition Assistance Program for individuals with certain  
 1 drug convictions, many of whom are parents of children facing food  
 2 insecurity. We recognize that it is the children who stand to benefit  
 3 most as a result of this policy change with regard to their academic  
 4 performance and health outcomes.

5 5. That access to quality food for parents and their children facing  
 6 economic insecurity is a fundamental component of the values expounded in  
 7 the Fifth Amendment to the Constitution of the United States, which  
 8 states that "No person shall be . . . deprived of life, liberty, or  
 9 property, without due process of law . . ." and that the right to be free  
 10 from hunger is inextricable from the right of liberty and the obtainment  
 11 of happiness as enumerated and recognized by the founders of this nation.

12 6. That the Legislature requests cooperation from the Governor of  
 13 Nebraska, the Nebraska Attorney General, the President of the United  
 14 States, the President pro tempore of the United States Senate, the  
 15 Secretary of the United States Senate, the Speaker of the United States  
 16 House of Representatives, the Clerk of the United States House of  
 17 Representatives, and the presiding officers of each of the legislative  
 18 houses in the several states in defending the Constitution of the United  
 19 States, the several states, and the American people in the fight against  
 20 hunger.

21 7. That the Clerk of the Legislature shall transmit copies of this  
 22 resolution to the Governor of Nebraska, the Nebraska Attorney General,  
 23 the President of the United States, the President pro tempore of the  
 24 Senate, the Secretary of the United States Senate, the Speaker of the  
 25 United States House of Representatives, the Clerk of the United States  
 26 House of Representatives, and to the presiding officers of each of the  
 27 legislative houses in the several states.

Senator McDonnell filed the following amendment to LB406:  
AM1386

(Amendments to Standing Committee amendments, AM1092)

1 1. On page 4, after line 11 insert the following new subsection:

2 "(6) The special legislative committee shall terminate on December  
 3 31, 2022."



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 137.** Introduced by Aguilar, 35; Brewer, 43.

**PURPOSE:** The purpose of this interim study is to assess the operations and practices of the Central Nebraska Veterans' Home. The veterans' home is the newest of the four veterans' homes in the state and opened on January 16, 2019, as a skilled nursing facility located in Kearney with two hundred twenty-five beds. The interim study is intended to determine the level of legislative assistance and support required by the veterans' home.

The study shall include, but not be limited to:

1. A statistical analysis of historical occupancy and staffing levels;
2. An analysis of the workforce available to and the current hiring practices of the veterans' home; and
3. The level of communication between the veterans' home and stakeholders in the state and community and, if needed, ways to improve such communication.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**NOTICE OF COMMITTEE HEARING(S)**

Redistricting  
Room 1524

Tuesday, May 18, 2021 8:00 a.m.  
LR134

(Signed) Lou Ann Linehan, Chairperson

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

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

Senator Williams name added to LB236.

Senator Pahls name added to LR128.

Senator Linehan name added to LR134.

**VISITOR(S)**

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

**ADJOURNMENT**

At 6:01 p.m., on a motion by Senator Bostar, the Legislature adjourned until 9:00 a.m., Wednesday, May 12, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-SEVENTH DAY - MAY 12, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 12, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Bostelman.

**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 Bostar, J. Cavanaugh, Day, B. Hansen, M. Hansen, Hunt, McCollister, Stinner, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1359, line 28, strike "was adopted" and insert "lost".  
The Journal for the seventy-fifth day was approved as corrected.

The Journal for the seventy-sixth day was approved.

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

Senator Friesen filed the following amendment to LB64:

[AM1405](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator Friesen filed the following amendment to LB64:

[AM1406](#)

(Amendments to Final Reading copy)

1 1. Strike section 2.

**GENERAL FILE**

**LEGISLATIVE BILL 474.** Title read. Considered.

Committee [AM824](#), found on page 822, was offered.

Senator Slama offered the following motion:

[MO65](#)

Bracket until June 10, 2021.

**SENATOR DEBOER PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 138.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine current and potential future remedies available for incarcerated persons who have property lost, stolen, or damaged during their confinement. Until recently, a tort claims process was available to incarcerated individuals for the purpose of providing a remedy to those in such a situation. However, a 2019 court case impacted this process because it recognized correctional staff as law enforcement officers covered by the exception to the waiver of sovereign immunity contained in subdivision (2) of section 81-8,219 of the Nebraska Revised Statutes. As a result, the tort claims process is only applicable to incarcerated individuals in extremely limited circumstances. Despite this ruling, correctional staff have continued to encourage incarcerated individuals to utilize the tort claims process notwithstanding the apparent futility of following this process in light of the court case.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 90.** Placed on Final Reading.

**LEGISLATIVE BILL 166.** Placed on Final Reading.

**LEGISLATIVE BILL 166A.** Placed on Final Reading.

**LEGISLATIVE BILL 209.** Placed on Final Reading.

**LEGISLATIVE BILL 296.** Placed on Final Reading.

**LEGISLATIVE BILL 313.** Placed on Final Reading.

**LEGISLATIVE BILL 407.** Placed on Final Reading.

[ST20](#)

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

1. On page 4, line 31, "the" has been inserted after "In".

**LEGISLATIVE BILL 521.** Placed on Final Reading.

**LEGISLATIVE BILL 540.** Placed on Final Reading.

[ST24](#)

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

1. On page 5, lines 14 and 27, the comma has been struck and the stricken "or" has been reinstated; in lines 15 and 28 the comma has been struck; and in line 21 the commas have been struck and the stricken "or" has been reinstated.
2. On page 6, line 6, "who is" has been inserted after the first comma; and in line 25 "urges" has been struck, shown as stricken, and "urging" inserted.
3. On page 7, line 1, an underscored comma has been inserted after "amusement".

(Signed) Terrell McKinney, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to [LB64](#):

[AM1407](#) is available in the Bill Room.

Senator Hunt filed the following amendment to [LB496](#):

[AM1312](#)

(Amendments to E&R amendments, ER90)

1 1. Insert the following new sections:

2 Sec. 2. Section 29-4101, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 29-4101 Sections 29-4101 to 29-4115.01 and section 9 of this act

5 shall be known and may be cited as the DNA Identification Information

6 Act.

7 Sec. 9. (1) On or before July 1, 2022, the Attorney General shall

8 contact each law enforcement agency in the state to determine the

9 inventory of backlogged sexual assault forensic evidence collection kits

10 held by each such agency.

11 (2) On or before July 30, 2022, the Attorney General shall issue a

12 report regarding the number of backlogged sexual assault forensic

13 evidence collection kits held by all law enforcement agencies in the

14 state. The report shall contain aggregate data only and shall not contain

15 any personal identifying information. The report shall be made publicly

16 available on the Attorney General's web site and shall be electronically

17 submitted to the Legislature.

18 (3) On or before July 1, 2023, and on or before each July 1

19 thereafter, the Attorney General shall contact each law enforcement

20 agency in the state to determine the percentage of backlogged sexual

21 assault forensic evidence collection kits held by all law enforcement

22 agencies in this state that have been fully processed.

23 (4) On or before July 30, 2023, and on or before each July 30

24 thereafter, the Attorney General shall issue a report regarding the

25 percentage determined under subsection (3) of this section. The report

26 shall contain aggregate data only and shall not contain any personal

1 identifying information. The report shall be made publicly available on

2 the Attorney General's web site and shall be electronically submitted to  
3 the Legislature.

4 (5) If the Attorney General determines that the percentage described  
5 in subsection (3) of this section is ninety percent or higher, the  
6 Attorney General shall issue and submit the next report required by  
7 subsection (4) of this section and shall thereafter discontinue the  
8 survey and reports under this section.

9 (6) Each law enforcement agency shall cooperate with the Attorney  
10 General in carrying out his or her duties under this section.

11 (7) For purposes of this section:

12 (a) Backlogged sexual assault forensic evidence collection kit means  
13 a sexual assault forensic evidence collection kit that:

14 (i) Is in the possession of a law enforcement agency as of January  
15 1, 2021; and

16 (ii) Has not been fully processed;

17 (b) Fully processed means a sexual assault forensic evidence  
18 collection kit:

19 (i) That has been appropriately tested;

20 (ii) For which reasonable efforts have been made to notify any  
21 reasonably identifiable victim of any test results; and

22 (iii) For which testing results have been uploaded to the  
23 appropriate state, local, and federal DNA data bases; and

24 (c) Implementation date means the January 1 next following the date  
25 on which the Attorney General determines that the percentage described in  
26 subsection (3) of this section is ninety percent or higher.

27 2. On page 7, line 8, strike "A" and insert "Beginning on the  
28 implementation date as defined in section 9 of this act, a".

29 3. On page 9, line 9, strike "and 10" and insert "8, 9, and 12"; and  
30 in line 14 after "sections" insert "29-4101,".

31 4. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB496A:

AM1397

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of  
2 "General Fund" and insert "Nebraska Capital Construction Fund".

Senator Hunt filed the following amendment to LB496A:

AM1398

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of  
2 "General Fund" and insert "Property Tax Credit Cash Fund".

Senator Hunt filed the following amendment to LB496A:

AM1399

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of  
2 "General Fund" and insert "Nebraska Law Enforcement Training Center Cash  
3 Fund".

Senator Hunt filed the following amendment to LB496:

AM1409

(Amendments to E&R amendments, ER90)

1 1. On page 7, line 13, after the period insert "The law enforcement  
2 agency arresting or detaining such person shall be responsible for  
3 determining whether the person charged already has a DNA sample available  
4 for use in the State DNA Sample Bank. A sample shall not be obtained  
5 under this subsection until such agency definitively determines that an  
6 earlier sample is not available for use in the State DNA Sample Bank.".

Senator Hunt filed the following amendment to [LB496](#):

[AM1413](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 3, line 11, after the comma insert "from any person who
- 2 holds himself or herself out as a religious leader, priest, clergyperson,
- 3 or minister that works in a teaching, supervisory, or other position of
- 4 authority over children and who interacts directly with such children.".
- 5 2. On page 6, line 2, strike "and" and show as stricken; in line 4
- 6 strike the period, show as stricken, and insert "; and
- 7 (5) Persons who hold themselves out as religious leaders, priests,
- 8 clergypersons, or ministers that work in a teaching, supervisory, or
- 9 other position of authority over children and interact directly with such
- 10 children.".
- 11 3. On page 7, after line 28, insert the following new subsection:
- 12 "(4) On or before May 1, 2022, any person who holds himself or
- 13 himself out as a religious leader, priest, clergyperson, or minister that
- 14 works in a teaching, supervisory, or other position of authority over
- 15 children and who interacts directly with such children and who does not
- 16 have a DNA sample available for use in the State DNA Sample Bank shall,
- 17 at his or her own expense, have a DNA sample collected by the sheriff.";
- 18 and in line 29 strike "(4)" and insert "(5)".
- 19 4. On page 8, line 1, strike "(5)" and insert "(6)"; and in line 16
- 20 after "(3)" insert "or (4)".

Senator Hunt filed the following amendment to [LB496](#):

[AM1411](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 7, line 4, strike "not be released", show as stricken,
- 2 and insert "have a DNA sample collected"; and strike beginning with
- 3 "unless" in line 6 through "collected" in line 7 and show as stricken.

Senator Hunt filed the following amendment to [LB496](#):

[AM1412](#)

(Amendments to E & R amendments, ER90)

- 1 1. On page 9, line 8, after the period insert "In all circumstances
- 2 the costs for requesting, considering, and receiving such expungement
- 3 pursuant to this section shall be assumed by the Nebraska State Patrol
- 4 and a person so applying shall not be responsible or liable for any costs
- 5 associated with a request for expungement.".

Senator Hunt filed the following amendment to [LB496](#):

[AM1414](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 9, after line 8 insert the following new subsection:
- 2 "(4) Any law enforcement officer with a record of allegations,
- 3 investigations, or findings of misconduct related to the performance of
- 4 his or her duties as a law enforcement officer shall not be eligible to
- 5 enforce the provisions of this section.".

Senator Hunt filed the following amendment to [LB496](#):

[AM1410](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 6, strike beginning with the second comma in line 9
- 2 through the comma in line 10 and show as stricken.

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

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

Senator Sanders name added to LR128.

**RECESS**

At 11:59 a.m., on a motion by Senator Hilgers, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bostar, Brandt, Briese, M. Cavanaugh, Day, DeBoer, Dorn, Geist, Groene, Halloran, Hilkemann, Lathrop, and McCollister who were excused until they arrive.

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

Senator Hunt filed the following amendment to [LB496](#):

[AM1408](#)

(Amendments to E & R amendments, ER90)

1 1. On page 7, line 13, after "process" insert "unless obtaining such  
2 sample would be unsafe for the law enforcement officer collecting such  
3 sample or any other person".

**GENERAL FILE**

**LEGISLATIVE BILL 474.** Senator Slama renewed her motion, [MO65](#), found in this day's Journal, to bracket until June 10, 2021.

**PRESIDENT FOLEY PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 139.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to examine the financial health of individuals in Nebraska's workforce over one year into the COVID-19 pandemic.

This study shall include, but not be limited to, an evaluation of:



- (1) Wages across the state and across industries, including, but not limited to, tipped workers, minimum wage workers, and workers with disabilities;
- (2) Whether income earned by Nebraska workers is adequate to afford the cost of living in Nebraska for necessities, such as food and housing;
- (3) The standard benefits available to workers across the state and across industries, including, but not limited to, paid sick leave and paid safe leave, health insurance, and retirement benefits;
- (4) Whether the benefits available to Nebraska workers promotes health, wellness, and long-term financial stability into retirement; and
- (5) Job opportunities available to workers across the state and whether those opportunities align with the types of jobs and benefits that workers are seeking.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 140.** Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine Nebraska's unemployment insurance system. The Department of Labor reported that weekly initial unemployment insurance claims reached a record high in March 2020 and continued to be substantive throughout 2020 and into 2021. Many constituents have shared their stories of the difficulty they experienced applying for unemployment benefits, contacting the Department of Labor, and receiving their full unemployment benefits in a timely manner. While the pandemic was unprecedented, it is important that Nebraskans are able to access the benefits they have earned during an emergency.

This study shall include, but not be limited to, the following:

- (1) An examination of unemployment claim rates during the COVID-19 pandemic and through 2021;
- (2) An examination of the average wait time to receive unemployment benefits starting in March 2020 and continuing each month up to the present;
- (3) The lived experiences of those who applied for unemployment benefits and experienced trouble with receiving such benefits in a timely manner;
- (4) The accessibility to and issues faced by Nebraska's unemployment benefits program during the COVID-19 pandemic; and
- (5) Any potential improvement or changes to Nebraska's unemployment insurance system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 141.** Introduced by DeBoer, 10.

**PURPOSE:** The purpose of this interim study is to create a select interim committee of the Legislature, to be known as the School Finance Study Committee, to conduct an indepth study of the financing of the public elementary and secondary schools in the state. The committee shall consist of eleven members of the Legislature appointed by the Executive Board of the Legislative Council. Members shall include two members of the Education Committee of the Legislature, two members of the Appropriations Committee of the Legislature, two members of the Legislature's Planning Committee, two members of the Revenue Committee of the Legislature, and three at-large members of the Legislature. At least three members shall be appointed from each congressional district. The chairperson of the Education Committee of the Legislature shall be one of the members appointed from such committee and shall serve as the chairperson of the School Finance Study Committee.

The study shall include an examination of the following:

(1) 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 tax;

(2) The option of using a measure of 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) Funding methods for public prekindergarten services;

(6) Funding methods for college-readiness and career-readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;

(7) 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 poverty students and limited English proficiency students;

(8) Methods used by other states to fund public elementary and secondary school infrastructure needs; and

(9) Other issues related to public elementary and secondary school finance as necessary and as determined by the chairperson of the committee.

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

1. That a select interim committee of the Legislature, to be known as the School Finance Study Committee, shall be designated as provided in this resolution 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.

### COMMUNICATION

Received communication to Pete Ricketts, Governor, from Cheryl L. Johnson, Clerk of the U.S. House of Representatives, pursuant to 2a (b), of Title 2 of the United States Code, stating the number of Representatives to which our state is entitled in the United States House of Representatives in the 118th Congress and in each subsequent Congress until a new reapportionment takes effect. (Certificate attached)

### AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to [LB108](#):  
[AM1421](#)

(Amendments to Final Reading copy)

1 1. On page 5, line 18, strike "Until" and insert "To the extent  
2 federal funds are available to the Department of Labor for the SNAP Next  
3 Step Program, until"; strike beginning with "referred" in line 22 through  
4 "enrollment" in line 23 and insert "encouraged to participate"; in line  
5 23 after "Program" insert "administered by the Department of Labor"; and  
6 in line 25 after the period insert "It is the intent of the Legislature  
7 that no General Funds be utilized by the Department of Labor for the  
8 processes outlined in this subdivision (iii).".

Senator M. Cavanaugh filed the following amendment to [LB376A](#):  
[AM1395](#)

1 1. Strike the original section and insert the following new  
2 sections:  
3 Section 1. There is hereby appropriated (1) \$2,408,152 from the  
4 General Fund for FY2021-22 and (2) \$4,816,303 from the General Fund for  
5 FY2022-23 to the Department of Health and Human Services, for Program  
6 424, to aid in carrying out the provisions of Legislative Bill 376, One  
7 Hundred Seventh Legislature, First Session, 2021.  
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 There is included in the appropriation to this program for FY2021-22  
12 \$1,827,500 General Funds for state aid, which shall only be used for such  
13 purpose. There is included in the appropriation to this program for

14 FY2022-23 \$3,655,000 General Funds for state aid, which shall only be  
 15 used for such purpose.  
 16 Sec. 2. There is hereby appropriated (1) \$15,313 from the General  
 17 Fund and \$3,212,499 from federal funds for FY2021-22 and (2) \$71,222 from  
 18 the General Fund and \$6,424,998 from federal funds for FY2022-23 to the  
 19 Department of Health and Human Services, for Program 33, to aid in  
 20 carrying out the provisions of Legislative Bill 376, One Hundred Seventh  
 21 Legislature, First Session, 2021.  
 22 Total expenditures for permanent and temporary salaries and per  
 23 diems from funds appropriated in this section shall not exceed \$769,701  
 24 for FY2021-22 or \$1,539,402 for FY2022-23.  
 25 Sec. 3. There is hereby appropriated (1) \$1,533,896 from the  
 26 General Fund and \$2,033,304 from federal funds for FY2021-22 and (2)  
 27 \$3,067,792 from the General Fund and \$4,066,608 from federal funds for  
 1 FY2022-23 to the Department of Health and Human Services, for Program  
 2 348, to aid in carrying out the provisions of Legislative Bill 376, One  
 3 Hundred Seventh Legislature, First Session, 2021.  
 4 No expenditures for permanent and temporary salaries and per diems  
 5 for state employees shall be made from funds appropriated in this  
 6 section.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 119 and 120 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 119 and 120.

### GENERAL FILE

**LEGISLATIVE BILL 474.** Senator Slama renewed her motion, [MO65](#), found and considered in this day's Journal, to bracket until June 10, 2021.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Senator Slama moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Slama requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 16:

Albrecht	Briese	Geist	Lowe
Arch	Clements	Hilgers	Moser
Bostelman	Erdman	Hughes	Murman
Brewer	Friesen	Linehan	Sanders

Voting in the negative, 27:

Aguilar	Day	Hunt	McKinney	Walz
Blood	DeBoer	Kolterman	Morfeld	Wayne
Bostar	Dorn	Lathrop	Pahls	Wishart
Brandt	Flood	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Hansen, M.	McCollister	Stinner	
Cavanaugh, M.	Hilkemann	McDonnell	Vargas	

Present and not voting, 5:

Gragert	Halloran	Hansen, B.	Slama	Williams
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Excused and not voting, 1:

Groene

The Slama motion to bracket failed with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Slama offered the following motion:

[MO66](#)

Reconsider the vote taken on MO65.

Pending.

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

Senator McDonnell filed the following amendment to [566A](#):

[AM1419](#)

1 1. On page 2, lines 1 and 13, strike "\$25,000,000" and insert  
 2 "\$15,000,000"; strike beginning with the second "and" in line 2 through  
 3 "funds" in line 3; and in line 11 strike "\$24,737,700" and insert  
 4 "\$14,737,700" and strike "and \$75,000,000 Federal Funds".

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 256.** Placed on Final Reading.  
**LEGISLATIVE BILL 317.** Placed on Final Reading.  
**LEGISLATIVE BILL 317A.** Placed on Final Reading.  
**LEGISLATIVE BILL 479.** Placed on Final Reading.  
**LEGISLATIVE BILL 628.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 142.** Introduced by Cavanaugh, M., 6.

**PURPOSE:** The purpose of this study is to determine whether legislation should be enacted to provide for additional supports and further address the issue of maternal depression in Nebraska. The study shall include, but not be limited to, an examination of:

- (1) The rate of depression among mothers in Nebraska;
- (2) The impact of maternal depression on babies, young children, and families;
- (3) The types of screening available for maternal depression;
- (4) The percentage and types of providers offering screening for maternal depression;
- (5) The availability of services for new mothers with a diagnosis of maternal depression; and
- (6) Private and public coverage options available for new mothers to maternal depression screening and necessary services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 143.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this interim study is to examine the mental and behavioral health needs of Nebraskans, assess the current shortages of providers, services, and resources, and determine what is needed to ensure an adequate behavioral health service delivery system.

The issues addressed by this study shall include, but not be limited to:

- (1) The number and location of mental and behavioral health providers in Nebraska;
- (2) Areas of the state where there are specific shortages of mental and behavioral health providers or specific services;
- (3) What educational and residency programs are available to prepare mental and behavioral health providers;
- (4) Ways to recruit and keep mental and behavioral health providers in areas where there are provider and service shortages; and
- (5) The impact of telehealth availability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 144.** Introduced by Hansen, B., 16.

WHEREAS, since 1962, May 15th has been recognized as National Peace Officers Memorial Day and the week in which it falls as National Police week; and

WHEREAS, outstanding individuals serve the State of Nebraska in law enforcement and preserve the rights and security for each Nebraskan; and

WHEREAS, members of Nebraska law enforcement benefit the people by protecting life and property, opposing violence and disorder, and defending the innocent; and

WHEREAS, it is imperative that all citizens realize the importance of law enforcement in our state and rest assured that there are individuals who take action to ensure our safety; and

WHEREAS, the freedoms enjoyed in the United States are unique and upheld by commitment of the individuals who secure them; and

WHEREAS, during the week of May 15th, the fallen officers of Nebraska who felt the weight of the responsibility to maintain our liberty through the upholding of the law will be remembered, along with their families, who now live with the memory of those who have paid the ultimate sacrifice; and

WHEREAS, more specifically, we remember and honor the officers who have fallen or we have lost in Nebraska including: Fort Calhan Police Department City Marshal Albert Suverkrubbe, whose end of watch was December 14, 1932; Cheyenne County Sheriff's Office Deputy Jailer Randy ZoeRay Haddix, whose end of watch was July 9, 2018; Nebraska State Trooper Jerry Louis Smith, Jr., whose end of watch was June 20, 2019; Lincoln Police Department Investigator L. Mario Herrera, whose end of watch was September 7, 2020; Washington County Sheriff's Office Sergeant Guy F. Pensyl, Sr., whose end of watch was August 10, 1996; Nebraska State Patrol Lieutenant Craig A. Loveless, whose end of watch was March 27, 2020 ; Omaha Airport Authority's Sergeant Rick Hillman, whose end of watch was April 12, 2021; and Blair Police Department's retired K-9 Duke, who died February 9, 2021.

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

1. That the Legislature recognizes May 15, 2021, as National Peace Officers Memorial Day and the week of May 15, 2021, as National Police Week.

2. That the Legislature thanks and appreciates Nebraska law enforcement officers past and present for their dedication and service to this state.

3. That copies of this resolution be sent to the families of Marshal Albert Suverkubbe, Deputy Jailer Randy ZoeRay Haddix, State Trooper Jerry Louis Smith, Jr., Investigator L. Mario Herrera, Sergeant Guy F. Pensyl, Sr., Lieutenant Craig A. Loveless, Sergeant Richard Hillman, and to K-9 Officer Travis Lyon.

Laid over.

**LEGISLATIVE RESOLUTION 145.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study the adequacy of current aged and disabled medicaid waiver assisted-living provider rates. Providers of assisted-living services serve an important function in meeting the home and community-based care needs of some of the most vulnerable Nebraskans due to age or disability. To continue providing access, the payment rates for these services must be sufficient to cover the cost of the care and services required by the participants in the aged and disabled medicaid waiver program.

The Department of Health and Human Services established the initial medicaid waiver assisted-living provider rates thirty years ago based on an informal process. No formal rate study has ever been performed and the only rate changes implemented have been the annual provider rate changes approved by the Legislature. It is critical for the Legislature, as well as the providers and consumers, to understand if there are medicaid beneficiaries who do not have access to services and whether it is a result of current provider payment rates. Reports of medicaid waiver program participants having difficulty accessing assisted-living services and specifically living memory care, especially in certain areas of the state, may indicate a concern with provider rate adequacy.

This study shall seek data currently gathered by the Division of Medicaid and Long-Term Care of the Department of Health and Human Services to examine the adequacy of current aged and disabled medicaid waiver assisted-living provider rates and any needed changes, including whether a formal rate study is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.



**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.

John Selmer - Director - Nebraska Department of Transportation

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 474.** Senator Slama renewed her motion, [MO66](#), found in this day's Journal, to reconsider the vote taken on MO65.

**SPEAKER HILGERS PRESIDING**

**SENATOR HUGHES PRESIDING**

**SPEAKER HILGERS PRESIDING**

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

Senator Wishart offered the following motion:

[MO67](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Aguilar	Day	Hansen, M.	McDonnell	Walz
Blood	DeBoer	Hilkemann	McKinney	Wayne
Bostar	Dorn	Hunt	Morfeld	Wishart
Brandt	Gragert	Kolterman	Pahls	
Brewer	Groene	Lathrop	Pansing Brooks	
Cavanaugh, J.	Halloran	Lindstrom	Stinner	
Cavanaugh, M.	Hansen, B.	McCollister	Vargas	

Voting in the negative, 18:

Albrecht	Clements	Geist	Lowe	Slama
Arch	Erdman	Hilgers	Moser	Williams
Bostelman	Flood	Hughes	Murman	
Briese	Friesen	Linehan	Sanders	

The Wishart motion to invoke cloture failed with 31 ayes, 18 nays, and 0 not voting.

The Chair declared the call raised.

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

Senator Flood filed the following amendment to LB474:  
AM1364

(Amendments to Standing Committee amendments, AM824)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 1. Strike original sections 11, 24, and 43 and insert the following
- 3 new sections:
- 4 Sec. 11. Dispensary means the facility operated by the Nebraska
- 5 State Patrol pursuant to section 43 of this act that is permitted to
- 6 acquire, possess, or dispense cannabis, cannabis products, and cannabis
- 7 accessories pursuant to the Medicinal Cannabis Act.
- 8 Sec. 24. Qualifying medical condition means a current diagnosis of
- 9 any of the following conditions:
- 10 (1) Amyotrophic lateral sclerosis;
- 11 (2) Autism with frequent or severe self-injurious or aggressive
- 12 behavior;
- 13 (3) Cancer;
- 14 (4) Crohn's disease or ulcerative colitis;
- 15 (5) Epilepsy or epileptic seizures;
- 16 (6) Glaucoma;
- 17 (7) Hepatitis C that causes moderate to severe nausea or cachexia;
- 18 (8) Human immunodeficiency virus or acquired immune deficiency
- 19 syndrome;
- 20 (9) Huntington's disease;
- 21 (10) Parkinson's disease;
- 22 (11) Post-traumatic stress disorder that has failed all other
- 23 conventional treatments;
- 24 (12) Spinal cord injury or disease with residual neurological
- 25 deficits;
- 26 (13) Terminal illness with a probable life expectancy of under one
- 1 year;
- 2 (14) Tourette's syndrome;
- 3 (15) A serious medical condition, or the treatment of a serious
- 4 medical condition, that causes severe nausea or cachexia;
- 5 (16) Severe and persistent muscle spasms caused by multiple
- 6 sclerosis, spinal cord injury, or muscular dystrophy; or
- 7 (17) Severe or chronic pain lasting longer than six months that is
- 8 not adequately managed, in the opinion of a health care practitioner,
- 9 despite treatment attempts using (a) conventional medications other than
- 10 opioids or opiates or (b) physical interventions.
- 11 Sec. 43. (1) By November 1, 2022, the Nebraska State Patrol shall
- 12 establish a single dispensary for the state. The dispensary shall be
- 13 sited within five hundred feet of a county jail. The dispensary shall
- 14 begin supplying cannabis for medicinal use on or before May 1, 2023.
- 15 (2) The dispensary shall only dispense cannabis, cannabis products,

16 or cannabis accessories to a certified patient, a designated caregiver, a  
17 nonresident patient, or a nonresident caregiver. Prior to dispensing any  
18 cannabis, cannabis products, or cannabis accessories, the dispensary  
19 shall verify that the person requesting such distribution is a certified  
20 patient, a designated caregiver, a nonresident patient, or a nonresident  
21 caregiver using verification procedures prescribed by the department.  
22 (3) Prior to dispensing cannabis, cannabis products, or cannabis  
23 accessories, the dispensary shall:  
24 (a) On a purchaser's first visit, require the purchaser to provide a  
25 full set of fingerprints which shall be submitted to the Federal Bureau  
26 of Investigation for a national criminal history record information  
27 check;  
28 (b) Run a check for outstanding warrants for the purchaser, and, in  
29 the case of a designated caregiver or nonresident caregiver, for the  
30 certified patient or nonresident patient on whose behalf the cannabis,  
31 cannabis products, or cannabis accessories are being purchased; and  
1 (c) Run a check to determine if child support payments are owed by  
2 the purchaser, and, in the case of a designated caregiver or nonresident  
3 caregiver, by the certified patient or nonresident patient on whose  
4 behalf the cannabis, cannabis products, or cannabis accessories are being  
5 purchased.  
6 (4) Prior to dispensing cannabis, cannabis products, or cannabis  
7 accessories, the dispensary shall require the purchaser to display a  
8 government-issued identification document and the following  
9 documentation:  
10 (a) For a certified patient, either:  
11 (i) The certified patient's written certification or a copy of such  
12 written certification; or  
13 (ii) A valid registry verification;  
14 (b) For a designated caregiver, either:  
15 (i) Both (A) the certified patient's written certification or a copy  
16 of such written certification and (B) a copy of any affidavit required by  
17 section 8 or 10 of this act; or  
18 (ii) A valid registry verification; or  
19 (c) For a nonresident patient or nonresident caregiver, the  
20 documentation required by section 16 or 17 of this act.  
21 (5)(a) The dispensary shall contract with or employ at least one  
22 pharmacist who is licensed under the Pharmacy Practice Act and who has  
23 completed at least fifteen hours of continuing education course material  
24 on the medicinal use of cannabis, which has been approved by the  
25 Medicinal Cannabis Board. The pharmacist shall be available to patients  
26 and dispensary staff, in person or by telemedicine, during business hours  
27 to advise and educate patients and to consult about appropriate dosing.  
28 (b) Dispensary staff shall notify certified patients, designated  
29 caregivers, nonresident patients, and nonresident caregivers of the  
30 availability of the pharmacist to provide a consultation at no additional  
31 charge at each sale of cannabis.  
1 (c) The continuing education courses for pharmacists shall include  
2 information on drug interactions, dosages for various cannabis  
3 preparations, counter-indications, and the risks and benefits of  
4 cannabis. Each dispensary staff member who provides cannabis or cannabis  
5 products to a certified patient, a designated caregiver, a nonresident  
6 patient, or a nonresident caregiver shall complete a four-hour cannabis  
7 education course approved by the Medicinal Cannabis Board prior to  
8 providing cannabis to a certified patient, a designated caregiver, a  
9 nonresident patient, or a nonresident caregiver.  
10 (6) The dispensary shall provide a discount of at least ten percent  
11 to each certified patient who has a financial hardship waiver. The  
12 discount may be limited to an allowable amount of cannabis each thirty  
13 days.

14 (7) The dispensary shall not conduct any cultivation, harvesting,  
 15 manufacturing, or processing of cannabis.  
 16 (8) The Nebraska State Patrol, in consultation with the department,  
 17 shall adopt and promulgate rules and regulations setting forth:  
 18 (a) Procedures for the oversight of the dispensary and procedures to  
 19 ensure accurate record keeping; and  
 20 (b) Procedures for the implementation of appropriate security  
 21 measures to deter and prevent the theft of cannabis and unauthorized  
 22 entrance into areas containing cannabis.  
 23 (9) The Nebraska State Patrol shall remit all payments received from  
 24 the operation of the dispensary to the State Treasurer for credit to the  
 25 Medicinal Cannabis Regulation Fund.  
 26 (10) The dispensary shall comply with the Medicinal Cannabis Act and  
 27 rules and regulations adopted and promulgated by the department under the  
 28 act.  
 29 2. On page 16, strike beginning with "who" in line 5 through the  
 30 second "a" in line 6 and insert "shall complete a minimum of eight hours  
 31 of"; in lines 7 and 8 strike "course" and insert "courses"; in line 8  
 1 strike "the eleventh" and insert "a"; strike beginning with "a" in line  
 2 11 through line 12 and insert "at least twenty-five patients,"; in line  
 3 18 strike "eleven or more"; and in line 19 strike "three" and insert  
 4 "eight".  
 5 3. On page 17, strike lines 21 and 22; in line 23 strike "(c)" and  
 6 insert "(b)"; and in line 25 strike "(d)" and insert "(c)".  
 7 4. On page 19, lines 15 and 20, strike "dispensaries" and insert  
 8 "the dispensary"; and strike beginning with "The" in line 30 through line  
 9 31.  
 10 5. On page 20, strike line 1; and in lines 24 and 29 strike  
 11 "dispensaries" and insert "the dispensary".  
 12 6. On page 21, line 19, strike "dispensaries" and insert "the  
 13 dispensary".  
 14 7. On page 25, line 27, strike "a" and insert "the".  
 15 8. On page 26, line 6, strike "dispensaries" and insert "the  
 16 dispensary"; in line 16, strike "a" and insert "the"; strike lines 17  
 17 through 20; in line 21 strike "(b)" and insert "(a)"; and in line 23  
 18 strike "(c)" and insert "(b)".  
 19 9. On page 27, line 4, strike "(d)" and insert "(c)"; in line 8,  
 20 strike "A" and insert "The"; in lines 11, 15, and 17, strike  
 21 "dispensary"; and strike beginning with "If" in line 20 through line 31.  
 22 10. On page 28, strike line 1; in line 2 strike "(3)" and insert  
 23 "(2)"; in line 9 strike "(4)" and insert "(3)"; in line 14 strike "(5)"  
 24 and insert "(4)"; in line 17 strike "(6)" and insert "(5)"; in line 20  
 25 strike "(7)" and insert "(6)"; and in line 22 strike "(8)(a)" and insert  
 26 "(7)(a)".  
 27 11. On page 29, line 16, strike "(9)" and insert "(8)"; and in line  
 28 23 strike "(10)" and insert "(9)".  
 29 12. On page 30, line 31, strike "or" and insert an underscored  
 30 comma.  
 31 13. On page 31, line 2, after "program" insert ", or (c) as  
 1 necessary by the Nebraska State Patrol to operate the dispensary"; in  
 2 line 9 strike "and dispensary staff"; and in line 10 after the period  
 3 insert "This subsection does not apply to the Nebraska State Patrol's  
 4 operations of the dispensary."  
 5 14. On page 33, lines 28 and 30, strike "dispensary".  
 6 15. On page 35, line 6, strike "dispensaries" and insert "the  
 7 dispensary"; in line 15, strike "a"; in line 16 strike "dispensary or";  
 8 in line 17 strike "a dispensary"; in line 26 strike "a dispensary" and  
 9 insert "the dispensary".  
 10 16. On page 36, in lines 23 and 25, strike "dispensary"; and strike  
 11 beginning with "(1)" in line 30 through line 31.

12 17. On page 37, strike line 1; in line 2 strike "(2)(a)" and insert  
 13 "(1)(a)"; in line 9 strike "(3)(a)" and insert "(2)(a)"; in line 18  
 14 strike "(4)" and insert "(3)"; in line 21 strike "(5)" and insert "(4)";  
 15 in line 25 strike "(3)(a)" and insert "(2)(a)"; in line 26 strike "(3)"  
 16 and insert "(2)"; strike beginning with "(e)" in line 27 through "(f)" in  
 17 line 28 and insert "and (e)"; and in line 29 strike "(6)" and insert  
 18 "(5)".  
 19 18. On page 38, line 2 strike "or fees" and insert "fees, and  
 20 payments to dispensaries".  
 21 19. On page 43, line 15, strike "dispensaries" and insert "the  
 22 dispensary".

Senator B. Hansen filed the following amendment to [LB474](#):  
[AM1429](#) is available in the Bill Room.

Senator Lowe filed the following amendment to [LB474](#):  
[FA48](#)  
 Strike the enacting clause.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 146.** Introduced by Geist, 25.

WHEREAS, Elizabeth Funk is an eighth grader at Waverly Middle School and Taylor Root is a freshman at Waverly High School; and

WHEREAS, Elizabeth and Taylor are both members of the Big Red Elite Equestrian Club, coached by Kelsey Ebke, out of Cornerstone Stables in Hickman; and

WHEREAS, Elizabeth and Taylor each qualified for the 2021 Interscholastic Equestrian Association Nationals competition; and

WHEREAS, Elizabeth qualified individually after placing first in future intermediate horsemanship; and

WHEREAS, Taylor qualified after receiving first and third in the varsity intermediate reining category. Taylor will be competing along with her teammates, Caraline Higgins and Makenna Coe of Crete, as a team at nationals; and

WHEREAS, the 2021 Interscholastic Equestrian Association Nationals competition will take place June 28 through July 1, 2021, in Fort Worth, Texas.

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

1. That the Legislature congratulates Elizabeth Funk and Taylor Root on qualifying for the 2021 Interscholastic Equestrian Association Nationals competition and wishes them and their team the best of luck at the competition.

2. That copies of this resolution be sent to Elizabeth Funk and Taylor Root.

Laid over.

**LEGISLATIVE RESOLUTION 147.** Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this interim study is to examine the transfer of state-owned property to local political subdivisions. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the applicable laws, regulations, and policies regarding the sale or transfer of a state-owned right-of-way to a local political subdivision;

(2) A review of policies and exceptions regarding the sale or transfer of real property purchased by the state using federal funds;

(3) An examination of whether a transfer of real property from the state to a local political subdivision at a price below the market value would contribute to economic development and transportation system design; and

(4) Input from stakeholders, including, but not limited to, the Department of Transportation, economic development organizations, and local political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**EASE**

The Legislature was at ease from 6:17 p.m. until 6:47 p.m.

**GENERAL FILE**

**LEGISLATIVE BILL 579.** Title read. Considered.

Senator Moser withdrew his amendments, [AM124](#) and [AM862](#), found on page 572 and 908.

Senator Moser offered his amendment, [AM1377](#), found on page 1386.

**SENATOR WILLIAMS PRESIDING**

The Moser amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

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

Senator Linehan filed the following amendment to [LB64](#):  
[AM1431](#)

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:

2 Section 1. Section 77-2716, Revised Statutes Cumulative Supplement,  
3 2020, is 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  
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) For taxable years beginning or deemed to begin on or after  
31 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
1 federal adjusted gross income shall be reduced, to the extent included in  
2 the adjusted gross income of an individual, by the amount of any  
3 contribution made by the individual's employer into an account under the  
4 Nebraska educational savings plan trust owned by the individual, not to  
5 exceed five thousand dollars per married filing separate return or ten  
6 thousand dollars for any other return.

7 (d) Federal adjusted gross income or, for corporations and  
8 fiduciaries, federal taxable income shall be increased by:

9 (i) The amount resulting from the cancellation of a participation  
10 agreement refunded to the taxpayer as a participant in the Nebraska  
11 educational savings plan trust to the extent previously deducted under  
12 subdivision (8)(b) of this section; and

13 (ii) The amount of any withdrawals by the owner of an account  
14 established under the achieving a better life experience program as  
15 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the  
16 extent previously deducted under subdivision (8)(b) of this section.

17 (9)(a) For income tax returns filed after September 10, 2001, for  
18 taxable years beginning or deemed to begin before January 1, 2006, under  
19 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
20 income or, for corporations and fiduciaries, federal taxable income shall  
21 be increased by eighty-five percent of any amount of any federal bonus  
22 depreciation received under the federal Job Creation and Worker  
23 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
24 under section 168(k) or section 1400L of the Internal Revenue Code of  
25 1986, as amended, for assets placed in service after September 10, 2001,  
26 and before December 31, 2005.

27 (b) For a partnership, limited liability company, cooperative,  
28 including any cooperative exempt from income taxes under section 521 of  
29 the Internal Revenue Code of 1986, as amended, limited cooperative  
30 association, subchapter S corporation, or joint venture, the increase  
31 shall be distributed to the partners, members, shareholders, patrons, or  
1 beneficiaries in the same manner as income is distributed for use against  
2 their income tax liabilities.

3 (c) For a corporation with a unitary business having activity both  
4 inside and outside the state, the increase shall be apportioned to  
5 Nebraska in the same manner as income is apportioned to the state by  
6 section 77-2734.05.

7 (d) The amount of bonus depreciation added to federal adjusted gross  
8 income or, for corporations and fiduciaries, federal taxable income by  
9 this subsection shall be subtracted in a later taxable year. Twenty  
10 percent of the total amount of bonus depreciation added back by this  
11 subsection for tax years beginning or deemed to begin before January 1,  
12 2003, under the Internal Revenue Code of 1986, as amended, may be  
13 subtracted in the first taxable year beginning or deemed to begin on or  
14 after January 1, 2005, under the Internal Revenue Code of 1986, as  
15 amended, and twenty percent in each of the next four following taxable  
16 years. Twenty percent of the total amount of bonus depreciation added  
17 back by this subsection for tax years beginning or deemed to begin on or  
18 after January 1, 2003, may be subtracted in the first taxable year  
19 beginning or deemed to begin on or after January 1, 2006, under the  
20 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
21 the next four following taxable years.

22 (10) For taxable years beginning or deemed to begin on or after  
23 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
24 Code of 1986, as amended, federal adjusted gross income or, for

25 corporations and fiduciaries, federal taxable income shall be increased  
26 by the amount of any capital investment that is expensed under section  
27 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
28 of twenty-five thousand dollars that is allowed under the federal Jobs  
29 and Growth Tax Act of 2003. Twenty percent of the total amount of  
30 expensing added back by this subsection for tax years beginning or deemed  
31 to begin on or after January 1, 2003, may be subtracted in the first  
1 taxable year beginning or deemed to begin on or after January 1, 2006,  
2 under the Internal Revenue Code of 1986, as amended, and twenty percent  
3 in each of the next four following tax years.

4 (11)(a) For taxable years beginning or deemed to begin before  
5 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
6 federal adjusted gross income shall be reduced by contributions, up to  
7 two thousand dollars per married filing jointly return or one thousand  
8 dollars for any other return, and any investment earnings made as a  
9 participant in the Nebraska long-term care savings plan under the Long-  
10 Term Care Savings Plan Act, to the extent not deducted for federal income  
11 tax purposes.

12 (b) For taxable years beginning or deemed to begin before January 1,  
13 2018, under the Internal Revenue Code of 1986, as amended, federal  
14 adjusted gross income shall be increased by the withdrawals made as a  
15 participant in the Nebraska long-term care savings plan under the act by  
16 a person who is not a qualified individual or for any reason other than  
17 transfer of funds to a spouse, long-term care expenses, long-term care  
18 insurance premiums, or death of the participant, including withdrawals  
19 made by reason of cancellation of the participation agreement, to the  
20 extent previously deducted as a contribution or as investment earnings.

21 (12) There shall be added to federal adjusted gross income for  
22 individuals, estates, and trusts any amount taken as a credit for  
23 franchise tax paid by a financial institution under sections 77-3801 to  
24 77-3807 as allowed by subsection (5) of section 77-2715.07.

25 (13)(a) For taxable years beginning or deemed to begin on or after  
26 January 1, 2015, under the Internal Revenue Code of 1986, as amended,  
27 federal adjusted gross income shall be reduced by the amount received as  
28 benefits under the federal Social Security Act which are included in the  
29 federal adjusted gross income if:

30 (i) For taxpayers filing a married filing joint return, federal  
31 adjusted gross income is fifty-eight thousand dollars or less; or

1 (ii) For taxpayers filing any other return, federal adjusted gross  
2 income is forty-three thousand dollars or less.

3 (b) For taxable years beginning or deemed to begin on or after  
4 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the  
5 Tax Commissioner shall adjust the dollar amounts provided in subdivisions  
6 (13)(a)(i) and (ii) of this section by the same percentage used to adjust  
7 individual income tax brackets under subsection (3) of section  
8 77-2715.03.

9 (c) For taxable years beginning or deemed to begin on or after  
10 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a  
11 taxpayer may claim the reduction to federal adjusted gross income allowed  
12 under this subsection or the reduction to federal adjusted gross income  
13 allowed under subsection (14) of this section, whichever provides the  
14 greater reduction.

15 (14)(a) For taxable years beginning or deemed to begin on or after  
16 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
17 federal adjusted gross income shall be reduced by a percentage of the  
18 social security benefits that are received and included in federal  
19 adjusted gross income. The pertinent percentage shall be:

20 (i) Five percent for taxable years beginning or deemed to begin on  
21 or after January 1, 2021, and before January 1, 2022, under the Internal  
22 Revenue Code of 1986, as amended;

23 (ii) Twenty percent for taxable years beginning or deemed to begin  
24 on or after January 1, 2022, and before January 1, 2023, under the  
25 Internal Revenue Code of 1986, as amended;  
26 (iii) Thirty percent for taxable years beginning or deemed to begin  
27 on or after January 1, 2023, and before January 1, 2024, under the  
28 Internal Revenue Code of 1986, as amended;  
29 (iv) Forty percent for taxable years beginning or deemed to begin on  
30 or after January 1, 2024, and before January 1, 2025, under the Internal  
31 Revenue Code of 1986, as amended;  
1 (v) Fifty percent for taxable years beginning or deemed to begin on  
2 or after January 1, 2025, and before January 1, 2026, under the Internal  
3 Revenue Code of 1986, as amended;  
4 (vi) Sixty percent for taxable years beginning or deemed to begin on  
5 or after January 1, 2026, and before January 1, 2027, under the Internal  
6 Revenue Code of 1986, as amended;  
7 (vii) Seventy percent for taxable years beginning or deemed to begin  
8 on or after January 1, 2027, and before January 1, 2028, under the  
9 Internal Revenue Code of 1986, as amended;  
10 (viii) Eighty percent for taxable years beginning or deemed to begin  
11 on or after January 1, 2028, and before January 1, 2029, under the  
12 Internal Revenue Code of 1986, as amended;  
13 (ix) Ninety percent for taxable years beginning or deemed to begin  
14 on or after January 1, 2029, and before January 1, 2030, under the  
15 Internal Revenue Code of 1986, as amended; and  
16 (x) One hundred percent for taxable years beginning or deemed to  
17 begin on or after January 1, 2030, under the Internal Revenue Code of  
18 1986, as amended.  
19 (b) For purposes of this subsection, social security benefits means  
20 benefits received under the federal Social Security Act.  
21 (c) For taxable years beginning or deemed to begin on or after  
22 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a  
23 taxpayer may claim the reduction to federal adjusted gross income allowed  
24 under this subsection or the reduction to federal adjusted gross income  
25 allowed under subsection (13) of this section, whichever provides the  
26 greater reduction.  
27 (d) It is the intent of the Legislature to:  
28 (i) Monitor the projected fiscal impact to the state resulting from  
29 the reductions to federal adjusted gross income allowed to taxpayers  
30 under subdivisions (14)(a)(vi) to (x) of this section; and  
31 (ii) Enact legislation to change subdivisions (14)(a)(vi) to (x) of  
1 this section if the Legislature determines that such changes are  
2 necessary to protect the fiscal soundness of the state.  
3 (15)(a) (44)(a) For taxable years beginning or deemed to begin on or  
4 after January 1, 2015, and before January 1, 2022, under the Internal  
5 Revenue Code of 1986, as amended, an individual may make a one-time  
6 election within two calendar years after the date of his or her  
7 retirement from the military to exclude income received as a military  
8 retirement benefit by the individual to the extent included in federal  
9 adjusted gross income and as provided in this subdivision. The individual  
10 may elect to exclude forty percent of his or her military retirement  
11 benefit income for seven consecutive taxable years beginning with the  
12 year in which the election is made or may elect to exclude fifteen  
13 percent of his or her military retirement benefit income for all taxable  
14 years beginning with the year in which he or she turns sixty-seven years  
15 of age.  
16 (b) For taxable years beginning or deemed to begin on or after  
17 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an  
18 individual may exclude fifty percent of the military retirement benefit  
19 income received by such individual to the extent included in federal  
20 adjusted gross income.

21 (c) For purposes of this subsection, military retirement benefit  
 22 means retirement benefits that are periodic payments attributable to  
 23 service in the uniformed services of the United States for personal  
 24 services performed by an individual prior to his or her retirement.  
 25 (16) (45) For taxable years beginning or deemed to begin on or after  
 26 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
 27 federal adjusted gross income shall be reduced by the amount received as  
 28 a Segal AmeriCorps Education Award, to the extent such amount is included  
 29 in federal adjusted gross income.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 147A.** Placed on Select File.

**LEGISLATIVE BILL 432A.** Placed on Select File.

**LEGISLATIVE BILL 529A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 542.** Title read. Considered.

Committee [AM401](#), found on page 837, was offered.

Speaker Hilgers requested to pass over LB542.

### AMENDMENT(S) - Print in Journal

Senator Murman filed the following amendment to [LB529](#):

[AM1422](#)

(Amendments to Standing Committee amendments, AM495)

1 1. Insert the following new sections:  
 2 Sec. 7. (1) Beginning with school year 2022-23, administrative,  
 3 teaching, and other school personnel may utilize an emergency safety  
 4 intervention as provided in subsection (3) of this section.  
 5 (2) An emergency safety intervention shall be performed in a manner  
 6 that is safe, proportionate, and appropriate to the severity of the  
 7 behavior; the student's chronological and developmental age, size, sex,  
 8 and physical, medical, and psychiatric condition, if known; and the  
 9 student's personal history, including any history of physical or sexual  
 10 abuse, if known. If possible, efforts to de-escalate the situation shall  
 11 occur prior to an emergency safety intervention.  
 12 (3) An emergency safety intervention does not include any physical  
 13 action that is intended to cause bodily pain or to punish a student. An  
 14 emergency safety intervention shall be used only:  
 15 (a) To protect persons from harm or secure property if such action  
 16 may protect a student, school personnel, or other person from imminent  
 17 serious physical injury;  
 18 (b) To ensure the safety of the student or others during an  
 19 emergency safety situation;  
 20 (c) Until the emergency safety situation has ceased and the  
 21 student's safety and the safety of others can be ensured; and  
 22 (d) With the least amount of force necessary to protect the student  
 23 or others from imminent serious physical injury.

24 (4) Each school district shall adopt a policy regarding the use of  
25 an emergency safety intervention pursuant to this section that adheres to  
26 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400  
1 et seq., and section 504 of the Rehabilitation Act of 1973, 29 U.S.C.  
2 794. Such policy shall include training requirements relating to the use  
3 of an emergency safety intervention. The State Department of Education  
4 shall provide a guidance document that school districts may consider when  
5 adopting such policy.  
6 (5) Following the use of an emergency safety intervention, school  
7 personnel shall, as soon as practicable, contact the parent or guardian  
8 of the student and notify such parent or guardian of the use of an  
9 emergency safety intervention.  
10 (6)(a) No administrative, teaching, or other school personnel shall  
11 be subject to professional or administrative discipline for harm caused  
12 by an act or omission by such administrative, teaching, or other school  
13 personnel relating to the use of an emergency safety intervention  
14 pursuant to this section unless the harm was caused by (i) gross  
15 negligence, (ii) a conscious, flagrant indifference to the rights or  
16 safety of the individual who was harmed, or (iii) willful, criminal, or  
17 reckless misconduct, including misconduct (A) that constitutes a crime of  
18 violence, as defined by 18 U.S.C. 16, as such section existed on January  
19 1, 2021, (B) that involves a sexual offense listed in subdivision (1)(a)  
20 (i) of section 29-4003, (C) for which the administrative, teaching, or  
21 other school personnel has been found to have violated a federal or state  
22 civil rights law, or (D) that occurred while the administrative,  
23 teaching, or other school personnel was under the influence of alcoholic  
24 liquor or drugs.  
25 (b) Nothing in this section shall be construed to limit any defense  
26 that may be available under any other provision of law, including, but  
27 not limited to, any defense relating to self-protection or the protection  
28 of others.  
29 (7) For purposes of this section:  
30 (a) Emergency safety intervention means physical intervention  
31 intended to hold a student immobile or limit a student's movement, where  
1 body contact is the only source of physical restraint, and where  
2 immobilization is used to effectively gain control of a student in order  
3 to protect such student or other individual from physical injury as an  
4 immediate response to an emergency safety situation. Emergency safety  
5 intervention does not include physical contact that (i) helps a student  
6 respond or complete a task; (ii) assists a student without restricting  
7 the student's movement; (iii) is needed to administer an authorized  
8 health-related service or procedure; or (iv) is needed to physically  
9 escort a student when the student does not resist or the student's  
10 resistance is minimal;  
11 (b) Emergency safety situation means a situation where immediate  
12 intervention is needed to protect a student or other individual from  
13 physical injury. Emergency safety situation does not mean a situation  
14 where a student does not respond to a task or request and instead places  
15 his or her head on a desk or hides under a desk or table; a student does  
16 not respond to a staff person's request unless failing to respond would  
17 result in physical injury to the student or other individual; or an  
18 emergency incident has already occurred and no threat of physical injury  
19 currently exists;  
20 (c) Imminent serious physical injury means serious physical injury  
21 to a student or others occurring currently or highly likely to occur in  
22 the immediate future as the result of the student's behavior; and  
23 (d) Serious physical injury means death, disfigurement, or  
24 protracted loss or impairment of the function of a bodily member or organ  
25 of a student or others.  
26 Sec. 8. (1) For school year 2022-23 and each school year thereafter,

27 each school district shall create and adopt a classroom removal policy  
 28 including training requirements. The State Department of Education shall  
 29 provide a guidance document that school districts may consider when  
 30 adopting such policy. Each classroom removal policy shall:  
 31 (a) Describe when and how a teacher may request that a school  
 1 administrator remove from a classroom a student that is engaged in  
 2 disruptive behavior and when such student may be returned to the  
 3 classroom;  
 4 (b) Define appropriate behavioral interventions or supports that  
 5 shall be implemented to aid a student's successful return to a classroom;  
 6 and  
 7 (c) Require the return to the classroom as soon as possible, when it  
 8 is deemed safe and in the best interest of the student.  
 9 (2) For purposes of this section, disruptive behavior means conduct  
 10 of a student that is so unruly, disruptive, or abusive that it seriously  
 11 interferes with a teacher's or school administrator's ability to  
 12 communicate with the students in a classroom, with a student's ability to  
 13 learn, or with the operation of a school or school-related activity.  
 14 (3) Except as prohibited by the federal Individuals with  
 15 Disabilities Education Act, 20 U.S.C. 1400 et seq., related federal  
 16 regulations, or any applicable individualized education plan established  
 17 pursuant to such federal act, or by section 504 of the Rehabilitation Act  
 18 of 1973, 29 U.S.C. 794, related federal regulations, or any applicable  
 19 plan established pursuant to such federal act, if a teacher has requested  
 20 that a school administrator remove a student from a classroom in  
 21 compliance with the school district's classroom removal policy, a school  
 22 administrator shall temporarily remove such student from such classroom.  
 23 (4) No school personnel shall be subject to administrative  
 24 discipline for removing a student from a classroom or requesting such  
 25 removal if such school personnel followed the school district's classroom  
 26 removal policy.  
 27 2. On page 8, line 21, strike the second "and"; in line 31 strike  
 28 the period and insert "; and"; and after line 31 insert the following new  
 29 subdivision:  
 30 "(v) In addition to the preamble, training shall be provided on  
 31 emergency safety intervention pursuant to section 7 of this act, on  
 1 classroom removal pursuant to section 8 of this act, and on the school  
 2 district's policies under such sections."  
 3 3. On page 9, after line 17, insert the following new subdivision:  
 4 "(b) A school district or an approved or accredited private,  
 5 denominational, or parochial school may annually apply to the Educational  
 6 Service Unit Coordinating Council for a grant, and the council shall  
 7 award a grant not to exceed six thousand five hundred dollars for any  
 8 school year, to directly provide the district's or school's own  
 9 behavioral awareness and intervention training."; and in line 18 strike  
 10 "(b)" and insert "(c)".  
 11 4. On page 70, line 27, strike "35 to 59" and insert "37 to 61".  
 12 5. Renumber the remaining sections and correct internal references  
 13 accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 236.** Title read. Considered.

Committee [AM438](#), found on page 552, was offered.

Senator Brewer withdrew his amendment, [AM874](#), found on page 980, to the committee amendment.

Senator Brewer offered his amendment, [AM1388](#), found on page 1394, to the committee amendment.

The Brewer amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The committee 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 Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 131.** [ER89](#), found on page 1299, was adopted.

Senator Flood offered his amendment, [AM1275](#), found on page 1328.

The Flood amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Wayne offered his amendment, [AM1303](#), found on page 1346.

The Wayne 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.

**LEGISLATIVE BILL 131A.** [ER88](#), found on page 1299, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 147.** [ER91](#), found on page 1341, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 147A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 39.** [ER68](#), found on page 1126, was adopted.

Senator McKinney offered the following amendment:

[AM1394](#)

(Amendments to Standing Committee amendments, AM582)

1 1. Insert the following new section:

2 Section 1. Section 13-2610, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 13-2610 (1) Upon the annual certification under section 13-2609, the

5 State Treasurer shall transfer after the audit the amount certified to  
 6 the Convention Center Support Fund. The Convention Center Support Fund is  
 7 created. Transfers may be made from the fund to the General Fund at the  
 8 direction of the Legislature. Any money in the Convention Center Support  
 9 Fund available for investment shall be invested by the state investment  
 10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 11 State Funds Investment Act.

12 ~~(2)(a) (2)~~ It is the intent of the Legislature to appropriate from  
 13 the fund to any political subdivision for which an application for state  
 14 assistance under the Convention Center Facility Financing Assistance Act  
 15 has been approved an amount not to exceed ~~(i) (a)~~ seventy percent of the  
 16 state sales tax revenue collected by retailers and operators doing  
 17 business at such facilities on sales at such facilities, state sales tax  
 18 revenue collected on primary and secondary box office sales of admissions  
 19 to such facilities, and state sales tax revenue collected by associated  
 20 hotels, ~~(ii) (b)~~ seventy-five million dollars for any one approved  
 21 project, or ~~(iii) (c)~~ the total cost of acquiring, constructing,  
 22 improving, or equipping the eligible facility. State assistance shall not  
 23 be used for an operating subsidy or other ancillary facility.

24 ~~(b) It is further the intent of the Legislature to appropriate from~~  
 25 ~~the fund to any city of the metropolitan class for which an application~~  
 26 ~~for state assistance under the Convention Center Facility Financing~~  
 1 ~~Assistance Act has been approved an amount not to exceed the amount of~~  
 2 ~~money transferred to the fund pursuant to subdivision (9)(a) of section~~  
 3 ~~13-3108.~~

4 ~~(3)(a) Ten percent of the such funds appropriated to a city of the~~  
 5 ~~metropolitan class under subdivision (2)(a) subsection (2) of this~~  
 6 ~~section and all of the funds appropriated to a city of the metropolitan~~  
 7 ~~class under subdivision (2)(b) of this section shall be equally~~  
 8 ~~distributed to areas with a high concentration of poverty to (i) showcase~~  
 9 ~~important historical aspects of such areas or areas within close~~  
 10 ~~geographic proximity of the area with a high concentration of poverty or~~  
 11 ~~(ii) assist with the reduction of street and gang violence in such areas.~~  
 12 ~~(b) Each area with a high concentration of poverty that has been~~  
 13 ~~distributed funds under subdivision (3)(a) of this section shall~~  
 14 ~~establish a development fund and form a committee which shall identify~~  
 15 ~~and research potential projects to be completed in the area with a high~~  
 16 ~~concentration of poverty or in an area within close geographic proximity~~  
 17 ~~of such area if the project would have a significant or demonstrable~~  
 18 ~~impact on such area and make final determinations on the use of the funds~~  
 19 ~~state sales tax revenue received for such projects.~~

20 (c) A committee formed under subdivision (3)(b) of this section  
 21 shall include the following three members:

22 (i) The member of the city council whose district includes a  
 23 majority of the census tracts which each contain a percentage of persons  
 24 below the poverty line of greater than thirty percent, as determined by  
 25 the most recent federal decennial census, within the area with a high  
 26 concentration of poverty;  
 27 (ii) The commissioner of the county whose district includes a  
 28 majority of the census tracts which each contain a percentage of persons  
 29 below the poverty line of greater than thirty percent, as determined by  
 30 the most recent federal decennial census, within the area with a high  
 31 concentration of poverty; and

1 (iii) A resident of the area with a high concentration of poverty,  
 2 appointed by the other two members of the committee.

3 (d) A committee formed under subdivision (3)(b) of this section  
 4 shall solicit project ideas from the public and shall hold a public  
 5 hearing in the area with a high concentration of poverty. Notice of a  
 6 proposed hearing shall be provided in accordance with the procedures for  
 7 notice of a public hearing pursuant to section 18-2115.01. The committee



8 shall research potential projects and make the final determination  
9 regarding the annual distribution of funding to such projects.

10 (e) For purposes of this subsection, an area with a high  
11 concentration of poverty means an area within the corporate limits of a  
12 city of the metropolitan class consisting of one or more contiguous  
13 census tracts, as determined by the most recent federal decennial census,  
14 which contain a percentage of persons below the poverty line of greater  
15 than thirty percent, and all census tracts contiguous to such tract or  
16 tracts, as determined by the most recent federal decennial census.

17 (4)(a) Ten percent of ~~the such~~ funds appropriated to a city of the  
18 primary class under ~~subdivision (2)(a) subsection (2)~~ of this section  
19 may, if the city determines by consent of the city council that such  
20 funds are not currently needed for the purposes described in section  
21 13-2604, be used as follows:

22 (i) For investment in the construction of qualified low-income  
23 housing projects as defined in 26 U.S.C. 42, including qualified projects  
24 receiving Nebraska affordable housing tax credits under the Affordable  
25 Housing Tax Credit Act; or

26 (ii) If there are no such qualified low-income housing projects as  
27 defined in 26 U.S.C. 42 being constructed or expected to be constructed  
28 within the political subdivision, for investment in areas with a high  
29 concentration of poverty to assist with low-income housing needs.

30 (b) For purposes of this subsection, an area with a high  
31 concentration of poverty means an area within the corporate limits of a  
1 city of the primary class consisting of one or more contiguous census  
2 tracts, as determined by the most recent American Community Survey 5-Year  
3 Estimate, which contain a percentage of persons below the poverty line of  
4 greater than thirty percent, and all census tracts contiguous to such  
5 tract or tracts, as determined by the most recent American Community  
6 Survey 5-Year Estimate.

7 (5) State assistance to the political subdivision shall no longer be  
8 available upon the retirement of the bonds issued to acquire, construct,  
9 improve, or equip the facility or any subsequent bonds that refunded the  
10 original issue or when state assistance reaches the amount determined  
11 under ~~subdivision (2)(a) subsection (2)~~ of this section, whichever comes  
12 first.

13 (6) The remaining thirty percent of state sales tax revenue  
14 collected by retailers and operators doing business at such facilities on  
15 sales at such facilities, state sales tax revenue collected on primary  
16 and secondary box office sales of admissions to such facilities, and  
17 state sales tax revenue collected by associated hotels, shall be  
18 appropriated by the Legislature to the Civic and Community Center  
19 Financing Fund. Upon the annual certification required pursuant to  
20 section 13-2609 and following the transfer to the Convention Center  
21 Support Fund required pursuant to subsection (1) of this section, the  
22 State Treasurer shall transfer an amount equal to the remaining thirty  
23 percent from the Convention Center Support Fund to the Civic and  
24 Community Center Financing Fund.

25 (7) Any municipality that has applied for and received a grant of  
26 assistance under the Civic and Community Center Financing Act may not  
27 receive state assistance under the Convention Center Facility Financing  
28 Assistance Act.

29 2. On page 10, line 12, after the comma insert "eighty-three percent  
30 of"; and in line 13 after "Fund" insert "and seventeen percent of such  
31 revenue shall be transferred to the Convention Center Support Fund".

1 3. On page 12, lines 19 and 23, strike "9" and insert "10".

2 4. Renumber the remaining sections and correct the repealer  
3 accordingly.

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

Senator Lindstrom offered the following amendment:

AM1420

(Amendments to Standing Committee amendments, AM582)

- 1 1. On page 1, after line 20 insert the following new subdivisions:
- 2 "(4) Court means a rectangular hard surface primarily used indoors
- 3 for competitive sports, including, but not limited to, basketball,
- 4 volleyball, or tennis;
- 5 (5) Date that the project commenced means the date when a project
- 6 starts as specified by a contract, resolution, or formal public
- 7 announcement;
- 8 (6) Economic redevelopment area means an area in the State of
- 9 Nebraska in which:
- 10 (a) The average rate of unemployment in the area during the period
- 11 covered by the most recent federal decennial census or American Community
- 12 Survey 5-Year Estimate by the United States Bureau of the Census is at
- 13 least one hundred fifty percent of the average rate of unemployment in
- 14 the state during the same period; and
- 15 (b) The average poverty rate in the area is twenty percent or more
- 16 for the federal census tract in the area;"; and in line 21 strike "(4)"
- 17 and insert "(7)".
- 18 2. On page 2, line 9, strike "(5)" and insert "(8)"; in line 12
- 19 strike "(6)" and insert "(9)"; in line 19 strike "(7)" and insert "(10)";
- 20 in line 23 strike "(8)" and insert "(11)"; and in line 26 strike "(9)"
- 21 and insert "(12)".
- 22 3. On page 4, line 1, strike "(10)" and insert "(13)"; in line 2
- 23 strike "(11)" and insert "(14)"; and in line 28 strike "(12)" and insert
- 24 "(15)".
- 25 4. On page 5, line 3, strike "(13)" and insert "(16)"; in line 7
- 26 strike "(14)" and insert "(17)"; strike lines 15 through 18 and insert
- 1 the following new subdivision:
- 2 "(iii) Four separate sports venues if such facility is located (A)
- 3 in a city of the first class, city of the second class, or village, (B)
- 4 within a county but outside the corporate limits of any city or village,
- 5 (C) in an economic redevelopment area, or (D) in an opportunity zone
- 6 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law
- 7 115-97;"; in line 19 strike "(15)" and insert "(18)"; in line 26 after
- 8 "sports" insert ". If any such building contains more than one
- 9 multipurpose field, court, swimming pool, or other facility primarily
- 10 used for competitive sports, then each such multipurpose field, court,
- 11 swimming pool, or facility shall count as a separate sports venue"; and
- 12 in line 27 strike "(16)" and insert "(19)".
- 13 5. On page 7, line 8, strike "(11)(a)(ii)" and insert "(14)(a)(ii)".

The Lindstrom 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 39A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 84.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 682.** [ER72](#), found on page 1164, was adopted.

Senator Linehan offered the following amendment:

[AM1433](#)

(Amendments to Standing Committee amendments, AM195)

1 1. Insert the following new section:

2 Sec. 12. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

The Linehan 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 396.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 396A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 18.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 185.** [ER73](#), found on page 1177, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 388.** [ER77](#), found on page 1177, was adopted.

Senator Wayne withdrew his amendment, [FA36](#), found on page 1167.

Senator Wayne moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Senator Wayne offered his amendment, [AM1197](#), found on page 1219.

The Chair declared the call raised.

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

Senator Wayne requested a roll call vote, in reverse order, on his

amendment.

Voting in the affirmative, 17:

Aguilar	Day	Lathrop	Pansing Brooks	Wishart
Brandt	Flood	Linehan	Vargas	
Cavanaugh, J.	Hansen, M.	McDonnell	Walz	
Cavanaugh, M.	Hunt	McKinney	Wayne	

Voting in the negative, 26:

Albrecht	Dorn	Hansen, B.	Low	Stinner
Arch	Erdman	Hilgers	McCollister	Williams
Bostelman	Friesen	Hilkemann	Moser	
Brewer	Geist	Hughes	Murman	
Clements	Gragert	Kolterman	Sanders	
DeBoer	Groene	Lindstrom	Slama	

Present and not voting, 3:

Bostar	Halloran	Morfeld
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Excused and not voting, 3:

Blood	Briese	Pahls
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The Wayne amendment lost with 17 ayes, 26 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 388A.** [ER78](#), found on page 1225, was adopted.

Advanced to Enrollment and Review for Engrossment.

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

Senator Brandt filed the following amendment to [LB241](#):

[AM1417](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be

4 cited as the Meatpacking Employees COVID-19 Protection Act.

5 Sec. 2. For purposes of the Meatpacking Employees COVID-19

6 Protection Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) COVID-19 means the novel COVID-19 identified as SARS-CoV-2, the

9 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating

10 therefrom, and the health conditions or threats associated with the  
11 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating  
12 therefrom;

13 (3) COVID-19 test means a test capable of determining whether an  
14 individual has COVID-19;

15 (4) Department means the Department of Labor;

16 (5) Employer or meatpacking operation means a business with more  
17 than one hundred fifty workers which engages in slaughtering, butchering,  
18 meat canning, meatpacking, meat manufacturing, poultry canning, poultry  
19 packing, poultry manufacturing, pet food manufacturing, processing of  
20 meatpacking products, or rendering. Employer or meatpacking operation  
21 does not include grocery stores, delis, restaurants, butchers, or other  
22 retail entities preparing meat products for immediate consumption;

23 (6) Face mask means an item of double-layered cloth or various other  
24 materials with elastic bands or cloth ties to secure such mask over the  
25 wearer's nose and mouth in an effort to contain or reduce the spread of  
26 potentially infectious respiratory secretions at the source, that is, the  
27 wearer's nose and mouth. A face mask is intended to reduce the spread of  
1 COVID-19 from the wearer to others, whether or not the face mask protects  
2 the wearer;

3 (7) Hand sanitizer means alcohol-based hand sanitizer that is at  
4 least sixty percent alcohol;

5 (8) Meatpacking products includes livestock products and poultry  
6 products as such terms are defined in section 54-1902;

7 (9) Meat processing worker or worker means any individual whom an  
8 employer permits to work in a meatpacking operation, and also includes  
9 independent contractors and individuals performing work for an employer  
10 through a temporary service or staffing agency. An individual need not be  
11 directly in contact with meatpacking products to be considered a worker;

12 (10) Negative test result means a COVID-19 test result which  
13 indicates that a worker was not infected with COVID-19 at the time of  
14 testing;

15 (11) Positive case count means the total number of positive COVID-19  
16 test results; and

17 (12) Positive test result means a COVID-19 test result which  
18 indicates that a worker was infected with COVID-19 at the time of  
19 testing.

20 Sec. 3. Meatpacking operations shall comply with the protections  
21 and requirements of section 4 of this act beginning on the effective date  
22 of this act and shall maintain such compliance until June 30, 2022.

23 Sec. 4. (1) An employer shall provide all workers with face masks  
24 and shall make face shields available free of charge. An employer shall  
25 replace face masks daily and more often as necessary, such as when face  
26 masks are damaged or soiled. Any individual present at a meatpacking  
27 operation facility shall wear a face mask properly secured over the  
28 individual's nose and mouth while in the facility.

29 (2) An employer shall provide all workers with the ability to  
30 frequently and routinely sanitize their hands with either hand washing or  
31 hand sanitizing stations. An employer shall provide gloves to any worker  
1 upon request.

2 (3) An employer shall comply with standards for ventilation set  
3 forth in the rules and regulations of the federal Occupational Safety and  
4 Health Administration.

5 (4) Each time before an individual enters a meatpacking operation  
6 facility, the employer shall screen such individual for COVID-19. Such  
7 screening procedure shall include a temperature check with the result  
8 disclosed to the individual and shall require completion of an oral or  
9 written questionnaire including questions about possible COVID-19  
10 symptoms and disclosure of known exposure to COVID-19.

11 (5)(a) For any worker who suspects that he or she may have been

12 exposed to COVID-19, an employer shall:

13 (i) Permit such worker to leave the meatpacking operation premises  
14 in order to receive a COVID-19 test on paid work time and without  
15 penalty; or

16 (ii) Provide a COVID-19 test on the premises on paid work time and  
17 without penalty.

18 (b) A worker displaying or experiencing symptoms of COVID-19 who has  
19 received a COVID-19 test shall be allowed to await test results while  
20 quarantined away from the meatpacking operation on paid work time and  
21 without penalty. An asymptomatic worker may return to work unless such  
22 worker develops symptoms.

23 (c) An employer shall allow a worker who receives a positive test  
24 result to quarantine away from the meatpacking operation with paid sick  
25 leave and without penalty if such worker provides the employer with proof  
26 of such positive test result within twenty-four hours after the worker  
27 received such test result. Such paid sick leave shall not count against  
28 other paid sick leave to which a worker is otherwise entitled under state  
29 law or employer policy. An employer shall not require a worker to return  
30 to work:

31 (i) While the worker is still showing symptoms of COVID-19; or

1 (ii) Within the quarantine period recommended by the Centers for  
2 Disease Control and Prevention of the United States Department of Health  
3 and Human Services.

4 (d) An employer shall allow a worker who receives a negative test  
5 result to return to work upon receipt of such result if the worker  
6 provides the employer with such proof of such negative test result within  
7 twenty-four hours after the worker received such test result.

8 (e) An employer shall permit any worker to leave the meatpacking  
9 operation premises in order to receive a COVID-19 vaccine on paid work  
10 time and without penalty unless such vaccine is provided at the premises.

11 (6) An employer shall track, for each meatpacking operation facility  
12 it operates, the total number of COVID-19-related deaths and the positive  
13 case count known to the employer. Such tracking shall be done on a daily  
14 basis and shall be disaggregated by race and ethnicity according to the  
15 records held by the employer. The employer shall provide such data in a  
16 monthly report to the department. Such data and report shall be submitted  
17 in the form and manner prescribed by the commissioner.

18 (7) If a worker is confirmed to have contracted COVID-19, the  
19 employer shall identify all workers who worked in the same work area and  
20 on the same shift and notify all such workers of their possible exposure.  
21 Such notification shall be given in writing, in person, or by telephone.  
22 Such notification shall maintain the confidentiality of the infected  
23 worker's identity as required by the federal Americans with Disabilities  
24 Act of 1990, as amended, as such act existed on January 1, 2021.

25 (8) An employer shall disseminate all communications, notices, and  
26 any published materials required by or regarding this section in English,  
27 Spanish, and any identified language for which a filing is required by  
28 subsection (1) of section 48-2210.

29 Sec. 5. (1) The department shall have the authority to administer  
30 and enforce the Meatpacking Employees COVID-19 Protection Act under the  
31 auspices of the meatpacking industry worker rights coordinator.

1 (2)(a) The department, including the coordinator, may conduct  
2 unannounced workplace inspections of employers. The coordinator or the  
3 coordinator's delegate has the authority to inspect employer records  
4 related to compliance with the act and make remedial recommendations  
5 during such inspection.

6 (b) No later than thirty days following a workplace inspection, the  
7 coordinator or delegate shall file a final report of findings, including  
8 any findings of violations of the Meatpacking Employees COVID-19  
9 Protection Act, with the department and provide a copy to the employer

10 and its workers' collective-bargaining representative, if any. The report  
 11 shall be considered a public record.

12 Sec. 6. (1) The commissioner shall issue a citation to an employer  
 13 when an inspection reveals that the employer is in violation of the  
 14 Meatpacking Employees COVID-19 Protection Act. Such citation shall  
 15 additionally list with particularity the nature of each violation and  
 16 prescribe required hazard abatement measures and a reasonable timeline  
 17 for such compliance.

18 (2) When a citation is issued, the commissioner shall notify the  
 19 employer of the proposed administrative penalty, if any, by certified  
 20 mail or any other manner of delivery by which the United States Postal  
 21 Service can verify delivery or by any method of service recognized under  
 22 Chapter 25, article 5. The citation shall specify a deadline by which the  
 23 employer must abate the violation. The deadline shall be set at the  
 24 discretion of the commissioner but shall not be later than forty-five  
 25 days after the date of issuance of the citation. The administrative  
 26 penalty shall be not less than five thousand dollars in the case of a  
 27 first violation and not less than fifty thousand dollars in the case of a  
 28 second or subsequent violation. No employer shall be fined more than a  
 29 total of one hundred fifty thousand dollars.

30 (3) An employer shall provide proof of abatement of the violation to  
 31 the commissioner within seven days after any abatement deadline named in  
 1 the citation. The commissioner shall assess an additional administrative  
 2 penalty of five thousand dollars for failure to comply with this  
 3 subsection for each unabated hazard.

4 (4) The employer shall have fifteen business days after the date of  
 5 the citation or penalty to contest such citation or penalty. Notice of  
 6 contest shall be filed with the commissioner who shall set a hearing in  
 7 accordance with the Administrative Procedure Act.

8 Sec. 7. The department may adopt and promulgate rules and  
 9 regulations as necessary to carry out the Meatpacking Employees COVID-19  
 10 Protection Act.

11 Sec. 8. The department may suspend the requirements of subsection  
 12 (1) or (4) of section 4 of this act if strict compliance with such  
 13 provisions would conflict with or be more stringent than official  
 14 guidance from the Centers for Disease Control and Prevention of the  
 15 United States Department of Health and Human Services regarding COVID-19  
 16 in employment settings that specifically relates to the use of face masks  
 17 or COVID-19 health screenings.

18 Sec. 9. Since an emergency exists, this act takes effect when  
 19 passed and approved according to law.

Senator Walz filed the following amendment to [LB528](#):  
[AM1171](#)

(Amendments to Standing Committee amendments, AM556)

1 1. Strike section 55 and insert the following new section:

2 Sec. 55. Section 85-2009, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:

4 85-2009 (1) The Community College Gap Assistance Program Fund is  
 5 created. The fund shall be under the direction of the committee and shall  
 6 be administered by the Coordinating Commission for Postsecondary  
 7 Education. The fund shall consist of money received pursuant to section  
 8 9-812, any other money received by the state in the form of grants or  
 9 gifts from nonfederal sources, such other amounts as may be transferred  
 10 or otherwise accrue to the fund, and any investment income earned on the  
 11 fund. The fund shall be used to carry out the community college gap  
 12 assistance program provide aid or grants to the community colleges  
 13 pursuant to the Community College Gap Assistance Program Act. Any money  
 14 in the fund available for investment shall be invested by the state  
 15 investment officer pursuant to the Nebraska Capital Expansion Act and the

16 Nebraska State Funds Investment Act.

17 ~~(2) The total of community college gap assistance awarded from the~~  
 18 ~~Community College Gap Assistance Program Fund during any fiscal year~~  
 19 ~~shall not exceed one million five hundred thousand dollars.~~

20 ~~(2) In addition to community college gap assistance awarded to~~  
 21 ~~students, money (3) Money in the fund may also be used by the committee:~~

22 (a) To establish application and funding procedures; and  
 23 (b) To assist other eligible institutions as specified in contracts  
 24 entered into pursuant to subsection (4) of section 85-2010 in defraying  
 25 the costs of direct staff support services, including, but not limited  
 26 to, marketing, outreach, applications, interviews, and assessments

1 related to the community college gap assistance program.  
 2 ~~(3) Each community college may use up to ten percent of any money~~  
 3 ~~received from the fund to defray (b) To assist community colleges in~~  
 4 ~~defraying the costs of direct staff support services, including, but not~~  
 5 ~~limited to, marketing, outreach, applications, interviews, and~~  
 6 ~~assessments as follows: (i) Up to twenty percent of any amount allocated~~  
 7 ~~for such purposes to the two smallest community colleges; (ii) up to ten~~  
 8 ~~percent of any such amount to the two largest community colleges; and~~  
 9 ~~(iii) up to fifteen percent of any such amount to the remaining two~~  
 10 ~~community colleges. For purposes of this subsection, community college~~  
 11 ~~size shall be determined based on the most recent three-year rolling~~  
 12 ~~average full-time equivalent enrollment.~~

13 2. On page 37, line 3, strike the first comma and insert "and"; and  
 14 strike beginning with the second comma in line 3 through "section" in  
 15 line 5.

16 3. On page 41, line 15, strike "and"; reinstate beginning with the  
 17 stricken comma in line 15 through the stricken "funds" in line 16; and in  
 18 line 16 after the reinstated "funds" insert "received prior to July 1,  
 19 2022, from the Nebraska Education Improvement Fund".

Senator Walz filed the following amendment to LB529A:

AM1430

1 1. Strike original section 9 and insert the following new section:  
 2 Sec. 9. There is hereby appropriated (1) \$6,000,000 from the  
 3 Department of Education Innovative Grant Fund for FY2021-22 and (2) \$0  
 4 from the Department of Education Innovative Grant Fund for FY2022-23 to  
 5 the State Department of Education, for Program 161, to aid in carrying  
 6 out the provisions of Legislative Bill 529, One Hundred Seventh  
 7 Legislature, First Session, 2021.  
 8 There is included in the appropriation to this program for FY2021-22  
 9 \$100,000 Cash Funds for operations. All remaining funds shall be used for  
 10 state aid.  
 11 Total expenditures for permanent and temporary salaries and per  
 12 diems from funds appropriated in this section shall not exceed \$42,689  
 13 for FY2021-22 or \$0 for FY2022-23.

Senator Lathrop filed the following amendment to LB561:

AM1427

(Amendments to Second Final Reading copy)

1 1. On page 30, line 25, strike "Authorized" and insert "(a) Except  
 2 as otherwise provided in subdivision (b) of this subdivision,  
 3 authorized"; in line 28 strike the period and insert "; and" and before  
 4 "Authorized" insert paragraphing and "(b)"; and in line 29 after  
 5 "include" insert "an instate collegiate sporting event in which an  
 6 instate collegiate or university team is a participant,".  
 7 2. On page 31, line 12, after the third comma insert "a keno lottery  
 8 conducted in accordance with the Nebraska County and City Lottery Act,".  
 9 3. On page 37, line 11, after "person" insert "or at a wagering



10 kiosk"; strike lines 26 through 30; and in line 31 strike "(c)" and  
 11 insert "(b)".  
 12 4. On page 38, line 1, strike "(d)" and insert "(c)"; and in line 4  
 13 strike "(e)" and insert "(d)".  
 14 5. On page 40, line 31, after the third comma insert "a keno lottery  
 15 conducted in accordance with the Nebraska County and City Lottery Act.".

Senator B. Hansen filed the following amendment to LB236:  
AM1434 is available in the Bill Room.

### SELECT FILE

**LEGISLATIVE BILL 452.** ER79, found on page 1223, was adopted.

Senator McKinney withdrew his amendment, AM1195, found on page 1189.

Senator McKinney offered the following amendment:

#### AM1253

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Sections 1 to 4 of this act shall be known and may be  
 4 cited as the Financial Literacy Act.  
 5 Sec. 2. For purposes of the Financial Literacy Act, financial  
 6 literacy includes, but is not limited to, knowledge and skills regarding  
 7 budget and financial record keeping; banking; taxes; establishing,  
 8 building, maintaining, and monitoring credit; debt; savings; risk  
 9 management; insurance; and investment strategies.  
 10 Sec. 3. Beginning with school year 2023-24, each school district,  
 11 in consultation with the State Department of Education, shall include  
 12 financial literacy instruction, as appropriate, in the instructional  
 13 program of its elementary and middle schools and require each student to  
 14 complete at least one five-credit high school course in personal finance  
 15 or financial literacy prior to graduation.  
 16 Sec. 4. (1) On or before December 31, 2024, and on or before  
 17 December 31 of each year thereafter, in order to promote and support  
 18 financial literacy education, each school district shall provide an  
 19 annual financial literacy status report to its school board, including,  
 20 but not limited to, student progress in financial literacy courses and  
 21 other district determined measures of financial literacy progress from  
 22 the previous school year.  
 23 Sec. 5. Section 79-729, Reissue Revised Statutes of Nebraska, is  
 24 amended to read:  
 25 79-729 The Legislature recognizes the importance of assuring that  
 26 all persons who graduate from Nebraska high schools possess certain  
 27 minimum levels of knowledge, skills, and understanding. ~~Each Beginning in~~  
 1 ~~school year 1987-88, each~~ high school student shall complete a minimum of  
 2 two hundred high school credit hours prior to graduation. At least eighty  
 3 percent of ~~the minimum such~~ credit hours shall be core curriculum courses  
 4 prescribed by the State Board of Education. ~~Beginning in school year~~  
 5 ~~2023-24, at least five of the minimum credit hours shall be a high school~~  
 6 ~~course in personal finance or financial literacy.~~ The State Board of  
 7 Education may establish recommended statewide graduation guidelines. This  
 8 section does not apply to high school students whose individualized  
 9 education ~~programs plans~~ prescribe a different course of instruction.  
 10 This section does not prohibit the governing board of any high school  
 11 from prescribing specific graduation guidelines as long as such  
 12 guidelines do not conflict with this section. For purposes of this  
 13 section, high school means grades nine through twelve and credit hour

14 shall be defined by appropriate rules and regulations of the State Board  
 15 of Education but shall not be less than the amount of credit given for  
 16 successful completion of a course which meets at least one period per  
 17 week for at least one semester.

18 Sec. 6. Section 79-760.01, Revised Statutes Cumulative Supplement,  
 19 2020, is amended to read:

20 79-760.01 (1) The State Board of Education shall adopt measurable  
 21 academic content standards for at least the grade levels required for  
 22 statewide assessment pursuant to section 79-760.03. The standards shall  
 23 cover the subject areas of reading, writing, mathematics, science, and  
 24 social studies.

25 (2) The board shall also adopt measurable academic content standards  
 26 for financial literacy as part of the social studies standards.

27 (3) Academic content standards adopted or recommended pursuant  
 28 to this section shall be sufficiently clear and measurable to be used for  
 29 testing student performance with respect to mastery of the content  
 30 described in the state standards.

31 (4) The State Board of Education shall develop a plan to review and  
 1 update standards for each subject area every seven years. The state board  
 2 plan shall include a review of commonly accepted standards adopted by  
 3 school districts.

4 Sec. 7. Original section 79-729, Reissue Revised Statutes of  
 5 Nebraska, and section 79-760.01, Revised Statutes Cumulative Supplement,  
 6 2020, are repealed.

The McKinney amendment was adopted with 39 ayes, 0 nays, 7 present and  
 not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 452A.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 103.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 336.** [ER80](#), found on page 1225, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406.** [ER81](#), found on page 1229, was adopted.

Senator McDonnell offered his amendment, [AM1386](#), found on page 1400.

The McDonnell amendment was adopted with 34 ayes, 0 nays, 12 present  
 and not voting, and 3 excused and not voting.

Senator Groene offered the following amendment:

[AM1424](#)

(Amendments to Standing Committee amendments, AM1092)

1 1. On page 3, line 1, after "be" insert "based on competitive bids

2 and".

The Groene amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406A.** Senator McDonnell offered the following amendment:

[AM1211](#)

1 1. On page 2, line 2, strike "126" and insert "122".

The McDonnell amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 26.** Advanced to Enrollment and Review for Engrossment.

### **VISITOR(S)**

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

### **ADJOURNMENT**

At 9:40 p.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Thursday, May 13, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-EIGHTH DAY - MAY 13, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 13, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brandt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Blood who was excused; and Senators Bostar, Day, DeBoer, Geist, M. Hansen, Hunt, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 12, 2021, 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

Lutick, Chris  
UPS - United Parcel Service  
O'Keefe, Karen  
Marijuana Policy Project

**REPORTS**

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

**MOTION(S) - Return LB131A to Select File**

Senator Stinner moved to return LB131A to Select File for the following specific amendment:

[AM1436](#)

(Amendments to Wayne amendments, AM1257)

1 1. On page 1, lines 2 and 7, strike "\$5,000,000" and insert  
2 "\$4,000,000".

The Stinner motion to return prevailed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 131A.** The Stinner specific amendment, [AM1436](#), found in this day's Journal, was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**MOTION(S) - Return LB274 to Select File**

Senator Lowe moved to return LB274 to Select File for his specific amendment, [AM1071](#), found on page 1157.

The Lowe motion to return prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 274.** The Lowe specific amendment, [AM1071](#), found on page 1157, was adopted with 41 ayes, 0 nays, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION(S) - Return LB544A to Select File**

Senator J. Cavanaugh moved to return LB544A to Select File for the following Wayne specific amendment:

[AM777](#)

1 1. On page 2, after line 13 insert the following new paragraph:  
2 "Total expenditures for permanent and temporary salaries and per  
3 diems from funds appropriated in this section shall not exceed \$144,980  
4 for FY2021-22 or \$198,120 for FY2022-23."

The J. Cavanaugh motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 544A.** The Wayne specific amendment, [AM777](#), found in this day's Journal, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION(S) - Return LB108 to Select File**

Senator McCollister moved to return LB108 to Select File for his specific amendment, [AM1421](#), found on page 1411.

**PRESIDENT FOLEY PRESIDING**

Senator McCollister requested a roll call vote, in reverse order, on the motion to return to Select File.

The McCollister motion to return prevailed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 108.** The McCollister specific amendment, [AM1421](#), found on page 1411, was adopted with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

Senator McCollister requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Reengrossment with 27 ayes, 6 nays, 10 present and not voting, and 6 excused and not voting.

**MOTION(S) - Return LB561 to Select File**

Senator Lathrop moved to return LB561 to Select File for his specific amendment, [AM1427](#), found on page 1440.

The Lathrop motion to return prevailed with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 561.** The Lathrop specific amendment, [AM1427](#), found on page 1440, was adopted with 31 ayes, 4 nays, 10 present and not

voting, and 4 excused and not voting.

Senator J. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Day	Halloran	Lindstrom	Pansing Brooks
Arch	Dorn	Hansen, B.	Linehan	Sanders
Bostelman	Erdman	Hansen, M.	Lowe	Slama
Brewer	Flood	Hilgers	McCollister	Stinner
Briese	Friesen	Hilkemann	McDonnell	Walz
Cavanaugh, J.	Geist	Hughes	Morfeld	Williams
Cavanaugh, M.	Gragert	Kolterman	Moser	Wishart
Clements	Groene	Lathrop	Murman	

Voting in the negative, 3:

Brandt	McKinney	Pahls
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Present and not voting, 3:

Albrecht	Hunt	Vargas
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Excused and not voting, 4:

Blood	Bostar	DeBoer	Wayne
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Advanced to Enrollment and Review for Reengrossment with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 566.** [ER85](#), found on page 1256, was adopted.

Senator McDonnell offered his amendment, [AM1345](#), found on page 1373.

The McDonnell amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Groene offered the following amendment:

[AM1441](#)

(Amendments to E & R amendments, ER85)

1 1. On page 3, strike beginning with "subject" in line 14 through

2 line 25 and all amendments thereto and insert:

3 "subject to the following:

4 (a) Grant funding shall be distributed equally, or as close thereto

5 as possible, between the three congressional districts; and

6 (b) No one project shall receive more than one million dollars or

7 ten percent of the total funds available, whichever is greater."



Senator Groene moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 25 not voting.

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

Voting in the affirmative, 12:

Albrecht	Clements	Groene	Hughes
Brewer	Erdman	Halloran	Murman
Briese	Friesen	Hansen, B.	Slama

Voting in the negative, 19:

Aguilar	Hansen, M.	Kolterman	McKinney	Vargas
Dorn	Hilgers	Lathrop	Morfeld	Walz
Flood	Hilkemann	McCollister	Moser	Williams
Gragert	Hunt	McDonnell	Stinner	

Present and not voting, 14:

Arch	Cavanaugh, J.	DeBoer	Linehan	Sanders
Bostelman	Cavanaugh, M.	Geist	Lowe	Wishart
Brandt	Day	Lindstrom	Pansing Brooks	

Excused and not voting, 4:

Blood	Bostar	Pahls	Wayne
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The Groene amendment lost with 12 ayes, 19 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered the following amendment:

[AM1260](#)

(Amendments to E&R amendments, ER85)

- 1 1. On page 1, after line 26 insert the following new subdivision:
- 2 "(a) Does not discriminate on the basis of race, color, religion,
- 3 national origin, ancestry, citizenship status, gender, sexual
- 4 orientation, gender identity, or disability; and"; and in line 27 strike
- 5 "(a)" and insert "(b)(i)".
- 6 2. On page 2, line 5, strike "(b)" and insert "(ii)".

Senator Hunt moved for a call of the house. The motion prevailed with 13 ayes, 9 nays, and 23 not voting.

Senator Hunt requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 15:

Aguilar	Day	Hunt	McKinney	Vargas
Cavanaugh, J.	DeBoer	Lathrop	Morfeld	Walz
Cavanaugh, M.	Hansen, M.	McCollister	Pansing Brooks	Wishart

Voting in the negative, 27:

Albrecht	Clements	Gragert	Kolterman	Slama
Arch	Dorn	Groene	Lowe	Stinner
Bostelman	Erdman	Halloran	McDonnell	Williams
Brandt	Flood	Hansen, B.	Moser	
Brewer	Friesen	Hilgers	Murman	
Briese	Geist	Hughes	Sanders	

Present and not voting, 3:

Hilkemann Lindstrom Linehan

Excused and not voting, 4:

Blood Bostar Pahls Wayne

The Hunt amendment lost with 15 ayes, 27 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hunt requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 6 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 566A.** Senator McDonnell offered his amendment, [AM1419](#), found on page 1413.

The McDonnell amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 428.** [ER61](#), found on page 1016, was adopted.

Senator Arch offered the following amendment:

[AM1315](#)

(Amendments to Standing Committee amendments, AM566)

1 1. Strike section 1 and insert the following new section:  
 2 Section 1. Section 43-427, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 43-427 (1) The Department of Health and Human Services shall develop  
 5 a five-year operations plan for the youth rehabilitation and treatment

6 centers and submit such operations plans electronically to the Health and  
7 Human Services Committee of the Legislature on or before March 15, 2021.  
8 (2) The operations plan shall be developed with input from key  
9 stakeholders and shall include, but not be limited to:  
10 (a) A description of the population served at each youth  
11 rehabilitation and treatment center;  
12 (b) An organizational chart of supervisors and operations staff. The  
13 operations plan shall not allow for administrative staff to have  
14 oversight over more than one youth rehabilitation and treatment center  
15 and shall not allow for clinical staff to have responsibility over more  
16 than one youth rehabilitation and treatment center;  
17 (c) Staff who shall be centralized offsite or managed onsite,  
18 including facility and maintenance staff;  
19 (d) A facility plan that considers taxpayer investments already made  
20 in the facility and the community support and acceptance of the juveniles  
21 in the community surrounding the youth rehabilitation and treatment  
22 center;  
23 (e) A description of each rehabilitation program offered at the  
24 youth rehabilitation and treatment center;  
25 (f) A description of each mental health treatment plan offered at  
26 the youth rehabilitation and treatment center;  
27 (g) A description of reentry and discharge planning;  
28 (h) A staffing plan that ensures adequate staffing;  
29 (i) An education plan developed in collaboration with the State  
30 Department of Education;  
31 (j) A capital improvements budget;  
32 (k) An operating budget;  
33 (l) A disaster recovery plan;  
34 (m) A plan to segregate the juveniles by gender on separate  
35 campuses;  
36 (n) A parenting plan for juveniles placed in a youth rehabilitation  
37 and treatment center who are parenting;  
38 (o) A statement of the rights of juveniles placed at the youth  
39 rehabilitation and treatment centers, including a right to privacy, and  
40 the rights of parents or guardians;  
41 (p) Quality and outcome measurements for tracking outcomes for  
42 juveniles when they are discharged from the youth rehabilitation and  
43 treatment center, including an exit survey of such juveniles;  
44 (q) Key performance indicators to be included in the annual report  
45 required under this section;  
46 (r) A requirement for trauma-informed training provided to staff;  
47 (s) Methods and procedures for investigations at the youth  
48 rehabilitation and treatment center; and  
49 (t) A grievance process for juveniles placed at the youth  
50 rehabilitation and treatment centers.  
51 (3) The department shall submit a report electronically to the Clerk  
52 of the Legislature on or before December 15, 2021, and each December 15  
53 thereafter regarding such operations plan and key performance indicators.  
54 (4) In addition to the report required in subsection (3) of this  
55 section, the department shall update the Health and Human Services  
56 Committee of the Legislature on or before each March 15, June 15, and  
57 September 15, regarding the elements of the operations plan described in  
58 subdivisions (a), (d), (e), (f), and (m) of subsection (2) of this  
59 section, of any substantial changes planned before the next report, and  
60 of any substantial changes that have occurred to such facilities or  
61 programs. Nothing in this subsection shall be construed to limit or  
62 prevent the department from acting in accordance with sections 43-428 to  
63 43-430 in the event of an emergency.  
64 ~~(4) The department shall not establish a new youth rehabilitation~~  
65 ~~and treatment center or establish or move a youth rehabilitation and~~

9 treatment center to a new or existing state or private facility until  
 10 March 30, 2021, after the completion of the planning process required  
 11 under this section. Youth committed to the Office of Juvenile Services  
 12 and residing at a youth rehabilitation and treatment center may be moved  
 13 to an existing state or private facility on a temporary basis in the  
 14 event of an emergency, pursuant to the emergency plans created under  
 15 section 43-428, and in compliance with the requirements and restrictions  
 16 in sections 43-429 and 43-430.  
 17 2. On page 6, line 25, strike "43-404" and insert "43-427".

The Arch amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

Pending.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 649A.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 148.** Introduced by Day, 49.

**PURPOSE:** The purpose of this resolution is to study the duties of education support professionals in Nebraska. The study may include, but is not limited to:

- (1) A review of the role education support professionals have in the operation of schools;
- (2) A review of the nine primary career classifications of education support professionals;
- (3) Available opportunities for professional growth for education support professionals; and
- (4) Whether a statutory definition of education support professional would contribute to improving education in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 149.** Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to study the potential for statewide early childhood autism spectrum disorder screening in a similar manner to the current statewide mandates on early childhood audiology and vision screenings.

The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of Nebraska's responsibilities under the Child Find mandate in the Individuals with Disabilities Education Act;
- (2) The significance of early identification of autism spectrum disorder;
- (3) Identification of the age at which children should first be screened for autism spectrum disorder; and
- (4) An examination of current strategies to increase early childhood autism spectrum disorder screening.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 150.** Introduced by Walz, 15.

WHEREAS, all individuals possess the basic human right to the preservation of personal dignity; and

WHEREAS, all individuals deserve the investment of the state's resources to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, post-traumatic stress can result from any number of stressors including combat, interpersonal violence, severe impact collisions, natural disasters, and exposure to the suffering of others; and

WHEREAS, the diagnosis known as Post-Traumatic Stress Disorder was initially formulated in 1980 by the American Psychiatric Association to commonly describe and categorize the psychological aftermath of severe traumatic distress; and

WHEREAS, post-traumatic stress has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and association with the word "disorder" generates a stigma that perpetuates this misconception; and

WHEREAS, electro-magnetic imaging now shows that severe post-traumatic stress causes physical changes within the brain which are more accurately described as an injury than a disorder; and

WHEREAS, referring to post-traumatic stress as a disorder can disparage the injured and discourage them from seeking timely care for their behavioral health needs; and

WHEREAS, post-traumatic stress injury that is consistent with the description of post-traumatic stress disorder in section 309.81 criteria B through H of the Diagnostic Statistical Manual of Mental Disorders deserves equal compensation strictly matching that currently allowed under the law for post-traumatic stress disorder; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve our compassion and consideration and the brave men and women who received these wounds while risking their lives to protect our freedom, health, and welfare deserve special recognition of their bravery, commitment, devotion, and sacrifice; and

WHEREAS, timely access to appropriate treatment of post-traumatic stress injury can diminish complications and prevent suicide.

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

1. That the Legislature recognizes June 2021 as Post-Traumatic Stress Injury Awareness Month and June 27, 2021, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Division of Public Health of the Department of Health and Human Services and the Nebraska Department of Veterans' Affairs to continue working to educate victims of interpersonal violence, combat, life-threatening accidents, and natural disasters, their families, and the general public about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR135	Executive Board

(Signed) Dan Hughes, Chairperson  
Executive Board

#### **RECESS**

At 12:02 p.m., on a motion by Senator M. Hansen, the Legislature recessed until 1:00 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Blood and Groene who were excused; and Senators Bostar, Briese, DeBoer, Dorn,

Flood, Geist, M. Hansen, McCollister, Morfeld, Pansing Brooks, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

## SENATOR WILLIAMS PRESIDING

### SELECT FILE

**LEGISLATIVE BILL 428.** Senator M. Cavanaugh offered the following amendment:

[AM1447](#)

(Amendments to Arch amendments, AM1315)

- 1 1. On page 3, strike beginning with "of" in line 2 through
- 2 "programs" in line 4 and insert "and shall provide ninety days' notice to
- 3 the Legislature prior to any substantial changes to such facilities or
- 4 programs under the jurisdiction of the Office of Juvenile Services".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Aguilar	Day	Lathrop	Morfeld
Brandt	DeBoer	Lindstrom	Pansing Brooks
Cavanaugh, J.	Hansen, M.	McCollister	Vargas
Cavanaugh, M.	Hunt	McKinney	Wishart

Voting in the negative, 25:

Albrecht	Dorn	Halloran	Linehan	Pahls
Arch	Erdman	Hansen, B.	Lowe	Sanders
Bostelman	Flood	Hilgers	McDonnell	Slama
Brewer	Friesen	Hilkemann	Moser	Stinner
Clements	Gragert	Hughes	Murman	Williams

Present and not voting, 1:

Kolterman

Excused and not voting, 7:

Blood	Briese	Groene	Wayne
Bostar	Geist	Walz	

The M. Cavanaugh amendment lost with 16 ayes, 25 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 428A.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 151.** Introduced by Murman, 38; Arch, 14; Blood, 3; Day, 49; Gragert, 40; Hansen, B., 16; Slama, 1; Williams, 36.

**PURPOSE:** The purpose of this resolution is to study whether the Solemn Covenant of the States to Award Prizes for Curing Diseases compact should be adopted. The study shall include, but not be limited to, an examination of issues raised during consideration of LB418, which was introduced by Senator Murman and is pending in the Health and Human Services Committee. In order to carry out the purpose of this resolution, the committee shall consider, but not be limited to, the input of interested individuals, public officials, and such entities as the committee deems necessary or beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

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

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

Senator Pansing Brooks name added to LB8.

Senator Blood name added to LR128.

Senator Lowe name added to LR134.

**VISITOR(S)**

The Doctor of the Day was Dr. Amy Jespersen of Omaha.



**ADJOURNMENT**

At 1:32 p.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Tuesday, May 18, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-NINTH DAY - MAY 18, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 18, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Gragert.

**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 Bostar, Briese, M. Cavanaugh, Groene, Hunt, McCollister, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1415, line 31, strike "Zoeray" and insert "ZoeRay".

Page 1415, line 35, strike "Pen Syl" and insert "Pensyl".

Page 1415, line 37, strike "27,2020" and insert "27, 2020".

Page 1415, line 37, strike "Sgt." and insert "Sergeant".

The Journal for the seventy-seventh day was approved as corrected.

The Journal for the seventy-eighth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 18.** Placed on Final Reading.

**LEGISLATIVE BILL 26.** Placed on Final Reading.

**LEGISLATIVE BILL 39.** Placed on Final Reading.[ST27](#)

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

1. In the E & R amendments, ER68, on page 1, line 3, "13-2610," has been inserted after "sections"; and in line 5 "to change Convention Center Support Fund distribution provisions;" has been inserted after the semicolon.
2. In the Standing Committee amendments, AM582, on page 13, line 26, "13-2610," has been inserted after "sections".

**LEGISLATIVE BILL 39A.** Placed on Final Reading.**LEGISLATIVE BILL 51.** Placed on Final Reading.[ST21](#)

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

1. In the E&R amendments, ER67:
  - a. On page 1, line 14, "48-147, 48-2709," has been struck; in line 15, "81-1412.02, and 81-1414," has been struck and "81-1414, 81-1438, 81-1439, 81-1440, and 81-1443," inserted; and in line 16, "48-115, 48-126.01, 48-145," has been struck; and
  - b. On page 2, the matter beginning with "to" in line 9 through "Act" in line 10 has been struck and "to change provisions relating to law enforcement reserve forces" inserted.
2. In the Standing Committee amendments, AM745:
  - a. On page 7, line 27; page 25, line 18; page 28, lines 23 and 24; page 29, line 16; page 30, line 22; and page 39, line 19, "12, 15 to 17, and 19 to 24" has been struck and "7, 9 to 11, and 13 to 18" inserted;
  - b. On page 28, line 30, strike the period and show as stricken;
  - c. On page 34, line 13, "17" has been struck and "11" inserted;
  - d. On page 37, line 27; and page 38, lines 7 and 17, "20" has been struck and "14" inserted; and
  - e. On page 52, line 28, "48-147, 48-2709," has been struck; in line 29 "81-1412.02, and 81-1414" has been struck and "81-1414, 81-1438, 81-1439, 81-1440, and 81-1443" inserted; and in line 30 "48-115, 48-126.01, 48-145," has been struck.
3. On page 1, line 17, after the second semicolon "and" has been inserted; and the matter beginning with the semicolon in line 18 through "Nebraska" in line 20 has been struck.

**LEGISLATIVE BILL 51A.** Placed on Final Reading.**LEGISLATIVE BILL 64.** Placed on Final Reading.[ST22](#)

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

1. On page 1, line 3, "to state intent;" has been inserted after the semicolon.

**LEGISLATIVE BILL 84.** Placed on Final Reading.**LEGISLATIVE BILL 103.** Placed on Final Reading.**LEGISLATIVE BILL 108.** Placed on Final Reading Second.**LEGISLATIVE BILL 131.** Placed on Final Reading.[ST29](#)

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

1. In the Flood amendment, AM1275, on page 2, line 5, "of this act" has been inserted after "27".
2. In the E & R amendments, ER89:
  - a. On page 8, line 3, "14" has been struck and "15" inserted;
  - b. On page 27, line 3, "16-6,100," has been inserted after "16-404, "; in line 12 "16-6,100," has been inserted after the last comma; and in line 16 "to change a public building construction bond authorization provision;" has been inserted after the semicolon; and
  - c. On page 26, line 28, "14" has been struck and "15" inserted.

**LEGISLATIVE BILL 131A.** Placed on Final Reading.  
**LEGISLATIVE BILL 147.** Placed on Final Reading.  
**LEGISLATIVE BILL 147A.** Placed on Final Reading.  
**LEGISLATIVE BILL 185.** Placed on Final Reading.  
**LEGISLATIVE BILL 274.** Placed on Final Reading Second.  
**LEGISLATIVE BILL 306.** Placed on Final Reading.  
**LEGISLATIVE BILL 306A.** Placed on Final Reading.  
**LEGISLATIVE BILL 336.** Placed on Final Reading.

**LEGISLATIVE BILL 366.** Placed on Final Reading.

[ST33](#)

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

1. On page 7, line 5, "~~were~~" has been struck and "was" inserted.

**LEGISLATIVE BILL 366A.** Placed on Final Reading.  
**LEGISLATIVE BILL 388.** Placed on Final Reading.  
**LEGISLATIVE BILL 388A.** Placed on Final Reading.  
**LEGISLATIVE BILL 396.** Placed on Final Reading.  
**LEGISLATIVE BILL 396A.** Placed on Final Reading.

**LEGISLATIVE BILL 406.** Placed on Final Reading.

[ST28](#)

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

1. In the E & R amendments, ER81, on page 1, line 4, "to provide a termination date for the committee;" has been inserted after the last semicolon.

**LEGISLATIVE BILL 406A.** Placed on Final Reading.

**LEGISLATIVE BILL 428.** Placed on Final Reading.

[ST32](#)

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

1. In the E & R amendments, ER61, on page 1, line 6, "43-404" has been struck and "43-427" inserted; in lines 8 and 9 "prior to implementation" has been struck; and in lines 9 and 10 "under the Office of Juvenile Services" has been struck and "as prescribed" inserted.

**LEGISLATIVE BILL 428A.** Placed on Final Reading.

**LEGISLATIVE BILL 432.** Placed on Final Reading.

[ST25](#)

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

1. In the Williams amendment, AM1127, section 13 has been renumbered as section 15.
2. In the E & R amendments, ER76:
  - a. On page 21, line 9, "(a)" has been inserted after "required" and the last occurrence of "(a)" has been struck; and in line 11 "for" has been inserted before "participation"; and
  - b. On page 22, the matter beginning with "section" in line 3 through line 5 has been struck and "sections 77-2734.02 and 77-5208, Reissue Revised Statutes of Nebraska, and sections 13-520, 77-2715.07, 77-2716, 77-3442, and 85-1802, Revised Statutes Cumulative Supplement, 2020, are repealed." inserted.
3. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "public benefits; to amend sections 77-2734.02 and 77-5208, Reissue Revised Statutes of Nebraska, and sections 13-520, 77-2715.07, 77-2716, 77-3442, and 85-1802, Revised Statutes Cumulative Supplement, 2020; to adopt the Firefighter Cancer Benefits Act; to change provisions relating to limitations on restricted funds for certain cancer benefits; to provide a tax credit for parents of stillborn children; to provide an income

tax exemption for certain cancer benefits; to change the corporate income tax rate as prescribed; to exempt certain cancer benefits from property tax levy limits; to extend the Beginning Farmer Tax Credit Act application period; to require a firefighter informational report from the State Fire Marshal; to redefine qualified higher education expenses for purposes of the Nebraska educational savings plan trust; to provide operative dates; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 452.** Placed on Final Reading.

[ST30](#)

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

1. In the McKinney amendment, AM1253, on page 1, line 16, "(1)" has been struck.
2. In the E&R amendments, ER79, on page 1, line 3 "sections 79-760.01 and 79-760.02" has been struck and "section 79-760.01" inserted.

**LEGISLATIVE BILL 452A.** Placed on Final Reading.

**LEGISLATIVE BILL 544A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 561.** Placed on Final Reading Third.

**LEGISLATIVE BILL 566.** Placed on Final Reading.

**LEGISLATIVE BILL 566A.** Placed on Final Reading.

**LEGISLATIVE BILL 572.** Placed on Final Reading.

[ST26](#)

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

1. In the E&R amendments, ER29, on page 7, line 31, "and" has been struck.

**LEGISLATIVE BILL 595.** Placed on Final Reading.

**LEGISLATIVE BILL 630.** Placed on Final Reading.

[ST23](#)

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

1. On page 1, line 2, "; and to state intent" has been inserted after "prescribed".

**LEGISLATIVE BILL 630A.** Placed on Final Reading.

**LEGISLATIVE BILL 682.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 568.** Placed on Select File with amendment.

[ER93](#) is available in the Bill Room.

**LEGISLATIVE BILL 649.** Placed on Select File with amendment.

[ER92](#) is available in the Bill Room.

**LEGISLATIVE BILL 376.** Placed on Select File with amendment.

[ER96](#)

1. In Standing Committee amendments, AM1307:
  - 2 a. On page 1, lines 17 and 18; and page 2, line 6 strike
  - 3 "disabilities" and insert "a disability";
  - 4 b. On page 2, lines 21 and 30, after "the" insert "federal"; and
  - 5 c. On page 3, line 4, after the first "the" insert "federal".

6 2. On page 1, strike beginning with "to" in line 2 through "section"  
 7 in line 7 and insert "to state findings and declarations; to authorize  
 8 the application for and implementation of services and supports for  
 9 children with disabilities and their families as prescribed; to state  
 10 intent; to provide for a report; to provide for an evaluation; to provide  
 11 duties for the Advisory Committee on Developmental Disabilities; and to  
 12 repeal the original section."

**LEGISLATIVE BILL 376A.** Placed on Select File.

**LEGISLATIVE BILL 139.** Placed on Select File with amendment.

ER97

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Sections 1 to 4 of this act shall be known and may be  
 4 cited as the COVID-19 Liability Act.  
 5 Sec. 2. For purposes of the COVID-19 Liability Act:  
 6 (1) COVID-19 means the novel coronavirus identified as SARS-CoV-2,  
 7 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
 8 mutating therefrom, and the health conditions or threats associated with  
 9 the disease caused by the novel coronavirus SARS-CoV-2 or a virus  
 10 mutating therefrom;  
 11 (2) Federal public health guidance means and includes written or  
 12 oral guidance related to COVID-19 issued by any of the following:  
 13 (a) The Centers for Disease Control and Prevention of the United  
 14 States Department of Health and Human Services;  
 15 (b) The Centers for Medicare and Medicaid Services of the United  
 16 States Department of Health and Human Services; or  
 17 (c) The federal Occupational Safety and Health Administration; and  
 18 (3)(a) Person means:  
 19 (i) Any natural person;  
 20 (ii) Any sole proprietorship, partnership, limited liability  
 21 partnership, corporation, limited liability company, business trust,  
 22 estate, trust, unincorporated association, or joint venture;  
 23 (iii) The State of Nebraska and any political subdivision of the  
 24 state;  
 25 (iv) Any school, college, university, institution of higher  
 26 education, religious organization, or charitable organization; or  
 27 (v) Any other legal or commercial entity.  
 1 (b) Person includes an employee, director, governing board, officer,  
 2 agent, independent contractor, or volunteer of a person listed in  
 3 subdivision (3)(a) of this section.  
 4 Sec. 3. A person may not bring or maintain a civil action seeking  
 5 recovery for any injuries or damages sustained from exposure or potential  
 6 exposure to COVID-19 on or after the effective date of this act if the  
 7 act or omission alleged to violate a duty of care was in substantial  
 8 compliance with any federal public health guidance that was applicable to  
 9 the person, place, or activity at issue at the time of the alleged  
 10 exposure or potential exposure.  
 11 Sec. 4. The COVID-19 Liability Act shall not be construed to:  
 12 (1) Create, recognize, or ratify a claim or cause of action of any  
 13 kind;  
 14 (2) Eliminate or satisfy a required element of a claim or cause of  
 15 action of any kind;  
 16 (3) Affect rights or coverage limits under the Nebraska Workers'  
 17 Compensation Act;  
 18 (4) Abrogate, amend, repeal, alter, or affect any statutory or  
 19 common law immunity or limitation of liability; or  
 20 (5) Constitute a waiver of the sovereign immunity of the State of

21 Nebraska or any political subdivision of the state.  
 22 Sec. 5. Sections 5 to 9 of this act shall be known and may be cited  
 23 as the Health Care Crisis Protocol Act.  
 24 Sec. 6. For purposes of the Health Care Crisis Protocol Act, health  
 25 care crisis protocol means the plans and protocols for triage and the  
 26 application of medical services and resources for critically ill patients  
 27 in the event that the demand for medical services and resources exceeds  
 28 supply as a result of a pervasive or catastrophic disaster as provided in  
 29 the Health Care Crisis Protocol for the State of Nebraska published by  
 30 the Nebraska Medical Emergency Operations Center, dated May 10, 2021.  
 31 Sec. 7. The health care crisis protocol may be activated only in  
 1 extraordinary circumstances when the level of demand for medical services  
 2 and resources exceeds the available resources required to deliver the  
 3 generally accepted standard of care and crisis operations will be in  
 4 effect for a sustained period.  
 5 Sec. 8. The health care crisis protocol does not change or alter the  
 6 standard for malpractice or professional negligence for health care  
 7 providers set forth in section 44-2810.  
 8 Sec. 9. (1) Each hospital shall have the health care crisis protocol  
 9 available for inspection by the public.  
 10 (2) The Department of Health and Human Services shall publish a copy  
 11 of the health care crisis protocol on the department's web site for  
 12 inspection by the public.  
 13 (3) For purposes of this section, hospital means a hospital licensed  
 14 under the Health Care Facility Licensure Act.  
 15 Sec. 10. Since an emergency exists, this act takes effect when  
 16 passed and approved according to law.  
 17 2. On page 1, strike beginning with "liability" in line 1 through  
 18 line 3 and insert "public health and welfare; to adopt the COVID-19  
 19 Liability Act; to adopt the Health Care Crisis Protocol Act; and to  
 20 declare an emergency."

**LEGISLATIVE BILL 54.** Placed on Select File with amendment.

[ER94](#)

1 1. In the Standing Committee amendments, AM1268, on page 1, lines 8  
 2 and 16, strike "non-employee" and insert "nonemployee".  
 3 2. On page 1, line 3, after "torts" insert "under the Political  
 4 Subdivisions Tort Claims Act and the State Tort Claims Act".

**LEGISLATIVE BILL 579.** Placed on Select File with amendment.

[ER95](#)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 39-1365.01, Revised Statutes Cumulative  
 4 Supplement, 2020, is amended to read:  
 5 39-1365.01 The department shall be responsible for developing a  
 6 specific and long-range state highway system plan. The department shall  
 7 annually formulate plans to meet the state highway system needs of all  
 8 facets of the state and shall assign priorities for such needs. The  
 9 department shall, on or before December 1 of each year, present such  
 10 plans and the report required in section 39-1365.02 to the Legislature.  
 11 The plans shall be referred to the appropriate standing committees of the  
 12 Legislature for review. The department shall consider the preservation of  
 13 the existing state highway system asset as its primary priority except as  
 14 may otherwise be provided in state or federal law. In establishing  
 15 secondary priorities, the department shall consider a variety of factors,  
 16 including, but not limited to, current and projected traffic volume,  
 17 safety requirements, economic development needs, current and projected  
 18 demographic trends, and enhancement of the quality of life for all



19 Nebraska citizens. The state highway system plan shall include the  
 20 designation of those portions of the state highway system which shall be  
 21 expressways.  
 22 Sec. 2. Section 39-1365.02, Revised Statutes Cumulative Supplement,  
 23 2020, is amended to read:  
 24 39-1365.02 (1) The department shall apply for and make maximum use  
 25 of available federal funding, including discretionary funding, on all  
 26 highway construction projects which are eligible for such assistance.  
 27 (2) The department shall transmit electronically to the Legislature,  
 1 by December 1 of each year, a report on the needs of the state highway  
 2 system, the department's planning procedures, and the progress being made  
 3 on the expressway system. Such report shall include:  
 4 (a) The criteria by which highway needs are determined;  
 5 (b) The standards established for each classification of highways;  
 6 (c) An assessment of current and projected needs of the state  
 7 highway system, such needs to be defined by category of improvement  
 8 required to bring each segment up to standards. Projected fund  
 9 availability shall not be a consideration by which needs are determined;  
 10 (d) Criteria and data, including factors enumerated in section  
 11 39-1365.01, upon which decisions may be made on possible special priority  
 12 highways for commercial growth;  
 13 (e) A review of the department's procedure for selection of projects  
 14 for the annual construction program, the five-year planning program, and  
 15 extended planning programs. The review shall include a statement of all  
 16 state highway projects under construction, other than any part of the  
 17 expressway system, and the estimated cost of each project;  
 18 (f) A review of the progress being made toward completion of the  
 19 expressway system, as such system was designated on January 1, 2016, and  
 20 whether such work is on pace for completion prior to June 30, 2033. The  
 21 review shall include a statement of the amount of money spent on the  
 22 expressway system, as of the date of the report, and the number of miles  
 23 of the expressway system yet to be completed and expected milestone dates  
 24 for other expressway projects, including planning, permitting, designing,  
 25 bid letting, and required funding for project completion;  
 26 (g) A review of the Transportation Infrastructure Bank Fund and the  
 27 fund's component programs under sections 39-2803 to 39-2807. This review  
 28 shall include a listing of projects funded and planned to be funded under  
 29 each of the three component programs; and  
 30 (h) A review of the outcomes of the Economic Opportunity Program,  
 31 including the growth in permanent jobs and related income and the net  
 1 increase in overall business activity.  
 2 Sec. 3. Original sections 39-1365.01 and 39-1365.02, Revised  
 3 Statutes Cumulative Supplement, 2020, are repealed.  
 4 2. On page 1, strike beginning with "section" in line 1 through line  
 5 6 and insert "sections 39-1365.01 and 39-1365.02, Revised Statutes  
 6 Cumulative Supplement, 2020; to provide requirements for a report and a  
 7 presentation by the Department of Transportation; and to repeal the  
 8 original sections."

**LEGISLATIVE BILL 236.** Placed on Select File with amendment.

**ER98**

1 1. On page 1, strike beginning with "counties" in line 1 through  
 2 line 5 and insert "firearms; to amend sections 28-1202 and 69-2436,  
 3 Reissue Revised Statutes of Nebraska; to provide an exception to the  
 4 offense of carrying a concealed weapon as prescribed; to define a term;  
 5 to change provisions relating to renewal of a permit to carry a concealed  
 6 handgun; to provide a duty for the Nebraska State Patrol; to eliminate an  
 7 obsolete provision; to harmonize provisions; and to repeal the original  
 8 sections."

(Signed) Terrell McKinney, Chairperson

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

Senator Stinner filed the following amendment to LB572:  
[AM1213](#)

(Amendments to E &amp; R amendments, ER29)

1 1. On page 6, line 20, before "The" insert "(5)"; and after line 23

2 insert the following new subsection:

3 "(6) The Nebraska Brand Committee terminates on June 30, 2022.".**SELECT FILE**

**LEGISLATIVE BILL 241.** [ER86](#), found on page 1299, was adopted.

Senator Slama offered her amendment, [AM1330](#), found on page 1349.

Senator Lowe offered the following motion:

[MO69](#)

Bracket until June 10, 2021.

Senator B. Hansen moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Senator Lowe requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 25:

Albrecht	Clements	Groene	Hughes	Pahls
Arch	Erdman	Halloran	Kolterman	Sanders
Bostelman	Friesen	Hansen, B.	Lowe	Slama
Brewer	Geist	Hilgers	Moser	Stinner
Briese	Gragert	Hilkemann	Murman	Williams

Voting in the negative, 18:

Aguilar	Cavanaugh, J.	Hansen, M.	McDonnell	Vargas
Blood	Day	Hunt	McKinney	Wishart
Bostar	DeBoer	Lathrop	Morfeld	
Brandt	Flood	McCollister	Pansing Brooks	

Present and not voting, 5:

Cavanaugh, M.	Dorn	Lindstrom	Linehan	Walz
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Excused and not voting, 1:

Wayne

The Lowe motion to bracket prevailed with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 502.** Placed on General File with amendment.

[AM1366](#)

1 1. On page 10, line 18, after the period insert "Any taxpayer who is  
2 issued a direct payment permit under this subdivision or who otherwise  
3 receives the benefit of any refunds or exemptions under this section  
4 shall comply with all data disclosure requirements in subsection (5) of  
5 section 77-27,144, including disclosures to a municipality which would  
6 have received sales and use taxes but for an exemption allowed under this  
7 section.".  
8 2. On page 27, line 26, after the period insert "For each election  
9 made under this subsection, the Tax Commissioner shall disclose such  
10 election, the identity of the taxpayer, and the location of the  
11 taxpayer's project to each municipality in which the project is located.  
12 The Tax Commissioner shall make such disclosures within thirty days after  
13 the election.".

(Signed) Lou Ann Linehan, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 152.** Introduced by Bostelman, 23.

**PURPOSE:** The purpose of this interim study is to evaluate the need for laws that would allow the Department of Environment and Energy to expeditiously respond to emergency situations that threaten the health of agricultural land, water and air quality, livestock, and other plant and animal life from toxic or harmful products that are a part of or created by pesticide-treated seed or grain.

The study may include, but is not limited to, the:

- (1) Gathering of information about various uses of pesticide-treated seed or grain throughout Nebraska;
- (2) Identification of the current state of regulatory and statutory environmental emergency response and enforcement options available to the Department of Environment and Energy to protect against harmful materials or byproducts resulting from use of pesticide-treated seed or grain; and
- (3) Acquisition and review of information about potential additional options that would enable the state to order, enforce, and facilitate expedited cleanup or removal of pesticide-treated seed or grain and material or byproducts resulting from the use of such seed or grain.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 153.** Introduced by Slama, 1; Sanders, 45.

WHEREAS, Yolanda Peck immigrated from Panama to the United States as a teenager; and

WHEREAS, Yolanda lent her experience to other immigrants starting their lives in Nebraska; and

WHEREAS, Yolanda established relationships with community leaders and large employers to create better opportunities for immigrants; and

WHEREAS, Yolanda spent countless hours working with the Center for Rural Affairs to create an inclusive and welcoming community for immigrants in Nebraska City; and

WHEREAS, Yolanda assisted the Center for Rural Affairs in giving Spanish language lessons to immigrants from Central America who speak indigenous languages, as well as giving English language lessons to immigrants wanting to improve their communication skills; and

WHEREAS, Yolanda shared her scientific knowledge about COVID-19 with the immigrant community by providing up-to-date information on COVID-19 response, distributing masks and hand sanitizer, and helping the Southeast District Health Department with translation work; and

WHEREAS, Yolanda assisted the immigrant community with a great amount of respect and love; and

WHEREAS, Yolanda passed away on April 24, 2021, at the age of seventy.

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

1. That the Legislature honors Yolanda Peck for her dedication to helping immigrants in southeast Nebraska thrive and her tireless advocacy for her community in Nebraska City and beyond.

2. That the Legislature offers its condolences to the family of Yolanda Peck.

3. That a copy of this resolution be sent to the family of Yolanda Peck.

Laid over.

**LEGISLATIVE RESOLUTION 154.** Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to study the impact of COVID-19 on Nebraska's workforce and the ability to find sustainable

employment after the pandemic subsides. Individuals will return to a very different workplace and experience a recovering economy that will require different workforce demands, including different skills, knowledge, and abilities. While Nebraska's unemployment rate has remained one of the lowest in the country, it is understood that a high number of individuals have stopped looking for gainful employment or dropped out of the labor force altogether. It can be challenging for unemployed or underemployed individuals to navigate and understand all available resources, both public and private, to successfully return to the workforce. Throughout the pandemic, Nebraska's 211 Information and Referral Network has been instrumental in aiding response to and recovery from the impacts of COVID-19 by providing statewide resources for basic needs, housing supports, COVID-19 testing, vaccination referrals, and other referrals connecting individuals with supports with its vast data base of nonprofit agencies and programs. This same model can be used to help Nebraska's residents return to gainful employment.

The issues addressed by this study shall include, but not be limited to:

(1) Identifying the needs and number of individuals no longer being counted in the labor force that could benefit from a career navigation network administered through Nebraska's 211 Information and Referral Network;

(2) Identifying the number of underemployed individuals that could improve their employment situation by gaining new skills and understanding the training necessary to fill high-demand jobs and careers;

(3) Determining the number of public, private, and nonprofit agencies that provide employment programs, work to fill high-demand jobs, offer job-specific training, and recruit and coach individuals on gaining employment or improving their earning potential;

(4) Identifying the most effective programs and determine the scalability of such programs;

(5) Assessing how utilizing Nebraska's 211 Information and Referral Network can help individuals find the most useful career training programs to improve their employment, underemployment, or unemployment situation; and

(6) Assessing how building upon the existing infrastructure and the contact-center model of Nebraska's 211 Information and Referral Network could improve efficiency through partnerships with the entities identified in subdivision (3) of this resolution to return thousands of Nebraska's residents back to work by filling high-demand jobs leading to careers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### GENERAL FILE

**LEGISLATIVE BILL 298.** Title read. Considered.

Committee [AM251](#), found on page 782, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 529.** [ER31](#), found on page 779, was adopted.

Senator Walz asked unanimous consent to withdraw her amendment, [AM678](#), found on page 667, and replace it with her substitute amendment, [AM1090](#), found on page 1106. No objections. So ordered.

Senator M. Cavanaugh offered the following motion:

[MO70](#)

Recommit to Education Committee.

### SENATOR WILLIAMS PRESIDING

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 155.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this resolution is to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska. Issues to be examined shall include, but not be limited to:

- (1) Automated vehicle classifications;
- (2) Testing of automated vehicles;
- (3) Automated vehicle registration, titling, and branding;
- (4) Financial responsibility;
- (5) Federal Motor Vehicle Safety Standards and state and local safety standards;
- (6) The role of a driver and of the passengers or occupants in an autonomous vehicle;
- (7) Operator license requirements for testing and deployment of autonomous vehicles;
- (8) Training for consumers, examiners, driver education instructors, and driver schools;
- (9) Endorsements and restrictions;
- (10) Crash and incident reporting;

- (11) Autonomous vehicle use in criminal activity;
- (12) Distracted driving;
- (13) Establishment of legal responsibility for enforcement actions;
- (14) First responder safety and autonomous vehicle response to emergency vehicles;
- (15) Manual traffic controls and extraordinary road conditions;
- (16) Access to autonomous vehicle electronic data for investigatory purposes;
- (17) Autonomous vehicle identification;
- (18) Autonomous vehicle conformance to the Nebraska Rules of the Road;
- (19) Autonomous commercial motor vehicles;
- (20) Autonomous vehicles operated by transportation network companies;
- (21) Data privacy and security;
- (22) Cybersecurity;
- (23) Highway and other infrastructure utilized by autonomous vehicles;
- (24) Imported and exported autonomous vehicles;
- (25) Autonomous vehicle upfitter regulation;
- (26) Autonomous vehicle platooning;
- (27) Data collection and sharing; and
- (28) Liability for autonomous vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 156.** Introduced by Pansing Brooks, 28.

**PURPOSE:** The purpose of this interim study is to examine mental health and addiction issues within the Nebraska criminal justice system and alternative policy options and solutions.

Like other states, Nebraska's jails and prisons are often required to accommodate detainees or prisoners who struggle with mental illness. A disproportionate number of individuals in Nebraska's jails and prisons have a history of mental illness, and some estimate that approximately fifty-six percent of state prisoners have at least one mental health diagnosis. The number of prisoners who have alcohol or drug problems is also disproportionate. As a consequence, much of the responsibility for responding to people who are in distress due to mental health is on our law enforcement agencies.

Policymakers support reducing the use of our jails and prisons for people who struggle with mental illness, including addiction, when such individuals could instead be receiving community treatment. Additional efforts should

also be made to minimize the frequency of negative interaction between law enforcement and individuals in mental health crisis during police encounters. Public health problems, like untreated mental illness and addiction, should be met with a public health response and not a criminal justice response. Investment in mental health services costs less than building prisons and has more effective and safer outcomes for vulnerable Nebraskans and front line law enforcement officers and is proven to advance our shared public safety goals. There are successful innovations in this area in Nebraska and in other states that we can learn from and implement with new funding sources.

Some jurisdictions across the country have invested in community-based mobile crisis intervention services in which mental health professionals or other providers of behavioral health services are deployed in real time to the location of the person in crisis in order to achieve the needed and best outcomes for that individual. These mobile crisis teams are intended to be dispatched as an alternative to law enforcement.

The federal American Rescue Plan Act of 2021, a federal relief package that became law on March 11, 2021, contains a number of provisions designed to increase coverage, expand benefits, and adjust federal financing for state medicaid programs. The American Rescue Plan Act of 2021 includes a provision to expand mental health services in states and communities by providing for mobile crisis intervention and community mental health funding. These services are to be covered by medicaid and provided by a multidisciplinary team to enrollees experiencing a mental health or substance use disorder crisis outside a hospital or other facility setting. This new option is available to states for five years, beginning April 1, 2022.

This study shall include, but not be limited to:

(1) An examination of whether Nebraska can pursue the new option under the American Rescue Plan Act of 2021 to provide community-based mobile crisis intervention services with federal funds;

(2) An examination of how the state can provide assistance in supporting measures to improve mental health care in our communities;

(3) Consideration of any statutory changes necessary to enhance community mental health treatment and addiction services instead of meeting these public health challenges with a criminal response; and

(4) Receiving input from the public and impacted individuals regarding the subject matters of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 157.** Introduced by Pansing Brooks, 28; Day, 49; McKinney, 11; Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to explore how Nebraska schools could recruit a teaching and administrative force that accurately reflects the proportion of students of color attending Nebraska schools. Many studies have proved the beneficial aspects of having a diverse teacher and administrative workforce, especially regarding closing achievement gaps for students of color. Furthermore, a more diverse teacher and administrative workforce that better represents our state's demographics benefits students of all racial backgrounds. Data shows that our teachers and administrators are not representative of the communities our students come from. Research shows us that there is a need to rectify this imbalance for the sake of our children and for the economic and social well-being of the state.

The issues examined by this study shall include, but not be limited to:

- (1) Different approaches to informing minority students and people of color on the importance and benefits of entering the field of education;
- (2) Methods of seeking out cooperative relationships or partnerships with Historically Black Colleges and Universities, Hispanic and Latino Serving Institutions, and Native American Serving Institutions, that may lead to more diverse teacher and administrative staffs;
- (3) Relevant research and best practices to enhance minority teacher and administrator recruitment and retention throughout the state;
- (4) How to establish more public, private, and philanthropic partnerships to increase minority teacher and administrator recruitment, including, but not limited to, teacher and administrator preparation programs;
- (5) How to support and encourage local boards of education and educational service units to prioritize minority teacher recruitment and innovative strategies to attract and retain minority teachers within their districts;
- (6) Any requirements that prevent persons of color from choosing and remaining in the education professions, including, but not limited to, teacher preparation programs, certification requirements, testing of teachers, and teacher organization leadership;
- (7) Identification of methods to prepare, support, and encourage school leadership to increase retention of teachers of color; and
- (8) Input from members of the Legislature from the various regions of the state, members of the various teacher and administrator associations in Nebraska, faculty and administration of the various institutions training teachers, and organizations representing persons of color.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 298.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RECESS**

At 11:59 a.m., on a motion by Speaker Hilgers, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wayne who was excused; and Senators Bostar, Brewer, Day, DeBoer, B. Hansen, Hilkemann, Lathrop, McCollister, Morfeld, and Wishart who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 529.** Senator M. Cavanaugh renewed her motion, [MO70](#), found in this day's Journal, to recommit to Education Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 27 not voting.

Senator Cavanaugh, M. requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 40:

Aguilar	Dorn	Hansen, B.	Linehan	Pansing Brooks
Albrecht	Erdman	Hilgers	McCollister	Sanders
Arch	Flood	Hilkemann	McDonnell	Slama
Bostelman	Friesen	Hughes	McKinney	Stinner
Brandt	Geist	Hunt	Morfeld	Vargas
Cavanaugh, J.	Gragert	Kolterman	Moser	Walz
Day	Groene	Lathrop	Murman	Williams
DeBoer	Halloran	Lindstrom	Pahls	Wishart

Present and not voting, 4:

Blood          Cavanaugh, M.    Clements          Hansen, M.

Excused and not voting, 5:

Bostar          Brewer          Briese          Lowe          Wayne

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 40 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 158.** Introduced by Blood, 3; Aguilar, 35; Bostar, 29; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Friesen, 34; Hansen, M., 26; Hilkemann, 4; Lathrop, 12; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Walz, 15.

**PURPOSE:** The purpose of this resolution is to examine the accuracy of payments made by the Department of Labor to recipients of state and federal benefit programs, including, but not limited to, unemployment insurance.

The issues addressed by this interim study shall include, but are not limited to:

(1) Policies and procedures of state and federal agencies when benefits are overpaid, including, but not limited to, methods of recuperating overpaid amounts;

(2) The impact of inaccurate benefit payments on benefit recipients;

(3) The frequency, number, and agency impact of inaccurate benefit payments made within the last two years;

(4) The underlying causes of inaccurate benefit payments; and

(5) The ways in which Nebraska can ensure greater accuracy of benefit payments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 159.** Introduced by Blood, 3.

WHEREAS, the economy of the State of Nebraska is heavily reliant on agriculture and specifically, the production of ethanol; and

WHEREAS, the AltEn, LLC, (AltEn) ethanol production plant at Mead, Nebraska, has been using pesticide and fungicide treated seed as the raw material for the production of ethanol, leaving behind toxic byproducts which are unfit for animal consumption or soil treatment and which have been shown to cause significant disruptions, including death, in the life cycle of invertebrates, fish, reptiles, amphibians, insects, birds, and mammals; and

WHEREAS, the contaminated byproducts created by this process have been causally linked to the destruction of entire colonies of bees and other pollinators which are vital to the health of the agricultural industry and provide important bioindicators for other species; and

WHEREAS, the AltEn family of companies includes several limited liability companies which makes it difficult to identify exactly which Kansas entity is actually doing business in Nebraska, which is further complicated by the involvement of Mead Cattle Company, LLC, and Green Cycles, LLC, the biochar manufacturing enterprise of AltEn, which have been engaged in either the manufacturing of the ethanol, the dispersal of the wet distiller's grain, or the manufacture of biochar; and

WHEREAS, leaking liners under the retention ponds at the facility which are associated with Mead Cattle Company LLC, have contaminated and continue contaminating the water table surrounding the facility to a depth of 29 feet; and

WHEREAS, it is estimated that over 84,000 tons of pesticide- and fungicide-contaminated material remain on the AltEn site, exposing residents of Mead and the surrounding rural community to continued exposure to airborne contaminants, with few studies indicating what the long-term ramifications of that exposure could be; and

WHEREAS, in 2018 and 2019, AltEn delivered over 29,000 tons of contaminated distillers grain, referred to as soil conditioner, to area farmers who were unaware of the risk of applying of that product to the land, and such product was applied to land or stockpiled on various sights around Saunders County, including the city of Wahoo and Lake Wanhoo; and

WHEREAS, a late February, 2021, freeze resulted in the draining of over four million gallons of pesticide-contaminated water and manure across lands belonging to the University of Nebraska and spread miles downstream from the AltEn facility; and

WHEREAS, AltEn has not demonstrated a legal plan or procedure to address the leaking lagoons, the stockpiles of contaminated distiller's grain, or any other contamination resulting from byproducts related to its operations; and

WHEREAS, floods which occurred in both 2019 and 2021 have spread these contaminants far beyond the immediate vicinity of AltEn and may have already contaminated, and have the potential to further contaminate, the downstream wellfield locations for the city of Lincoln's drinking water; and

WHEREAS, the University of Nebraska has indicated that studies on the extensive pollution in the region associated with the AltEn family of enterprises will require at least ten years to conduct and may require expenditure of ten million dollars or more; and

WHEREAS, AltEn has an extensive list of violations on file with the Nebraska Department of Environment and Energy. This demonstrates a disrespect for the agency and a lack of appropriate enforcement actions available to force AltEn to correct these violations; and

WHEREAS, livestock at Mead Cattle Company LLC, have been exposed to airborne pesticide and fungicide, which may contaminate the food supply for American citizens who come into contact with meat processed through that feedlot, potentially affecting an extremely large number of individuals; and

WHEREAS, representatives of the AltEn family of companies failed to testify at hearings on Legislative Bill 507 and Legislative Bill 634, both introduced in 2021, to answer questions about the disposal of waste stockpiled at the AltEn site or any of the other actual or potential damages related to AltEn operations; and

WHEREAS, the liabilities associated with AltEn operations are immense, and it appears the company is unable to meet its obligations associated with the appropriate disposal of contaminated waste piles, remediation of leaking lagoons and surrounding land and water contamination, damage to public and private property, or injuries to humans and animals, therefore imposing that financial burden on the taxpayers of the State of Nebraska; and

WHEREAS, seed companies which received a financial benefit from the process AltEn utilizes to create ethanol with discarded treated seed should be engaged in helping develop solutions to the contamination and damage caused by such process; and

WHEREAS, AltEn has failed to pay back taxes on the plant, leaving the residents of Saunders County to pick up the burden through additional taxation; and

WHEREAS, mechanics liens against the properties are a further indication that AltEn is unlikely to be able to financially afford even rudimentary cleanup on the site; and

WHEREAS, negative publicity associated with the AltEn, LLC, ethanol plant could damage the reputation of other ethanol manufacturers, who follow sound science and appropriate safeguards to prevent environmental degradation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 AltEn LLC, Ethanol Plant at Mead Special Investigative and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the executive board. Members shall include the chairperson of the Appropriations Committee or the chairperson's designee, the chairperson of the Natural Resources Committee or the chairperson's designee, the chairperson of the

Judiciary Committee or the chairperson's designee, the chairperson of the Health and Human Services or the chairperson's designee, the chairperson of the Agriculture Committee or the chairperson's designee, one member representing the city of Omaha, one member representing the city of Lincoln, and one additional member from the Judiciary Committee and the Natural Resources Committee. The committee shall elect a chairperson and a vice-chairperson from the membership of the committee. The Executive Board may provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board may authorize the committee to hire outside legal counsel, consultants, and investigators as required by the committee. The committee may hold hearings and issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

2. The AltEn LLC, Ethanol Plant at Mead Special Investigative and Oversight Committee of the Legislature is hereby authorized to study and investigate the following:

(a) Records associated with the construction and operation of Mead Cattle Company LLC, AltEn LLC, and associated companies;

(b) The regulatory rules and regulations associated with the operation of these entities by the federal government and the State of Nebraska;

(c) Whether AltEn followed the applicable rules and regulations governing their operation;

(d) Whether revisions to statutes or rules and regulations are needed to ensure compliance with applicable standards, including increased penalties and streamlined enforcement mechanisms;

(e) Whether the contaminated bioproducts from this process have led to negative impacts on human health;

(f) Whether entities and individuals who benefited from this process have any liability to pay for damages resulting from it;

(g) The timelines associated with the production of ethanol from treated seeds and biochar at the site;

(h) Records associated with inspections at the facility by state inspectors and what enforcement actions were taken;

(i) How and why pesticide-contaminated distiller's grain was permitted to be applied to farm fields as a soil conditioner and whether those fields are being used to produce food crops today;

(j) Whether any contamination exists for the drinking water of the cities of Omaha and Lincoln and any scientific studies addressing neonicotinoid poisoning and the beneficial uses of neonicotinoids;

(k) The cost estimates associated with removal of contaminated seed stored in warehouses at the AltEn site and elsewhere, the costs to dispose of the tons of contaminated material remaining on the AltEn site, the costs to treat waters in the extensive lagoon system on the site, the costs of additional testing associated with water wells in the vicinity, whether there are costs from damage to human health, whether there are costs to remediate damage to neighboring properties, and any other costs or expenses which are unanticipated but may be exposed through the course of investigation;

(l) Any existing statutes and rules and regulations related to the disposal of pesticides in any form; and

(m) Any other issues that may be necessary or appropriate to a full and complete examination of this matter.

3. The special committee shall issue a preliminary report with its findings and recommendations to the Legislature no later than December 1, 2021. At that time the estimated costs for remediation should be available to the Legislature and the Appropriations Committee of the Legislature can develop a budget for remediation in the event that state funds are required to clean up the AltEn site. The special committee shall issue a final report of its findings and recommendations by December 1, 2022. The special committee shall terminate on December 31, 2022.

Laid over.

**LEGISLATIVE RESOLUTION 160.** Introduced by McKinney, 11.

WHEREAS, Black Men United of Omaha is a grassroots organization formed in February 2003 and focused on advocacy and economic development for Black men in the Omaha community; and

WHEREAS, since its beginning, Black Men United has been recognized as a key organization for grassroots leadership, hope, and action; and

WHEREAS, Black Men United focusses on providing services, programs, and support for education, work, and family, while also promoting positive images and messages about Black boys and Black men; and

WHEREAS, the Real Men Read program presented by Black Men United provides opportunities for men to be role models by reading to children in local elementary schools; and

WHEREAS, Black Men United provided a biweekly drive-through pantry in 2020 and 2021 during the COVID-19 pandemic to families in need throughout the Omaha community; and

WHEREAS, a primary goal of Black Men United is to equip and empower members of the Omaha community with the means to thrive and maintain healthy lifestyles.

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

1. That the Legislature recognizes Black Men United of Omaha for its work in providing mentorship and educational opportunities for Black boys and Black men in Omaha.

2. That a copy of this resolution be sent to Black Men United of Omaha.

Laid over.

**LEGISLATIVE RESOLUTION 161.** Introduced by McKinney, 11.

PURPOSE: The purpose of this interim study is to examine the impact of natural hair discrimination in Nebraska educational settings and to support

all schools in creating equitable policies and practices as such relate to students' racial, ethnic, and cultural identity.

Restrictions on natural hair or hairstyles have historically been rooted in European standards of appearance and can perpetuate racist and hurtful stereotypes. Such policies exacerbate bias in educational settings by limiting an individual's ability to thrive in classroom settings, sports, and other extracurricular activities.

It is vital that students and other individuals have the confidence needed to thrive and succeed. Such confidence is hindered when suspensions and other consequences are given for the way hair naturally grows from a person's head.

This study shall include, but not be limited to:

(1) A review of existing dress code, hairstyle, and other related policies in schools across the state;

(2) An examination of model school policies that promote equitable educational environments as such relates to natural hair and protective hairstyles;

(3) Identifying training and resources necessary to support schools in creating policies promoting equitable educational environments, free of natural hair discrimination, and accountability for such policies; and

(4) Examining potential legislative solutions to ban race-based discriminatory policies and practices in schools that penalize students for their natural hair and protective hairstyles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR159 was referred to the Reference Committee.

#### **SELECT FILE**

**LEGISLATIVE BILL 529.** Senator M. Hansen offered the following motion:

[MO71](#)

Reconsider the vote on MO70.

**SPEAKER HILGERS PRESIDING**

**PRESIDENT FOLEY PRESIDING**



Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Senator Walz offered the following motion:

[MO72](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Walz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 28:

Aguilar	Day	Hilgers	McCollister	Vargas
Blood	DeBoer	Hilkemann	McKinney	Walz
Bostar	Dorn	Hunt	Morfeld	Williams
Brandt	Flood	Kolterman	Pahls	Wishart
Cavanaugh, J.	Hansen, B.	Lathrop	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Lindstrom	Stinner	

Voting in the negative, 11:

Albrecht	Clements	Lowe	Sanders
Bostelman	Erdman	Moser	Slama
Brewer	Groene	Murman	

Present and not voting, 9:

Arch	Friesen	Gragert	Hughes	McDonnell
Briese	Geist	Halloran	Linehan	

Excused and not voting, 1:

Wayne

The Walz motion to invoke cloture failed with 28 ayes, 11 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 528.** [ER69](#), found on page 1151, was adopted.

Senator M. Hansen offered the following motion:

[MO73](#)

Recommit to the Education Committee.

Senator M. Hansen withdrew his motion to recommit to committee.

Senator Wayne withdrew his amendment, [AM1190](#), found on page 1214.

Senator Walz offered her amendment, [AM1171](#), found on page 1439.

Senator M. Hansen offered the following amendment to the Walz amendment:

[FA52](#)

Amend AM1171

On page 2, line 19, strike "2022" and insert "2023".

Senator M. Hansen withdrew his amendment.

The Walz amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Walz offered the following amendment:

[FA50](#)

Amend AM556

On page 56, line 9, strike "aid" and insert "funding".

Senator Walz asked unanimous consent to withdraw her amendment, [FA50](#), found in this day's Journal, and replace it with her substitute amendment, [AM1458](#). No objections. So ordered. [AM1458](#) is available in the Bill Room.

The Walz amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator Groene offered the following amendment:

[AM1460](#)

(Amendments to Standing Committee amendments, AM556)

1 1. Insert the following new sections:

2 Sec. 2. Section 9-812, Revised Statutes Cumulative Supplement, 2020,

3 is amended to read:

4 9-812 (1) All money received from the operation of lottery games

5 conducted pursuant to the State Lottery Act in Nebraska shall be credited

6 to the State Lottery Operation Trust Fund, which fund is hereby created.

7 All payments of the costs of establishing and maintaining the lottery

8 games shall be made from the State Lottery Operation Cash Fund. In

9 accordance with legislative appropriations, money for payments for

10 expenses of the division shall be transferred from the State Lottery

11 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund

12 is hereby created. All money necessary for the payment of lottery prizes

13 shall be transferred from the State Lottery Operation Trust Fund to the

14 State Lottery Prize Trust Fund, which fund is hereby created. The amount

15 used for the payment of lottery prizes shall not be less than forty

16 percent of the dollar amount of the lottery tickets which have been sold.

17 (2) A portion of the dollar amount of the lottery tickets which have

18 been sold on an annualized basis shall be transferred from the State

19 Lottery Operation Trust Fund to the Education Innovation Fund, the

20 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,

21 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and

22 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of

23 this section. The dollar amount transferred pursuant to this subsection

24 shall equal the greater of (a) the dollar amount transferred to the funds

25 in fiscal year 2002-03 or (b) any amount which constitutes at least

26 twenty-two percent and no more than twenty-five percent of the dollar  
1 amount of the lottery tickets which have been sold on an annualized  
2 basis. To the extent that funds are available, the Tax Commissioner and  
3 director may authorize a transfer exceeding twenty-five percent of the  
4 dollar amount of the lottery tickets sold on an annualized basis.

5 (3) Of the money available to be transferred to the Education  
6 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska  
7 Education Improvement Fund, the Nebraska Environmental Trust Fund, the  
8 Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund:  
9 (a) The first five hundred thousand dollars shall be transferred to  
10 the Compulsive Gamblers Assistance Fund to be used as provided in section  
11 9-1006;

12 (b) Beginning July 1, 2016, forty-four and one-half percent of the  
13 money remaining after the payment of prizes and operating expenses and  
14 the initial transfer to the Compulsive Gamblers Assistance Fund shall be  
15 transferred to the Nebraska Education Improvement Fund;

16 (c) Forty-four and one-half percent of the money remaining after the  
17 payment of prizes and operating expenses and the initial transfer to the  
18 Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska  
19 Environmental Trust Fund to be used as provided in the Nebraska  
20 Environmental Trust Act;

21 (d) Ten percent of the money remaining after the payment of prizes  
22 and operating expenses and the initial transfer to the Compulsive  
23 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair  
24 Board if the most populous city within the county in which the fair is  
25 located provides matching funds equivalent to ten percent of the funds  
26 available for transfer. Such matching funds may be obtained from the city  
27 and any other private or public entity, except that no portion of such  
28 matching funds shall be provided by the state. If the Nebraska State Fair  
29 ceases operations, ten percent of the money remaining after the payment  
30 of prizes and operating expenses and the initial transfer to the  
31 Compulsive Gamblers Assistance Fund shall be transferred to the General  
1 Fund; and

2 (e) One percent of the money remaining after the payment of prizes  
3 and operating expenses and the initial transfer to the Compulsive  
4 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers  
5 Assistance Fund to be used as provided in section 9-1006.

6 (4) The Nebraska Education Improvement Fund is created. The fund  
7 shall consist of money transferred pursuant to subsection (3) of this  
8 section, money transferred pursuant to section 85-1920, and any other  
9 funds appropriated by the Legislature. The fund shall be allocated, after  
10 actual and necessary administrative expenses, as provided in this section  
11 for fiscal years 2016-17 through ~~2022-23~~ ~~2020-21~~. A portion of each  
12 allocation may be retained by the agency to which the allocation is made  
13 or the agency administering the fund to which the allocation is made for  
14 actual and necessary expenses incurred by such agency for administration,  
15 evaluation, and technical assistance related to the purposes of the  
16 allocation, except that no amount of the allocation to the Nebraska  
17 Opportunity Grant Fund may be used for such purposes. On or before  
18 December 31, ~~2021~~ ~~2019~~, the Education Committee of the Legislature shall  
19 electronically submit recommendations to the Clerk of the Legislature  
20 regarding how the fund should be allocated to best advance the  
21 educational priorities of the state for the five-year period beginning  
22 with fiscal year ~~2023-24~~ ~~2021-22~~. For fiscal year 2016-17, an amount  
23 equal to ten percent of the revenue allocated to the Education Innovation  
24 Fund and to the Nebraska Opportunity Grant Fund for fiscal year 2015-16  
25 shall be retained in the Nebraska Education Improvement Fund. For fiscal  
26 years 2017-18 through ~~2022-23~~ ~~2020-21~~, an amount equal to ten percent of  
27 the revenue received by the Nebraska Education Improvement Fund in the  
28 prior fiscal year shall be retained in the fund. For fiscal years 2016-17

29 through ~~2022-23~~ ~~2020-21~~, the remainder of the fund, after payment of any  
30 learning community transition aid pursuant to section 79-10,145, shall be  
31 allocated as follows:

1 (a) One percent of the allocated funds to the Expanded Learning  
2 Opportunity Grant Fund to carry out the Expanded Learning Opportunity  
3 Grant Program Act;

4 (b) Seventeen percent of the allocated funds to the Department of  
5 Education Innovative Grant Fund to be used (i) for competitive innovation  
6 grants pursuant to section 79-1054 and (ii) to carry out the purposes of  
7 section 79-759;

8 (c) Nine percent of the allocated funds to the Community College Gap  
9 Assistance Program Fund to carry out the community college gap assistance  
10 program;

11 (d) Eight percent of the allocated funds to the Excellence in  
12 Teaching Cash Fund to carry out the Excellence in Teaching Act;

13 (e) Sixty-two percent of the allocated funds to the Nebraska  
14 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in  
15 conjunction with appropriations from the General Fund; and

16 (f) Three percent of the allocated funds to fund distance education  
17 incentives pursuant to section 79-1337.

18 (5) Any money in the State Lottery Operation Trust Fund, the State  
19 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the  
20 Nebraska Education Improvement Fund, or the Education Innovation Fund  
21 available for investment shall be invested by the state investment  
22 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24 (6) Unclaimed prize money on a winning lottery ticket shall be  
25 retained for a period of time prescribed by rules and regulations. If no  
26 claim is made within such period, the prize money shall be used at the  
27 discretion of the Tax Commissioner for any of the purposes prescribed in  
28 this section.

29 Sec. 32. Section 79-8,137.05, Revised Statutes Cumulative  
30 Supplement, 2020, is amended to read:

31 79-8,137.05 (1) The Excellence in Teaching Cash Fund is created. The  
1 fund shall consist of appropriations by the Legislature, transfers  
2 pursuant to section 9-812, and loan repayments, penalties, and interest  
3 payments received in the course of administering the Attracting  
4 Excellence to Teaching Program and the Enhancing Excellence in Teaching  
5 Program.

6 (2) For all fiscal years, the department shall allocate on an annual  
7 basis up to four hundred thousand dollars in the aggregate of the funds  
8 to be distributed for the Attracting Excellence to Teaching Program to  
9 all eligible institutions according to the distribution formula as  
10 determined by rule and regulation. The eligible institutions shall act as  
11 agents of the department in the distribution of the funds for the  
12 Attracting Excellence to Teaching Program to eligible students. The  
13 department shall allocate on an annual basis up to eight hundred thousand  
14 dollars of the remaining available funds to be distributed to eligible  
15 students for the Enhancing Excellence in Teaching Program. Funding  
16 amounts granted in excess of one million two hundred thousand dollars  
17 shall be evenly divided for distribution between the two programs.

18 (3) Any money remaining in the fund on August 1, ~~2023~~ ~~2021~~, shall be  
19 transferred to the Nebraska Education Improvement Fund on such date.

20 (4) Any money in the Excellence in Teaching Cash Fund available for  
21 investment shall be invested by the state investment officer pursuant to  
22 the Nebraska Capital Expansion Act and the Nebraska State Funds  
23 Investment Act.

24 Sec. 41. Section 79-1337, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:

26 79-1337 (1) For fiscal years 2007-08 through ~~2022-23~~ ~~2020-21~~, the

27 State Department of Education shall provide distance education incentives  
28 to school districts and educational service units for qualified distance  
29 education courses coordinated through the Educational Service Unit  
30 Coordinating Council as provided in this section. Through fiscal year  
31 2015-16, funding for such distance education incentives shall come from  
1 the Education Innovation Fund. For fiscal years 2016-17 through ~~2022-23~~  
2 ~~2020-21~~, funding for such distance education incentives shall come from  
3 the Nebraska Education Improvement Fund.

4 (2) School districts and educational service units shall apply for  
5 incentives annually through calendar year ~~2022~~ 2020 to the department on  
6 or before August 1 on a form specified by the department. The application  
7 shall:

8 (a) For school districts, specify (i) the qualified distance  
9 education courses which were received by students in the membership of  
10 the district in the then-current school fiscal year and which were not  
11 taught by a teacher employed by the school district and (ii) for each  
12 such course (A) the number of students in the membership of the district  
13 who received the course, (B) the educational entity employing the  
14 teacher, and (C) whether the course was a two-way interactive video  
15 distance education course; and

16 (b) For school districts and educational service units, specify (i)  
17 the qualified distance education courses which were received by students  
18 in the membership of another educational entity in the then-current  
19 school fiscal year and which were taught by a teacher employed by the  
20 school district or educational service unit, (ii) for each such course  
21 for school districts, the number of students in the membership of the  
22 district who received the course, and (iii) for each such course (A) the  
23 other educational entities in which students received the course and how  
24 many students received the course at such educational entities, (B) any  
25 school district that is sparse or very sparse as such terms are defined  
26 in section 79-1003 that had at least one student in the membership who  
27 received the course, and (C) whether the course was a two-way interactive  
28 video distance education course.

29 (3) On or before September 1 of each year through calendar year ~~2022~~  
30 ~~2020~~, the department shall certify the incentives for each school  
31 district and educational service unit which shall be paid on or before  
1 October 1 of such year. The incentives for each district shall be  
2 calculated as follows:

3 (a) Each district shall receive distance education units for each  
4 qualified distance education course as follows:

5 (i) One distance education unit for each qualified distance  
6 education course received as reported pursuant to subdivision (2)(a) of  
7 this section if the course was a two-way interactive video distance  
8 education course;

9 (ii) One distance education unit for each qualified distance  
10 education course sent as reported pursuant to subdivision (2)(b) of this  
11 section if the course was not received by at least one student who was in  
12 the membership of another school district which was sparse or very  
13 sparse;

14 (iii) One distance education unit for each qualified distance  
15 education course sent as reported pursuant to subdivision (2)(b) of this  
16 section if the course was received by at least one student who was in the  
17 membership of another school district which was sparse or very sparse,  
18 but the course was not a two-way interactive video distance education  
19 course; and

20 (iv) Two distance education units for each qualified distance  
21 education course sent as reported pursuant to subdivision (2)(b) of this  
22 section if the course was received by at least one student who was in the  
23 membership of another school district which was sparse or very sparse and  
24 the course was a two-way interactive video distance education course;

25 (b) The difference of the amount available for distribution in the  
26 Education Innovation Fund on the August 1 when the applications were due  
27 minus any amount to be paid to school districts pursuant to section  
28 79-1336 shall be divided by the number of distance education units to  
29 determine the incentive per distance education unit, except that the  
30 incentive per distance education unit shall not equal an amount greater  
31 than one thousand dollars; and

1 (c) The incentives for each school district shall equal the number  
2 of distance education units calculated for the school district multiplied  
3 by the incentive per distance education unit.

4 (4) If there are additional funds available for distribution after  
5 equipment reimbursements pursuant to section 79-1336 and incentives  
6 calculated pursuant to subsections (1) through (3) of this section,  
7 school districts and educational service units may qualify for additional  
8 incentives for elementary distance education courses. Such incentives  
9 shall be calculated for sending and receiving school districts and  
10 educational service units as follows:

11 (a) The per-hour incentives shall equal the funds available for  
12 distribution after equipment reimbursements pursuant to section 79-1336  
13 and incentives calculated pursuant to subsections (1) through (3) of this  
14 section divided by the sum of the hours of elementary distance education  
15 courses sent or received for each school district and educational service  
16 unit submitting an application, except that the per-hour incentives shall  
17 not be greater than ten dollars; and

18 (b) The elementary distance education incentives for each school  
19 district and educational service unit shall equal the per-hour incentive  
20 multiplied by the hours of elementary distance education courses sent or  
21 received by the school district or educational service unit.

22 (5) The department may verify any or all application information  
23 using annual curriculum reports and may request such verification from  
24 the council.

25 (6) On or before October 1 of each year through calendar year 2022  
26 ~~2020~~, a school district or educational service unit may appeal the denial  
27 of incentives for any course by the department to the State Board of  
28 Education. The board shall allow a representative of the school district  
29 or educational service unit an opportunity to present information  
30 concerning the appeal to the board at the November board meeting. If the  
31 board finds that the course meets the requirements of this section, the  
1 department shall pay the district from the Education Innovation Fund as  
2 soon as practical in an amount for which the district or educational  
3 service unit should have qualified based on the incentive per distance  
4 education unit used in the original certification of incentives pursuant  
5 to this section.

6 (7) The State Board of Education shall adopt and promulgate rules  
7 and regulations to carry out this section.

8 Sec. 52. Section 85-1920, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:

10 85-1920 The Nebraska Opportunity Grant Fund is created. Money in the  
11 fund shall include amounts transferred from the State Lottery Operation  
12 Trust Fund pursuant to section 9-812 until June 30, 2016, or the Nebraska  
13 Education Improvement Fund pursuant to section 9-812 until June 30, 2023  
14 ~~2024~~. All amounts accruing to the Nebraska Opportunity Grant Fund shall  
15 be used to carry out the Nebraska Opportunity Grant Act. Any money in the  
16 fund available for investment shall be invested by the state investment  
17 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
18 State Funds Investment Act.

19 The Nebraska Opportunity Grant Fund terminates on June 30, 2023  
20 ~~2024~~. Any money in the fund on such date shall be transferred to the  
21 Nebraska Education Improvement Fund on such date.

22 Sec. 66. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,

23 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34,  
24 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54,  
25 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, and 69 of this act become  
26 operative three calendar months after adjournment of this legislative  
27 session. The other sections of this act become operative on their  
28 effective date.  
29 Sec. 67. Original sections 9-812, 79-8,137.05, 79-1337, and 85-1920,  
30 Revised Statutes Cumulative Supplement, 2020, are repealed.  
31 Sec. 70. Since an emergency exists, this act takes effect when  
1 passed and approved according to law.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 649.** [ER92](#), found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 649A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 376.** [ER96](#), found in this day's Journal, was adopted.

Senator M. Cavanaugh offered the following amendment:

[AM1453](#)

(Amendments to Standing Committee amendments, AM1307)

1 1. On page 3, line 25, after "method" insert "as provided in section  
2 4 of this act".

Pending.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 162.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to examine the School Readiness Tax Credit Act.

This study shall include, but is not limited to, an examination of the following:

(1) The number of tax credits claimed pursuant to the School Readiness Tax Credit Act;

(2) Whether the School Readiness Tax Credit Act incentivizes child care employees to remain in the child care industry;

(3) Whether the School Readiness Tax Credit Act incentivizes child care providers to become enrolled under the Step Up to Quality Child Care Act;

(4) Barriers that prevent child care employees and child care providers from claiming tax credits pursuant to the School Readiness Tax Credit Act; and

(5) How the amount of the tax credit currently available relates to education, professional development, and work experience requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 163.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study postacute placement challenges in Nebraska's health care system. The study will examine current barriers to timely placement and determine possible legislative or administrative actions to improve the transition to postacute care for patients in Nebraska.

The interim study shall include, but not be limited to, an examination of:

(1) The capacity of postacute placement beds in Nebraska, especially for skilled-nursing capacity for medicaid patients;

(2) The capacity of community-based and residential behavioral health services;

(3) The capacity of the Office of Public Guardian to process health care referrals in a timely manner;

(4) A review of postacute placement challenges for specific populations, such as prison inmates, homeless Nebraskans, and undocumented residents; and

(5) The impact of postacute placement challenges on health care costs in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 164.** Introduced by Wishart, 27.

**PURPOSE:** The purpose of this interim study is to examine problem solving courts. For almost two decades, the Legislature has worked with key stakeholders in each branch of government to authorize, invest in, and



expand problem solving courts as a sound alternative to the traditional criminal justice and juvenile justice systems. Problem solving courts are heralded for their effect on reducing recidivism, improving outcomes, lessening taxpayer burdens, and advancing public safety. Problem solving courts in Nebraska are subject to rules promulgated by the Supreme Court and utilize innovative court programs through which individuals and families thrive and all Nebraska communities become safer.

Problem solving courts and similar programs relating to alternatives to detention and incarceration, including, but not limited to, drug courts, veteran treatment courts, mental health courts, mediation courts, reentry courts, and diversionary programs, have been used in Nebraska and in many other jurisdictions.

This study may include, but is not limited to:

- (1) An assessment of barriers to participation in problem solving courts;
- (2) An identification of the number of Nebraskans who could benefit from problem solving courts;
- (3) An identification of other problem solving courts that could be developed;
- (4) An examination of the fiscal effect of problem solving courts on individuals and to Nebraska;
- (5) An examination of the fiscal effect of incarceration on individuals and to Nebraska;
- (6) An assessment of how to best expand innovative programs throughout Nebraska;
- (7) An identification of how additional criminal defendants can participate in such programs throughout the state;
- (8) A determination of legislation necessary to encourage increased participation in such programs;
- (9) An examination of the extent to which problem solving courts are a permanent component of the judicial system in Nebraska; and
- (10) An investigation into other areas of importance to the Legislature as it contemplates investment in the prison system of Nebraska and examines reformation of the criminal justice system and sentencing reform.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 165.** Introduced by Wishart, 27.

**PURPOSE:** The purpose of this interim study is to explore ways of improving dental benefits under the medical assistance program through

increasing engagement by dentists. The issues addressed by this interim study shall include, but not be limited to:

(1) Better training for dentists on oral health disparities, the challenges faced by Nebraskans receiving medicaid benefits, and how to navigate dental benefits under the medical assistance program effectively;

(2) The role that fees play in the choice to participate in the medical assistance program or accept new patients who are enrolled in medicaid;

(3) Reducing administrative burdens in dental practices that deter dentists from participating in the medical assistance program;

(4) Establishing payments to dental schools that consider adding a multiplier based on the number of medicaid-eligible patients cared for and consider other ways that the Department of Health and Human Services and dental schools could support and encourage student learning regarding medicaid-eligible patients and the medical assistance program;

(5) Engaging new dentists in caring for medicaid-eligible patients, including the feasibility of supporting loan repayments for new graduates that remain in Nebraska and treat a certain numbers of medicaid-eligible Nebraskans;

(6) Engaging new and practicing dentists in caring for medicaid-eligible patients by allowing medicaid payments to be considered deferred income for state taxation purposes; and

(7) How the threat of audits have potentially deterred participation by dentists in the medical assistance program and how to create an audit process that aims to help educate dental providers and provide opportunities for positive change.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 166.** Introduced by Day, 49.

**PURPOSE:** The purpose of this study is to review the Nebraska Fair Employment Practice Act.

This study shall include, but not be limited to, an examination of the following:

(1) Changes in employee protections brought about by changes to the federal Americans with Disabilities Act; and

(2) A review of the Nebraska Fair Employment Practice Act's compatibility with the federal Americans with Disabilities Act Amendments Act of 2008.

This study may include a review of all state statutes, case law, administrative rules, memos, directives, and guidance published or distributed by any agency or entity of the state in furtherance of the public policy of fostering the employment of individuals with disabilities as outlined in the Nebraska Fair Employment Practice Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 167.** Introduced by Day, 49.

PURPOSE: The purpose of this interim study is to examine possible solutions to address conflicts that arise between decisions made in the child welfare system and custody decisions made in civil cases, which can affect the safety of children. In some child welfare cases, one parent is found to be abusive while the other parent is not abusive. In the child welfare system, if the nonabusive parent demonstrates protective capacity and the child lives with the nonabusive parent apart from the abuser, the child may be considered safe, and the case may be closed. However, the abusive parent may still have existing legal rights to visitation and custody through a civil custody case, thereby maintaining access to the child and risking the child's safety. The nonabusive parent often cannot afford or does not have access to legal representation to alter the civil custody order to reflect the findings in the child welfare case. Bridging the gap between these two systems, particularly in non-court-involved child welfare cases, is important for child safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 168.** Introduced by Brandt, 32.

WHEREAS, the city of Friend, Nebraska, will celebrate its one hundred fiftieth anniversary this year; and

WHEREAS, Friend is the birthplace and hometown of Ray H. Page, an aviation executive, who helped put Nebraska on the international map as a center of manufacturing, education, and promotion of aviation in the 1920s; and

WHEREAS, Ray and his wife Ethel formed the Lincoln Standard Aircraft Company in 1920 and the Lincoln Flying School shortly thereafter; and

WHEREAS, the Lincoln Standard Aircraft Company constructed one of the first commercial airfields in Lincoln and produced and sold its airplanes around the world, which led to Nebraska becoming the third largest manufacturer of airplanes in the entire United States during the 1920s; and

WHEREAS, to promote the use of air travel, Ray initiated the Page Aerial Pageant, which performed around the Midwest; and

WHEREAS, Nebraska's exciting aviation environment attracted the young Charles Lindberg to Lincoln where he enrolled in the Lincoln Flying School in 1922; and

WHEREAS, Charles Lindberg later became a preeminent aviation figure when he completed the first solo, nonstop transatlantic flight from New York to Paris in 1927; and

WHEREAS, Charles Lindberg recognized the contributions of Ray Page and the early days of Lincoln aviation to his life in Lindberg's book, "The Spirit of St. Louis," which was made into a movie that showcased Lindberg's early aviation adventures in the Midwest; and

WHEREAS, when Ray Page was laid to rest in Andrew Cemetery in Friend, Nebraska, in 1933, two large airplanes circled over the cemetery as a mark of respect for his aviation legacy; and

WHEREAS, Ray was inducted into the Nebraska Aviation Hall of Fame in 1993 for his outstanding contributions to aviation; and

WHEREAS, Ray and his wife Ethel are recognized for their contributions to aviation history with two bronze markers at the airport in Lincoln.

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

1. That the Legislature recognizes Friend, Nebraska, as the hometown of Ray H. Page and celebrates his accomplishments in aviation.
2. That copies of this resolution be sent to the Friend City Council.

Laid over.

**LEGISLATIVE RESOLUTION 169.** Introduced by Kolterman, 24.

WHEREAS, in 1918, John, Burr, Ted, and Ben Hughes established Hughes Brothers, Inc.;

WHEREAS, following a severe ice storm in 1921 that crippled the town of Seward, Nebraska, Hughes Brothers was tasked with producing and replacing damaged crossarms for the Blue River Power Company. The completion of this project allowed for quick restoration of power to the area;

WHEREAS, in the early 1930s, Hughes Brothers helped develop the first electric transmission lines to power most of the State of Nebraska;

WHEREAS, during World War II, Army engineers contracted Hughes Brothers to provide large trusses needed for airplane hangars, to produce anti-tank mines, to produce containers for 75 millimeter shells, and to produce 101,000 ammunition crates and more than one million ammunition boxes;

WHEREAS, since the company's beginning, Hughes Brothers has always answered the call of customers and communities across the country to restore electricity due to storm events; and

WHEREAS, since 1921, Hughes Brothers has rebuilt neighborhoods in Seward, employed its residents, and invested in philanthropic organizations that benefit the area.

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

1. That the Legislature recognizes the 100th anniversary of the establishment of Hughes Brothers, Inc.

2. That the Legislature thanks Hughes Brothers for the philanthropy it has provided, since the founding of the company, for the City of Seward and the surrounding areas.

Laid over.

**LEGISLATIVE RESOLUTION 170.** Introduced by McKinney, 11.

**PURPOSE:** The purpose of this study is to examine the potential impact that innovation hubs, similar to those in California and other states, could have in Nebraska.

The study should include, but not be limited to, an examination of:

(1) The need for innovation hubs to assist the growth of small businesses and entrepreneurs;

(2) The benefits that collaboration between multiple government and community agencies could have in assisting the growth and innovation of small businesses and entrepreneurs; and

(3) The centralization of resources necessary to successfully implement an innovation hub for small businesses and entrepreneurs in a variety of industries in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 171.** Introduced by McKinney, 11.

**PURPOSE:** The purpose of this resolution is to complete a comprehensive study of the rights, roles, and responsibilities of Nebraska county election officials, state election officials, and relevant court and corrections personnel in carrying out state law regarding voting rights for former felony offenders.

As documented recently, data and system errors have impermissibly disenfranchised eligible voters from participation in the election process. While some important reforms have been implemented at the state and local levels, it remains to be seen how widespread these issues are and whether or not all relevant stakeholders are actively addressing errors and fully implementing the letter and spirit of the law.

Voting rights are critical to democracy and should not be suppressed or diminished. Current Nebraska law includes a two-year waiting period after completion of a felony sentence and is among the longest in the country. Such laws not only disenfranchise potential voters, but also have disparate impacts on low-income Nebraskans and Nebraskans of color.

The study shall include, but not be limited to, an examination of:

(1) Potential administrative and statutory reforms to voting and election laws in Nebraska for former felony offenders, including the elimination of the two-year waiting period to vote;

(2) How relevant stakeholders are addressing the consequences of any errors regarding the restoration of voting rights;

(3) How widespread system and data errors are across the state, how many Nebraskans are impacted by these errors, and relevant demographic information about the impacted voters;

(4) Whether additional funding, training, or other solutions should be implemented by election officials to address these issues; and

(5) Any other related issues necessary to protect and defend the right to vote for eligible Nebraska voters.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 172.** Introduced by McKinney, 11.

**PURPOSE:** The purpose of this interim study is to look at the negative impacts of an oversaturation of nonprofit organizations and philanthropy in densely populated areas of high poverty.

This study shall include, but not be limited to, an examination of:

- (1) How an oversaturation of nonprofit organizations and philanthropy may stifle economic growth and independence in areas of high poverty;
- (2) How decisions in communities of high poverty are affected based on different philanthropic donors and nonprofit organizations;
- (3) Possible solutions to create more balance and lessen any negative impacts of nonprofit organizations and philanthropy in areas of high poverty; and
- (4) How other states and nations handle this issue to promote economic growth and independence in areas of high poverty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 173.** Introduced by Blood, 3; Brewer, 43; Clements, 2; Day, 49; Sanders, 45.

**PURPOSE:** The purpose of this resolution is to study the organizational structure and funding of the Nebraska Law Enforcement Training Center.

The study should include, but not be limited to, an examination of:

- (1) The effects of reduced staffing at the Nebraska Law Enforcement Training Center;
- (2) The Nebraska Law Enforcement Training Center's ability to provide both basic and advanced training;
- (3) The potential effect LB51, introduced in 2021, may have on the Nebraska Law Enforcement Training Center; and
- (4) The current needs for instructor staffing, equipment, and facilities at the Nebraska Law Enforcement Training Center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 174.** 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 175.** Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine and review the game of keno, governed by the Nebraska County and City Lottery Act, and any potential administrative or statutory revisions which may be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 176.** Introduced by Briese, 41.

PURPOSE: The purpose of this interim study is to examine the statutes governing horseracing and the State Racing Commission in Nebraska to determine if any updates or revisions are necessary, including, but not limited to, the removal of any obsolete, antiquated, or duplicate provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 177.** Introduced by Briese, 41.

**PURPOSE:** The purpose of this interim study is to examine the State Athletic Commissioner and review occupational licenses and regulations for professional boxers and professional boxing promoters. 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 178.** Introduced by Wishart, 27; Clements, 2; Dorn, 30; Erdman, 47; Hilkemann, 4; Kolterman, 24; McDonnell, 5; Stinner, 48; Vargas, 7.

**PURPOSE:** The purpose of this interim study is to solicit input from Nebraskans into how funds from the federal American Rescue Plan Act of 2021, Public Law 117-2, would best be utilized and which funds the State of Nebraska should apply for. Nebraska will receive significant dollars from the federal government to help Nebraska recover from the impact of COVID-19 on the economy, public health, education, state and local governments, individuals, and businesses. Public input will include, but not be limited to, experts in the public and private sectors, the Governor, state agencies, governmental subdivisions, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 179.** Introduced by Cavanaugh, M., 6.

PURPOSE: The purpose of this resolution is to study the funding mechanisms in the American Rescue Plan Act of 2021, Public Law 117-2, that are available to provide services and benefits to the people of the State of Nebraska. The study shall include, but not be limited to:

- (1) Identifying federal funding available for providing services and benefits to the people of Nebraska; and
- (2) Identifying the appropriations necessary to maximize the use of the available funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 180.** Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to conduct an indepth 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 181.** Introduced by Walz, 15.

**PURPOSE:** The purpose of this interim study is to examine home visitation for families in Nebraska. Home visitation is a prevention strategy used to support pregnant moms and new parents which promotes infant and child health, fosters educational development and school readiness, and prevents abuse and neglect. This interim study shall assess the status of home visitation in this state and explore ways to expand programming to more families.

This study shall maintain the confidentiality of program participants and shall include, but not be limited to:

(1) A collection of existing data on the type and location of available home-visitation programs, and to what extent each program aligns with evidence-based or evidence-informed approaches, including training or professional credentials required for each program model;

(2) A review of the parents and children impacted by home visitation, including, but not limited to:

(a) Data regarding the parents and children served;

(b) Outcome measures, if available;

(c) Details on the waitlists for programs, if applicable; and

(d) Impact stories related to current and former program participants.

(3) An examination of existing federal, state, and local funding sources for home visitation in the State of Nebraska, including, but not limited to:

(a) The Nebraska Early Childhood Endowment Fund;

(b) Federal Head Start funds;

(c) Private funds;

(d) Federal Maternal, Infant and Early Childhood Home Visiting program funds;

(e) Federal Temporary Assistance for Needy Families funds;

(f) State and federal medicaid funds;

(g) Federal Family First Prevention Services Act funds;

(h) Funds appropriated to the State Department of Education for early childhood education; and

(i) The state General Fund;

(4) A review of potential statutory or administrative changes that would support current models or establish new models of home visitation in this state, as well as, a consideration of the status of home visitation in other states; and

(5) A determination of whether additional state funding is needed to increase development and access to home visitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 182.** Introduced by Walz, 15.

PURPOSE: The purpose of this interim study is to examine the school enrollment options available to students, including virtual learning and distance education, and how these options influence public school enrollment decisions.

This study shall include, but not be limited to, an examination of the following:

- (1) The enrollment option program, including, but not limited to:
  - (a) Whether the current statutory limits and exceptions meet the needs of students and families, along with the needs of school districts, or if current statutes create undue hardships for students, families, or school districts;
  - (b) The benefits and consequences of allowing part-time participation in the enrollment option program and how such enrollment could be reflected in the Tax Equity and Educational Opportunities Support Act;
  - (c) Whether the current school finance formula accurately accounts for the fiscal impact of the enrollment option program on school districts, incentivizes the recruitment of option students by school districts, or creates a discriminatory effect;
  - (d) Whether the current program unfairly limits opportunities for students enrolled in an exempt or nonpublic school by restricting any part-time enrollment to the school district in which they reside;
  - (e) Whether current statutes properly balance the needs of special education students with the combined capacity limitations of the school district and its affiliated educational service unit;
  - (f) Whether the appeal process for students whose application for option enrollment has been denied provides appropriate protections for students and families;
  - (g) How the enrollment option program compares to public school choice programs in other states; and
  - (h) Any other issues related to the enrollment option program that the committee deems necessary; and
- (2) Student participation in virtual learning and distance education offered by school districts, including, but not limited to:
  - (a)(i) Courses school districts offer or intend to offer using virtual learning and distance education during the school year, (ii) the parameters that surround enrollment in such options during a summer session, and (iii) whether there are enough options statewide to meet the needs of students, families, and school districts;
  - (b) How students enrolled in virtual learning and distance education are accounted for in Tax Equity and Educational Opportunities Support Act

formula needs and a determination of whether this method is sufficient to timely and accurately reflect the fiscal impact on school districts;

(c) Whether the formula for distance education incentives paid from lottery dollars accurately reflects the net costs associated with providing such services;

(d) Whether there are duplicative components in the school finance formula related to virtual learning and distance education;

(e) Whether a more streamlined mechanism exists for offsetting the net costs associated with virtual learning and distance education;

(f) How public school virtual learning and distance education are accounted for in the school finance funding formulas of other states; and

(g) Any other issues related to virtual learning or distance education that the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 183.** Introduced by Cavanaugh, J., 9; Hansen, M., 26; McKinney, 11.

**PURPOSE:** The purpose of this interim study is to examine Nebraska law relating to body-worn cameras worn by law enforcement agents.

This study shall include, but not be limited to, an examination of the following:

(1) Nebraska law relating to body-worn cameras worn by law enforcement agents;

(2) Whether there is a clear and uniform practice among law enforcement agencies to make such recordings available to the public in a manner consistent with the interests of transparency, public accountability, and public safety;

(3) Whether revision to Nebraska law relating to body-worn cameras worn by law enforcement agents is necessary to ensure that recordings from such cameras are available to the public; and

(4) Laws in other states relating to videos recorded on body-worn cameras worn by law enforcement agents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 184.** Introduced by Wishart, 27.

**PURPOSE:** The purpose of this resolution is to examine the contract process and the rates paid to family service providers who serve children and families in the Northern, Southeast, Central and Western Service Areas of Nebraska. Providers in the 91 counties who comprise these service areas contract directly with the Department of Health and Human Services to serve forty-eight percent of the vulnerable children and families who are in the child welfare system across the state. Over the last twelve years, family service providers in these service areas have experienced significant changes to their contracts, resulting in increased expenses and decreased revenue, while only receiving a four-percent rate increase. These circumstances, along with increasing operating expenses, have created a fragile child welfare system that is not sustainable. The contract changes and nearly stagnant rate have left providers struggling to recruit the talent required in Department of Health and Human Services contracts and to provide a competitive wage and benefits package to their current employees. The department has shown no signs of addressing the instability in the system.

The study shall examine:

(1) Services such as: family support, drug test collections, intensive family preservation and intensive family reunification, parenting time and supervised visitation, and travel time for family support and parenting time and supervised visitation;

(2) The annual contracting process that the Department of Health and Human Services utilizes in procuring the services described in this resolution, including, but not limited to, the basis for making changes to each contract, who approves such changes, how the cost and savings of any change to a provider or the department is calculated, and how those changes are communicated to providers;

(3) The financial impact to both providers and the department of any change to the contract using 2010 as a base year;

(4) The history of any rate increase since 2010;

(5) The annual increase in the budget of the Division of Children and Family Services of the department compared to the annual rate increases for providers since 2010;

(6) The cost of living in Nebraska compared to the annual rate increases for providers since 2010;

(7) The employee benefits, annual starting pay rate, and the rate paid after training by the department for a child and family services specialist since 2010;

(8) The education and experience requirements mandated by the department for employees who work directly with children and families;

(9) The steps the department intends to take, if any, and the timeline in taking those steps, to determine a fair rate to pay providers for the services described in this resolution; and

(10) All other health care, behavioral health, and long-term care provider rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 185.** Introduced by Brandt, 32; Cavanaugh, J., 9; McKinney, 11; Vargas, 7.

PURPOSE: Agriculture is the primary economic driver in Nebraska and the backbone of the economy. According to the Nebraska Department of Agriculture, twenty-five percent of jobs in the state are related to agriculture. A majority of these jobs exist in support of traditional livestock and crop production operations, but more than three hundred career fields exist to support agriculture. Twenty-first century career opportunities in food systems, technology, research, environmental conservation and sustainability, international trade and policy, and finance, require a highly technical educational curriculum in order for students to succeed. Such a curriculum could include the study of the farm to table movement, the culinary arts, and the environmental effects of food production. Nearly every academic subject can be viewed through the lens of agriculture. However, there is a lack of focus in the education system, especially for students in urban areas, about where food comes from and the skills and knowledge needed for careers in agriculture. This study shall examine the feasibility of, and interest in, an agricultural school or educational center in Nebraska, particularly in an urban location. An agricultural educational center or magnet school could provide a solution to the brain drain problem that has long siphoned young professionals away from our state in search of jobs elsewhere. Moreover, because of this state's unique geographic and historic connection to agriculture, providing educational opportunities in support of food systems will prepare students for careers right here in Nebraska.

The issues addressed by this interim study may include, but not be limited to, an examination of:

(1) The feasibility and interest in creating an agricultural school or educational center;

(2) The benefits of an agricultural school with a focus on economics, food, health, and environmental studies;

(3) The potential costs associated with creating an agricultural school or educational center and the process required to do so; and

(4) Possible criteria for determining the best locations for a Nebraska agricultural school or educational center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 186.** Introduced by Brandt, 32.

PURPOSE: The economic survival of many towns in Nebraska is dependent on features that encourage residents to continue living there. For some towns, a nonprofit movie theatre is one such feature. However, nonprofit movie theaters in certain jurisdictions in this state have been granted an exemption from state taxes, while others have not. This interim study seeks to improve consistency in granting a tax-exempt status to nonprofit movie theaters based on criteria that uses a clear definition of what constitutes a charitable or educational organization for such purposes and considers whether the nonprofit movie theatre holds a certificate of exemption under section 501(c)(3) of the Internal Revenue Code.

The issues addressed by this interim study may include, but not be limited to:

(1) Identifying the location of operating nonprofit movie theaters in Nebraska;

(2) Ascertaining the tax exempt status of identified nonprofit movie theaters;

(3) Evaluating the criteria used to assign and reject a tax exemption for such nonprofit movie theaters; and

(4) Examining the use of terms charitable and educational in designating a tax exempt status.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 187.** Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this interim study is to examine and review liquor laws in Nebraska, including the Nebraska Liquor Control Act, to determine if any updates or revisions are necessary.

The study shall include, but not be limited to, an examination of:

- (1) Laws relating to liquor license retail applications and requirements;
- (2) Laws regarding new liquor license retail applications and additions to current licenses regarding contiguous spaces of licensed premises and outdoor areas; and
- (3) The ability for the Nebraska Liquor Control Commission to allow exceptions for transferring alcohol between retail locations with the same ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 188.** Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this interim study is to examine issues related to adopting reward-based conservation programs that provide incentives to landowners and operators to adopt conservation practices.

This study shall include, but not be limited to, an examination of the following:

- (1) Mechanisms to provide property tax relief for those individuals who voluntarily implement conservation practices that provide soil, water, and habitat conservation benefits;
- (2) The benefits provided by such mechanisms, including increased irrigation efficiency, reduced regulatory oversight, and improved groundwater and surface water quality; and
- (3) How to best structure a reward-based conservation program that recognizes and builds on the important role played by counties and the natural resources districts in setting local priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 189.** Introduced by McCollister, 20.

**PURPOSE:** The purpose of this interim study is to examine sex offender registration in Nebraska.

This study shall include, but not be limited to, an examination of the following:

(1) Whether juveniles adjudicated as sex offenders outside Nebraska should register as sex offenders if they move to Nebraska;

(2) Whether a tier-based system of differentiated public notification based on the individual's risk level, seriousness of conviction, and age should be used in sex offender registration; and

(3) Changes that could be made to the Sex Offender Registration Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 190.** Introduced by McCollister, 20.

**PURPOSE:** The purpose of this interim study is to examine the work participation requirements in the federal Temporary Assistance for Needy Families (TANF) program in Nebraska.

This study shall include, but not be limited to, an examination of the following:

(1) A review of the number of parents and children impacted by the TANF program in Nebraska, and the length of time families remain in the program;

(2) An examination of resources available to families through the TANF program, including, but not limited to, service referrals;

(3) A consideration of how funding through the TANF program block grant is allocated, including, but not limited to, how the TANF program "rainy day funds" are utilized;

(4) A comparison of other state work requirements within the TANF program;

(5) A review of potential statutory or administrative changes that would support ensuring that the TANF program work participation requirements meet the goals of the program; and

(6) A review of whether the TANF program work requirements could be expanded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 191.** Introduced by McCollister, 20.

**PURPOSE:** The purpose of this study is to examine the effect of universal recognition of occupational licenses on populations frequently negatively impacted by occupational licensing in the state, including, low-income workers, military members and their spouses, and those with a criminal history.

Expanding pathways to well-compensated jobs is critical for economic recovery in the wake of the COVID-19 pandemic. Currently, professional licenses are required for nearly twenty-four percent of jobs in Nebraska, encompassing nearly two hundred different professions. Occupational licensing disproportionately affects those of lower socioeconomic status and restricts low-skill employment opportunities.

Military servicemembers, veterans, and spouses and other family members of servicemembers and veterans are acutely impacted by state occupational licensure due to their frequent movement between the several states. Occupational licensure programs have historically been poorly understood by the regulated public. Furthermore, expenditures under public contracts are often contingent on the occupational licensure of providers and implicate the efficiency of the entire state enterprise.

Likewise, Nebraskans with criminal records may face additional barriers to obtaining professional licenses that limit their economic opportunities and prevent employers from hiring qualified workers in high-demand fields.

Improving licensing access may help strengthen state and local economies, encourage migration into the state, promote successful reentry, and reduce incarceration costs.

At least ten states have passed universal recognition of licensing and over one-half of the states in the nation have adopted best practices that provide fair licensing access for qualified individuals with criminal records while still maintaining public safety. Nebraska adopted some best practices in 2018 through the Occupational Board Reform Act. Subsequently, other states have adopted additional measures to improve licensing for justice-impacted individuals.

The issues addressed by this study shall include, but not be limited to:

(1) Best practices for the consideration of criminal history in occupational and professional licensing determinations;

(2) The extent to which current licensing policies governing the consideration of criminal history and other individual characteristics promote efficiency, economic development, public safety, and equitable, consistent, and transparent licensing outcomes; and

(3) Any substantial and demonstrated risks to public health and safety which could accrue as a result of potentially diminished standards in assorted occupations if universal recognition of occupational licenses across state lines is adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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)**

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 128.** Reported to the Legislature for further consideration.

(Signed) Tom Brewer, 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.

Alec Gorynski - State Highway Commission

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Shane J. Greckel - Nebraska Information Technology Commission

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Daniel Spray - Nebraska Information Technology Commission

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Clint Jones - Motor Vehicle Industry Licensing Board

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Brad Jacobs - Motor Vehicle Industry Licensing Board

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Matthew O'Daniel - Motor Vehicle Industry Licensing Board

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 376.** Senator M. Cavanaugh renewed her amendment, [AM1453](#), found in this day's Journal.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 192.** Introduced by Groene, 42.

**PURPOSE:** The purpose of this interim study is to review methods of water augmentation for preserving or enhancing stream flows, redirecting excess water, recharging ground water aquifers, or complying with compact and interstate agreements with an intent to develop statutory definitions and determine how water augmentation relates to section 46-252 of the Nebraska Revised Statutes and other permitting processes.

This interim study shall include, but not be limited to:

- (1) Development of a method to integrate water augmentation projects into the existing permitting process;
- (2) Determination of unique features of natural resources district water augmentation projects that need to be addressed in the permitting process;
- (3) Determination of the best procedures to ensure that water augmentation projects are correctly planned to best fit into Nebraska's overall water management plan;
- (4) Preparation of a cost-benefit analysis for implementation of a permitting system designed to integrate water augmentation projects into the existing process and the potential effect on taxpayers;
- (5) Evaluation of whether natural resources districts should be exempt from liability for damage resulting from stream overflow caused by a water augmentation project;
- (6) Identification of the number of current and potential water augmentation projects;
- (7) Analysis of the role played by the Department of Natural Resources in enforcement, reporting, and oversight of water augmentation projects; and
- (8) Development of statutory definitions applicable to water augmentation projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 193.** Introduced by DeBoer, 10; Albrecht, 17; Bostelman, 23; Brandt, 32; Cavanaugh, M., 6; Geist, 25; Hughes, 44.

**PURPOSE:** The purpose of this resolution is to examine broadband mapping and broadband speed testing in Nebraska.

This study shall include, but not be limited to, an examination of the following:

- (1) The current methods used to create Nebraska's broadband coverage maps;
- (2) Various methods of collecting broadband coverage data;
- (3) The broadband mapping program used by the Federal Communications Commission;
- (4) Ways to improve Nebraska's broadband coverage maps;
- (5) The current methods used to measure broadband speeds in Nebraska;
- (6) Various methods of broadband speed testing used nationwide; and
- (7) Methods that could be used in Nebraska to improve accuracy of broadband speed tests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 194.** Introduced by DeBoer, 10.

**PURPOSE:** The purpose of this resolution is to examine methods of ending domestic and sexual violence in Nebraska.

This study shall include, but not be limited to, an examination of the following:

- (1) Identification of data on domestic and sexual violence collected by the state, including, but not limited to, police reports, 911 and law enforcement response, and protection orders;
- (2) Examination of the reporting of domestic abuse data by the law enforcement agencies statewide to the Nebraska Commission on Law Enforcement and Criminal Justice as required under section 42-930 of the Nebraska Revised Statutes;
- (3) A review of domestic abuse data, including, but not limited to:
  - (a) Law enforcement agencies reporting and failing to report dating back to 1997;
  - (b) Decisions by the Nebraska Commission on Law Enforcement and Criminal Justice to enforce or not enforce section 81-1426 of the Nebraska Revised Statutes; and

(c) Efforts of the commission to ensure compliance by law enforcement agencies;

(4) A review of law enforcement agency data reported, including, but not limited to:

(a) Identification of law enforcement agencies that did not report domestic abuse data required under section 42-930 of the Nebraska Revised Statutes, reasons for failure to comply with the requirement, and any resources needed to provide accurate data;

(b) The effect such failure has on survivors of these crimes and the impact of missing data on the State of Nebraska; and

(c) In the event of a failure by a law enforcement agency to comply with reporting requirements, a determination of whether such failure to comply was willful or repeated;

(5) A review of protection orders, including, but not limited to:

(a) Data collected by the State Court Administrator regarding protection order filings under sections 28-311.09, 28-311.11, and 42-924 of the Nebraska Revised Statutes;

(b) Protection order data that is not collected, but is needed to advance policies that support survivors of domestic and sexual violence; and

(c) Solutions for collecting such protection order data in an effort to advance policies that support survivor autonomy and safety;

(6) Whether data related to domestic and sexual violence collected by state agencies contains complete and accurate data that is accessible by the Legislature, state agencies, and the public; and

(7) Solutions to end domestic and sexual violence in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 195.** Introduced by DeBoer, 10.

WHEREAS, Victoria Freeman of Lincoln High School in Lincoln, Nebraska, has been named the 2021 National Speech and Debate Association James M. Copeland High School Coach of the Year; and

WHEREAS, the National Speech and Debate Association was created as the National Forensics League in 1925 to provide recognition and support for students participating in speech and debate activities; and

WHEREAS, the mission of the National Speech and Debate Association is to connect, support, and inspire a diverse community committed to empowering students through speech and debate education and competition; and



WHEREAS, the National Speech and Debate Association annually honors one high school speech and debate coach who reflects outstanding leadership and commitment to speech and debate as an activity and a community with the James M. Copeland High School Coach of the Year Award; and

WHEREAS, honorees must be coaches who demonstrate leadership, exemplify honor, encourage team spirit, work with students, parents, faculty, and staff members to sustain and grow debate participation, and advocate for speech debate by showcasing students and their achievements; and

WHEREAS, Victoria was nominated for this award in recognition of her work in leading the Nebraska debate community through the unique challenges of the COVID-19 pandemic and for her efforts to make speech and debate more accessible to all students, coaches, and judges; and

WHEREAS, Victoria's work on the National Speech and Debate Association's Persons with Disabilities Coaches Caucus has helped to foster a more supportive and accepting space for debate students, judges, and coaches with disabilities and pushed the speech and debate community as a whole to better accommodate persons with disabilities and other groups.

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

1. That the Legislature congratulates Victoria Freeman for being awarded the 2021 National Speech and Debate Association's James M. Copeland High School Coach of the Year Award.

2. That a copy of this resolution be sent to Victoria Freeman.

Laid over.

**LEGISLATIVE RESOLUTION 196.** Introduced by Blood, 3; Brandt, 32; Cavanaugh, J., 9; Day, 49; DeBoer, 10; Flood, 19; Friesen, 34; Halloran, 33; Hansen, B., 16; Morfeld, 46.

**PURPOSE:** The purpose of this resolution is to study the potential applications for blockchain technology in agricultural operations. The study should include, but is not limited to, an examination of:

(1) How blockchain technology can be used to trace the origin of products from farm to shelf;

(2) How blockchain can be used for inventory control;

(3) The potential use of blockchain to monitor farm conditions, including, but not limited to, weather, soil quality, and the functioning of irrigation equipment;

(4) The potential use of blockchain technology for maintenance records of production and transportation equipment;

(5) Implementing the use of blockchain for data verification and certification for organic products;

(6) The potential use of blockchain for tracking and ordering supplies such as fertilizer and seeds; and

(7) The potential use of blockchain as a tool for asset exchange, including payments for sales and storage of products and equipment.

The study shall be conducted by a select committee of the Legislature appointed by the Executive Board of the Legislative Council. The select committee shall consist of: The chairperson of the Agriculture Committee or another member of the committee designated by the chairperson, the chairperson of the Natural Resources Committee or another member of the committee designated by the chairperson, the chairperson of the Transportation and Telecommunications Committee or another member of the committee designated by the chairperson, and three additional members of the Legislature appointed by the executive board to carry out the purposes of this resolution.

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

1. That a select committee of the Legislature shall be appointed by the Executive Board of the Legislative Council as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the select committee shall upon 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.

### EASE

The Legislature was at ease from 6:00 p.m. until 6:31 p.m.

### SELECT FILE

**LEGISLATIVE BILL 376.** Senator M. Cavanaugh renewed her amendment, [AM1453](#), found and considered in this day's Journal.

Senator Slama offered the following amendment to the M. Cavanaugh amendment:

[FA55](#)

Amend AM1453

On page 1, line 2, strike "4" and insert "3".

### SPEAKER HILGERS PRESIDING

Senator M. Cavanaugh offered the following motion:

[MO74](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 30:

Aguilar	Cavanaugh, M.	Hansen, B.	Lathrop	Pansing Brooks
Arch	Day	Hansen, M.	Lindstrom	Stinner
Blood	DeBoer	Hilgers	McCollister	Vargas
Bostar	Dorn	Hilkemann	McDonnell	Walz
Brandt	Flood	Hunt	McKinney	Williams
Cavanaugh, J.	Gragert	Kolterman	Morfeld	Wishart

Voting in the negative, 11:

Albrecht	Clements	Geist	Lowe
Bostelman	Erdman	Hughes	Slama
Brewer	Friesen	Linehan	

Present and not voting, 5:

Briese	Halloran	Moser	Murman	Sanders
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Excused and not voting, 3:

Groene	Pahls	Wayne
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The M. Cavanaugh motion to invoke cloture failed with 30 ayes, 11 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

Senator Stinner filed the following amendment to LB296:

AM1473

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 2. It is the intent of the Legislature that beginning July 1,

3 2021, the Division of Children and Family Services of the Department of

4 Health and Human Services shall implement a two-percent increase to

5 foster care reimbursement rates for fiscal year 2021-22 and beginning

6 July 1, 2022, the division shall implement a two-percent increase to

7 foster care reimbursement rates for fiscal year 2022-23.

8 Sec. 3. There is hereby appropriated (1) \$840,108 from the General

9 Fund and \$44,216 from federal funds for FY2021-22 and (2) \$1,697,019 from

10 the General Fund and \$89,317 from federal funds for FY2022-23 to the

11 Department of Health and Human Services, for Program 347, to aid in

12 carrying out the provisions of Legislative Bill 296, One Hundred Seventh

13 Legislature, First Session, 2021.

14 No expenditures for permanent and temporary salaries and per diems

15 for state employees shall be made from funds appropriated in this

16 section.

17 Sec. 4. Sections 1 and 5 of this act become operative three calendar

18 months after the adjournment of this legislative session. The other

19 sections of this act become operative on their effective date.

20 Sec. 6. Since an emergency exists, this act takes effect when passed

21 and approved according to law.

22 2. On page 1, strike beginning with "state" in line 1 through line 4

23 and insert "public health and welfare; to amend section 83-109, Revised

24 Statutes Cumulative Supplement, 2020; to change provisions regarding

25 access to records; to state intent regarding increases to foster care

26 reimbursement rates; to harmonize provisions; to appropriate funds to aid

1 in carrying out the provisions of Legislative Bill 296, One Hundred

2 Seventh Legislature, First Session, 2021; to provide operative dates; to

3 repeal the original section; and to declare an emergency."

4 3. Renumber the remaining section accordingly.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 197.** Introduced by Slama, 1.

WHEREAS, Nancy Hoch was born on October 10th, 1936, in Nebraska City, Nebraska;

WHEREAS, Nancy grew up in Nebraska City, graduated from Nebraska City High School, attended the University of Nebraska, and graduated from the University of Kansas with a degree in political science;

WHEREAS, Nancy was the first woman elected to the University Of Nebraska Board Of Regents from the 4th District where she served for 12 years;

WHEREAS, Nancy served her community through her time on the University of Nebraska's President's Advisory Council, the University's Alumni Association and Executive Board, Chancellor's Search Committee, Chancellor's Board of Counselors of University of Nebraska Medical Center, and several other university-related boards and organizations;

WHEREAS, Nancy was the 1983 recipient of the Nebraska City Chamber of Commerce Outstanding Citizen Award and was awarded "Woman of the Year" by the Business and Professional Women in Nebraska City;

WHEREAS, Nancy was the first woman to join Rotary in Nebraska;

WHEREAS, Nancy was nominated by the Nebraska Republican Party for the U.S. Senate in 1984 and in 1986 and was also one of the first women to run for governor in the State of Nebraska;

WHEREAS, Nancy served 20 years on the Nebraska City Library Board and acted as its president much of that time;

WHEREAS, Nancy served as the President of the River Country Economic Development Corporation in Nebraska City, resulting in important industrial economic growth;

WHEREAS, Nancy volunteered with the Nebraska Community Foundation, Nebraska Children and Families Foundation, the Nebraska City Housing Task Force, and other civic organizations;

WHEREAS, Nancy portrayed a deep love for her family, community, and state; and

WHEREAS, Nancy Hoch died peacefully in her sleep in San Miguel de Allende, Mexico, on May 5, 2021, at the age of 84.

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

1. That the Legislature honors Nancy Hoch for her community service in Southeast Nebraska and beyond.
2. That the Legislature offers its condolences to the family of Nancy Hoch.
3. That a copy of this resolution be sent to the family of Nancy Hoch.

Laid over.

**LEGISLATIVE RESOLUTION 198.** Introduced by Hunt, 8.

PURPOSE: The purpose of this resolution is to examine Nebraska's practices relating to social security benefits owed to certain children in the foster care system. Recent independent nationwide investigations by the Marshall Project and National Public Radio found that, in at least thirty-six states, foster care agencies look for children in their care who are entitled to social security benefits and apply to become the financial representative of those children in order for the agency to keep the money owed to those children, without notifying those children of such practices.

The investigations further found that at least ten state foster care agencies hired for-profit companies to seek and obtain social security benefits owed to children currently in foster care agencies within those states. Such foster care agencies profited millions of dollars under the guise of reimbursement for the costs of providing foster care services to those children.

This study shall include, but not be limited to:

(1) An investigation into whether the foster care system in Nebraska hired Maximus Inc. or a similar contractor for the purpose of identifying children in Nebraska who are eligible for social security benefits and helping the Nebraska foster care system acquire such funds;

(2) An examination of whether the foster care system in Nebraska has retained social security benefits intended for children in its care by way of serving as the financial representative for those children;

(3) An analysis of notification practices used by the foster care system in Nebraska to alert a child and that child's guardian or lawyer of the child's eligibility for social security benefits;

(4) An examination of the amount of social security benefits retained by the foster care system in Nebraska over the last five fiscal years, and, if applicable, the categorical breakdown of such benefits; and

(5) A determination of regulatory or statutory changes necessary to ensure that all children in the foster care system in Nebraska are made aware of social security benefits for which those children are eligible and how to receive such benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 199.** Introduced by Slama, 1.

**PURPOSE:** The purpose of this interim study is to examine the creation of a rural economic development program to encourage larger development projects to locate in rural parts of Nebraska and reduce barriers to project approval and completion.

The COVID-19 pandemic highlighted the United States' need for reliable, domestic supply chains for essential products and services. The pandemic is likely to have accelerated the already burgeoning trend of vertical integration for food processing and certainly demonstrated that e-commerce, telework, and other shifts in business and industry practices can provide more flexibility for individuals to live and work in rural areas without sacrificing employment opportunities.

Unfortunately, complicated regulations and labor shortages can impede large-scale development in rural areas. The state must act swiftly to identify opportunities to improve its appeal to companies considering locating in rural areas and to capitalize on these trends in order to grow the state's economy and preserve rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### SELECT FILE

**SENATOR WILLIAMS PRESIDING**

**LEGISLATIVE BILL 139.** [ER97](#), found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 579.** [ER95](#), found in this day's Journal, was adopted.

Senator M. Cavanaugh offered the following motion:

[MO75](#)

Bracket until May 20, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 236.** [ER98](#), found in this day's Journal, was adopted.

Senator B. Hansen offered his amendment, [AM1434](#), found on page 1441.

The B. Hansen amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 285.** Senator Brewer withdrew his amendments, [AM1133](#), [AM1134](#), [AM1264](#), and [AM1299](#) found on pages 1151, 1261, and 1301.

Senator Brewer offered his amendment, [AM1300](#), found on page 1304.

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

Senator Brewer offered the following amendment:  
[AM1354](#) is available in the Bill Room.

The Brewer 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.

### EASE

The Legislature was at ease from 10:02 p.m. until 10:23 p.m.

### COMMITTEE REPORT(S) Enrollment and Review

**LEGISLATIVE BILL 139.** Placed on Final Reading.

**LEGISLATIVE BILL 528.** Placed on Final Reading.

#### [ST35](#)

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

1. The E and R amendments, ER69, have been struck.
2. In Standing Committee amendments, AM556:
  - a. On page 3, lines 22 and 26, "3" has been struck and "5" inserted; and
  - b. On page 35, line 17, "26 to 28" has been struck and "29 to 31" inserted.
3. On page 1, the matter beginning with "law" in line 1 through line 16 on page 2 and all amendments thereto have been struck and "education; to amend sections 38-316, 38-10,109, 38-2613, 38-2616, 38-3106, 72-232, 72-233, 72-234, 72-235, 76-2203.01, 77-2704.12, 79-202,

79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1201.01, 79-1605, 79-2118, and 85-1609, Reissue Revised Statutes of Nebraska, and sections 1-116, 9-812, 9-836.01, 13-506, 38-1813, 58-809, 77-1601.02, 77-27,119, 79-308, 79-309.01, 79-611, 79-759, 79-8,137.01, 79-8,137.05, 79-1003, 79-1007.11, 79-1035, 79-1065.02, 79-1074, 79-1075, 79-1241.03, 79-1337, 79-2104.02, 79-2603, 79-2605, 79-2606, 84-304, 85-505, 85-507, 85-1802, 85-1920, 85-2002, 85-2003, 85-2004, 85-2005, 85-2007, 85-2008, 85-2009, 85-2010, 85-2104, 85-2802, and 85-2803, Revised Statutes Cumulative Supplement, 2020; to update academic accreditation terminology in state law; to change provisions relating to the distribution of lottery funds used for education and to provide duties related to the receipt and use of such funds; to change requirements for school district budget hearing notices; to require the State Department of Education to establish and maintain a web site as prescribed; to change provisions relating to school lands; to change tax levy notice provisions; to eliminate certain obsolete school and school district provisions and terminology; to adopt certain federal provisions; to change powers and duties of the State Department of Education; to change a form requirement; to change provisions relating to a grant program; to change provisions relating to certain income from school lands; to eliminate obsolete bonded indebtedness requirements; to adopt the Alternative Certification for Quality Teachers Act; to change provisions relating to standard college admission tests; to redefine terms and eliminate obsolete provisions under the Tax Equity and Educational Opportunities Support Act; to change state aid provisions for school districts and educational service units relating to boundary line changes and the timing of payments as prescribed; to eliminate certain county clerk and county board duties; to change provisions relating to core services and technology infrastructure funds; to change certain learning community coordinating council reporting dates; to change certain diversity plan requirements; to change requirements under the Nebraska Reading Improvement Act as prescribed; to provide duties for the Auditor of Public Accounts; to redefine a term relating to the Nebraska educational savings plan trust; to define and redefine terms and change provisions under the Community College Gap Assistance Program Act; to authorize verification of eligibility by the Commissioner of Education under the Access College Early Scholarship Program Act; to define a term, eliminate a term, and change provisions under the Meadowlark Act; to require hotline telephone numbers on student identification cards for middle school, high school, and postsecondary students as prescribed; to repeal a requirement relating to the residency of school land lessees; to repeal a requirement for the provision of student debt information to students; to repeal provisions relating to distance education equipment reimbursements and learning community transition aid; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 72-234.01 and 79-1336, Reissue Revised Statutes of Nebraska, and sections 79-10,145 and 85-9,140, Revised Statutes Cumulative Supplement, 2020; and to declare an emergency." inserted.

**LEGISLATIVE BILL 649.** Placed on Final Reading.  
**ST34**

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

1. In the E & R amendments, ER92:
  - a. On page 8, line 6, "(1)(iv)" has been struck and "(1)(a)(iv)" inserted; and
  - b. On page 79, lines 12 and 27, "Commissioners" has been struck and "Commission" inserted; in line 12 "uniform" has been struck and "Uniform" inserted; and in line 17 "Commissioners'" has been struck and "Commission's" inserted.
2. On page 1, line 2, "and" has been struck.

**LEGISLATIVE BILL 649A.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

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

Senator Stinner filed the following amendment to LB100:

AM1476

(Amendments to Second Final Reading copy)

- 1 1. Insert the following new sections:



2 Sec. 3. It is the intent of the Legislature that beginning July 1,  
3 2021, the Division of Children and Family Services of the Department of  
4 Health and Human Services shall implement a two-percent increase to  
5 foster care reimbursement rates for fiscal year 2021-22 and beginning  
6 July 1, 2022, the division shall implement a two-percent increase to  
7 foster care reimbursement rates for fiscal year 2022-23.  
8 Sec. 4. There is hereby appropriated (1) \$840,108 from the General  
9 Fund and \$44,216 from federal funds for FY2021-22 and (2) \$1,697,019 from  
10 the General Fund and \$89,317 from federal funds for FY2022-23 to the  
11 Department of Health and Human Services, for Program 354, to aid in  
12 carrying out the provisions of Legislative Bill 100, One Hundred Seventh  
13 Legislature, First Session, 2021.  
14 No expenditures for permanent and temporary salaries and per diems  
15 for state employees shall be made from funds appropriated in this  
16 section.  
17 Sec. 5. Sections 1, 2, and 6 of this act become operative three  
18 calendar months after the adjournment of this legislative session. The  
19 other sections of this act become operative on their effective date.  
20 Sec. 7. Since an emergency exists, this act takes effect when passed  
21 and approved according to law.  
22 2. On page 1, strike beginning with "the" in line 1 through line 5  
23 and insert "public health and welfare; to amend section 68-901, Revised  
24 Statutes Cumulative Supplement, 2020; to provide for limits on provider  
25 contracts pertaining to the utilization of certain billing practices  
26 under the Medical Assistance Act; to state intent regarding increases to  
1 foster care reimbursement rates; to harmonize provisions; to appropriate  
2 funds to aid in carrying out the provisions of Legislative Bill 100, One  
3 Hundred Seventh Legislature, First Session, 2021; to provide operative  
4 dates; to repeal the original section; and to declare an emergency."  
5 3. Renumber the remaining section accordingly.

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

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

Senator Brandt name added to LB236.  
Senator Geist name added to LR134.  
Senator Brewer name added to LR144.  
Senator Cavanaugh, J. name added to LR152.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

#### **ADJOURNMENT**

At 10:23 p.m., on a motion by Senator Flood, the Legislature adjourned until 9:00 a.m., Wednesday, May 19, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTIETH DAY - MAY 19, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 19, 2021

**PRAYER**

The prayer was offered by Senator Arch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator J. Cavanaugh.

**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, Hunt, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 579.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 200.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

**PURPOSE:** The Nebraska Health Care Cash Fund was initially created with an endowment of fifty million dollars 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, but not be limited to:

- (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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 201.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 202.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

**PURPOSE:** The purpose of this resolution is to examine federal legislation intended to provide assistance for state, local, and tribal governments affected by the COVID-19 pandemic, including the Families First Coronavirus Response Act; the Coronavirus Aid, Relief, and Economic Security Act; the Coronavirus Response and Relief Supplemental Appropriations Act; and the American Rescue Plan Act. Portions of funding appropriated under these federal acts were directed to state relief, recovery, and entitlement programs under the jurisdiction of the Health and Human Services Committee of the Legislature.

This study shall include, but not be limited to, an examination of the following:

(1) How Nebraska has utilized federal funding provided for pandemic-related relief, recovery, and entitlement programs under the jurisdiction of the Health and Human Services Committee of the Legislature;

(2) Plans to utilize unexpended federal funding provided for pandemic-related relief, recovery, and entitlement programs under the jurisdiction of the Health and Human Services Committee of the Legislature; and

(3) How federal pandemic-related relief and recovery funds have affected Nebraska's utilization of other state and federal funding sources for programs under the jurisdiction of the Health and Human Services Committee of the Legislature, including, but not limited to, Temporary Assistance for Needy Families block grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 132, 133, 144, and 146 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 132, 133, 144, and 146.

### **SELECT FILE**

**LEGISLATIVE BILL 432A.** Advanced to Enrollment and Review for Engrossment.

**MOTION(S) - Return LB572 to Select File**

Senator Stinner moved to return LB572 to Select File for his specific amendment, [AM1213](#), found on page 1466.

The Stinner motion to return failed with 16 ayes, 17 nays, 13 present and not voting, and 3 excused and not voting.

**MOTION(S) - Return LB100 to Select File**

Senator Stinner moved to return LB100 to Select File for his specific amendment, [AM1476](#), found on page 1520.

The Stinner motion to return prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 100.** The Stinner specific amendment, [AM1476](#), found on page 1520, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 302.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-498.02, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to operator's license revocation and reinstatement; 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:

Aguilar	Clements	Halloran	Lowe	Stinner
Albrecht	Day	Hansen, B.	McDonnell	Vargas
Arch	DeBoer	Hansen, M.	McKinney	Walz
Blood	Dorn	Hilgers	Morfeld	Wayne
Bostar	Erdman	Hilkemann	Moser	Williams
Bostelman	Flood	Hughes	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	
Cavanaugh, M.	Groene	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 2:

Brewer          Hunt

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

#### **MOTION(S) - Recommit LB387 to Committee**

Senator M. Cavanaugh offered the following motion to LB387:

[MO76](#)

Recommit to the Revenue Committee.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 48 nays, and 1 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 LB387 with 40 ayes, 3 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 387.**

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; 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, 47:

Aguilar	Clements	Hansen, B.	Lowe	Slama
Albrecht	Day	Hansen, M.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Blood	Dorn	Hilkemann	McKinney	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Friesen

Excused and not voting, 1:

Brewer

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 255.**

A BILL FOR AN ACT relating to first responders; 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.

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:

Aguilar	Day	Hansen, M.	McDonnell	Stinner
Blood	DeBoer	Hilgers	McKinney	Vargas
Bostar	Dorn	Hilkemann	Morfeld	Walz
Bostelman	Flood	Hunt	Moser	Wayne
Brandt	Geist	Kolterman	Pahls	Williams
Briese	Gragert	Lathrop	Pansing Brooks	Wishart
Cavanaugh, J.	Halloran	Lindstrom	Sanders	
Cavanaugh, M.	Hansen, B.	McCollister	Slama	

Voting in the negative, 6:

Albrecht	Erdman	Groene
Clements	Friesen	Lowe

Present and not voting, 4:

Arch	Hughes	Linehan	Murman
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Excused and not voting, 1:

Brewer

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

#### **MOTION(S) - Recommit LB40 to Committee**

Senator M. Cavanaugh offered the following motion to LB40:  
[MO77](#)

Recommit to the Revenue Committee.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 46 nays, 2 absent and not voting, and 1 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 LB40 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 40.**

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Rural Projects 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, 49:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 bills were read and put upon final passage:

**LEGISLATIVE BILL 40A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 40, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

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

**LEGISLATIVE BILL 322.** With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-2,144, Revised Statutes Cumulative Supplement, 2020; to adopt the School Safety and Security Reporting System Act; to harmonize provisions; 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, 41:

Aguilar	Day	Hilkemann	McKinney	Vargas
Arch	DeBoer	Hughes	Morfeld	Walz
Blood	Dorn	Hunt	Moser	Wayne
Bostar	Flood	Kolterman	Murman	Williams
Bostelman	Geist	Lathrop	Pahls	Wishart
Brandt	Gragert	Lindstrom	Pansing Brooks	
Briese	Hansen, B.	Linehan	Sanders	
Cavanaugh, J.	Hansen, M.	McCollister	Slama	
Cavanaugh, M.	Hilgers	McDonnell	Stinner	

Voting in the negative, 5:

Albrecht	Clements	Erdman	Friesen	Groene
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Present and not voting, 3:

Brewer      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.

**LEGISLATIVE BILL 322A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 322, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Day	Hilkemann	McKinney	Vargas
Arch	DeBoer	Hughes	Morfeld	Walz
Blood	Dorn	Hunt	Moser	Wayne
Bostar	Flood	Kolterman	Murman	Williams
Bostelman	Geist	Lathrop	Pahls	Wishart
Brandt	Gragert	Lindstrom	Pansing Brooks	
Briese	Hansen, B.	Linehan	Sanders	
Cavanaugh, J.	Hansen, M.	McCollister	Slama	
Cavanaugh, M.	Hilgers	McDonnell	Stinner	

Voting in the negative, 5:

Albrecht      Clements      Erdman      Friesen      Groene

Present and not voting, 3:

Brewer      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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB324 with 36 ayes, 4 nays, and 9 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 324.**

A BILL FOR AN ACT relating to the Nebraska Meat and Poultry Inspection Law; to amend sections 54-1901, 54-1902, 54-1903, 54-1908, 54-1909, 54-1911, 54-1912, 54-1913, and 54-1915, Reissue Revised Statutes of Nebraska; to define a term and alphabetize terms; to provide for animal share sales as prescribed; to create the Independent Processor Assistance Program; to provide powers and duties for the Department of Agriculture; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

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 324A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 324, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Hunt	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

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

**LEGISLATIVE BILL 247.** With Emergency Clause.

A BILL FOR AN ACT relating to mental health; to create the Mental Health Crisis Hotline Task Force; to provide powers and duties; 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:

Aguilar	Cavanaugh, M.	Halloran	McCollister	Stinner
Albrecht	Clements	Hansen, B.	McDonnell	Vargas
Arch	Day	Hansen, M.	McKinney	Walz
Blood	DeBoer	Hilgers	Morfeld	Wayne
Bostar	Dorn	Hilkemann	Moser	Williams
Bostelman	Flood	Hunt	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Brewer	Geist	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	
Cavanaugh, J.	Groene	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Erdman      Hughes      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.

**LEGISLATIVE BILL 247A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hansen, M.	McDonnell	Vargas
Arch	DeBoer	Hilgers	McKinney	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Flood	Hughes	Moser	Williams
Bostelman	Friesen	Hunt	Murman	Wishart
Brandt	Geist	Kolterman	Pahls	
Brewer	Gragert	Lathrop	Pansing Brooks	
Briese	Groene	Lindstrom	Sanders	
Cavanaugh, J.	Halloran	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Clements      Erdman      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.

**LEGISLATIVE BILL 527.**

A BILL FOR AN ACT relating to schools; to amend section 83-1225, Revised Statutes Cumulative Supplement, 2020; to change provisions related to transition services; 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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Hunt	Murman	Wishart
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

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

#### **LEGISLATIVE BILL 527A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 527, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Clements	Halloran	Lowe	Sanders
Albrecht	Day	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Stinner
Bostar	Dorn	Hilgers	McKinney	Vargas
Brandt	Flood	Hilkemann	Morfeld	Walz
Brewer	Friesen	Hughes	Moser	Wayne
Briese	Geist	Kolterman	Murman	Williams
Cavanaugh, J.	Gragert	Lindstrom	Pahls	Wishart
Cavanaugh, M.	Groene	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 5:

Blood            Bostelman    Erdman        Hunt            Lathrop

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 LB650 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 650.**

A BILL FOR AN ACT relating to carbon dioxide; to adopt the Nebraska Geologic Storage of Carbon Dioxide Act; to create funds; to provide penalties; and to provide severability.

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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Erdman

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 650A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Erdman

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

### LEGISLATIVE BILL 639.

A BILL FOR AN ACT relating to schools; to adopt the Seizure Safe Schools 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, 44:

Aguilar	Cavanaugh, J.	Groene	Lathrop	Pansing Brooks
Albrecht	Cavanaugh, M.	Halloran	Lindstrom	Sanders
Arch	Day	Hansen, B.	Linehan	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Flood	Hilkemann	McKinney	Wayne
Brandt	Friesen	Hughes	Morfeld	Williams
Brewer	Geist	Hunt	Moser	Wishart
Briese	Gragert	Kolterman	Pahls	

Voting in the negative, 3:

Clements Erdman Slama

Present and not voting, 2:

Lowe Murman

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 664.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-1821, 23-909, 23-3552, 31-333, 31-513, 31-739, 39-1621, 46-543, 77-1601, 77-1776, 79-1085, and 79-1225, Reissue Revised Statutes of Nebraska, and sections 13-508, 13-513, 18-822, 18-2107, 35-509, 77-1601.02, 77-1736.06, 77-3443, 79-1023, and 79-1084, Revised Statutes Cumulative Supplement, 2020; to adopt the Property Tax Request Act; to change certain dates relating to tax levies; to change provisions relating to property tax refunds and property tax requests; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Walz
Bostar	Dorn	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

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

**LEGISLATIVE BILL 664A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostar	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, 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 LB156 with 35 ayes, 5 nays, and 9 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to economic development; to amend sections 81-12,148 and 81-12,150, Reissue Revised Statutes of Nebraska, and sections 81-12,146, 81-12,147, and 81-12,149, Revised Statutes Cumulative Supplement, 2020; to adopt the Municipal Inland Port Authority Act; to state legislative intent for the transfer of funds; to change provisions relating to use of the Site and Building Development Fund and provide powers and duties for the Department of Economic Development; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Clements Slama

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 156A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 156, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Stinner
Albrecht	Day	Hansen, M.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	McKinney	Wayne
Bostar	Erdman	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Clements Hansen, B. Slama

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

**LEGISLATIVE BILL 260.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.13 and 48-652, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to good cause for voluntarily leaving employment and employers' experience accounts; 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:

Aguilar	Day	Hilgers	McKinney	Vargas
Blood	DeBoer	Hilkemann	Morfeld	Walz
Bostar	Dorn	Hunt	Murman	Wayne
Brandt	Flood	Kolterman	Pahls	Williams
Briese	Geist	Lathrop	Pansing Brooks	Wishart
Cavanaugh, J.	Gragert	McCollister	Sanders	
Cavanaugh, M.	Hansen, M.	McDonnell	Stinner	

Voting in the negative, 11:

Albrecht	Friesen	Hansen, B.	Moser
Clements	Groene	Hughes	Slama
Erdman	Halloran	Low	

Present and not voting, 5:

Arch	Bostelman	Brewer	Lindstrom	Linehan
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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 LB271 with 37 ayes, 5 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 271.**

A BILL FOR AN ACT relating to driving under the influence; to amend sections 29-901, 60-480, 60-498.01, 60-4,115, 60-6,197.05, 60-6,197.06, 60-6,211.11, and 60-1513, Revised Statutes Cumulative Supplement, 2020; to adopt the 24/7 Sobriety Program Act; to authorize a 24/7 sobriety program permit for operating a motor vehicle as prescribed; to provide a penalty; to change provisions relating to a fund; 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, 36:

Blood	DeBoer	Hansen, M.	McCollister	Walz
Bostar	Dorn	Hilgers	McDonnell	Wayne
Brandt	Flood	Hilkemann	McKinney	Williams
Brewer	Friesen	Hughes	Morfeld	Wishart
Briese	Geist	Hunt	Pahls	
Cavanaugh, J.	Gragert	Kolterman	Pansing Brooks	
Cavanaugh, M.	Groene	Lathrop	Stinner	
Day	Hansen, B.	Lindstrom	Vargas	

Voting in the negative, 11:

Aguilar	Clements	Lowe	Sanders
Albrecht	Erdman	Moser	Slama
Bostelman	Halloran	Murman	

Present and not voting, 2:

Arch	Linehan
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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 271A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, One Hundred Seventh Legislature, First Session, 2021.

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:

Blood	DeBoer	Hansen, B.	Lathrop	Pansing Brooks
Bostar	Dorn	Hansen, M.	Lindstrom	Stinner
Brandt	Flood	Hilgers	McCullister	Vargas
Brewer	Friesen	Hilkemann	McDonnell	Walz
Cavanaugh, J.	Geist	Hughes	McKinney	Wayne
Cavanaugh, M.	Gragert	Hunt	Morfeld	Williams
Day	Groene	Kolterman	Pahls	Wishart

Voting in the negative, 11:

Aguilar	Clements	Lowe	Sanders
Albrecht	Erdman	Moser	Slama
Bostelman	Halloran	Murman	

Present and not voting, 3:

Arch	Briese	Linehan
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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 302, 387, 255, 40, 40A, 322, 322A, 324, 324A, 247, 247A, 527, 527A, 650, 650A, 639, 664, 664A, 156, 156A, 260, 271, 271A.

### MOTION(S) - Return LB2 to Select File

Senator M. Cavanaugh moved to return LB2 to Select File for the following specific amendment:

[AM1181](#)

(Amendments to E&R amendments, ER66)

1 1. On page 1, lines 12 and 23; and page 3, lines 7 and 8 and 12 and  
2 13, strike "school district taxes levied" and insert "taxes levied by a  
3 Class III school district".

Senator M. Cavanaugh requested a roll call vote on the motion to return.

The M. Cavanaugh motion to return failed with 7 ayes, 34 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.



**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 19, 2021, at 11:46 a.m. were the following: LBs 302, 387, 255, 40, 40A, 322e, 322Ae, 324, 324A, 247e, 247Ae, 527, 527A, 650, 650A, 639, 664, 664A, 156, 156A, 260, 271, and 271A.

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

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

Senator Hunt filed the following motion to [LR135](#):

[MO82](#)

Withdraw LR135.

**COMMITTEE REPORT(S)**

Enrollment and Review

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

[ST36](#)

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

1. In the E&R amendments, ER98, on page 1, the matter beginning with "counties" in line 1 through line 5 and all amendments thereto have been struck and "law; to amend sections 28-1202 and 69-2436, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2020; to redefine terms, change drug schedules, and adopt federal drug provisions under the Uniform Controlled Substances Act; to provide an exception to the offense of carrying a concealed weapon as prescribed; to define a term; to change provisions relating to renewal of a permit to carry a concealed handgun; to provide a duty for the Nebraska State Patrol; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections." inserted.

2. In the Brewer amendment, AM1388, on page 3, line 2, "and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2020," has been inserted after the comma.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Redistricting

**LEGISLATIVE RESOLUTION 134.** Reported to the Legislature for further consideration with the following amendment:

[AM1472](#)

1 1. Strike the original provisions and insert the following new  
2 provisions:

3 WHEREAS, redistricting of the various election districts will be

4 considered as required by the Constitution of Nebraska and the

5 Constitution of the United States; and

6 WHEREAS, the redistricting process is under the control of the

7 Legislature and its rules; and

8 WHEREAS, the Legislature created the Redistricting Committee to

9 administer the 2021 redistricting process; and

10 WHEREAS, the Redistricting Committee adopted proposed substantive

11 guidelines for consideration by the Legislature.

12 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED

## 13 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

14 That the following criteria are adopted to guide the Legislature  
15 during the 2021 redistricting process. The criteria are designed to help  
16 ensure that the redistricting plans developed are constitutionally  
17 acceptable:

18 1. Population data from the 2020 United States Census will be used  
19 for purposes of redistricting.

20 2. District boundaries established by the Legislature during the  
21 2021 redistricting process shall be based on census geography.

22 3. District boundaries shall follow county lines whenever  
23 practicable and shall define districts that are compact and contiguous as  
24 these terms have been articulated by the United States Supreme Court. If  
25 adherence to county lines causes a redistricting plan, or any aspect  
26 thereof, to be in violation of principles set forth by the United States  
27 Supreme Court in interpreting the United States Constitution, that  
1 requirement may be waived to the extent necessary to bring the plan or  
2 aspect of the plan into compliance with such principles.

3 4. Insofar as possible, and within the context of principles set  
4 forth by the United States Supreme Court, district boundaries shall  
5 define districts that are easily identifiable and understandable to  
6 voters, preserve communities of interest, and allow for the preservation  
7 of the cores of prior districts. When feasible, district boundary lines  
8 shall coincide with the boundaries of cities and villages. If a county,  
9 city, or village must be divided, the division shall be made along  
10 clearly recognizable boundaries, as described by census geography.

11 5. District boundaries shall not be established with the intention  
12 of favoring a political party or any other group or person.  
13 6. In drawing district boundaries, no consideration shall be given  
14 to the political affiliations of registered voters, demographic  
15 information other than population figures, or the results of previous  
16 elections, except as may be required by the laws and Constitution of the  
17 United States.

18 7. District boundaries which would result in the unlawful dilution  
19 of the voting strength of any minority population shall not be  
20 established.

21 8. The general goal of the redistricting process shall be the  
22 creation of districts that are substantially equal in population. The  
23 specific criteria under which redistricting plans shall be judged with  
24 regard to the issue of population equality are described in Guideline 9.

25 9. The following criteria shall be specifically applicable to the  
26 public bodies for which the Legislature will create new district  
27 boundaries in 2021:

## 28 UNITED STATES HOUSE OF REPRESENTATIVES

29 (a) Three single-member districts.

30 (b) Population among districts shall be as nearly equal as  
31 practicable, that is, with an overall range of deviation at or  
1 approaching 0%.

2 (c) No plan will be considered which results in an overall range of  
3 deviation in excess of 1% or a relative deviation in excess of plus or  
4 minus 0.5%, based on the ideal district population. Any deviation from  
5 absolute equality of population must be necessary to the achievement of a  
6 "legitimate state objective" as that concept has been articulated by the  
7 United States Supreme Court. To the extent that such objectives are  
8 relied on, they shall be applied consistently and shall include, but not  
9 be limited to, the creation of compact districts, the preservation of  
10 municipal boundaries, the preservation of communities of interest, and  
11 allowance for the preservation of the cores of prior districts. Whenever  
12 there is presented to the Legislature more than one plan that will  
13 substantially vindicate the above objectives, preference will be given to  
14 the plan that provides the greatest degree of population equality.

## 15 LEGISLATURE

16 (a) Forty-nine single-member districts.

17 (b) In establishing new legislative district boundaries, the

18 Legislature shall create districts that are as nearly equal in population

19 as may be. No plan will be considered which results in an overall range

20 of deviation in excess of 10% or a relative deviation in excess of plus

21 or minus 5%, based on the ideal district population.

22 (c) Any deviation in excess of the above must be justifiable as

23 necessary for the realization of a "rational state policy" as that

24 concept has been articulated by the United States Supreme Court.

25 (d) If the population of any county falls within the relative

26 deviation set forth in these guidelines, the boundaries of that county

27 shall define a legislative district.

## 28 NEBRASKA SUPREME COURT

29 (a) Six single-member districts.

30 (b) Equality of population shall be achieved in accordance with the

31 standards established above for redistricting the Legislature.

## 1 BOARD OF REGENTS

2 (a) Eight single-member districts.

3 (b) Equality of population shall be achieved in accordance with the

4 standards established above for redistricting the Legislature.

## 5 PUBLIC SERVICE COMMISSION

6 (a) Five single-member districts.

7 (b) Equality of population shall be achieved in accordance with the

8 standards established above for redistricting the Legislature.

## 9 STATE BOARD OF EDUCATION

10 (a) Eight single-member districts.

11 (b) Equality of population shall be achieved in accordance with the

12 standards established above for redistricting the Legislature.

(Signed) Lou Ann Linehan, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR Committee**

LR159 Executive Board

(Signed) Dan Hughes, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 203.** Introduced by Flood, 19.

**PURPOSE:** The purpose of this interim study is to examine medicaid expansion and behavioral health.

This study shall include, but not be limited to, an examination of the following:

(1) The role and mission of behavioral health regions as they relate to medicaid expansion;

(2) The coordination of behavioral health services after the expansion of medicaid;

- (3) The role of behavioral health regions in relation to individuals in need of long-term care for mental illness;
- (4) The plan for care of such individuals;
- (5) The current capacity to provide care for behavioral health patients who require locked, secure residential care; and
- (6) The capacity and demand for behavioral health care services at the Lincoln Regional Center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 204.** Introduced by Flood, 19.

PURPOSE: The purpose of this interim study is to examine a coding curriculum for students in Nebraska.

This study shall include, but not be limited to, an examination of the following:

- (1) The benefits of coding knowledge for postsecondary education fields and employment opportunities;
- (2) The employment opportunities in Nebraska relating to coding;
- (3) The role of elementary and secondary schools in preparing students for the workforce who are capable of coding; and
- (4) The role of community colleges in preparing students for the workforce who are capable of coding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 205.** Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to complete a comprehensive study of the use of mediation as a supplement or alternative to residential eviction actions. As residential eviction actions are disruptive to both landlords and tenants and in some situations may be the result of a lack of

communication between parties, mediation may provide an opportunity for issues to be discussed and resolved without the need for an eviction order. Mediation centers may provide an available forum for such mediation efforts.

This study shall include, but not be limited to, an examination of the following:

- (1) The viability of using mediation to reduce eviction orders;
- (2) Anticipated levels of participation if mediation opportunities existed;
- (3) The scheduling or timeframes necessary to add mediation within the current residential eviction process without extending the time necessary to complete an eviction;
- (4) The resources available through mediation centers or other mediation providers; and
- (5) The methods used in eviction mediation proceedings in other jurisdictions and the success of these methods in reducing eviction orders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 206.** Introduced by Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to examine workers' compensation.

This study shall include, but not be limited to, an examination of the following:

- (1) Statutes of other states relating to workers' compensation; and
- (2) The efficacy of increasing the amount of payments to individuals who are awarded benefits pursuant to workers' compensation statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 207.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this resolution is to examine methods for preventing the spread of the human immunodeficiency virus.

This study shall include, but not be limited to, an examination of the following:

(1) The best practices for making pre-exposure prophylaxis treatment available to those most at risk for contracting the human immunodeficiency virus; and

(2) Legislation in other states relating to preventative health education and treatment for those at risk of contracting the human immunodeficiency virus.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 208.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this resolution is to examine how commercial property assessed clean energy financing has been utilized in Nebraska compared to other states with active property assessed clean energy programs.

This study shall include, but not be limited to, an examination of the following:

(1) The Property Assessed Clean Energy Act;

(2) Statutes in states that have authorized property assessed clean energy financing to fund qualifying energy conservation measures for commercial real estate projects and the effect of those statutes in such states;

(3) The effect of retroactive financing relating to property assessed clean energy in states that allow for such projects; and

(4) Changes to the Property Assessed Clean Energy Act that could benefit commercial real estate projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 209.** Introduced by McDonnell, 5; McKinney, 11.

**PURPOSE:** The purpose of this interim study is to examine the appropriations necessary for creating public health crisis zones for certain areas in Nebraska.

This study shall include, but not be limited to, an examination of the following:

(1) Criteria related to public health, behavioral health, poverty, substance abuse rates, and any other relevant criteria, that would be included in a public health crisis zone program;

(2) Statutes and funding applicable to natural disasters and if such statutes and funding could be used as a framework for creating a public health crisis zone program;

(3) Public health crisis zone programs in other states; and

(4) The funding, resources, and process needed to create a public health crisis zone program and the role of the Legislature in:

(a) Stopping or diminishing a public health crisis in the defined area; and

(b) Providing funding to local public health departments, counties, municipalities, and other entities that would play a role in implementing a public health crisis zone program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 210.** Introduced by McKinney, 11; McDonnell, 5.

**PURPOSE:** The purpose of this interim study is to examine the connections that exist between poverty and incarceration and the appropriations necessary to reduce both in Nebraska.

This study shall include, but not be limited to, an examination of the following:

(1) Resources appropriated to incarcerating people compared to treating the underlying cause resulting in their involvement in the criminal justice system;

(2) Costs of decreasing the prison population through investment in preventative measures;

- (3) How poverty affects an individual's life trajectory;
- (4) Children who live in poverty and their lives outside of formal educational institutions;
- (5) How a criminal record affects the ability to overcome poverty, find housing, earn a livable income, and attain higher education and job skills;
- (6) Compare the cost of paying for an individual to go through the criminal justice system with the cost of providing resources to an individual in poverty in an attempt to keep that individual out of the criminal justice system; and
- (7) Practices in other states and countries that attempt to address the link between poverty and incarceration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 211.** Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine issues related to adopting construction codes. The issues addressed by this interim study shall include, but not be limited to:

- (1) Whether the state might be best served by creating and appointing a task force or code review committee to make regular recommendations to the Legislature about updates and revisions to the state's default codes;
- (2) Examining the composition of such task force or review committee including experts in codes, code officials tasked with enforcing codes, and contractors and trades people who interpret and implement codes;
- (3) Examining the work and success of review committees and task forces in other states, including North Dakota and Utah.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 212.** Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to assess the health care workforce shortage in Nebraska, with a focus on nursing and entry-level health care support positions such as medical technicians and assistants. The study will analyze state and local funding, policy, and initiatives addressing the shortage to meet and anticipate Nebraska's growing health needs. The study shall further examine how to increase opportunities for all Nebraskans to enter and advance in these health care professions, align and expand education and training, and strengthen the capacity, diversity, well-being, and retention of the health care workforce.

The study shall include, but not be limited to, an examination of the following:

- (1) Existing pathway programs and educational initiatives that encourage individuals to become health care professionals in Nebraska;
- (2) Current state funding priorities and programs that invest in the health care workforce in Nebraska;
- (3) Opportunities to align or improve systems that support Nebraska's health care workforce in underserved and high-need communities across the state; and
- (4) Future health care workforce needs and requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 213.** Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to study the mental and behavioral health needs of Nebraska students and the role of school psychologists in meeting such needs.

This study shall include, but not be limited to:

- (1) A review of the prevalence of student mental and behavioral health needs in Nebraska, including the prevalence of internalizing and externalizing disorders in school-aged youth, suicide prevalence, the amount of alcohol and controlled substance use, and the number of students served through special education under the verification category of emotional disturbance;
- (2) An examination of the current mental and behavioral health workforce, including the total number of certified school psychologists in Nebraska schools, student-to-school psychologist ratios, and the current number of faculty and student trainees in school psychology training programs;

(3) Evaluation and comparison of urban and rural barriers to school-based mental health access;

(4) Evaluation of professional development challenges and opportunities for school psychologists, including job satisfaction and graduate training opportunities; and

(5) Existing efforts to retain and expand Nebraska's mental and behavioral health workforce and opportunities to increase the number of certified school psychologists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 214.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this resolution is to examine and analyze how state regulated health plans and state employee health plans use programs to limit contributions made by, or on behalf of, a consumer, known as copay accumulator adjustment programs. The issues addressed by this interim study include, but are not limited to, an examination of:

(1) What year such health plan or pharmacy benefit manager initiated a copay accumulator adjustment program;

(2) All years the health plan or pharmacy benefit manager utilized copay accumulator adjustment programs;

(3) The number of consumers affected by a copay accumulator adjustment program for each year the program has been in place;

(4) The average deductible and out-of-pocket maximums of consumers affected by a copay accumulator adjustment program, per tier level if applicable;

(5) Whether copay accumulator adjustment programs are implemented across all health plan policies or restricted based on other factors including, but not limited to, disease state, type of plan, type of drug or treatment, and whether such drug or treatment has a generic equivalent;

(6) The yearly amount of money excluded from all consumers' out-of-pocket costs per health plan and how the savings were utilized; and

(7) The premium amounts paid by health plans, employers, and consumers for the two years before the copay accumulator adjustment program and all years after the copay accumulator adjustment programs were implemented.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 215.** Introduced by Hansen, M., 26.

PURPOSE: As partners in delivering essential government services to residents of Nebraska, county governments undertake implementing statutorily required services on a daily basis. Numerous required services rely on statutorily set fees or fines. This study shall examine how the set fee and fine amounts relate to the costs experienced by county governments for administering the associated services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 216.** Introduced by Vargas, 7.

WHEREAS, this year is the 100th anniversary of the Nebraska state park system; and

WHEREAS, the first Nebraska state park, Chadron State Park, was created in 1921; and

WHEREAS, there are seventy-six state park areas in Nebraska; and

WHEREAS, state parks are among the top destinations in Nebraska for residents and visitors alike, where individuals can enjoy beautiful landscapes, unique wildlife, and abundant recreational opportunities; and

WHEREAS, there are numerous events planned at state parks throughout the year to celebrate the state park centennial year.

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

1. That the Legislature recognizes the 100-year anniversary of the Nebraska state park system.

Laid over.

**LEGISLATIVE RESOLUTION 217.** Introduced by Vargas, 7.

WHEREAS, Ozzie Cisneros is a soccer player and native of Omaha, Nebraska; and

WHEREAS, Ozzie joined Sporting KC Academy as a 12-year-old in 2016 and led Sporting KC to a fourth-place finish at the Concacaf U-13 Champions League in Mexico City; and

WHEREAS, Ozzie went on to play almost 70 matches for Sporting KC in the U.S. Soccer Development Academy at both the U-13 and U-19 levels, scoring 15 goals and climbing to the U-19 ranks by the time he was fifteen years of age; and

WHEREAS, Ozzie became the fourth-youngest signing in club history when he earned a Major League Soccer contract with Sporting KC this year at age sixteen.

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

1. That the Legislature congratulates Ozzie Cisneros on earning a Major League Soccer contract at the age of sixteen.
2. That a copy of this resolution be sent to Ozzie Cisneros.

Laid over.

**LEGISLATIVE RESOLUTION 218.** Introduced by DeBoer, 10; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; Dorn, 30; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

**PURPOSE:** The purpose of this resolution is to examine issues related to pay and benefits of legislative staff.

This study shall include, but not be limited to, an examination of the following:

- (1) Review of the compensation and benefit structure for legislative staff;
- (2) Impact of the compensation and benefit structure for recruiting and retaining a diverse workforce at the Legislature;
- (3) Review of public assistance benefits eligible to legislative staff based on compensation structure;
- (4) Review of gender and racial pay equity among legislative staff; and
- (5) Potential changes to the compensation and benefit structure needed to support the recruitment, retention, and economic security of legislative staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 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 219.** Introduced by Vargas, 7.

WHEREAS, the COVID-19 pandemic has caused unprecedented change in the everyday lives of Nebraskans, including students and school employees; and

WHEREAS, teachers, administrators, and school personnel have demonstrated great flexibility, understanding, and leadership during the COVID-19 pandemic; and

WHEREAS, throughout the COVID-19 pandemic, teachers, administrators, and school personnel continued to facilitate academic growth and learning while helping to keep students safe; and

WHEREAS, all Nebraskans should recognize and appreciate the dedication of Nebraska teachers, administrators, and school personnel throughout these unprecedented times.

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

1. That the Legislature recognizes and thanks all Nebraska teachers, administrators, and school personnel for their dedication to the children of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 220.** Introduced by Vargas, 7.

WHEREAS, the COVID-19 pandemic has greatly affected the lives of individuals across the world over the last year; and

WHEREAS, individuals in the meatpacking industry continued to work throughout the COVID-19 pandemic as essential workers; and

WHEREAS, the COVID-19 pandemic has affected the meatpacking industry especially hard; and

WHEREAS, throughout the country a disproportionate amount of COVID-19 infections, hospitalizations, and deaths were individuals in the meatpacking industry; and

WHEREAS, in Nebraska, reports indicated that meatpacking industry workers accounted for over two hundred COVID-19 hospitalizations, more than twenty-five deaths, and countless infections; and

WHEREAS, as the world begins to come out of the COVID-19 pandemic, we must remember the meatpacking workers who lost their lives to the

COVID-19 pandemic and the families and loved ones they leave behind who will continue to live with the impacts of the COVID-19 pandemic.

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

1. That the Legislature recognizes all those in the meatpacking industry for their continued hard work and dedication throughout the COVID-19 pandemic and thanks them for their service.

2. That the Legislature offers its condolences to the families of all those in the meatpacking industry who lost loved ones during the COVID-19 pandemic.

Laid over.

**LEGISLATIVE RESOLUTION 221.** Introduced by Vargas, 7.

**PURPOSE:** The purpose of this interim study is to examine maternal and infant mortality and morbidity and make recommendations that will improve the quality of care for mothers and babies.

The study shall include, but not be limited to, a consideration of the following:

(1) National best practices relating to maternal and infant health care and mortality and morbidity monitoring;

(2) The known causes and rates of maternal mortality and morbidity in this state;

(3) The known causes and rates of infant mortality in this state;

(4) The status of the state's current system of monitoring maternal and infant mortality and morbidity;

(5) Racial, economic, and geographic disparities that exist in maternal and child mortality in Nebraska;

(6) Potential programs to address maternal and infant health care and improve outcomes, as well as funding opportunities for these programs; and

(7) A review of potential statutory or administrative changes that would support improved outcomes for maternal and infant health care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 222.** Introduced by Vargas, 7.

WHEREAS, the COVID-19 pandemic has caused unprecedented hardship and changes to the lives of Nebraskans; and

WHEREAS, Nebraska consists of several local county and city-county health departments; and

WHEREAS, local Nebraska health departments have been at the forefront of the fight against the COVID-19 pandemic; and

WHEREAS, local Nebraska health departments have worked tirelessly throughout the COVID-19 pandemic to provide information and data to the public and coordinate responses with schools, event sponsors, businesses, hospitals, cities, and counties to help keep Nebraskans healthy and safe.

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

1. That the Legislature recognizes the employees and volunteers of local Nebraska health departments for their hard work and dedication throughout the COVID-19 pandemic.

Laid over.

**LEGISLATIVE RESOLUTION 223.** Introduced by Wishart, 27.

PURPOSE: The purpose of this interim study is to examine how to slow or stop the spread of the emerald ash borer.

This study shall include, but not be limited to, an examination of the following:

- (1) The effect of the emerald ash borer on the ecological environment;
  - (2) Economic costs associated with the spread of the emerald ash borer;
- and
- (3) Ways to reduce the spread of the emerald ash borer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 224.** Introduced by Lindstrom, 18; Cavanaugh, J., 9; Cavanaugh, M., 6; DeBoer, 10; Hilkemann, 4; Lathrop, 12; Linehan, 39; McCollister, 20; McDonnell, 5; Pahls, 31; Wayne, 13.

WHEREAS, Sheriff Tim Dunning began his career in law enforcement on March 10, 1971, with the Papillion Police Department; and

WHEREAS, Tim went on to serve the Omaha Police Department for twenty-two years; and

WHEREAS, Tim was elected Douglas County Sheriff in 1994 and held the position until his retirement in 2020; and

WHEREAS, Tim is the longest serving sheriff in Douglas County history; and

WHEREAS, Tim has served in a variety of roles throughout his career, including as president of the Nebraska Sheriffs' Association, a member of the Nebraska Human Trafficking Task Force, and a member of the Douglas County Civil Service Commission; and

WHEREAS, Tim earned various awards during his years of service, including the 1986 Spirit of Cooperation award by the United State Department of Justice, the 1996 Law Enforcement award by the Knights of AKSARBEN, and the 2005 Law Enforcement Officer of the Year award by the Omaha Coalition of Citizen Patrols. In 2018, Tim was inducted into the Nebraska Sheriffs' Association Hall of Fame; and

WHEREAS, Sheriff Tim Dunning retired on December 31, 2020, after nearly fifty years of service in law enforcement.

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

1. That the Legislature thanks Sheriff Tim Dunning for his many years of service to his community and the State of Nebraska and congratulates him on his retirement.

2. That a copy of this resolution be sent to Sheriff Tim Dunning.

Laid over.

**LEGISLATIVE RESOLUTION 225.** Introduced by Government, Military and Veterans Affairs Committee: Brewer, 43, Chairperson; Halloran, 33; Hansen, M., 26; Hunt, 8; Lowe, 37; Sanders, 45.

**PURPOSE:** The purpose of this resolution is to review the occupational regulation of truth and deception examiners pursuant to the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 226.** Introduced by Cavanaugh, M., 6.

PURPOSE: The purpose of this interim study is to examine ways in which the Legislature provides oversight to hold state agencies accountable in the implementation of laws, and if legislation should be enacted to improve that oversight process. As a co-equal branch of government, it is the constitutional role of the Legislature to monitor state agencies as such agencies implement laws. Conducting oversight is every bit as important as passing legislation. A strong record of oversight will help maintain public confidence in the Legislature, and, more importantly, it will help the Legislature better serve Nebraska constituents and improve the quality of life for all Nebraskans.

The issues to be studied include, but are not limited to:

- (1) The role of the Legislature and legislative committees in providing oversight of state agencies in the implementation of law; and
- (2) Identification of resources and tools that might be needed to improve oversight functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 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 227.** Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to examine learning communities and learning community coordinating councils.

This study shall include, but not be limited to, an examination of the following:

- (1) The history of learning communities;
- (2) The intent behind creating learning community coordinating councils;
- (3) The intended outcomes to be accomplished by learning communities and learning community coordinating councils;
- (4) The statutorily-required responsibilities of learning communities and learning community coordinating councils;
- (5) The current statutorily-required responsibilities of learning community coordinating councils; and
- (6) What the current learning community coordinating council does on an annual basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 228.** Introduced by Albrecht, 17; Arch, 14; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hilgers, 21; Lindstrom, 18; Lowe, 37; McDonnell, 5; Murman, 38; Slama, 1.

**PURPOSE:** The purpose of this interim study is to examine the educational environment in Nebraska.

This study shall include, but not be limited to, an examination of the following:

- (1) The Nebraska Health Education Standards proposed by the State Department of Education;
- (2) The role of technology in education;
- (3) The content that is taught and available to students;
- (4) The relation between section 28-815 of the Nebraska Revised Statutes, obscenity, and content matter taught and available to students; and
- (5) Methods for providing a safe and healthy environment in which students can learn.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 229.** Introduced by Dorn, 30.

WHEREAS, Douglas K. Hanson of Hickman, Nebraska, is an extraordinary servant leader at the state and local levels of government in addition to serving numerous volunteer organizations, including the Kiwanis Club and TeamMates; and

WHEREAS, Doug graduated with a Bachelor of Science from the College of Engineering and Technology at the University of Nebraska at Lincoln in 1986 and earned a Master of Public Administration from the University of Nebraska at Omaha in 1994 while serving as the Facilities Engineering Manager at the Nebraska Department of Correctional Services; and

WHEREAS, while serving as Facilities Engineering Manager, Doug oversaw the building of the Tecumseh State Correctional Institution and work ethic camp in McCook; and

WHEREAS, in 2015, Doug became the Administrator of the Nebraska Department of Administrative Services 309 Task Force for Building Renewal before being promoted in 2020 to Administrator of the State Building Division within the Department of Administrative Services. As the Administrator, Doug oversees Nebraska's strategic real estate master plan, comprehensive capital facilities plan and other state building division programs; and

WHEREAS, Doug has provided decades of leadership as an elected official for the City of Hickman. Doug served on the city council from 1999 until he was elected to his current position as Mayor in 2014; and

WHEREAS, Doug served as Chair of the smaller cities legislative committee of the League of Nebraska Municipalities and served as League President from 2009 to 2010. He was elected Chair of the League Association of Risk Management in 2005 and has held that position for all but three years since then; and

WHEREAS, Doug recently announced he will retire as Administrator of the State Building Division on June 4, 2021, after a distinguished career serving the State of Nebraska for 43 years.

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

1. That the Legislature recognizes Douglas K. Hanson for his years of dedicated public service, thanks him for his lifelong contributions to the State of Nebraska and the City of Hickman, and congratulates him on his retirement.

2. That a copy of this resolution be sent to Douglas K. Hanson.

Laid over.

**LEGISLATIVE RESOLUTION 230.** Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to study whether an amendment to the Constitution of Nebraska should be submitted to the electors of the State of Nebraska for approval or rejection that would limit the application of property tax levies to support free instruction in the common schools to residential real property and not on agricultural land, horticultural land, or commercial property. In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 231.** 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 232.** Introduced by Friesen, 34.

**PURPOSE:** The purpose of this interim study is to examine the assessment procedures of county assessors for each class of property and whether the assessment process would benefit from other parties assessing certain classes of property.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 233.** Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; DeBoer, 10; Geist, 25; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to review issues relating to the collection of agricultural data in precision farming. The issues addressed by this study shall include, but not be limited to:

- (1) A review of precision agriculture technologies;
- (2) An examination of the importance and value of precision farming data and the collection of such data;

- (3) A review of issues relating to data ownership and the relationship between producers, manufacturers, landowners, retailers, and third-party purchasers in the collection, storage, use, and marketing of agricultural data;
- (4) An examination of data utilization, access, privacy, storage, and security for agricultural data;
- (5) An examination of data value;
- (6) An examination of data transfer;
- (7) An analysis of the potential for monetization of agricultural data, both individually and in aggregate;
- (8) The identification of concerns relating to the ownership and control of precision farming data, including privacy, security, and market manipulation;
- (9) An analysis of telecommunications connectivity needs for the transmission and utilization of agricultural data, including through cellular, wireless, and satellite means; and
- (10) The need, if any, for legislative action relating to agricultural data.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 234.** Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; DeBoer, 10; Geist, 25; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to examine issues related to the regulation and taxation of electric vehicles.

The issues addressed by this study shall include, but are not limited to:

- (1) A review of the number of electric vehicles currently in use in the state, and to what extent electric vehicle ownership and usage is projected to increase;
- (2) A review of current taxes associated with the purchase, ownership, and operation of electric vehicles;
- (3) An analysis of the most equitable way to tax electric vehicles in order to match the revenue generated by vehicles that use conventional fuels;
- (4) A review of how revenue generated by vehicles that use conventional fuels is distributed and used;
- (5) An examination of the potential impact of increased electric vehicle usage and improved fuel efficiency in conventional fuel vehicles on revenue generated;
- (6) An examination of the potential impacts of adjusting the base, rate, administration, and disposition of the current taxation and regulatory systems of motor vehicles; and

(7) A review of the potential need for legislative action to further regulate or tax electric vehicles to maintain or replace the revenue currently generated by vehicles that use conventional fuels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 235.** Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; DeBoer, 10; Geist, 25; Hughes, 44.

PURPOSE: The purpose of this interim study is to review the occupational regulations for motor vehicle dealers. Such a review is required by section 84-948 of the Nebraska Revised Statutes. This study shall fulfill the requirements of the Occupational Board Reform Act. The study shall include an examination of the guidelines issued by the Motor Vehicle Industry Licensing Board to determine qualifications for motor vehicle dealers pursuant to the Motor Vehicle Industry Regulation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 236.** Introduced by Friesen, 34; Albrecht, 17; Bostelman, 23; DeBoer, 10; Geist, 25; Hughes, 44; Moser, 22.

PURPOSE: The purpose of this interim study is to review issues relating to the Nebraska Expressway System, including different methods of financing construction of such expressway and other highway construction projects. The issues addressed by this study shall include, but not be limited to:

(1) An analysis of the cost of issuing bonds immediately compared to issuing bonds at various dates into the future. Such analysis shall take into account factors including, but not limited to:

(a) Projected fluctuations in interest rates;

- (b) Interest rates available to the state, counties, municipalities, and private parties; and
  - (c) Projected cost and availability of equipment, labor, and materials;
- (2) An analysis of the projected reduction in accidents and fatalities associated with a completed expressway system; and
  - (3) An analysis of the projected value of economic development associated with a completed expressway system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 237.** Introduced by Vargas, 7; Walz, 15; Williams, 36.

**PURPOSE:** The purpose of this study is to examine the existing statutes authorizing and framework for directed health measures and examine whether changes are necessary.

The study may include, but is not limited to:

- (1) A review of existing state law and guidance regarding directed health measures and other pandemic planning documents;
- (2) An examination of the role of local public health departments, municipalities, counties, and the state when directed health measures are necessary;
- (3) Whether existing state statutes on directed health measures and public health responses need to be updated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

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

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

Senator Vargas name added to LB64.

**RECESS**

At 12:10 p.m., on a motion by Senator Linehan, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, Hunt, and Morfeld who were excused until they arrive.

**MOTION(S) - Return LB2 to Select File**

Senator M. Cavanaugh moved to return LB2 to Select File for the following specific amendment:

**[AM1093](#)**

(Amendments to E&R amendments, ER66)

- 1 1. On page 1, line 12, strike "school district taxes levied" and insert "taxes levied by a Class III school district"; in line 14 strike 3 "fifty" and insert "forty-five"; in line 23 strike "school district taxes levied" and insert "taxes levied by a Class III school district"; and in line 25 strike "fifty" and insert "forty-five".
- 2 2. On page 3, lines 7 and 8, strike "school district taxes levied" and insert "taxes levied by a Class III school district"; in line 10 strike "forty-four to fifty" and insert "thirty-nine to forty-five"; in lines 12 and 13 strike "school district taxes levied" and insert "taxes levied by a Class III school district"; and in line 15 strike "forty-four to fifty" and insert "thirty-nine to forty-five".

**SENATOR WILLIAMS PRESIDING**

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to return.

The M. Cavanaugh motion to return failed with 5 ayes, 38 nays, 2 present and not voting, and 4 excused and not voting.

**MOTION(S) - Bracket LB2 until May 20, 2021**

Senator M. Cavanaugh offered the following motion to LB2:

**[MO83](#)**

Bracket until May 20, 2021.



Senator M. Cavanaugh withdrew her motion to bracket.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 100.** Placed on Final Reading Third.

**LEGISLATIVE BILL 285.** Placed on Final Reading.

**ST38**

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

1. Section 10 and all amendments thereto have been struck and the following section inserted: Sec. 20. Original sections 2-3213, 2-3214, 32-329, 32-553, 32-608, 32-716, 32-717, 32-1005, 70-611, and 70-663, Reissue Revised Statutes of Nebraska, and sections 16-404, 17-614, 32-330, 32-404, 32-552, 32-606, 32-816, 32-903, and 79-1217, Revised Statutes Cumulative Supplement, 2020, are repealed.

2. In the Brewer amendment, AM1354, sections 13, 16, and 20 have been renumbered as sections 15, 18, and 22, respectively.

3. On page 1, the matter beginning with "32-329" in line 1 through line 11 has been struck and "2-3213, 2-3214, 32-329, 32-553, 32-608, 32-716, 32-717, 32-1005, 70-611, and 70-663, Reissue Revised Statutes of Nebraska, and sections 16-404, 17-614, 32-330, 32-404, 32-552, 32-606, 32-816, 32-903, and 79-1217, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to adjusting certain boundaries after the federal decennial census; to exempt certain information from disclosure and require a report; to change election provisions relating to voter registration lists and certain notice of filing deadlines, filing periods, filing forms, filing fees, and write-in votes; to change requirements for new political parties; to change a certification deadline and charter amendment procedures for certain public power districts; to provide a written notice of appointment requirement for educational service units; to eliminate provisions relating to overvoted ballots; to repeal the original sections; to outright repeal section 32-1006, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 432A.** Placed on Final Reading.

(Signed) Terrell McKinney, 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.

Kurt Griess - State Electrical Board  
Boyd Pedersen - State Electrical Board

Aye: 7. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Lowe. Nay: 0.  
Absent: 0. Present and not voting: 1. Wayne.

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.

Zachary Cheek - Nebraska Arts Council  
Brenda Davis - Nebraska Arts Council  
Ann Michelle Dudley - Nebraska Arts Council  
Sharon Hofschire - Nebraska Arts Council  
Pamela Snow - Nebraska Arts Council

Aye: 7. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Lowe. Nay: 0.  
Absent: 0. Present and not voting: 1. Wayne.

(Signed) Tom Briese, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 238.** Introduced by Cavanaugh, J., 9;  
McKinney, 11.

WHEREAS, Henry Yates School, located in the Gifford Park neighborhood of Omaha, was built more than 100 years ago. After serving as a school for many years, for the last decade the school has served as the home of the Yates Community Center; and

WHEREAS, the Yates Community Center has served the community by providing educational programs for immigrants and refugees and hosting neighborhood and community events; and

WHEREAS, the Yates Community Center offered lifelong learning programs, proven to improve the quality of life of all people; and

WHEREAS, the Yates Community Center has been a valuable resource for immigrant and refugee families to learn English and receive job skills training and provides educational support for all children and adults; and

WHEREAS, neighborhood residents organized to prevent the closure and sale of the Yates Community Center; and

WHEREAS, former Senators Gwen Howard and Sara Howard were instrumental in working with residents to find a solution to save the Yates Community Center; and

WHEREAS, on November 16, 2020, the Omaha Public Schools Board of Education approved the transfer of the Yates Community Center to Yates Illuminates, a nonprofit community partnership; and

WHEREAS, Yates Illuminates will work with community partners such as Metropolitan Community College, Refugee Empowerment Center, Restoring Dignity, Learning For ALL, D2 Center, Great Plains Theater Commons, Refugee Women Rising, Intercultural Senior Center, Families In Action, and Lending Link; and

WHEREAS, on May 6, 2021, Yates Illuminates held an open house for the community to see available programs; and

WHEREAS, Yates will open to the public in early 2022.

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

1. That the Legislature recognizes the efforts of Yates Illuminates in serving refugees, immigrants, and residents of all ages who seek to learn new things and improve life skills.

2. That copies of this resolution be sent to Yates Illuminates and the Gifford Park Neighborhood Association.

Laid over.

### **EXECUTIVE BOARD REPORT**

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

#### Youth Rehabilitation and Treatment Special Oversight Committee (LR 25)

Senator Ben Hansen

Senator Patty Pansing Brooks (Chair)

Senator Tony Vargas

Senator Lynne Walz

Senator John Arch (Vice Chair)

Senator Steve Lathrop

Senator John Lowe

Senator Steve Halloran

Senator Anna Wishart

#### Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature (LR 29)

Senator John Arch (Chair)

Senator Robert Clements

Senator Suzanne Geist

Senator Matt Hansen

Senator Mark Kolterman

Senator Terrell McKinney

Senator Dave Murman

Senator Rita Sanders

Senator Justin Wayne (Vice Chair)

(Signed) Dan Hughes, Chairperson  
Legislative Council, Executive Board

### **MOTION(S) - Bracket LB2 until May 21, 2021**

Senator M. Cavanaugh offered the following motion to LB2:

[MO84](#)

Bracket until May 21, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Bracket LB2 until June 5, 2021**

Senator M. Cavanaugh offered the following motion to LB2:  
[MO85](#)  
Bracket until June 5, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Recommit LB2 to Committee**

Senator M. Cavanaugh offered the following motion to LB2:  
[MO86](#)  
Recommit to the Revenue Committee.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

The M. Cavanaugh motion to recommit to committee failed with 1 aye, 38 nays, 4 present and not voting, and 6 excused and not voting.

**MOTION(S) - Bracket LB2 until June 5, 2021**

Senator M. Cavanaugh offered the following motion to LB2:  
[MO87](#)  
Bracket until June 6, 2021.

**SPEAKER HILGERS PRESIDING**

Senator Briese offered the following motion:  
[MO88](#)  
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese requested a roll call vote on the motion to invoke cloture.

The Briese motion to invoke cloture prevailed with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The M. Cavanaugh motion to bracket failed with 2 ayes, 39 nays, 5 present and not voting, and 3 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to property taxes; 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.

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, 36:

Aguilar	Clements	Gragert	Lindstrom	Slama
Albrecht	Day	Groene	Linehan	Vargas
Arch	DeBoer	Halloran	McCollister	Wayne
Bostar	Dorn	Hansen, B.	McDonnell	Williams
Bostelman	Erdman	Hilgers	Moser	
Brandt	Flood	Hilkemann	Murman	
Brewer	Friesen	Hughes	Pahls	
Briese	Geist	Kolterman	Sanders	

Voting in the negative, 6:

Cavanaugh, M.	Lathrop	Pansing Brooks
Hansen, M.	McKinney	Wishart

Present and not voting, 4:

Blood	Cavanaugh, J.	Morfeld	Walz
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Excused and not voting, 3:

Hunt	Low	Stinner
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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: LB2.

#### **PRESIDENT FOLEY PRESIDING**

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 239.** Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine the effectiveness of medicaid waivers in Nebraska overseen and implemented by the Division of Developmental Disabilities of the Department of Health

and Human Services, including, but not limited to, the aged and disabled waiver, the comprehensive developmental disabilities waiver, the developmental disabilities adult day waiver, and the traumatic brain injury waiver.

This study shall include, but not be limited to, an examination of the following:

- (1) Whether the waivers currently administered by the Division of Developmental Disabilities of the Department of Health and Human Services meet the needs of individuals with developmental disabilities;
- (2) The need for services not currently covered by medicaid and home and community-based services waivers;
- (3) Other waivers or alternative service delivery methods, which could provide a long-term cost savings to Nebraska by providing appropriate services to the appropriate population at the appropriate time;
- (4) Strategies for (a) reducing the number of persons who are waiting to be provided services and (b) preventing an extensive addition to the current list of individuals waiting to be provided services;
- (5) Identifying the number of individuals who are receiving services under a waiver;
- (6) Identifying the number of individuals who are waiting to receive services under a waiver, including, but not limited to:
  - (a) An analysis of individual factors, including, but not limited to, age, gender, developmental disabilities, personal income, parental income, ethnicity, service needs, and availability and location of the nearest provider of such service needs; and
  - (b) The length of time individuals have to wait for services;
- (7) The capacity of providers to provide waiver services; and
- (8) Provider rates for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 Wayne filed the following amendment to [LB489](#):

[AM1478](#)

(Amendments to Standing Committee amendments, AM1217)

1 1. On page 1, line 6, after "unpaid" insert "or vacation".

**MOTION(S) - Recommit LB273 to Committee**

Senator M. Cavanaugh offered the following motion to [LB273](#):  
[MO78](#)  
Recommit to the Judiciary Committee.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

The M. Cavanaugh motion to recommit to committee failed with 1 aye, 36 nays, 4 present and not voting, and 8 excused and not voting.

**MOTION(S) - Bracket LB273 until June 10, 2021**

Senator M. Cavanaugh offered the following motion to [LB273](#):  
[MO89](#)  
Bracket until June 10, 2021.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 35 nays, 6 present and not voting, and 8 excused and not voting.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB273 with 31 ayes, 2 nays, 8 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 273.**

A BILL FOR AN ACT relating to youth rehabilitation and treatment centers; to amend section 83-364, Reissue Revised Statutes of Nebraska, and sections 28-934, 43-403, 43-407, 43-408, 48-101.01, 81-1316, 83-104, and 83-107.01, Revised Statutes Cumulative Supplement, 2020; to redefine terms; to change provisions relating to youth rehabilitation and treatment centers; to provide for motions for immediate change in placement; 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, 40:

Albrecht	Clements	Halloran	Lindstrom	Pansing Brooks
Arch	DeBoer	Hansen, B.	Linehan	Sanders
Bostar	Dorn	Hansen, M.	McCollister	Slama
Bostelman	Erdman	Hilgers	McKinney	Vargas
Brandt	Flood	Hilkemann	Morfeld	Walz
Briese	Geist	Hughes	Moser	Wayne
Cavanaugh, J.	Gragert	Kolterman	Murman	Williams
Cavanaugh, M.	Groene	Lathrop	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Friesen          McDonnell

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	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 307.**

A BILL FOR AN ACT relating to juveniles; to amend sections 43-272 and 43-3102, Reissue Revised Statutes of Nebraska, and section 29-1816, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to transfer of a case to juvenile court; to change provisions relating to waivers of counsel; to require appointment of counsel; to provide a duty for the Supreme Court of Nebraska; 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, 29:

Bostar	DeBoer	Hilgers	McCollister	Vargas
Bostelman	Dorn	Hilkemann	McDonnell	Walz
Brandt	Flood	Kolterman	McKinney	Wayne
Briese	Friesen	Lathrop	Morfeld	Williams
Cavanaugh, J.	Geist	Lindstrom	Pahls	Wishart
Cavanaugh, M.	Hansen, M.	Linehan	Pansing Brooks	

Voting in the negative, 6:



Albrecht      Erdman      Halloran  
Clements      Groene      Sanders

Present and not voting, 7:

Arch            Hansen, B.      Moser            Slama  
Gragert        Hughes        Murman

Excused and not voting, 7:

Aguilar        Brewer        Hunt            Stinner  
Blood          Day            Lowe

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 LB644 with 32 ayes, 3 nays, 7 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 644.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-1821, 23-909, 23-3552, 31-333, 31-513, 31-739, 39-1621, 46-543, 77-1601, 77-1776, 79-1085, and 79-1225, Reissue Revised Statutes of Nebraska, and sections 13-508, 13-513, 18-822, 18-2107, 35-509, 77-1601.02, 77-1736.06, 77-3443, 79-1023, and 79-1084, Revised Statutes Cumulative Supplement, 2020; to adopt the Property Tax Request Act; to change certain dates relating to tax levies; to change provisions relating to property tax refunds and property tax requests; 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, 42:

Albrecht	DeBoer	Hansen, B.	McCollister	Slama
Arch	Dorn	Hansen, M.	McDonnell	Vargas
Bostar	Erdman	Hilgers	McKinney	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	
Clements	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	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 485.** With Emergency Clause.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 68-1724, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to child care assistance; to provide requirements and restrictions relating to the use of funds as prescribed; to provide for an independent evaluation; 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, 31:

Arch	DeBoer	Hansen, M.	McDonnell	Wayne
Bostar	Dorn	Hilgers	McKinney	Williams
Bostelman	Flood	Hilkemann	Morfeld	Wishart
Brandt	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Vargas	
Cavanaugh, M.	Hansen, B.	McCollister	Walz	

Voting in the negative, 6:

Albrecht	Erdman	Murman
Clements	Groene	Sanders

Present and not voting, 5:

Halloran	Hughes	Linehan	Moser	Slama
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Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Lowe	

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:

Arch	DeBoer	Hansen, M.	McDonnell	Wayne
Bostar	Dorn	Hilgers	McKinney	Williams
Bostelman	Flood	Hilkemann	Morfeld	Wishart
Brandt	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Vargas	
Cavanaugh, M.	Hansen, B.	McCollister	Walz	

Voting in the negative, 6:

Albrecht	Erdman	Murman
Clements	Groene	Sanders

Present and not voting, 5:

Halloran	Hughes	Linehan	Moser	Slama
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Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Lowe	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 485A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, One Hundred Seventh Legislature, First Session, 2021; 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, 30:

Arch	DeBoer	Hansen, B.	Lindstrom	Pansing Brooks
Bostar	Dorn	Hansen, M.	McCollister	Vargas
Brandt	Flood	Hilgers	McDonnell	Walz
Briese	Friesen	Hilkemann	McKinney	Wayne
Cavanaugh, J.	Geist	Kolterman	Morfeld	Williams
Cavanaugh, M.	Gragert	Lathrop	Pahls	Wishart

Voting in the negative, 6:

Albrecht	Erdman	Murman
Clements	Groene	Sanders

Present and not voting, 6:

Bostelman	Hughes	Moser
Halloran	Linehan	Slama

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Low	

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, 29:

Arch	DeBoer	Hansen, B.	Lindstrom	Pansing Brooks
Bostar	Dorn	Hansen, M.	McCollister	Vargas
Brandt	Flood	Hilgers	McDonnell	Wayne
Briese	Friesen	Hilkemann	McKinney	Williams
Cavanaugh, J.	Geist	Kolterman	Morfeld	Wishart
Cavanaugh, M.	Gragert	Lathrop	Pahls	

Voting in the negative, 6:

Albrecht	Erdman	Murman
Clements	Groene	Sanders

Present and not voting, 7:

Bostelman	Hughes	Moser	Walz
Halloran	Linehan	Slama	

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Lowe	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 411.** With Emergency Clause.

A BILL FOR AN ACT relating to health information; to amend sections 81-6,125 and 81-6,128, Revised Statutes Cumulative Supplement, 2020; to require the provision and sharing of information by health care facilities and health insurance plans; to change provisions relating to the Health Information Technology Board; 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, 40:

Albrecht	Clements	Hansen, B.	Linehan	Pansing Brooks
Arch	DeBoer	Hansen, M.	McCollister	Sanders
Bostar	Dorn	Hilgers	McDonnell	Slama
Bostelman	Flood	Hilkemann	McKinney	Vargas
Brandt	Friesen	Hughes	Morfeld	Walz
Briese	Geist	Kolterman	Moser	Wayne
Cavanaugh, J.	Gragert	Lathrop	Murman	Williams
Cavanaugh, M.	Halloran	Lindstrom	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman	Groene
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Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	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.

**LEGISLATIVE BILL 411A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 411, One Hundred Seventh Legislature, First Session, 2021; 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, 40:

Albrecht	Clements	Hansen, B.	Linehan	Pansing Brooks
Arch	DeBoer	Hansen, M.	McCollister	Sanders
Bostar	Dorn	Hilgers	McDonnell	Slama
Bostelman	Flood	Hilkemann	McKinney	Vargas
Brandt	Friesen	Hughes	Morfeld	Walz
Briese	Geist	Kolterman	Moser	Wayne
Cavanaugh, J.	Gragert	Lathrop	Murman	Williams
Cavanaugh, M.	Halloran	Lindstrom	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Erdman      Groene

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	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.

**LEGISLATIVE BILL 57.**

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide a hearsay exception for present sense impressions; 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, 39:

Albrecht	Clements	Hansen, B.	McCollister	Sanders
Arch	DeBoer	Hansen, M.	McDonnell	Slama
Bostar	Dorn	Hilgers	McKinney	Vargas
Bostelman	Flood	Hilkemann	Morfeld	Walz
Brandt	Friesen	Kolterman	Moser	Wayne
Briese	Geist	Lathrop	Murman	Williams
Cavanaugh, J.	Gragert	Lindstrom	Pahls	Wishart
Cavanaugh, M.	Halloran	Linehan	Pansing Brooks	

Voting in the negative, 2:

Erdman Groene

Present and not voting, 1:

Hughes

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Low	

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

#### **MOTION(S) - Recommit LB90 to Committee**

Senator M. Cavanaugh offered the following motion to [LB90](#):

[MO79](#)

Recommit to the Agriculture Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 90.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2634 and 81-2,162.06, Revised Statutes Cumulative Supplement, 2020; to change the amount of a pesticide registration fee credit under the Pesticide Act; to change provisions relating to fixing the rate of an inspection fee under the Nebraska Commercial Fertilizer and Soil Conditioner 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, 42:

Albrecht	DeBoer	Hansen, B.	McCollister	Slama
Arch	Dorn	Hansen, M.	McDonnell	Vargas
Bostar	Erdman	Hilgers	McKinney	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	
Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks	
Clements	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Lowe	

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 LB166 with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 166.**

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, 2020; to provide for Josh the Otter-Be Safe Around Water Plates; to create the Josh the Otter-Be Safe Around Water Cash Fund; to provide powers and duties for the Game and Parks 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, 41:



Albrecht	DeBoer	Hansen, M.	McDonnell	Vargas
Arch	Dorn	Hilgers	McKinney	Walz
Bostar	Flood	Hilkemann	Morfeld	Wayne
Bostelman	Friesen	Hughes	Moser	Williams
Brandt	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Halloran	Linehan	Sanders	
Clements	Hansen, B.	McCollister	Slama	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 7:

Aguilar	Brewer	Hunt	Stinner
Blood	Day	Lowe	

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

**MOTION(S) - Bracket LB166A until May 20, 2021**

Senator M. Cavanaugh offered the following motion to LB166A:

[MO90](#)

Bracket until May 20, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 166A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, One Hundred Seventh Legislature, First Session, 2021.

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	DeBoer	Hansen, B.	Linehan	Sanders
Arch	Dorn	Hansen, M.	McCollister	Slama
Bostar	Flood	Hilgers	McDonnell	Vargas
Bostelman	Friesen	Hilkemann	McKinney	Walz
Briese	Geist	Hughes	Morfeld	Wayne
Cavanaugh, J.	Gragert	Kolterman	Moser	Williams
Cavanaugh, M.	Groene	Lathrop	Murman	Wishart
Clements	Halloran	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Brandt            Erdman

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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 273, 307, 644, 411, 411A, 57, 90, 166, 166A.

#### **SPEAKER HILGERS PRESIDING**

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to retirement; to amend section 48-1401, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to treatment of deferred compensation by certain political subdivisions, state agencies, and the Public Employees Retirement Board; 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, 41:

Albrecht	DeBoer	Hansen, B.	McCollister	Vargas
Arch	Dorn	Hansen, M.	McDonnell	Walz
Bostar	Erdman	Hilgers	McKinney	Wayne
Bostelman	Flood	Hilkemann	Morfeld	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Briese	Geist	Kolterman	Murman	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, M.	Groene	Lindstrom	Sanders	
Clements	Halloran	Linehan	Slama	

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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

### LEGISLATIVE BILL 256.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-139, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to lump-sum settlement approval and the filing of releases; 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, 32:

Arch	Dorn	Hilgers	McDonnell	Walz
Bostar	Flood	Hilkemann	McKinney	Wayne
Brandt	Geist	Kolterman	Morfeld	Williams
Briese	Gragert	Lathrop	Moser	Wishart
Cavanaugh, J.	Halloran	Lindstrom	Murman	
Cavanaugh, M.	Hansen, B.	Linehan	Pansing Brooks	
DeBoer	Hansen, M.	McCollister	Vargas	

Voting in the negative, 3:

Clements	Erdman	Groene
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Present and not voting, 6:

Albrecht	Friesen	Sanders
Bostelman	Hughes	Slama

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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

**LEGISLATIVE BILL 261.**

A BILL FOR AN ACT relating to veterans; to amend section 80-107, Reissue Revised Statutes of Nebraska; to change provisions relating to procuring and furnishing markers for the graves of certain veterans; 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, 41:

Albrecht	DeBoer	Hansen, B.	McCollister	Vargas
Arch	Dorn	Hansen, M.	McDonnell	Walz
Bostar	Erdman	Hilgers	McKinney	Wayne
Bostelman	Flood	Hilkemann	Morfeld	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Briese	Geist	Kolterman	Murman	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, M.	Groene	Lindstrom	Sanders	
Clements	Halloran	Linehan	Slama	

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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

**LEGISLATIVE BILL 275.** With Emergency Clause.

A BILL FOR AN ACT relating to the Semiquincentennial Commission; to create a commission and provide duties for the commission relating to the United States Semiquincentennial; to provide duties for the Governor; to create a fund; 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, 40:

Albrecht	DeBoer	Halloran	Lindstrom	Pansing Brooks
Arch	Dorn	Hansen, B.	Linehan	Sanders
Bostar	Erdman	Hansen, M.	McCollister	Slama
Brandt	Flood	Hilgers	McDonnell	Vargas
Briese	Friesen	Hilkemann	McKinney	Walz
Cavanaugh, J.	Geist	Hughes	Morfeld	Wayne
Cavanaugh, M.	Gragert	Kolterman	Moser	Williams
Clements	Groene	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Low	Stinner

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 275A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, One Hundred Seventh Legislature, First Session, 2021; 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, 39:

Albrecht	DeBoer	Halloran	Linehan	Sanders
Arch	Dorn	Hansen, B.	McCollister	Slama
Bostar	Erdman	Hansen, M.	McDonnell	Vargas
Brandt	Flood	Hilgers	McKinney	Walz
Briese	Friesen	Hilkemann	Morfeld	Wayne
Cavanaugh, J.	Geist	Hughes	Moser	Williams
Cavanaugh, M.	Gragert	Lathrop	Murman	Wishart
Clements	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Bostelman     Kolterman

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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) - Recommit LB291 to Committee**

Senator M. Cavanaugh offered the following motion to LB291:

MO80

Recommit to the Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 291.**

A BILL FOR AN ACT relating to property taxes; to amend section 77-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax protests; 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, 32:

Albrecht	DeBoer	Hansen, B.	Lindstrom	Sanders
Arch	Dorn	Hansen, M.	Linehan	Slama
Bostelman	Flood	Hilgers	McCollister	Vargas
Brandt	Friesen	Hilkemann	McDonnell	Williams
Briese	Geist	Hughes	McKinney	
Cavanaugh, J.	Gragert	Kolterman	Moser	
Cavanaugh, M.	Groene	Lathrop	Murman	

Voting in the negative, 1:

Clements

Present and not voting, 8:

Bostar	Halloran	Pansing Brooks	Wayne
Erdman	Morfeld	Walz	Wishart

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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

#### **WITHDRAW - Amendment to LB296**

Senator Stinner withdrew his amendment, [AM1473](#), found on page 1515, to LB296.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 296.**

A BILL FOR AN ACT relating to state institutions; to amend section 83-109, Revised Statutes Cumulative Supplement, 2020; to change provisions regarding access to records; 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, 41:

Albrecht	DeBoer	Hansen, B.	McCollister	Vargas
Arch	Dorn	Hansen, M.	McDonnell	Walz
Bostar	Erdman	Hilgers	McKinney	Wayne
Bostelman	Flood	Hilkemann	Morfeld	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Briese	Geist	Kolterman	Murman	
Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, M.	Groene	Lindstrom	Sanders	
Clements	Halloran	Linehan	Slama	

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Brewer	Hunt	Pahls
Blood	Day	Lowe	Stinner

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

#### **MOTION(S) - Recommit LB313 to Committee**

Senator M. Cavanaugh offered the following motion to LB313:

[MO81](#)

Recommit to the Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 313.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3512, 77-3514.01, and 77-3517, Reissue Revised Statutes of Nebraska; to change provisions relating to late applications for homestead exemptions; 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, 40:



Albrecht	Clements	Halloran	Lindstrom	Pansing Brooks
Arch	DeBoer	Hansen, B.	Linehan	Sanders
Bostar	Dorn	Hansen, M.	McCollister	Slama
Bostelman	Erdman	Hilgers	McDonnell	Vargas
Brandt	Flood	Hilkemann	McKinney	Walz
Briese	Friesen	Hughes	Morfeld	Wayne
Cavanaugh, J.	Gragert	Kolterman	Moser	Williams
Cavanaugh, M.	Groene	Lathrop	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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 209, 256, 261, 275, 275A, 291, 296, and 313.

### **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 LB317 with 33 ayes, 4 nays, 3 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 317.**

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2020; to provide for Nebraska History Plates; to create a fund; to provide powers and duties; 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, 39:

Albrecht	Clements	Hansen, B.	Linehan	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh, J.	Groene	Lathrop	Murman	Wishart
Cavanaugh, M.	Halloran	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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 317A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, One Hundred Seventh Legislature, First Session, 2021.

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	Clements	Hansen, B.	Linehan	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh, J.	Groene	Lathrop	Murman	Wishart
Cavanaugh, M.	Halloran	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Erdman

Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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

### LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to courts; to amend sections 11-125, 25-1093.03, 43-113, and 76-711, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to bonds of county judges and clerk magistrates, service of process in replevin actions, forms in Small Claims Court, preservation of records in adoption proceedings, and deposits in eminent domain actions; 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, 38:

Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Kolterman	Moser	Williams
Briese	Gragert	Lathrop	Murman	Wishart
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Erdman	Hughes
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Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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

**LEGISLATIVE BILL 407.**

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2020; to provide, change, and eliminate definitions; to include certain county correctional employees within provisions concerning mental injuries and mental illness; 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, 40:

Albrecht	Clements	Halloran	Lindstrom	Pansing Brooks
Arch	DeBoer	Hansen, B.	Linehan	Sanders
Bostar	Dorn	Hansen, M.	McCollister	Slama
Bostelman	Erdman	Hilgers	McDonnell	Vargas
Brandt	Flood	Hilkemann	McKinney	Walz
Briese	Friesen	Hughes	Morfeld	Wayne
Cavanaugh, J.	Gragert	Kolterman	Moser	Williams
Cavanaugh, M.	Groene	Lathrop	Murman	Wishart

Voting in the negative, 0.

Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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

**LEGISLATIVE BILL 479.**

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Cumulative Supplement, 2020; to change the membership and duties of a committee as prescribed; to require a report; 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:

Albrecht	Clements	Hansen, B.	Linehan	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh, J.	Groene	Lathrop	Murman	Wishart
Cavanaugh, M.	Halloran	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 9:

Aguilar	Brewer	Geist	Lowe	Stinner
Blood	Day	Hunt	Pahls	

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

#### **LEGISLATIVE BILL 521.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01 and 77-202.05, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for property tax exemptions; 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, 36:

Albrecht	DeBoer	Hilkemann	McDonnell	Walz
Arch	Dorn	Hughes	McKinney	Wayne
Bostar	Flood	Kolterman	Morfeld	Williams
Bostelman	Friesen	Lathrop	Moser	Wishart
Brandt	Groene	Lindstrom	Pansing Brooks	
Briese	Hansen, B.	Linehan	Sanders	
Cavanaugh, J.	Hansen, M.	Lowe	Slama	
Cavanaugh, M.	Hilgers	McCollister	Vargas	

Voting in the negative, 1:

Clements

Present and not voting, 4:

Erdman      Gragert      Halloran      Murman

Excused and not voting, 8:

Aguilar      Brewer      Geist      Pahls  
Blood      Day      Hunt      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 LB540 with 31 ayes, 5 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 540.**

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 Cumulative Supplement, 2020; 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.

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	Clements	Hansen, B.	Lowe	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hilkemann	McKinney	Walz
Brandt	Friesen	Kolterman	Morfeld	Wayne
Briese	Gragert	Lathrop	Moser	Williams
Cavanaugh, J.	Groene	Lindstrom	Murman	Wishart
Cavanaugh, M.	Halloran	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Hughes

Excused and not voting, 8:

Aguilar	Brewer	Geist	Pahls
Blood	Day	Hunt	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 628.** With Emergency Clause.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1124, Reissue Revised Statutes of Nebraska; to change provisions relating to faculty licenses; to define terms; 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, 39:

Albrecht	Clements	Hansen, M.	Lowe	Sanders
Arch	DeBoer	Hilgers	McCollister	Slama
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Kolterman	Morfeld	Wayne
Briese	Gragert	Lathrop	Moser	Williams
Cavanaugh, J.	Groene	Lindstrom	Murman	Wishart
Cavanaugh, M.	Hansen, B.	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Halloran

Excused and not voting, 8:

Aguilar	Brewer	Geist	Pahls
Blood	Day	Hunt	Stinner

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 669.** With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Revised Statutes Cumulative Supplement, 2020; to adopt the Veteran Promise Act; to change requirements for veterans and their spouses and dependents to qualify as resident students; 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, 38:

Albrecht	Clements	Hilgers	McCollister	Slama
Arch	DeBoer	Hilkemann	McDonnell	Vargas
Bostar	Dorn	Hughes	McKinney	Walz
Bostelman	Flood	Kolterman	Morfeld	Wayne
Brandt	Friesen	Lathrop	Moser	Williams
Briese	Gragert	Lindstrom	Murman	Wishart
Cavanaugh, J.	Hansen, B.	Linehan	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Lowe	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Groene	Halloran
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Excused and not voting, 8:

Aguilar	Brewer	Geist	Pahls
Blood	Day	Hunt	Stinner

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

**COMMITTEE REPORTS**

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LBs 485 and 485A.

(Signed) Terrell McKinney, Chairperson



**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 317, 317A, 355, 407, 479, 521, 540, 628, 669, 485, 485A.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 19, 2021, at 5:17 p.m. was the following: LB2.

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

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 19, 2021, at 7:02 p.m. were the following: LBs 273, 307, 644, 411e, 411Ae, 57, 90, 166, and 166A.

(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 Cavanaugh, J. name added to LR198.  
Senator Sanders name added to LR228.

**VISITOR(S)**

The Doctor of the Day was Dr. George Voigtlander of Pawnee City.

**ADJOURNMENT**

At 7:49 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Thursday, May 20, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FIRST DAY - MAY 20, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 20, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance 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 Senators Arch, Bostar, Bostelman, J. Cavanaugh, Day, B. Hansen, M. Hansen, Hunt, Lathrop, McCollister, McKinney, Morfeld, Pansing Brooks, Stinner, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eightieth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 19, 2021, at 7:55 p.m. were the following: LBs 209, 256, 261, 275e, 275Ae, 291, 296, 313, 317, 317A, 355, 407, 479, 521, 540, 628e, 669e, 485, and 485A.

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

**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.

Valerie Hitz - Commission for the Deaf and Hard of Hearing

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 1. Cavanaugh, M. 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.

Colton Palmer - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 1. Cavanaugh, M. Present and not voting: 0.

(Signed) John Arch, Chairperson

**WITHDRAW - Amendments to LB64**

Senator Friesen withdrew his amendments, [AM1405](#), [AM1406](#), and [AM1407](#) found on pages 1403 and 1405, to LB64.

Senator Linehan withdrew her amendment, [AM1431](#), found on page 1423, to LB64.

**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 LB64 with 30 ayes, 2 nays, 4 present and not voting, and 13 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 64.**

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the taxation of social security benefits; to state intent; 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, 41:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	McKinney	Williams
Brandt	Flood	Hughes	Morfeld	Wishart
Brewer	Friesen	Kolterman	Moser	
Briese	Geist	Lathrop	Murman	
Cavanaugh, J.	Gragert	Lindstrom	Pahls	
Cavanaugh, M.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 8:

Arch	Day	Hunt	Stinner
Bostar	Hansen, B.	Pansing Brooks	Wayne

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

**MOTION(S) - Bracket LB595 until May 21, 2021**

Senator M. Cavanaugh offered the following motion to [LB595](#):  
[MO91](#)  
Bracket until May 21, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Recommit LB595 to Committee**

Senator M. Cavanaugh offered the following motion to [LB595](#):  
[MO97](#)  
Recommit to the Revenue Committee.

Pending.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB64.

**MOTION(S) - Recommit LB595 to Committee**

Senator M. Cavanaugh renewed her motion, [MO97](#), found in this day's Journal, to recommit to the Revenue Committee.

**SPEAKER HILGERS PRESIDING**

Senator Albrecht offered the following motion:

[MO98](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht requested a roll call vote, in reverse order, on the motion to invoke cloture.

The Albrecht motion to invoke cloture prevailed with 42 ayes, 0 nays, and 7 present and not voting.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

**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 LB595 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 595.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.41, 77-2704.36, 77-2713, 77-27,132, and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 37-327.02, 77-2701, 77-2701.04, 77-2701.16, and 77-2711, Revised Statutes Cumulative Supplement, 2020; to require a report on projects funded by the Game and Parks Commission Capital Maintenance Fund; to exclude certain income from the definition of gross receipts; to change a sales and use tax exemption relating to agricultural machinery and equipment; to provide a sales and use tax exemption for certain products used in the process of manufacturing ethyl alcohol; to change provisions relating to the distribution of certain sales and use tax revenue to the Game and Parks Commission Capital Maintenance Fund; 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, 45:

Aguilar	Cavanaugh, J.	Gragert	Kolterman	Pahls
Albrecht	Clements	Groene	Lathrop	Sanders
Arch	Day	Halloran	Lindstrom	Slama
Blood	DeBoer	Hansen, B.	Linehan	Stinner
Bostar	Dorn	Hansen, M.	Lowe	Vargas
Bostelman	Erdman	Hilgers	McCollister	Walz
Brandt	Flood	Hilkemann	McDonnell	Wayne
Brewer	Friesen	Hughes	Moser	Williams
Briese	Geist	Hunt	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. McKinney Morfeld 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 LB51 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 51.**

A BILL FOR AN ACT relating to law enforcement; to amend sections 29-215, 81-1403, 81-1407, 81-1414, 81-1438, 81-1439, 81-1440, and 81-1443, Reissue Revised Statutes of Nebraska, and sections 23-1701.01, 29-2264, 81-1401, 81-1414.07, 81-1456, 81-1457, and 81-2014, Revised Statutes Cumulative Supplement, 2020; to change sheriff requirements; to authorize Class I railroad police officers and noncertified conditional officers; to define and redefine terms; to change conviction set aside provisions; to change annual and initial training provisions for law enforcement officers; to change membership of and provide powers and duties for the Nebraska Police Standards Advisory Council; to require de-escalation training; to provide for certification of persons certified as law enforcement officers in other states and change provisions relating to law enforcement officer certification; to require psychological evaluations of law enforcement officers as prescribed; to change continuing education requirements for law enforcement officers; to provide for policies and requirements for investigating law enforcement officer misconduct; to change law enforcement officer certification revocation and suspension record provisions; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to prohibit chokeholds and carotid holds as prescribed; to require policies on excessive force and a duty to intervene;

to require accreditation of law enforcement agencies; to create a fund; to require posting of certain law enforcement officer information as prescribed; to change provisions relating to law enforcement reserve forces; 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:

Aguilar	Cavanaugh, M.	Hansen, M.	McCollister	Vargas
Arch	Day	Hilgers	McDonnell	Walz
Blood	DeBoer	Hilkemann	McKinney	Wayne
Bostar	Dorn	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Halloran	Linehan	Stinner	

Voting in the negative, 1:

Groene

Present and not voting, 7:

Albrecht	Erdman	Lowe	Slama
Clements	Hansen, B.	Sanders	

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 51A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 51, One Hundred Seventh Legislature, First Session, 2021.

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:



Aguilar	Cavanaugh, M.	Hansen, M.	McCollister	Vargas
Arch	Day	Hilgers	McDonnell	Walz
Blood	DeBoer	Hilkemann	McKinney	Wayne
Bostar	Dorn	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Halloran	Linehan	Stinner	

Voting in the negative, 0.

Present and not voting, 8:

Albrecht	Erdman	Hansen, B.	Sanders
Clements	Groene	Low	Slama

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 LB528 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 528.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 38-316, 38-10,109, 38-2613, 38-2616, 38-3106, 72-232, 72-233, 72-234, 72-235, 76-2203.01, 77-2704.12, 79-202, 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1201.01, 79-1605, 79-2118, and 85-1609, Reissue Revised Statutes of Nebraska, and sections 1-116, 9-812, 9-836.01, 13-506, 38-1813, 58-809, 77-1601.02, 77-27,119, 79-308, 79-309.01, 79-611, 79-759, 79-8,137.01, 79-8,137.05, 79-1003, 79-1007.11, 79-1035, 79-1065.02, 79-1074, 79-1075, 79-1241.03, 79-1337, 79-2104.02, 79-2603, 79-2605, 79-2606, 84-304, 85-505, 85-507, 85-1802, 85-1920, 85-2002, 85-2003, 85-2004, 85-2005, 85-2007, 85-2008, 85-2009, 85-2010, 85-2104, 85-2802, and 85-2803, Revised Statutes Cumulative Supplement, 2020; to update academic accreditation terminology in state law; to change provisions relating to the distribution of lottery funds used for education and to provide duties related to the receipt and use of such funds; to change requirements for school district budget hearing notices; to require the State Department of Education to establish and maintain a web site as prescribed; to change provisions relating to school lands; to change tax levy notice provisions; to eliminate certain obsolete school and school district provisions and terminology; to adopt certain federal provisions; to change powers and

duties of the State Department of Education; to change a form requirement; to change provisions relating to a grant program; to change provisions relating to certain income from school lands; to eliminate obsolete bonded indebtedness requirements; to adopt the Alternative Certification for Quality Teachers Act; to change provisions relating to standard college admission tests; to redefine terms and eliminate obsolete provisions under the Tax Equity and Educational Opportunities Support Act; to change state aid provisions for school districts and educational service units relating to boundary line changes and the timing of payments as prescribed; to eliminate certain county clerk and county board duties; to change provisions relating to core services and technology infrastructure funds; to change certain learning community coordinating council reporting dates; to change certain diversity plan requirements; to change requirements under the Nebraska Reading Improvement Act as prescribed; to provide duties for the Auditor of Public Accounts; to redefine a term relating to the Nebraska educational savings plan trust; to define and redefine terms and change provisions under the Community College Gap Assistance Program Act; to authorize verification of eligibility by the Commissioner of Education under the Access College Early Scholarship Program Act; to define a term, eliminate a term, and change provisions under the Meadowlark Act; to require hotline telephone numbers on student identification cards for middle school, high school, and postsecondary students as prescribed; to repeal a requirement relating to the residency of school land lessees; to repeal a requirement for the provision of student debt information to students; to repeal provisions relating to distance education equipment reimbursements and learning community transition aid; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 72-234.01 and 79-1336, Reissue Revised Statutes of Nebraska, and sections 79-10,145 and 85-9,140, Revised Statutes Cumulative Supplement, 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

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 LB561 with 36 ayes, 1 nay, and 12 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 561.** With Emergency Clause.

A BILL FOR AN ACT relating to gambling; to amend sections 2-1201.01, 2-1202, 2-1203.02, 2-1204, 2-1207.01, 2-1208.03, 2-1208.04, 2-1209, 2-1211, 2-1213, 2-1215, 2-1217, 2-1219, 2-1224, 2-1225, 2-1244, 2-1246, 2-1247, 77-382, and 84-710, Reissue Revised Statutes of Nebraska, sections 2-1201, 2-1203, 2-1207, 2-1208, 2-1216, 2-1221, 2-1222, and 13-3102, Revised Statutes Cumulative Supplement, 2020, section 77-2704.20, Reissue Revised Statutes of Nebraska, as amended by section 11, Initiative Law 2020, No. 430, section 2-1203.01, Revised Statutes Cumulative Supplement, 2018, as amended by section 7, Initiative Law 2020, No. 430, sections 1, 3, 5, and 6, Initiative Law 2020, No. 430, and sections 2, 5, 6, and 7, Initiative Law 2020, No. 431; to rename the State Racing Commission; to change membership provisions and powers and duties of the State Racing Commission; to change provisions relating to wagering on horseracing and penalties; to rename a fund; to provide regulatory authority of authorized games of chance, create a fund, and provide penalties under the Nebraska Racetrack Gaming Act; to authorize sports wagering; to change gaming tax provisions and change and provide enforcement and penalty 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:

Aguilar	Cavanaugh, J.	Groene	Lathrop	Sanders
Albrecht	Cavanaugh, M.	Halloran	Lindstrom	Slama
Arch	Day	Hansen, B.	Linehan	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Brewer	Geist	Hunt	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	

Voting in the negative, 3:

Clements      Erdman      McKinney

Present and not voting, 2:

Lowe              Pahls

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 561A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, J.	Groene	Lathrop	Sanders
Albrecht	Cavanaugh, M.	Halloran	Lindstrom	Slama
Arch	Day	Hansen, B.	Linehan	Stinner
Blood	DeBoer	Hansen, M.	McCollister	Vargas
Bostar	Dorn	Hilgers	McDonnell	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Brewer	Geist	Hunt	Murman	Wishart
Briese	Gragert	Kolterman	Pansing Brooks	

Voting in the negative, 2:

Erdman      McKinney

Present and not voting, 3:

Clements      Lowe      Pahls

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 LB572 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 572.**

A BILL FOR AN ACT relating to livestock; to amend sections 54-173, 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172, 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions relating to the Nebraska Brand Committee, brand requirements, and brand inspections; to provide and change fees; to provide 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, 47:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	Lowe	Slama
Arch	DeBoer	Hansen, M.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostar	Erdman	Hilkemann	McKinney	Wayne
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Stinner

Present and not voting, 1:

Cavanaugh, M.

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 595, 51, 51A, 528, 561, and 561A.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 630.**

A BILL FOR AN ACT relating to schools; to provide for a pilot program to study commercial air filters in classrooms as prescribed; and to state intent.

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:

Aguilar	Cavanaugh, J.	Groene	Lindstrom	Sanders
Albrecht	Cavanaugh, M.	Halloran	Linehan	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Hughes	Moser	Williams
Brewer	Geist	Kolterman	Pahls	Wishart
Briese	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 2:

Clements      Erdman

Present and not voting, 3:

Hunt            Lowe            Murman

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

**LEGISLATIVE BILL 630A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, J.	Halloran	Linehan	Slama
Albrecht	Cavanaugh, M.	Hansen, B.	McCollister	Stinner
Arch	Day	Hansen, M.	McDonnell	Vargas
Blood	DeBoer	Hilgers	McKinney	Walz
Bostar	Dorn	Hilkemann	Morfeld	Wayne
Bostelman	Flood	Hughes	Moser	Williams
Brandt	Friesen	Kolterman	Pahls	Wishart
Brewer	Geist	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	

Voting in the negative, 4:

Clements	Erdman	Groene	Lowe
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Present and not voting, 2:

Hunt	Murman
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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 LB39 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 39.** With Emergency Clause.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-3105 and 13-3109, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-3102, 13-3103, 13-3104, 13-3106, 13-3108, and 82-334, Revised Statutes Cumulative Supplement, 2020; to change Convention Center Support Fund distribution provisions; to authorize assistance for sports complexes as prescribed in the Sports Arena Facility Financing Assistance Act; to define and redefine terms; to change provisions relating

to limitations on state assistance, applications, notice, considerations for application approval, and bonds; to change provisions relating to the Support the Arts Cash Fund; to provide for the award of grants to cities of the first class with creative districts; 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, 45:

Aguilar	Cavanaugh, J.	Groene	Lindstrom	Pahls
Albrecht	Cavanaugh, M.	Halloran	Linehan	Pansing Brooks
Arch	Day	Hansen, M.	Lowe	Sanders
Blood	DeBoer	Hilgers	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolterman	Moser	Williams
Briese	Gragert	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Clements      Erdman      Hansen, B.      Slama

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 39A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 39, One Hundred Seventh Legislature, First Session, 2021; 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:



Aguilar	Cavanaugh, J.	Groene	Lindstrom	Pahls
Albrecht	Cavanaugh, M.	Halloran	Linehan	Pansing Brooks
Arch	Day	Hansen, M.	Lowe	Sanders
Blood	DeBoer	Hilgers	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolterman	Moser	Williams
Briese	Gragert	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Clements      Erdman      Hansen, B.      Slama

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 406.** With Emergency Clause.

A BILL FOR AN ACT relating to natural resources; to state legislative findings; to create the Statewide Tourism And Recreational Water Access and Resource Sustainability Special Committee of the Legislature; to provide powers and duties; to provide a termination date for the committee; 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:

Aguilar	Clements	Hansen, B.	Lowe	Stinner
Albrecht	Day	Hansen, M.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	McKinney	Wayne
Bostar	Erdman	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Brewer	Geist	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	
Cavanaugh, J.	Halloran	Linehan	Slama	

Voting in the negative, 1:

Moser

Present and not voting, 2:

Cavanaugh, M. 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 406A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Hansen, B.	Lowe	Stinner
Albrecht	Day	Hansen, M.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	McKinney	Wayne
Bostar	Erdman	Hughes	Morfeld	Williams
Bostelman	Flood	Hunt	Murman	Wishart
Brandt	Friesen	Kolterman	Pahls	
Brewer	Geist	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	
Cavanaugh, J.	Halloran	Linehan	Slama	

Voting in the negative, 1:

Moser

Present and not voting, 2:

Clements 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 388.** With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications; to adopt the Nebraska Broadband Bridge Act; to create a fund; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 388A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 452.**

A BILL FOR AN ACT relating schools; to amend section 79-729, Reissue Revised Statutes of Nebraska, and section 79-760.01, Revised Statutes Cumulative Supplement, 2020; to adopt the Financial Literacy Act; to provide a graduation requirement; to change duties relating to academic content standards; 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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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.

**LEGISLATIVE BILL 452A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 452, One Hundred Seventh Legislature, First Session, 2021.

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, 1:

Wayne

Voting in the negative, 46:

Aguilar	Day	Hansen, B.	Lowe	Slama
Albrecht	DeBoer	Hansen, M.	McCollister	Stinner
Arch	Dorn	Hilgers	McDonnell	Vargas
Blood	Erdman	Hilkemann	McKinney	Walz
Bostelman	Flood	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	
Clements	Halloran	Linehan	Sanders	

Present and not voting, 2:

Bostar            Cavanaugh, M.

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB131 with 40 ayes, 0 nays, and 9 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 131.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 18-1915 and 71-6405, Reissue Revised Statutes of Nebraska, and sections 14-137, 15-404, 16-404, 16-6,100, 17-405.01, 17-614, 18-132, 18-2103, 18-2119, 23-172, 71-6403, and 71-6406, Revised Statutes Cumulative Supplement, 2020; to adopt the Municipal Natural Gas System Emergency Assistance Act; to create a fund; to change provisions relating to the enactment of municipal ordinances; to change a public building construction bond authorization provision; to provide for detachment of real property from a city or village as prescribed; to change provisions relating to county, city, and village plumbing codes; to change provisions of the Community Development Law relating to blighted areas and redevelopment contracts; to change provisions relating to state, county, city, and village building codes; to eliminate provisions relating to disconnection of real property from certain cities and villages; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 16-129 and 17-414, Revised Statutes Cumulative Supplement, 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, 40:

Aguilar	Briese	Halloran	Lindstrom	Pansing Brooks
Albrecht	Cavanaugh, J.	Hansen, B.	Linehan	Sanders
Arch	Cavanaugh, M.	Hansen, M.	McCollister	Stinner
Blood	Day	Hilgers	McDonnell	Vargas
Bostar	DeBoer	Hilkemann	McKinney	Walz
Bostelman	Dorn	Hunt	Morfeld	Wayne
Brandt	Flood	Kolterman	Murman	Williams
Brewer	Gragert	Lathrop	Pahls	Wishart

Voting in the negative, 7:

Clements	Geist	Lowe	Slama
Friesen	Groene	Moser	

Present and not voting, 2:

Erdman	Hughes
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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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 131A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, One Hundred Seventh Legislature, First Session, 2021; to transfer funds 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, 40:

Aguilar	Briese	Halloran	Lindstrom	Pansing Brooks
Albrecht	Cavanaugh, J.	Hansen, B.	Linehan	Sanders
Arch	Cavanaugh, M.	Hansen, M.	McCollister	Stinner
Blood	Day	Hilgers	McDonnell	Vargas
Bostar	DeBoer	Hilkemann	McKinney	Walz
Bostelman	Dorn	Hunt	Morfeld	Wayne
Brandt	Flood	Kolterman	Murman	Williams
Brewer	Gragert	Lathrop	Pahls	Wishart

Voting in the negative, 7:

Friesen	Groene	Lowe	Slama
Geist	Hughes	Moser	

Present and not voting, 2:

Clements	Erdman
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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.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 572, 630, 630A, 39, 39A, 406, 406A, 388, 388A, 452, 131, and 131A.

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LB64.

(Signed) John Arch

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LB64.

(Signed) Ben Hansen

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 240.** Introduced by Geist, 25.

WHEREAS, Martha Kingsbury was honored with the 2021 Nebraska Library Association Outstanding Volunteer Award; and

WHEREAS, Martha volunteered more time to the Lincoln City Libraries than any other volunteer in 2020; and

WHEREAS, despite the COVID-19 pandemic, Martha contributed two hundred seventy-six hours to the Lincoln City Libraries in 2020; and

WHEREAS, over the past year, Martha processed new items and organized children's materials for the Lincoln City Libraries; and

WHEREAS, library staff and customers at the Charles H. Gere Branch Library in Lincoln benefited from Martha's humor, positivity, and hard work.

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

1. That the Legislature congratulates Martha Kingsbury for being honored with the 2021 Nebraska Library Association Outstanding Volunteer Award.
2. That a copy of this resolution be sent to Martha Kingsbury.

Laid over.

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

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

Senator Blood name added to LR194.

Senator Pansing Brooks name added to LR195.

Senator Lowe name added to LR218.

Senator Brewer name added to LR218.

Senator Geist name added to LR239.

Senator Bostelman name added to LR239.

Senator Sanders name added to LR239.

Senator Slama name added to LR239.

#### **RECESS**

At 12:06 p.m., on a motion by Senator Hughes, the Legislature recessed until 1:00 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Bostar, Day, Geist, Hunt, Morfeld, and Pansing Brooks who were excused until they arrive.



**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 20, 2021, at 12:15 p.m. were the following: LBs 64, 595, 51, 51A, 528e, 561e, 561Ae, 572, 630, 630A, 39e, 39Ae, 406e, 406Ae, 388e, 388Ae, 452, 131e, and 131Ae.

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

**MOTION(S) - Bracket LB84 until May 21, 2021**

Senator M. Cavanaugh offered the following motion to LB84:  
[MO92](#)  
Bracket until May 21, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 84.**

A BILL FOR AN ACT relating to taxation; to amend sections 50-1209 and 77-6818, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to tax incentive performance audits; to redefine a term under the ImagiNE Nebraska 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, 47:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Slama
Albrecht	Clements	Halloran	Linehan	Stinner
Arch	Day	Hansen, B.	Lowe	Vargas
Blood	DeBoer	Hansen, M.	McCollister	Walz
Bostar	Dorn	Hilgers	McDonnell	Wayne
Bostelman	Erdman	Hilkemann	McKinney	Williams
Brandt	Flood	Hughes	Moser	Wishart
Brewer	Friesen	Hunt	Murman	
Briese	Geist	Kolterman	Pahls	
Cavanaugh, J.	Gragert	Lathrop	Sanders	

Voting in the negative, 0.

Excused and not voting, 2:

Morfeld Pansing Brooks

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

**LEGISLATIVE BILL 366.**

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend sections 77-5903, 77-5906, and 77-5907, Reissue Revised Statutes of Nebraska, and section 77-5905, Revised Statutes Cumulative Supplement, 2020; to redefine a term; to change the termination date of the act; to change provisions relating to tax credit amounts and reporting requirements; to 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, 44:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Moser	Wayne
Brandt	Flood	Hunt	Murman	Williams
Brewer	Friesen	Kolterman	Pahls	Wishart
Briese	Geist	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Groene

Present and not voting, 2:

Cavanaugh, M. Lathrop

Excused and not voting, 2:

Hughes Morfeld

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

**LEGISLATIVE BILL 366A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hunt	Moser	Wayne
Brewer	Friesen	Kolterman	Murman	Williams
Briese	Geist	Lathrop	Pahls	Wishart

Voting in the negative, 1:

Groene

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Hughes      Morfeld

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

**LEGISLATIVE BILL 682.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1101, 77-1102, 77-1110, 77-1115, 77-1116, and 77-1117, Reissue Revised Statutes of Nebraska; to change the New Markets Job Growth Investment Act 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, 47:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	Day	Hansen, M.	McDonnell	Vargas
Blood	DeBoer	Hilgers	McKinney	Walz
Bostar	Dorn	Hilkemann	Morfeld	Wayne
Bostelman	Erdman	Hunt	Moser	Williams
Brandt	Flood	Kolterman	Murman	Wishart
Brewer	Friesen	Lathrop	Pahls	
Briese	Geist	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Gragert	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Hughes

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 396.**

A BILL FOR AN ACT relating to schools; and to adopt the Nebraska Farm-to-School Program 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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hunt	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Hughes

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

**LEGISLATIVE BILL 396A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hansen, M.	McDonnell	Vargas
Bostar	Dorn	Hilgers	McKinney	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Wayne
Brandt	Flood	Hunt	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 1:

Hughes

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 LB147 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 147.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1237, 72-1249.02, and 79-972.01, Reissue Revised Statutes of Nebraska, and

sections 79-902, 79-916, 79-966, 79-978, 79-978.01, 79-979, 79-980, 79-981, 79-982, 79-982.01, 79-982.02, 79-983, 79-984, 79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-992.01, 79-992.02, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,113, 79-9,115, 79-9,117, 79-9,122, 79-9,123, 84-712.05, 84-1501, and 84-1503, Revised Statutes Cumulative Supplement, 2020; to change provisions of the Nebraska State Funds Investment Act, the School Employees Retirement Act, and the Class V School Employees Retirement Act; to define and redefine terms; to change provisions relating to duties, responsibilities, and termination of certain boards; to provide powers, duties, and responsibilities for the Public Employees Retirement Board, the director of the Nebraska Public Employees Retirement Systems, the State Treasurer, and the Auditor of Public Accounts; to change annual audits of a Class V school employees retirement system as prescribed; to change provisions relating to appointment of an administrator, an actuary, and a legal advisor; to change certain work billing, payment, contract, and contributions provisions; to provide for the transition and transfer of management of a Class V school employees retirement system as prescribed; to provide for indemnity and liability; to change provisions relating to the use and operation of the Class V School Employees Retirement Fund; to create the Class V School Expense Fund; to provide for a late fee; to change provisions relating to the Class V School Employees Retirement System Management Work Plan Fund; to change provisions relating to public records and membership and terms on the Public Employees Retirement Board; to eliminate obsolete provisions; to harmonize provisions; to provide inseverability; 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, 38:

Aguilar	Cavanaugh, M.	Hansen, B.	Lindstrom	Stinner
Arch	Day	Hansen, M.	Linehan	Vargas
Blood	DeBoer	Hilgers	McCollister	Walz
Bostar	Dorn	Hilkemann	McDonnell	Wayne
Bostelman	Flood	Hughes	McKinney	Williams
Brandt	Friesen	Hunt	Morfeld	Wishart
Briese	Gragert	Kolterman	Pahls	
Cavanaugh, J.	Halloran	Lathrop	Pansing Brooks	

Voting in the negative, 3:

Erdman      Groene      Lowe

Present and not voting, 8:

Albrecht	Clements	Moser	Sanders
Brewer	Geist	Murman	Slama

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 147A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 147, One Hundred Seventh Legislature, First Session, 2021; 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, 38:

Aguilar	Cavanaugh, J.	Halloran	Lindstrom	Stinner
Arch	Cavanaugh, M.	Hansen, M.	Linehan	Vargas
Blood	Day	Hilgers	McCollister	Walz
Bostar	DeBoer	Hilkemann	McDonnell	Wayne
Bostelman	Dorn	Hughes	McKinney	Williams
Brandt	Flood	Hunt	Morfeld	Wishart
Brewer	Friesen	Kolterman	Pahls	
Briese	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 3:

Erdman	Groene	Lowe
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Present and not voting, 8:

Albrecht	Geist	Moser	Sanders
Clements	Hansen, B.	Murman	Slama

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 185.**

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

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:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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) - Bracket LB336 until May 21, 2021**

Senator M. Cavanaugh offered the following motion to LB336:

[MO93](#)

Bracket until May 21, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 84, 366, 366A, 682, 396, 396A, 147, 147A, and 185.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 336.**

A BILL FOR AN ACT relating to the Game Law; to amend section 37-438, Revised Statutes Cumulative Supplement, 2020; to change certain fees; 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:



Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB26 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 26.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.41, 77-2713, and 77-27,223, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, and 77-2711, Revised Statutes Cumulative Supplement, 2020; to provide a sales and use tax exemption for residential water service; 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, 41:

Aguilar	Clements	Hansen, M.	McDonnell	Vargas
Arch	Day	Hilgers	McKinney	Walz
Blood	DeBoer	Hilkemann	Morfeld	Wayne
Bostar	Dorn	Hunt	Murman	Williams
Brandt	Flood	Kolterman	Pahls	Wishart
Brewer	Friesen	Lathrop	Pansing Brooks	
Briese	Gragert	Lindstrom	Sanders	
Cavanaugh, J.	Halloran	Linehan	Slama	
Cavanaugh, M.	Hansen, B.	McCollister	Stinner	

Voting in the negative, 2:

Groene Moser

Present and not voting, 6:

Albrecht Erdman Hughes  
Bostelman Geist Lowe

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 LB274 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 274.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.22 and 53-178.01, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-123, 53-123.04, 53-123.11, 53-123.14, 53-123.16, 53-124, 53-124.13, and 53-134, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to provide for a gallonage tax; to authorize ready-to-drink cocktails as prescribed; to provide for a promotional farmers market special designated license; to provide for a fee; to provide for a permit; to provide powers and duties; to authorize alcohol sales to persons within a motor vehicle as prescribed; 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, 45:

Aguilar	Cavanaugh, J.	Halloran	Linehan	Pansing Brooks
Albrecht	Clements	Hansen, B.	Lowe	Sanders
Arch	Day	Hansen, M.	McCollister	Slama
Blood	DeBoer	Hilgers	McDonnell	Stinner
Bostar	Dorn	Hughes	McKinney	Vargas
Bostelman	Flood	Hunt	Morfeld	Walz
Brandt	Friesen	Kolterman	Moser	Wayne
Brewer	Geist	Lathrop	Murman	Williams
Briese	Gragert	Lindstrom	Pahls	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. Erdman Groene 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 bill was read and put upon final passage:

**LEGISLATIVE BILL 274A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 274, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	Day	Hansen, M.	McDonnell	Vargas
Blood	DeBoer	Hilgers	McKinney	Walz
Bostar	Dorn	Hughes	Morfeld	Wayne
Bostelman	Erdman	Hunt	Moser	Williams
Brandt	Flood	Kolterman	Murman	Wishart
Brewer	Friesen	Lathrop	Pahls	
Briese	Geist	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Gragert	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Groene 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 LB544 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 544.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 50-1209, 77-2711, 77-27,119, 77-27,144, 77-5905, and 84-602.03, Revised Statutes Cumulative Supplement, 2020; to adopt the Urban Redevelopment Act; to provide tax incentives as prescribed; to change provisions relating to refunds of local option sales and use taxes; 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, 49:

Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 bills were read and put upon final passage:

**LEGISLATIVE BILL 544A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	Day	Hansen, M.	McDonnell	Vargas
Blood	DeBoer	Hilgers	McKinney	Walz
Bostar	Dorn	Hilkemann	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Hughes

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

**LEGISLATIVE BILL 108.** With Emergency Clause.

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; 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, 33:

Aguilar	Cavanaugh, M.	Halloran	McCollister	Vargas
Blood	Day	Hansen, M.	McDonnell	Walz
Bostar	DeBoer	Hilkemann	McKinney	Wayne
Brandt	Dorn	Hunt	Morfeld	Williams
Brewer	Flood	Kolterman	Pahls	Wishart
Briese	Friesen	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Stinner	

Voting in the negative, 11:

Albrecht	Erdman	Hilgers	Sanders
Arch	Geist	Hughes	Slama
Clements	Groene	Lowe	

Present and not voting, 5:

Bostelman	Hansen, B.	Linehan	Moser	Murman
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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.

**LEGISLATIVE BILL 108A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 108, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Halloran	McCollister	Vargas
Blood	Day	Hansen, M.	McDonnell	Walz
Bostar	DeBoer	Hilkemann	McKinney	Wayne
Brandt	Dorn	Hunt	Morfeld	Williams
Brewer	Flood	Kolterman	Pahls	Wishart
Briese	Friesen	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Stinner	

Voting in the negative, 11:

Albrecht	Erdman	Hilgers	Sanders
Arch	Geist	Hughes	Slama
Clements	Groene	Lowe	

Present and not voting, 5:

Bostelman Hansen, B. Linehan Moser Murman

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 566.** With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to adopt the Shovel-Ready Capital Recovery and Investment Act; to authorize grants as prescribed; to create a fund; 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:

Aguilar	DeBoer	Hansen, B.	McCollister	Stinner
Arch	Dorn	Hansen, M.	McDonnell	Vargas
Blood	Erdman	Hilgers	McKinney	Walz
Bostar	Flood	Hilkemann	Morfeld	Wayne
Brandt	Friesen	Kolterman	Moser	Williams
Brewer	Geist	Lathrop	Pahls	Wishart
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	
Day	Halloran	Low	Slama	

Voting in the negative, 3:

Albrecht Bostelman Clements

Present and not voting, 4:

Cavanaugh, M. Hughes Hunt Murman

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 566A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 566, One Hundred Seventh Legislature, First Session, 2021; to provide for a transfer of funds; 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, 40:

Aguilar	Day	Hansen, B.	Lowe	Sanders
Arch	DeBoer	Hansen, M.	McCollister	Slama
Blood	Dorn	Hilgers	McDonnell	Stinner
Bostar	Flood	Hilkemann	McKinney	Vargas
Brandt	Friesen	Kolterman	Morfeld	Walz
Brewer	Geist	Lathrop	Moser	Wayne
Briese	Gragert	Lindstrom	Pahls	Williams
Cavanaugh, J.	Halloran	Linehan	Pansing Brooks	Wishart

Voting in the negative, 4:

Albrecht	Bostelman	Clements	Groene
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Present and not voting, 5:

Cavanaugh, M.	Erdman	Hughes	Hunt	Murman
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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.

**LEGISLATIVE BILL 428.** With Emergency Clause.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 68-1213, Reissue Revised Statutes of Nebraska, and sections 43-427, 83-102, 83-106, and 83-107.01, Revised Statutes Cumulative Supplement, 2020; to require notification by the department to the Legislature of substantial changes to facilities and programs as prescribed; to change an evaluation period for a certain pilot project; to change educational programming provisions relating to youth rehabilitation and treatment centers; to require completion of a needs assessment and cost analysis for an inpatient adolescent psychiatric unit as prescribed; to state intent regarding substance abuse and behavioral health treatment for juveniles; 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, 49:



Aguilar	Cavanaugh, M.	Groene	Lindstrom	Pansing Brooks
Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Day	Hansen, B.	Lowe	Slama
Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart
Cavanaugh, J.	Gragert	Lathrop	Pahls	

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 428A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, One Hundred Seventh Legislature, First Session, 2021; 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:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	Lowe	Slama
Arch	Day	Hansen, M.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Flood	Hunt	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present 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 103.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid certain counties to pay federal judgments 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, 44:

Aguilar	Day	Hansen, B.	Linehan	Pansing Brooks
Albrecht	DeBoer	Hansen, M.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Blood	Erdman	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hughes	McKinney	Walz
Brewer	Friesen	Hunt	Morfeld	Wayne
Briese	Gragert	Kolterman	Moser	Williams
Cavanaugh, J.	Groene	Lathrop	Murman	Wishart
Cavanaugh, M.	Halloran	Lindstrom	Pahls	

Voting in the negative, 3:

Bostelman	Geist	Sanders
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Present and not voting, 2:

Bostar	Clements
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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.

**LEGISLATIVE BILL 18.** With Emergency Clause.

A BILL FOR AN ACT relating to the ImagiNE Nebraska Act; to amend sections 77-6810 and 77-6818, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to equivalent employees and qualified locations; 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, 34:

Aguilar	Day	Hilkemann	McDonnell	Slama
Albrecht	DeBoer	Hunt	McKinney	Stinner
Arch	Dorn	Kolterman	Morfeld	Vargas
Blood	Flood	Lathrop	Moser	Walz
Bostar	Gragert	Lindstrom	Murman	Williams
Brandt	Hansen, B.	Linehan	Pahls	Wishart
Briese	Hansen, M.	McCollister	Pansing Brooks	

Voting in the negative, 10:

Cavanaugh, M.	Erdman	Geist	Hilgers	Lowe
Clements	Friesen	Groene	Hughes	Wayne

Present and not voting, 5:

Bostelman	Brewer	Cavanaugh, J.	Halloran	Sanders
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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.

**LEGISLATIVE BILL 306.** With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to provide eligibility requirements relating to the federal low-income home energy assistance program administered by the state; to provide duties for the Department of Health and Human Services; 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, 38:

Aguilar	Cavanaugh, M.	Hilkemann	McDonnell	Stinner
Blood	Day	Hughes	McKinney	Vargas
Bostar	DeBoer	Hunt	Morfeld	Walz
Bostelman	Dorn	Kolterman	Moser	Wayne
Brandt	Flood	Lathrop	Pahls	Williams
Brewer	Gragert	Lindstrom	Pansing Brooks	Wishart
Briese	Hansen, B.	Linehan	Sanders	
Cavanaugh, J.	Hansen, M.	McCollister	Slama	

Voting in the negative, 6:

Albrecht	Erdman	Hilgers
Clements	Groene	Lowe

Present and not voting, 5:

Arch Friesen Geist Halloran Murman

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 306A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, One Hundred Seventh Legislature, First Session, 2021; 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, 38:

Aguilar	Cavanaugh, M.	Hilkemann	McDonnell	Stinner
Blood	Day	Hughes	McKinney	Vargas
Bostar	DeBoer	Hunt	Morfeld	Walz
Bostelman	Dorn	Kolterman	Moser	Wayne
Brandt	Flood	Lathrop	Pahls	Williams
Brewer	Gragert	Lindstrom	Pansing Brooks	Wishart
Briese	Hansen, B.	Linehan	Sanders	
Cavanaugh, J.	Hansen, M.	McCollister	Slama	

Voting in the negative, 7:

Albrecht	Erdman	Groene	Lowe
Clements	Geist	Hilgers	

Present and not voting, 4:

Arch Friesen Halloran Murman

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 LB649 with 37 ayes, 7 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 649.**

A BILL FOR AN ACT relating to banking and finance; to amend section 8-115, Reissue Revised Statutes of Nebraska, sections 8-101.02, 8-101.03, 8-102, 8-113, 8-148.09, 8-1,140, 8-601, 8-602, 8-701, 8-702, 8-1120, and 8-2724, Revised Statutes Cumulative Supplement, 2020, and sections 1-201, 9-102, 9-301, 9-310, 9-312, 9-314, 9-331, and 9-406, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Financial Innovation Act; to authorize digital asset depository entities and provide for the charter, operation, supervision, and regulation of such entities; to transfer funds; to adopt Uniform Commercial Code provisions on controllable electronic records; 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, 46:

Aguilar	Clements	Hansen, M.	McCollister	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	McKinney	Walz
Blood	Dorn	Hughes	Morfeld	Wayne
Bostar	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Halloran	Linehan	Sanders	
Cavanaugh, M.	Hansen, B.	Lowe	Slama	

Voting in the negative, 2:

Bostelman Groene

Present and not voting, 1:

Erdman

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 649A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 649, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Clements	Hansen, M.	McCollister	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	McKinney	Walz
Blood	Dorn	Hughes	Morfeld	Wayne
Bostar	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Halloran	Linehan	Sanders	
Cavanaugh, M.	Hansen, B.	Lowe	Slama	

Voting in the negative, 1:

Groene

Present and not voting, 2:

Bostelman Erdman

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

**MOTION(S) - Bracket LB139 until May 21, 2021**

Senator M. Cavanaugh offered the following motion to LB139:

[MO94](#)

Bracket until May 21, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Bracket LB139 until May 26, 2021**

Senator M. Cavanaugh offered the following motion to LB139:

[MO99](#)

Bracket until May 26, 2021.

The M. Cavanaugh motion to bracket failed with 3 ayes, 40 nays, 5 present and not voting, and 1 excused and not voting.

**MOTION(S) - Recommit LB139 to Committee**

Senator M. Cavanaugh offered the following motion to LB139:

[MO100](#)

Recommit to the Judiciary Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 336, 26, 274, 274A, 544, 544A, 108, 108A, 566, 566A, 428, 428A, 103, 18, 306, 306A, 649, and 649A.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 139.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to adopt the COVID-19 Liability Act; to adopt the Health Care Crisis Protocol 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, 41:

Aguilar	Day	Hansen, B.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Flood	Hughes	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Brewer	Gragert	Lindstrom	Sanders	
Cavanaugh, M.	Groene	Linehan	Slama	
Clements	Halloran	Lowe	Stinner	

Voting in the negative, 1:

Hunt

Present and not voting, 5:

Albrecht    Cavanaugh, J.    Hansen, M.    McKinney    Pansing Brooks

Excused and not voting, 2:

Briese Erdman

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: LB139.

**REFERENCE COMMITTEE REPORT**

2021 Resolutions calling for an Interim Study

<b>LB/LR</b>	<b>Committee</b>
LR23	Natural Resources
LR34	Natural Resources
LR69	Urban Affairs
LR76	Judiciary
LR83	Executive Board
LR97	Judiciary
LR100	Banking, Commerce and Insurance
LR101	Banking, Commerce and Insurance
LR104	Banking, Commerce and Insurance
LR105	Nebraska Retirement Systems
LR106	Nebraska Retirement Systems
LR110	Health and Human Services
LR115	General Affairs
LR116	Banking, Commerce and Insurance
LR122	Urban Affairs
LR123	Urban Affairs
LR124	Urban Affairs
LR125	Urban Affairs
LR126	Urban Affairs
LR127	Transportation and Telecommunications
LR129	Judiciary
LR136	Natural Resources
LR137	Government, Military and Veterans Affairs
LR138	Judiciary
LR139	Business and Labor
LR140	Business and Labor
LR141	Executive Board
LR142	Health and Human Services
LR143	Health and Human Services
LR145	Appropriations
LR147	Transportation and Telecommunications
LR148	Education
LR149	Education



LR151	Health and Human Services
LR152	Natural Resources
LR154	Business and Labor
LR155	Transportation and Telecommunications
LR156	Judiciary
LR157	Education
LR158	Business and Labor
LR161	Education
LR162	Revenue
LR163	Health and Human Services
LR164	Judiciary
LR165	Health and Human Services
LR166	Business and Labor
LR167	Judiciary
LR170	Business and Labor
LR171	Government, Military and Veterans Affairs
LR172	Urban Affairs
LR173	Judiciary
LR174	General Affairs
LR175	General Affairs
LR176	General Affairs
LR177	General Affairs
LR178	Appropriations
LR179	Appropriations
LR180	Education
LR181	Education
LR182	Education
LR183	Judiciary
LR184	Health and Human Services
LR185	Education
LR186	Revenue
LR187	General Affairs
LR188	Natural Resources
LR189	Judiciary
LR190	Health and Human Services
LR191	Government, Military and Veterans Affairs
LR192	Natural Resources
LR193	Transportation and Telecommunications
LR194	Judiciary
LR196	Agriculture
LR198	Health and Human Services
LR199	Banking, Commerce and Insurance
LR200	Appropriations
LR201	Health and Human Services
LR202	Health and Human Services
LR203	Health and Human Services
LR204	Education
LR205	Judiciary
LR206	Business and Labor

LR207	Health and Human Services
LR208	Urban Affairs
LR209	Appropriations
LR210	Appropriations
LR211	Urban Affairs
LR212	Appropriations
LR213	Education
LR214	Banking, Commerce and Insurance
LR215	Government, Military and Veterans Affairs
LR218	Executive Board
LR221	Health and Human Services
LR223	Natural Resources
LR225	Government, Military and Veterans Affairs
LR226	Executive Board
LR227	Education
LR228	Education
LR230	Revenue
LR231	Judiciary
LR232	Revenue
LR233	Transportation and Telecommunications
LR234	Transportation and Telecommunications
LR235	Transportation and Telecommunications
LR236	Transportation and Telecommunications
LR237	Health and Human Services

(Signed) Dan Hughes, Chairperson  
Executive Board

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 241.** Introduced by Speaker Hilgers, 21.

WHEREAS, Bobbie Ehrlich, a fifth-grade teacher from Belmont Elementary, was named the 2021 Scottish Rite Distinguished Teacher of the Year; and

WHEREAS, Bobbie has spent her entire 32-year career teaching generations of students at Belmont Elementary; and

WHEREAS, Bobbie was noted for her steadfast work on numerous Lincoln Public Schools committees, including the Rev. Dr. Martin Luther King Jr. Youth Rally and March, and Belmont's TRACK Empowerment Scholars program; and

WHEREAS, Bobbie has committed her time and service to the Belmont Community Center Board; and

WHEREAS, the Scottish Rite Distinguished Teacher of the Year is a prestigious award presented annually to a Lincoln Public Schools teacher who demonstrates a commitment to education and service to their community.

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

1. That the Legislature congratulates Bobbie Ehrlich for being named the 2021 Scottish Rite Distinguished Teacher of the Year.
2. That a copy of this resolution be sent to Bobbie Ehrlich.

Laid over.

**LEGISLATIVE RESOLUTION 242.** Introduced by Brewer, 43; Brandt, 32; Clements, 2; Erdman, 47; Gragert, 40; Halloran, 33.

WHEREAS, congressional efforts in the One Hundred Sixteenth United States Congress focused on the support and expansion of small meat processors; and

WHEREAS, markets available to farmers and ranchers in Nebraska should be expanded by federal and state legislation without compromising food safety standards or market access under existing trade agreements; and

WHEREAS, electronic commerce and other innovations offer opportunities for bringing new customers to small meat processors; and

WHEREAS, following the enactment of certain federal laws, a state meat and poultry inspection program in Nebraska approved by the Food Safety and Inspection Service of the United States Department of Agriculture would allow meat and poultry grown and processed in Nebraska to be sold in other states; and

WHEREAS, entry into the market for small meat processors can be eased through grants that lower the cost of food safety regulations, feasibility studies, overtime fees, federal inspections, and training; and

WHEREAS, the federal Consolidated Appropriations Act, 2021, includes grants totaling sixty million dollars for small meat processors to update and expand their facilities; and

WHEREAS, up to two hundred thousand dollars of such grant money can be used to update or expand a small meat processing facility to meet the inspection standards of the United States Department of Agriculture; and

WHEREAS, expanding market options for meat products through these federal acts and programs will be beneficial for livestock producers in Nebraska.

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

1. That the Legislature urges the congressional delegation of Nebraska to pass legislation that supports farmers, ranchers, and small meat processors without compromising food safety standards and foreign market access.
2. That a copy of this resolution be delivered to each member of the Nebraska congressional delegation.

Laid over.

**LEGISLATIVE RESOLUTION 243.** Introduced by Day, 49.

WHEREAS, the Gretna High School girls soccer team, led by Coach Digger Hawkins, won the Class A Girls State Soccer Tournament on May 18, 2021; and

WHEREAS, Sarah Weber and Savannah Defini both scored goals in the 2-1 championship win over Millard North; and

WHEREAS, Sarah Weber set the Class A soccer single season scoring record with 48 goals in 2021; and

WHEREAS, Gretna moved up from Class B to Class A sports in 2019; and

WHEREAS, Gretna has won five Class B soccer titles; and

WHEREAS, the 2021 state title is Gretna girls soccer's first Class A title; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Gretna High School girls soccer team on winning the 2021 state championship.

2. That copies of this resolution be sent to Gretna High School and Coach Digger Hawkins.

Laid over.

**LEGISLATIVE RESOLUTION 244.** Introduced by McDonnell, 5.

WHEREAS, in 1946, Al and Joe Cascio opened Cascio's Steakhouse on South 10th Street in South Omaha's Little Italy; and

WHEREAS, in 1999, Joe's son, Larry, who worked at Cascio's Steakhouse, boxing pizzas in the basement when he was 8 years old, bought the Steakhouse from his Uncle Al; and

WHEREAS, in 2008, Alfie Cascio and Colleen Cascio-Fritsche took over the business when their dad Larry retired; and

WHEREAS, today, Alfie Cascio continues his family legacy of serving hand-cut steaks and fresh made sauces and dressings which were created by his family 75 years ago; and

WHEREAS, the 36,000-square-foot Cascio's Steakhouse has seven party rooms that can seat between 20 and 400 people and continues to host many weddings and anniversaries; and

WHEREAS, over the years, Cascio's Steakhouse remains a popular destination for locals and has developed many regular customers and has such customers' orders ready when they walk through the door; and

WHEREAS, Cascio's Steakhouse has served and entertained many visiting celebrities, including Jerry Rice and Steve Young from the Super Bowl champion San Francisco 49ers, Mickey Mantle of the New York Yankees, Tommy Lasorda of the Los Angeles Dodgers, Matt Holliday of the St. Louis Cardinals, Gordon Beckham from the Chicago White Sox, O.J. Mayo from

the Memphis Grizzlies, Michael Beasley of the Minnesota Timberwolves, Martina McBride, L.L. Cool J, Rodney Dangerfield, Lou Ferrigno, Tina Turner, Hubert Humphrey, and Dan Quayle; and

WHEREAS, in 2021, Cascio's Steakhouse will celebrate seventy-five years of doing business as one of Omaha's oldest family-owned restaurants; and

WHEREAS, Cascio's Steakhouse has survived the COVID-19 pandemic, and Alfie is excited to see long-time customers returning and hopes to continue serving South Omaha for another 75 years.

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

1. That the Legislature recognizes the seventy-fifth anniversary of Cascio's Steakhouse.
2. That copies of this resolution be sent to Alfie Cascio.

Laid over.

**LEGISLATIVE RESOLUTION 245.** Introduced by McDonnell, 5; Bostelman, 23.

WHEREAS, each year in Ashland, the Ashland Area Chamber of Commerce hosts Stir-Up Days, which is one of Nebraska's single largest annual community events; and

WHEREAS, Stir-Up Days is a three-day event that takes place on a Friday, Saturday, and Sunday each year with multiple daily events, including the coronation of the Stir-Up king and queen, carnival games, a car show, historic tours, live music, contests, food, dance, and a parade; and

WHEREAS, the theme for Stir-Up Days this year is "Alien Encounter." The theme commemorates the alien encounter reportedly experienced by Ashland police officer Herbert Schirmer in 1967, which was featured on season six, episode two, of the show Unsolved Mysteries of the World; and

WHEREAS, special alien-themed events are being planned for Stir-Up this year, including a hot air balloon and a panel discussion with graphic novel author Michael Jasorka, members of the Mutual U.F.O. Network, and a member of the Schirmer family; and

WHEREAS, the Ashland Area Chamber of Commerce is excited to welcome people back to Stir-Up Days after having to cancel last year's celebration due to the COVID-19 pandemic; and

WHEREAS, Stir-Up Days: Alien Encounter, will take place July 16 through July 18 in Ashland, Nebraska.

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

1. That the Legislature encourages individuals to check their Starlogs to encounter friends at this out-of-this-world experience in Ashland. "Do or Do Not. There is no Try."
2. That a copy of this resolution be sent to the Ashland Area Chamber of Commerce.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR242 was referred to the Reference Committee.

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LB64.

(Signed) Jen Day

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LB64.

(Signed) Eliot Bostar

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

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

Senator Pansing Brooks name added to LR197.  
Senator Hansen, M. name added to LR239.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting of Pender.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Friday, May 21, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-SECOND DAY - MAY 21, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 21, 2021

**PRAYER**

The prayer was offered by Senator Murman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**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 Bostar, Briese, Day, DeBoer, M. Hansen, Lathrop, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 20, 2021, at 4:50 p.m. were the following: LBs 84, 366, 366A, 682e, 396, 396A, 147e, 147Ae, 185, 336, 26, 274e, 274Ae, 544, 544A, 108e, 108Ae, 566e, 566Ae, 428e, 428Ae, 103e, 18e, 306e, 306Ae, 649, 649A, and 139e.

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

**REPORTS**

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

**MOTION(S) - Return LB432 to Select File**

Senator M. Cavanaugh moved to return LB432 to Select File for the following specific amendment:

[FA56](#)

Strike section 13.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to return.

The M. Cavanaugh motion to return to Select File failed with 4 ayes, 30 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

**MOTION(S) - Bracket LB432 until May 27, 2021**

Senator M. Cavanaugh offered the following motion to LB432:

[MO103](#)

Bracket until May 27, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Bracket LB432 until May 28, 2021**

Senator M. Cavanaugh offered the following motion to LB432:

[MO105](#)

Bracket until May 28, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Bracket LB432 until June 5, 2021**

Senator M. Cavanaugh offered the following motion to LB432:

[MO106](#)

Bracket until June 5, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

**MOTION(S) - Return LB432 to Select File**

Senator M. Cavanaugh moved to return LB432 to Select File for the following specific amendment:

[FA57](#)

Strike sections 13-15.

Senator M. Cavanaugh withdrew her motion to return.



**MOTION(S) - Return LB432 to Select File**

Senator M. Cavanaugh moved to return LB432 to Select File for the following specific amendment:

[FA58](#)

Strike the enacting clause.

Senator Linehan offered the following motion:

[MO107](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan requested a roll call vote on the motion to invoke cloture.

The Linehan motion to invoke cloture prevailed with 43 ayes, 3 nays, and 3 excused and not voting.

The M. Cavanaugh motion to return failed with 2 ayes, 40 nays, 4 present and not voting, and 3 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 LB432 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 432.**

A BILL FOR AN ACT relating to public benefits; to amend sections 77-2734.02 and 77-5208, Reissue Revised Statutes of Nebraska, and sections 13-520, 77-2715.07, 77-2716, 77-3442, and 85-1802, Revised Statutes Cumulative Supplement, 2020; to adopt the Firefighter Cancer Benefits Act; to change provisions relating to limitations on restricted funds for certain cancer benefits; to provide a tax credit for parents of stillborn children; to provide an income tax exemption for certain cancer benefits; to change the corporate income tax rate as prescribed; to exempt certain cancer benefits from property tax levy limits; to extend the Beginning Farmer Tax Credit Act application period; to require a firefighter informational report from the State Fire Marshal; to redefine qualified higher education expenses for purposes of the Nebraska educational savings plan trust; 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, 42:

Aguilar	Clements	Halloran	Lowe	Stinner
Albrecht	Day	Hansen, B.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	Morfeld	Wayne
Bostar	Erdman	Hughes	Moser	Williams
Bostelman	Flood	Kolterman	Murman	Wishart
Brandt	Friesen	Lathrop	Pahls	
Brewer	Geist	Lindstrom	Sanders	
Cavanaugh, J.	Gragert	Linehan	Slama	

Voting in the negative, 1:

Hunt

Present and not voting, 3:

Cavanaugh, M. Groene McKinney

Excused and not voting, 3:

Briese Hansen, M. Pansing Brooks

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 432A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, One Hundred Seventh Legislature, First Session, 2021.

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:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hilgers	McCollister	Vargas
Blood	Dorn	Hilkemann	McDonnell	Walz
Bostar	Erdman	Hughes	Morfeld	Wayne
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Pahls	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Groene McKinney

Excused and not voting, 3:

Briese Hansen, M. Pansing Brooks

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

**LEGISLATIVE BILL 579.**

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1365.01 and 39-1365.02, Revised Statutes Cumulative Supplement, 2020; to provide requirements for a report and a presentation by the Department of Transportation; 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:

Aguilar	Clements	Groene	Lindstrom	Pahls
Albrecht	Day	Halloran	Linehan	Sanders
Arch	DeBoer	Hansen, B.	Lowe	Slama
Blood	Dorn	Hilgers	McCollister	Stinner
Bostar	Erdman	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolterman	Moser	Williams
Cavanaugh, J.	Gragert	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Briese Hansen, M. 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 LB236 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 236.**

A BILL FOR AN ACT relating to law; to amend sections 28-1202 and 69-2436, Reissue Revised Statutes of Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative Supplement, 2020; to redefine terms, change drug schedules, and adopt federal drug provisions under the Uniform Controlled Substances Act; to provide an exception to the offense of carrying a concealed weapon as prescribed; to define a term; to change provisions relating to renewal of a permit to carry a concealed handgun; to provide a duty for the Nebraska State Patrol; to eliminate an obsolete provision; 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:

Aguilar	Cavanaugh, M.	Gragert	Lindstrom	Pahls
Albrecht	Clements	Groene	Linehan	Sanders
Arch	Day	Halloran	Lowe	Slama
Blood	DeBoer	Hansen, B.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Kolterman	Moser	Williams
Cavanaugh, J.	Geist	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Briese          Hansen, M.    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 LB285 with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 285.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 2-3213, 2-3214, 32-329, 32-553, 32-608, 32-716, 32-717, 32-1005, 70-611, and 70-663, Reissue Revised Statutes of Nebraska, and sections 16-404, 17-614, 32-330, 32-404, 32-552, 32-606, 32-816, 32-903, and 79-1217, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to adjusting certain boundaries after the federal decennial census; to exempt certain information from disclosure and require a report; to change election provisions relating to voter registration lists and certain notice of filing deadlines, filing periods, filing forms, filing fees, and write-in votes; to change requirements for new political parties; to change a certification deadline and charter amendment procedures for certain public power districts; to provide a written notice of appointment requirement for educational service units; to eliminate provisions relating to overvoted ballots; to repeal the original sections; to outright repeal section 32-1006, 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, 45:

Aguilar	Cavanaugh, M.	Gragert	Lindstrom	Pahls
Albrecht	Clements	Groene	Linehan	Sanders
Arch	Day	Halloran	Lowe	Slama
Blood	DeBoer	Hansen, B.	McCollister	Stinner
Bostar	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	McKinney	Walz
Brandt	Flood	Hughes	Morfeld	Wayne
Brewer	Friesen	Kolterman	Moser	Williams
Cavanaugh, J.	Geist	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Briese Hansen, M. 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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 100.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-901, Revised Statutes Cumulative Supplement, 2020; to provide for limits on provider contracts pertaining to the utilization of certain billing practices under the Medical Assistance Act; to state intent regarding increases to foster care reimbursement rates; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 100, One Hundred Seventh Legislature, First Session, 2021; to provide operative dates; 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, 42:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Stinner
Albrecht	Day	Hansen, B.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	McKinney	Wayne
Bostar	Flood	Hughes	Morfeld	Williams
Bostelman	Friesen	Hunt	Moser	Wishart
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Clements Erdman Lowe Slama

Excused and not voting, 3:

Briese Hansen, M. 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.

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

Senator Albrecht filed the following motion to LR228:

[MO104](#)

Withdraw LR228.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR242	Agriculture

(Signed) Dan Hughes, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 246.** Introduced by Natural Resources Committee: Bostelman, 23, Chairperson; Aguilar, 35; Cavanaugh, J., 9; Gragert, 40; Groene, 42; Hughes, 44; Moser, 22; Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine any issues within the jurisdiction of the Natural Resources Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 247.** Introduced by Briese, 41.

WHEREAS, Doug Donscheski, the Sergeant at Arms for the Legislature, is a former resident of Albion, Nebraska; and

WHEREAS, Doug attended Albion High School in the 1960s; and

WHEREAS, throughout high school Doug was active in Albion athletics and was captain of the football and basketball teams in 1968 and 1969; and

WHEREAS, Doug received many athletic honors during his high school athletic career and was a four-year letter award winner in football, basketball, and track, All Conference in the Central Ten Conference in football and basketball in 1968 and 1969, and a state qualifier in track in 1968 and 1969 in pole vault; and

WHEREAS, Doug went on to participate in football and track at Fairbury Junior College; and

WHEREAS, Doug was a member of the Nebraska State Patrol for over 40 years until his retirement in 2015; and

WHEREAS, Doug will be inducted into the Albion Downtown Athletic Club Hall of Fame at the alumni banquet to be held June 19, 2021, for his accomplishments in athletics at Albion High School.

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

1. That the Legislature recognizes the many achievements of Doug Donscheski, congratulates him on being inducted into the Albion Downtown Athletic Club Hall of Fame, and thanks him for his continued service to this state.

2. That a copy of this resolution be sent to Doug Donscheski.

Laid over.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 432, 432A, 579, 236, 285, and 100.

### MOTION(S) - Confirmation Report(s)

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1079:

Nebraska Ethanol Board  
Randy L. Gard

Voting in the affirmative, 37:

Aguilar	Day	Halloran	Lindstrom	Slama
Albrecht	DeBoer	Hansen, B.	Linehan	Stinner
Arch	Dorn	Hilgers	McCollister	Vargas
Bostelman	Flood	Hilkemann	Morfeld	Williams
Brandt	Friesen	Hughes	Moser	Wishart
Brewer	Geist	Hunt	Murman	
Cavanaugh, J.	Gragert	Kolterman	Pahls	
Clements	Groene	Lathrop	Sanders	

Voting in the negative, 0.

Present and not voting, 9:

Blood	Cavanaugh, M.	Lowe	McKinney	Wayne
Bostar	Erdman	McDonnell	Walz	



Excused and not voting, 3:

Briese Hansen, M. Pansing Brooks

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1180:

State Board of Health  
Joel R. Bessmer  
Donald Ostdiek  
David J. Reese

Voting in the affirmative, 36:

Aguilar	Day	Hilkemann	McCollister	Vargas
Albrecht	Dorn	Hughes	Morfeld	Walz
Arch	Friesen	Hunt	Moser	Williams
Blood	Geist	Kolterman	Murman	Wishart
Bostelman	Groene	Lathrop	Pahls	
Brandt	Halloran	Lindstrom	Sanders	
Brewer	Hansen, B.	Linehan	Slama	
Clements	Hilgers	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, M.	Erdman	Gragert	McKinney
Cavanaugh, J.	DeBoer	Flood	McDonnell	Wayne

Excused and not voting, 3:

Briese Hansen, M. Pansing Brooks

The appointments were confirmed with 36 ayes, 0 nays, 10 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 1246:

Coordinating Commission for Postsecondary Education  
William "Scott" Wilson

Voting in the affirmative, 37:

Aguilar	Day	Hilgers	McCollister	Stinner
Albrecht	DeBoer	Hilkemann	McDonnell	Vargas
Arch	Dorn	Hughes	Morfeld	Walz
Blood	Erdman	Kolterman	Moser	Williams
Bostelman	Friesen	Lathrop	Murman	Wishart
Brandt	Geist	Lindstrom	Pahls	
Brewer	Gragert	Linehan	Sanders	
Clements	Halloran	Low	Slama	

Voting in the negative, 3:

Cavanaugh, M. McKinney Wayne

Present and not voting, 5:

Bostar Cavanaugh, J. Flood Hansen, B. Hunt

Excused and not voting, 4:

Briese Groene Hansen, M. Pansing Brooks

The appointment was confirmed with 37 ayes, 3 nays, 5 present and not voting, and 4 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 1246:

Board of Trustees of the Nebraska State Colleges

Marjean C. Terrell

Jess D. Zeiss

Voting in the affirmative, 29:

Albrecht	Dorn	Halloran	Linehan	Sanders
Arch	Erdman	Hilgers	Low	Slama
Blood	Flood	Hilkemann	McCollister	Stinner
Brandt	Friesen	Hughes	Moser	Walz
Clements	Geist	Kolterman	Murman	Williams
Day	Gragert	Lindstrom	Pahls	

Voting in the negative, 2:

McKinney Vargas

Present and not voting, 13:

Aguilar	Brewer	DeBoer	Lathrop	Wayne
Bostar	Cavanaugh, J.	Hansen, B.	McDonnell	
Bostelman	Cavanaugh, M.	Hunt	Morfeld	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointments were confirmed with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

Senator Williams moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1282:

Department of Insurance  
Eric Dunning - Director

Voting in the affirmative, 34:

Aguilar	Brewer	Geist	Kolterman	Sanders
Albrecht	Cavanaugh, J.	Gragert	Lathrop	Slama
Arch	Clements	Halloran	Linehan	Stinner
Blood	Dorn	Hansen, B.	Lowe	Vargas
Bostar	Erdman	Hilgers	McCollister	Walz
Bostelman	Flood	Hilkemann	Murman	Williams
Brandt	Friesen	Hughes	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 8:

Cavanaugh, M.	DeBoer	Lindstrom	Morfeld
Day	Hunt	McDonnell	Wayne

Excused and not voting, 6:

Briese	Hansen, M.	Pansing Brooks
Groene	Moser	Wishart

The appointment was confirmed with 34 ayes, 1 nay, 8 present and not voting, and 6 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 1417:

Nebraska Department of Transportation  
John Selmer - Director

Voting in the affirmative, 34:

Aguilar	Brewer	Gragert	Lathrop	Pahls
Albrecht	Clements	Halloran	Lindstrom	Sanders
Arch	Dorn	Hansen, B.	Linehan	Slama
Blood	Erdman	Hilgers	Lowe	Stinner
Bostar	Flood	Hilkemann	McCollister	Walz
Bostelman	Friesen	Hughes	Moser	Williams
Brandt	Geist	Kolterman	Murman	

Voting in the negative, 1:

McKinney

Present and not voting, 9:

Cavanaugh, J.	Day	Hunt	Morfeld	Wayne
Cavanaugh, M.	DeBoer	McDonnell	Vargas	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 34 ayes, 1 nay, 9 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 1508:

State Highway Commission  
Alec Gorynski

Voting in the affirmative, 33:

Aguilar	Brewer	Halloran	Lindstrom	Sanders
Albrecht	Clements	Hansen, B.	Linehan	Slama
Arch	Dorn	Hilgers	Lowe	Stinner
Blood	Flood	Hilkemann	McCollister	Walz
Bostar	Friesen	Hughes	Moser	Williams
Bostelman	Geist	Kolterman	Murman	
Brandt	Gragert	Lathrop	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 10:

Cavanaugh, J.	Day	Erdman	McDonnell	Vargas
Cavanaugh, M.	DeBoer	Hunt	Morfeld	Wayne

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 33 ayes, 1 nay, 10 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 1508:

Nebraska Information Technology Commission  
Shane J. Greckel

Voting in the affirmative, 32:

Aguilar	Clements	Gragert	Lindstrom	Sanders
Albrecht	Day	Halloran	Linehan	Slama
Arch	Dorn	Hansen, B.	Lowe	Stinner
Blood	Erdman	Hilgers	McCollister	Williams
Bostelman	Flood	Hilkemann	Moser	
Brandt	Friesen	Hughes	Murman	
Brewer	Geist	Kolterman	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	McDonnell	Walz
Cavanaugh, J.	Hunt	Morfeld	Wayne
Cavanaugh, M.	Lathrop	Vargas	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 32 ayes, 1 nay, 11 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 1509:

Nebraska Information Technology Commission  
Daniel Spray

Voting in the affirmative, 32:

Aguilar	Clements	Gragert	Lindstrom	Sanders
Albrecht	Day	Halloran	Linehan	Slama
Arch	Dorn	Hansen, B.	Lowe	Stinner
Blood	Erdman	Hilgers	McCollister	Williams
Bostelman	Flood	Hilkemann	Moser	
Brandt	Friesen	Hughes	Murman	
Brewer	Geist	Kolterman	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	McDonnell	Walz
Cavanaugh, J.	Hunt	Morfeld	Wayne
Cavanaugh, M.	Lathrop	Vargas	

Excused and not voting, 5:

Briese      Groene      Hansen, M.      Pansing Brooks      Wishart

The appointment was confirmed with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

#### **SPEAKER HILGERS PRESIDING**

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1509:

Motor Vehicle Industry Licensing Board  
Clint Jones

Voting in the affirmative, 32:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	Dorn	Hilgers	McCollister	Walz
Blood	Flood	Hilkemann	Moser	Williams
Bostelman	Friesen	Hughes	Murman	
Brandt	Geist	Kolterman	Pahls	
Brewer	Gragert	Lathrop	Sanders	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	Lindstrom	Vargas
Cavanaugh, J.	Erdman	McDonnell	Wayne
Cavanaugh, M.	Hunt	Morfeld	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 32 ayes, 1 nay, 11 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 1509:

Motor Vehicle Industry Licensing Board  
Brad Jacobs

Voting in the affirmative, 32:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	Dorn	Hilgers	McCollister	Walz
Blood	Flood	Hilkemann	Moser	Williams
Bostelman	Friesen	Hughes	Murman	
Brandt	Geist	Kolterman	Pahls	
Brewer	Gragert	Lathrop	Sanders	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	Lindstrom	Vargas
Cavanaugh, J.	Erdman	McDonnell	Wayne
Cavanaugh, M.	Hunt	Morfeld	

Excused and not voting, 5:

Briese      Groene      Hansen, M.      Pansing Brooks      Wishart

The appointment was confirmed with 32 ayes, 1 nay, 11 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 1509:

Motor Vehicle Industry Licensing Board  
Matthew O'Daniel

Voting in the affirmative, 32:

Aguilar	Clements	Halloran	Linehan	Slama
Albrecht	Day	Hansen, B.	Lowe	Stinner
Arch	Dorn	Hilgers	McCollister	Walz
Blood	Flood	Hilkemann	Moser	Williams
Bostelman	Friesen	Hughes	Murman	
Brandt	Geist	Kolterman	Pahls	
Brewer	Gragert	Lathrop	Sanders	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	Lindstrom	Vargas
Cavanaugh, J.	Erdman	McDonnell	Wayne
Cavanaugh, M.	Hunt	Morfeld	

Excused and not voting, 5:

Briese      Groene      Hansen, M.      Pansing Brooks      Wishart

The appointment was confirmed with 32 ayes, 1 nay, 11 present and not voting, and 5 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 1569:

State Electrical Board

Kurt Griess

Boyd Pedersen

Voting in the affirmative, 28:

Aguilar	Brewer	Geist	Linehan	Sanders
Albrecht	Cavanaugh, J.	Gragert	Low	Slama
Arch	Clements	Halloran	McDonnell	Stinner
Blood	Dorn	Hilgers	Moser	Williams
Bostelman	Flood	Hilkemann	Murman	
Brandt	Friesen	Lindstrom	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 15:

Bostar	DeBoer	Hughes	Lathrop	Vargas
Cavanaugh, M.	Erdman	Hunt	McCollister	Walz
Day	Hansen, B.	Kolterman	Morfeld	Wayne

Excused and not voting, 5:

Briese      Groene      Hansen, M.      Pansing Brooks      Wishart

The appointment was confirmed with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

#### **PRESIDENT FOLEY PRESIDING**

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1570:

Nebraska Arts Council

Zachary Cheek

Brenda Davis

Ann Michelle Dudley

Sharon Hofschire

Pamela Snow

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Friesen	Lindstrom	Sanders
Albrecht	Cavanaugh, M.	Gragert	Linehan	Slama
Arch	Clements	Halloran	Lowe	Stinner
Blood	Day	Hansen, B.	McCollister	Vargas
Bostelman	Dorn	Hilgers	Moser	Walz
Brandt	Erdman	Hilkemann	Murman	Williams
Brewer	Flood	Kolterman	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 9:

Bostar	Geist	Hunt	McDonnell	Wayne
DeBoer	Hughes	Lathrop	Morfeld	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointments were confirmed with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1604:

Commission for the Deaf and Hard of Hearing  
Valerie Hitz

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Friesen	Kolterman	Sanders
Albrecht	Cavanaugh, M.	Geist	Lindstrom	Slama
Arch	Clements	Gragert	Linehan	Stinner
Blood	Day	Halloran	Lowe	Walz
Bostelman	Dorn	Hansen, B.	Moser	Williams
Brandt	Erdman	Hilgers	Murman	
Brewer	Flood	Hilkemann	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 10:

Bostar	Hughes	Lathrop	McDonnell	Vargas
DeBoer	Hunt	McCollister	Morfeld	Wayne

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1604:

State Board of Health  
Colton Palmer

Voting in the affirmative, 32:

Aguilar	Clements	Gragert	Lindstrom	Slama
Albrecht	Day	Halloran	Linehan	Stinner
Arch	Dorn	Hansen, B.	Lowe	Walz
Blood	Erdman	Hilgers	Moser	Williams
Bostelman	Flood	Hilkemann	Murman	
Brandt	Friesen	Hughes	Pahls	
Brewer	Geist	Kolterman	Sanders	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	DeBoer	McCollister	Vargas
Cavanaugh, J.	Hunt	McDonnell	Wayne
Cavanaugh, M.	Lathrop	Morfeld	

Excused and not voting, 5:

Briese	Groene	Hansen, M.	Pansing Brooks	Wishart
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The appointment was confirmed with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 477:

Nebraska Game and Parks Commission  
Henry R. Brandt

Senator Bostelman moved for a call of the house. The motion prevailed with 26 ayes, 1 nays, and 17 not voting.

Senator Bostelman requested a roll call vote on the confirmation report.

Voting in the affirmative, 29:

Aguilar	Cavanaugh, M.	Hilgers	Lowe	Sanders
Albrecht	Clements	Hilkemann	McCollister	Slama
Arch	Day	Kolterman	McDonnell	Stinner
Blood	Flood	Lathrop	Morfeld	Walz
Bostar	Geist	Lindstrom	Pahls	Williams
Bostelman	Gragert	Linehan	Pansing Brooks	

Voting in the negative, 6:

Dorn	Friesen	Hughes
Erdman	Halloran	McKinney

Present and not voting, 10:

Brandt	Cavanaugh, J.	Hansen, M.	Moser	Vargas
Brewer	Hansen, B.	Hunt	Murman	Wayne

Excused and not voting, 4:

Briese	DeBoer	Groene	Wishart
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The appointment was confirmed with 29 ayes, 6 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 477:

Game and Parks Commission  
Kendall (Ken) B. Curry

Voting in the affirmative, 28:

Aguilar	Brewer	Halloran	Lathrop	Pansing Brooks
Albrecht	Cavanaugh, J.	Hansen, B.	Linehan	Sanders
Arch	Clements	Hilgers	Lowe	Walz
Blood	Dorn	Hilkemann	Moser	Williams
Bostelman	Friesen	Hughes	Murman	
Brandt	Gragert	Kolterman	Pahls	

Voting in the negative, 1:

McKinney

Present and not voting, 13:

Bostar	Erdman	Lindstrom	Slama	Wayne
Cavanaugh, M.	Hansen, M.	McCollister	Stinner	
Day	Hunt	McDonnell	Vargas	

Excused and not voting, 7:

Briese	Flood	Groene	Wishart
DeBoer	Geist	Morfeld	

The appointment was confirmed with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 478:

Nebraska Environmental Trust Board  
Rodney R. Christen

Senator J. Cavanaugh offered the following motion:

Recommit the confirmation report of Rodney R. Christen to the Natural Resources Committee.

Senator J. Cavanaugh withdrew his motion to recommit to committee.

Senator Bostelman moved for a call of the house. The motion prevailed with 23 ayes, 1 nays, and 20 not voting.

Voting in the affirmative, 27:

Aguilar	Brewer	Gragert	Lindstrom	Slama
Albrecht	Clements	Halloran	Linehan	Vargas
Arch	Dorn	Hansen, B.	Lowe	Williams
Blood	Flood	Hilgers	Moser	
Bostelman	Friesen	Hilkemann	Murman	
Brandt	Geist	Kolterman	Sanders	

Voting in the negative, 9:

Cavanaugh, J.	Hansen, M.	Lathrop	McKinney	Pansing Brooks
Cavanaugh, M.	Hunt	McCollister	Morfeld	

Present and not voting, 9:

Bostar	DeBoer	Hughes	Pahls	Wayne
Day	Erdman	McDonnell	Walz	

Excused and not voting, 4:

Briese	Groene	Stinner	Wishart
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The appointment was confirmed with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 478:

Nebraska Environmental Trust Board  
Jim Hellbusch

Voting in the affirmative, 25:

Aguilar	Brewer	Geist	Kolterman	Murman
Albrecht	Clements	Gragert	Lindstrom	Pahls
Arch	Dorn	Hansen, B.	Linehan	Sanders
Bostelman	Flood	Hilgers	Lowe	Walz
Brandt	Friesen	Hilkemann	Moser	Williams

Voting in the negative, 8:

Blood	Cavanaugh, M.	Hunt	McKinney
Cavanaugh, J.	Hansen, M.	Lathrop	Pansing Brooks

Present and not voting, 11:

Bostar	Erdman	McCollister	Vargas
Day	Halloran	McDonnell	Wayne
DeBoer	Hughes	Slama	

Excused and not voting, 5:

Briese	Groene	Morfeld	Stinner	Wishart
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The appointment was confirmed with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 478:

Nebraska Environmental Trust Board  
Mark Quandahl

Voting in the affirmative, 29:

Aguilar	Clements	Gragert	Lindstrom	Murman
Albrecht	Dorn	Halloran	Linehan	Pahls
Arch	Erdman	Hansen, B.	Lowe	Sanders
Bostelman	Flood	Hilgers	McCollister	Walz
Brandt	Friesen	Hilkemann	McDonnell	Williams
Brewer	Geist	Kolterman	Moser	

Voting in the negative, 7:

Blood	Cavanaugh, M.	Hunt	Pansing Brooks
Cavanaugh, J.	Hansen, M.	McKinney	

Present and not voting, 8:

Bostar	DeBoer	Lathrop	Vargas
Day	Hughes	Slama	Wayne

Excused and not voting, 5:

Briese	Groene	Morfeld	Stinner	Wishart
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The appointment was confirmed with 29 ayes, 7 nays, 8 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 478:

Nebraska Environmental Trust Board  
Joshua N. Andersen

Voting in the affirmative, 26:

Aguilar	Clements	Halloran	Linehan	Walz
Albrecht	Dorn	Hansen, B.	Lowe	Williams
Arch	Flood	Hilgers	Moser	
Bostelman	Friesen	Hilkemann	Murman	
Brandt	Geist	Kolterman	Pahls	
Brewer	Gragert	Lindstrom	Sanders	

Voting in the negative, 6:

Blood	Cavanaugh, M.	McKinney
Cavanaugh, J.	Hansen, M.	Pansing Brooks

Present and not voting, 12:

Bostar	Erdman	Lathrop	Slama
Day	Hughes	McCollister	Vargas
DeBoer	Hunt	McDonnell	Wayne

Excused and not voting, 5:

Briese	Groene	Morfeld	Stinner	Wishart
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The appointment was confirmed with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 5.** Read. Considered.

Committee [AM197](#), found on page 398, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LR5, as amended, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 128.** Read. Considered.

LR128 was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

### MESSAGE(S) FROM THE GOVERNOR

May 21, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 57, 90, 166, 166A, 209, 256, 261, 275e, 275Ae, 291, 296, 313, 317, 317A, 355, 407, 479, 521, 540, 628e, and 669e were received in my office on May 19, 2021.

These bills were signed and delivered to the Secretary of State on May 21, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor



**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2021, at 11:36 a.m. were the following: LBs 432, 432A, 579, 236, 285e, and 100e.

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

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 248.** Introduced by Erdman, 47.

WHEREAS, Legislative District 47 consists of ten counties in Nebraska's Panhandle, including Arthur, Banner, Box Butte, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill, and Sioux; and

WHEREAS, the Second Amendment to the Constitution of the United States provides for the right of the people to keep and to bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 47 are strong supporters of our freedoms and understand that the right to keep and bear arms is a fundamental right of our republic guaranteed to the citizens by the Second Amendment; and

WHEREAS, all ten counties of Legislative District 47 have embraced this right of the people to keep and bear arms by passing resolutions and ordinances declaring these counties as Second Amendment sanctuary counties; and

WHEREAS, this right to keep and bear arms is reaffirmed in Article 1, section 1, of the Constitution of Nebraska.

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

1. That the Legislature recognizes the people of Legislative District 47 as strong supporters of the Second Amendment of the Constitution of the United States.

2. That the Legislature recognizes the counties of Arthur, Banner, Box Butte, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill, and Sioux as Second Amendment sanctuary counties, whereby the right to keep and bear arms shall be upheld and honored.

3. That copies of this resolution be sent to the county boards of Arthur, Banner, Box Butte, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill, and Sioux counties.

Laid over.

**LEGISLATIVE RESOLUTION 249.** Introduced by Friesen, 34.

WHEREAS, Legislative District 34 consists of Nance, Merrick, Hamilton, and parts of Hall counties; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 34 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Nance, Merrick, Hamilton, and Hall counties have joined many other counties and states and passed ordinances declaring that these counties are Second Amendment sanctuary counties.

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

1. That the Legislature recognizes Nance, Merrick, Hamilton, and Hall counties as Second Amendment sanctuary counties and as strong supporters of the Second Amendment.

2. That copies of this resolution be sent to the county boards of Nance, Merrick, Hamilton, and Hall counties.

Laid over.

**LEGISLATIVE RESOLUTION 250.** Introduced by Hilkemann, 4; Aguilar, 35; Arch, 14; Blood, 3; Cavanaugh, J., 9; Cavanaugh, M., 6; DeBoer, 10; Flood, 19; Halloran, 33; Hilgers, 21; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Pahls, 31; Sanders, 45; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Dr. Adi Pour has served as health director of the Douglas County Health Department since 2002 and has led the department during the COVID-19 pandemic; and

WHEREAS, in her role as health director, Adi oversees a department with one hundred thirty employees and a budget of over sixteen million dollars; and

WHEREAS, Adi earned her master's and doctorate degrees in toxicology from the University of Nebraska Medical Center; and

WHEREAS, from 1989 to 2002, Adi served as the state toxicologist with the Department of Health and Human Services; and

WHEREAS, several local nonprofit corporations benefit from Adi's service as a board member; and

WHEREAS, Adi will be retiring from her position as health director of the Douglas County Health Department at the end of June.

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

1. That the Legislature recognizes Dr. Adi Pour for her service to the state in her current role as health director of the Douglas County Health Department and her previous position as state toxicologist and congratulates her on her retirement.

2. That a copy of this resolution be sent to Dr. Adi Pour.

Laid over.

**LEGISLATIVE RESOLUTION 251.** Introduced by Hansen, B., 16.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at CHI Health Center in Omaha; and

WHEREAS, senior Josh Miller wrestled for the Arlington Public Schools wrestling team as coached by Doug Hart; and

WHEREAS, Coach Hart stated "Josh is a very hard working individual, he is also very detail-oriented not only in the classroom but in all of his athletics. He was a great leader for the Arlington wrestling program and will be missed."; and

WHEREAS, Josh won the Class C 170-pound state championship match during the 2021 Nebraska State Wrestling Tournament; 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 SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Josh Miller on winning the 170-pound division at the 2021 Class C State Wrestling Championship.

2. That copies of this resolution be sent to Josh Miller and coach Doug Hart.

Laid over.

**LEGISLATIVE RESOLUTION 252.** Introduced by Hansen, B., 16.

WHEREAS, on April 18, 1921, the Legislature passed a resolution naming John G. Neihardt as the state poet laureate and held the official notification ceremony on June 18, 1921; and

WHEREAS, John was the first poet laureate in Nebraska, and the first in the United States to receive the designation through legislative action; and

WHEREAS, the Legislature noted that John "inspired in Americans that love of the land and its heroes whereby great national traditions are built and perpetuated"; and

WHEREAS, John authored many highly regarded books, poems, and other writings that are widely read today, including, but not limited to, Black Elk Speaks and A Cycle of the West; and

WHEREAS, embracing the literary arts within the state is essential for celebrating our history and culture; and

WHEREAS, poetic expression is an honored literary tradition that engages the community with feelings, thoughts, and perspectives through artistic narratives that embrace the human condition; and

WHEREAS, this year marks one hundred years since John G. Neihardt was named poet laureate.

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

1. That the Legislature recognizes June 18, 2021, as John G. Neihardt Day.
2. That a copy of this resolution be sent to the John G. Neihardt State Historic Site in Bancroft.

Laid over.

**LEGISLATIVE RESOLUTION 253.** Introduced by Hansen, B., 16.

WHEREAS, Legislative District 16 consists of Washington, Burt, and Cuming counties; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 16 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Washington, Burt, and Cuming counties have joined many other counties and states and passed ordinances declaring these counties as Second Amendment sanctuary counties.

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

1. That the Legislature recognizes Washington, Burt, and Cuming counties as Second Amendment sanctuary counties and as strong supporters of the Second Amendment.
2. That copies of this resolution be sent to the county boards of Washington, Burt, and Cuming counties.

Laid over.

**LEGISLATIVE RESOLUTION 254.** Introduced by Halloran, 33.

WHEREAS, Legislative District 33 consists of Adams County and parts of Hall County; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of District 33 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Adams and Hall counties have joined many other counties and states and passed ordinances declaring these counties are Second Amendment sanctuary counties.

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

1. That the Legislature recognizes Adam and Hall counties as Second Amendment sanctuary counties and as strong supporters of the Second Amendment.

2. That copies of this resolution be sent to the county boards of Adams and Hall counties.

Laid over.

**LEGISLATIVE RESOLUTION 255.** Introduced by Vargas, 7.

WHEREAS, the National Education Association, as part of their annual Human and Civil Rights Award program, presents the Cesar Chavez Accion y Compromiso Human and Civil Rights Award to a nominee who follows in the exemplary footsteps of Cesar Chavez in philosophy, work, and leadership by:

(1) Engaging in activities that dignify workers and their jobs and give them hope for a better life;

(2) Demonstrating devotion, resilience, and strength in organizing traditionally disadvantaged workers;

(3) Combining labor relations techniques and grassroots organizing to achieve improvements in working conditions;

(4) Making notable contributions to the labor movement through commitment, action, and negotiation; or

(5) Organizing racially and ethnically diverse groups to support and empower disadvantaged workers and their families; and

WHEREAS, the Children of Smithfield group, led by Maira Mendez-Rodriguez, demonstrated the criteria to be deserving of the Cesar Chavez Accion y Compromiso Human and Civil Rights Award by demonstrating resilience and strength in their organizational work to help dignify workers and improve working conditions during the COVID-19 pandemic; and

WHEREAS, the Children of Smithfield were awarded the 2021 Cesar Chavez Accion y Compromiso Human and Civil Rights Award.

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

1. That the Legislature congratulates the Children of Smithfield on receiving the National Education Association's 2021 Cesar Chavez Accion y Compromiso Human and Civil Rights Award.

2. That copies of this resolution be sent to the Children of Smithfield and Maira Mendez-Rodriguez.

Laid over.

**LEGISLATIVE RESOLUTION 256.** Introduced by Lowe, 37.

WHEREAS, Legislative District 37 is located in Buffalo County; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Buffalo County are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Buffalo County has joined many other counties and states and passed an ordinance declaring that it is a Second Amendment sanctuary county.

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

1. That the Legislature recognizes Buffalo County as a Second Amendment sanctuary county and a strong supporter of the Second Amendment.

2. That a copy of this resolution be sent to the county board of Buffalo County.

Laid over.

**LEGISLATIVE RESOLUTION 257.** Introduced by Murman, 38.

WHEREAS, Clay, Webster, and part of Buffalo County are part of Legislative District 38; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 38 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Clay, Webster, and Buffalo counties have joined many other counties and states and passed ordinances declaring these counties as Second Amendment sanctuary counties.

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

1. That the Legislature recognizes Clay, Webster, and Buffalo counties as Second Amendment sanctuary counties and strong supporters of the Second Amendment.

2. That a copy of this resolution be sent to the county boards of Clay, Webster, and Buffalo counties.

Laid over.

**LEGISLATIVE RESOLUTION 258.** Introduced by Albrecht, 17.

WHEREAS, Legislative District 17 consists of three counties, including Wayne, Dakota, and Thurston counties; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 17 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Dakota County has joined the other counties of Legislative District 17 and many other counties and states and passed an ordinance declaring that it is a Second Amendment sanctuary county.

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

1. That the Legislature recognizes Dakota County as a Second Amendment sanctuary county and a strong supporter of the Second Amendment.

2. That a copy of this resolution be sent to the county board of Dakota County.

Laid over.

**LEGISLATIVE RESOLUTION 259.** Introduced by Albrecht, 17.

WHEREAS, Legislative District 17 consists of three counties, including Wayne, Dakota, and Thurston counties; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 17 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Wayne County has joined the other counties of Legislative District 17 and many other counties and states and passed an ordinance declaring that it is a Second Amendment sanctuary county.

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

1. That the Legislature recognizes Wayne County as a Second Amendment sanctuary county and a strong supporter of the Second Amendment.

2. That a copy of this resolution be sent to the county board of Wayne County.

Laid over.

**LEGISLATIVE RESOLUTION 260.** Introduced by Albrecht, 17.

WHEREAS, Legislative District 17 consists of three counties, including Wayne, Dakota, and Thurston counties; and

WHEREAS, the Second Amendment to the Constitution of the United States provides that it is the right of the people to keep and bear arms and that such right shall not be infringed; and

WHEREAS, the people of Legislative District 17 are strong supporters of our freedoms and the Second Amendment; and

WHEREAS, Thurston County has joined the other counties of Legislative District 17 and many other counties and states and passed an ordinance declaring that it is a Second Amendment sanctuary county.

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

1. That the Legislature recognizes Thurston County as a Second Amendment sanctuary county and a strong supporter of the Second Amendment.
2. That a copy of this resolution be sent to the county board of Thurston County.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LRs 248, 249, 253, 254, 256, 257, 258, 259, and 260 were referred to the Reference Committee.

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

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

Senator Clements name added to LR239.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Heather Kleeman of Lincoln.

#### **ADJOURNMENT**

At 2:18 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Wednesday, May 26, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-THIRD DAY - MAY 26, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 26, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Erdman.

**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 Bostar, M. Cavanaugh, B. Hansen, Hilkemann, Lathrop, Pansing Brooks, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 358, after line, 17, insert "Senator Hansen, B. name added to LB387."  
The Journal for the twentieth day was approved as corrected.

The Journal for the eighty-second day was approved.

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 579, 236, 285e, and 100e.

(Signed) Matt Hansen

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

Senator Hilgers filed the following motion:  
Suspend Rule 6, Section 3 and 5, and Rule 7, Sections 3 and 7, and to

indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 99, 161, 162, 189, 218, 254, 288, 295, 316, 354, 365, 415, 549, 556, 570, and 647.

### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR5.

(Signed) Terrell McKinney, Chairperson

### **ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 5.** Introduced by Gragert, 40; Brewer, 43; Halloran, 33; Slama, 1; Blood, 3.

WHEREAS, the One Hundred Sixth Legislature recognized the benefits of achieving more rapid and widespread adoption of soil-health management practices; and

WHEREAS, the One Hundred Sixth Legislature created a seventeen-member Healthy Soils Task Force to develop a healthy soils initiative for the State of Nebraska; and

WHEREAS, members of the Healthy Soils Task Force and stakeholders across Nebraska researched the soil-health programs and activities of other states, assessed current soil-health work in Nebraska, examined soil-health and related issues as specified by legislation, and developed a plan to build on and enhance existing programs; and

WHEREAS, the Healthy Soils Task Force focused on ways to increase profitability for producers and landlords while simultaneously protecting the environment for future generations without the need for mandates or regulations; and

WHEREAS, the Healthy Soils Task Force thinks by being proactive in addressing key agronomic and environmental issues that Nebraska might avoid the strict mandates and regulations found in other states; and

WHEREAS, growing interest exists for creating programs which reward producers to voluntarily implement practices to promote and conserve the health and quality of soil and water in Nebraska; and

WHEREAS, a permanent healthy soils initiative and a central hub providing a single point of contact would benefit Nebraska and increase coordination, collaboration, and communication relating to soil-health advancement.

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

1. That the Legislature acknowledges the report, findings, and recommendations that the Healthy Soils Task Force submitted to the Governor and the Agriculture Committee of the Legislature.

2. That the Legislature supports and encourages a voluntary grassroots effort to accelerate means to protect and enhance Nebraska's soil and receive the benefits described in the report from the Healthy Soils Task Force.

3. That the Legislature encourages the Department of Agriculture, the Department of Natural Resources, and other state agencies to assist in the voluntary grassroots effort.

### MESSAGE(S) FROM THE GOVERNOR

May 24, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 2, 40, 40A, 156, 156A, 247e, 247Ae, 255, 260, 271, 271A, 273, 302, 307, 322e, 322Ae, 324, 324A, 411e, 411Ae, 485, 485A, 527, 527A, 639, 644, 650, 650A, 664, and 664A were received in my office on May 19, 2021.

These bills were signed and delivered to the Secretary of State on May 24, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

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 131e and LB 131Ae but have concerns about provisions of the legislation, which create the Municipal Natural Gas Emergency Assistance Act to provide up to 80% of the extraordinary costs incurred due to extreme weather events to municipalities that own and operate a natural gas plant or natural gas system.

Providing a state-funded taxpayer bailout to communities which failed to manage and minimize their individual market exposure sets a bad precedent. Severe weather events are not unusual in Nebraska. The bill provides \$4

million dollars for public natural gas systems that did not properly plan and, therefore, had to purchase natural gas at high market prices during the extreme cold temperatures this past winter. It is especially concerning that the program continues through June 30, 2023. No community affected in February 2021 should continue to be eligible to claim against this fund for over one year after the event.

LB 131 obligates all Nebraskans to pay for the irresponsible errors made by certain communities' natural gas systems. Every taxpayer will already be paying their own increased bills. They will now be obligated to also pay to keep the rates lower for others in communities that chose to risk market prices instead of ensuring fixed cost contracts.

Notwithstanding the policy problem created by LB 131, I have signed the legislation due to the unusual year we have just withstood during the pandemic, which caused a financial hardship for many Nebraskans. I consider the funding provided by LB 131Ae as a one-time payment in light of this extreme hardship circumstance.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

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 103 but have concerns about the troubling precedent that is being set by the bill.

The events leading to the introduction of LB 472, LB 473 and LB 474 in 2019 and LB 103 in 2021 are indeed tragic. It is tragic that Gage County's law enforcement officers violated the civil rights of the Beatrice Six. It is tragic that the County did not have the proper insurance, thus necessitating the county to raise property taxes to pay the federal judgment. Finally, it is tragic that the residents of Gage County will have to pay extremely large property taxes for the unscrupulous prior actions of their elected officials.

The 106th Legislature passed LB 472 over my objections, allowing the Gage County Board to impose a sales and use tax of one-half of one percent with a two-thirds majority vote of the board. Bypassing a vote of the people, the board enacted the sales tax increase.

LB 103 is the second bill to be passed by the Nebraska Legislature within two years that addresses the poor decisions made by prior Gage County Board of Supervisors, and it is another iteration of a prior legislative proposal that would have had State of Nebraska taxpayers from all counties pay for the egregious errors made by Gage County elected officials to satisfy the Beatrice Six court judgment.

Notwithstanding the policy problem created by LB 103, I have signed the bill for one reason. The unusual year we have just withstood during the pandemic caused a financial hardship for many Nebraskans, including those in Gage County. I consider the funding provided by LB 103 as a one-time payment in light of this extreme hardship circumstance.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 387 was received in my office on May 19, 2021.

This bill was signed and delivered to the Secretary of State on May 25, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 18e, 26, 39, 39A, 51, 51A, 64, 84, 139e, 185, 336, 366, 366A, 396, 396A, 406, 406A, 428e, 428Ae, 452, 528, 544, 544A, 561, 561A, 566e, 566Ae, 572, 595, 630, 630A, 649, 649A, and 682e were received in my office on May 20, 2021.

These bills were signed and delivered to the Secretary of State on May 25, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

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 108e and 108Ae without my signature and with my objections. LB 108 will increase the gross income eligibility limit to apply for food stamps from 130% to 165% of the federal poverty level (FPL) until October 1, 2023. However, in order for applicants to receive these benefits they must also satisfy the 100% net income eligibility limit, which is set by the federal government. Many applicants will be denied the food stamp benefits. This will result in widespread disappointment among applicants and significant wasted effort to process the extreme volume of applications for individuals that will ultimately be deemed ineligible for benefits.

Additionally, impacts of the federal gross 100% FPL requirement were underrepresented during the debate. More families will have to reduce their incomes and may be incentivized to spend more in allowable expenses to meet the 100% FPL. This will create a perverse incentive for individuals who have an opportunity to get a better job to provide for their family to instead become more dependent on public benefits. The bill comes at a time when we are encouraging Nebraskans to return to work and remove their dependency on government assistance.

LB 108 would dramatically expand a taxpayer-funded food assistance program that is only intended to benefit those who are truly in need. While the bill contains a sunset for the expansion provision, history proves that it is nearly impossible to reign in a public benefit. In three years when the expansion provided in the bill ends, there will undoubtedly be a proposal before the Legislature to extend the sunset. Children and our most vulnerable Nebraskans are already being served by the current program. LB 108 does nothing more than create another cliff where individuals falling in the expansion population above 130% FPL and at or below 165% FPL will get their benefits cut off as of October 1, 2023.

Our state has successfully regained jobs and restored growth after the disruptions of the pandemic. We had the lowest average unemployment rate of any state in 2020, and our current unemployment rate of 2.8% is the lowest in the nation. We offer programs like SNAP Next Step to help families gain job skills to live better lives. On average, participants who complete SNAP Next Step receive more than a \$20,500 annual increase in their income. We should continue to empower families to achieve greater financial independence. A provision to require participation for the expansion population in this job training program was stripped from the bill. Therefore, the expanded population is not even asked to look for work or to engage in additional education or training that will assist in their future work efforts.

Nebraska is a step ahead recovering from the pandemic. We are getting people back to work and employers are trying to hire staff. As I have heard from many of you, small Nebraska businesses cannot hire staff, and they are struggling to stay open or to re-open. We should remove any incentives that would slow reopening, regrowth, re-employment, and reconnecting. Whether intended or not, LB 108 discourages Nebraskans from returning to work.

For these reasons, I respectfully urge you to sustain my vetoes of LB 108e and 108Ae.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

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 147e and LB 147Ae without my signature and with my objections. The legislation entangles the State of Nebraska in the administration and management of the Omaha Public Schools (OPS) pension plan and sets a course for Nebraska taxpayers to bailout the OPS plan.

LB 147 takes a pivotal step in a series of incremental changes pushed by OPS to shift the burden to the State of Nebraska to fix the school district's long-term pension disaster. This crisis was created by the gross incompetence of the prior Omaha School Employees Retirement Systems (OSERS) Board. I objected early and have continued to repeat my objections to the State taking over management of the OPS plan for that reason.

Despite misleading statements to the contrary made by the bill's sponsor, I objected to taking over management of the OPS plan even when I signed LB 31 in 2019. LB 31 looked at the costs of assuming management of the OPS pension plan, but the report shows no benefit to the State and minimal benefits to OPS. The benefits touted in LB 147 are tenuous at best and could be achieved through better local management.

Despite representations that LB 147 protects the State, nothing in the language of LB 147 prevents OPS from seeking additional state funding to meet the district's obligations short of outright assuming the full liability. Additionally, State management erodes the distinction between the State's existing school retirement plan and the OPS pension plan. Without clear distinctions, future legislators will likely assume responsibility over both plans, which has always been OPS's intention.

The bill cannot bind future legislative actions. Should the State take over the OPS pension plan liability, it would cost Nebraskans property tax relief. The \$848 million of unfunded liabilities in the OPS plan exceeds the significant and generous amount of nearly \$790 million of property tax relief we all worked exceptionally hard to ensure will be provided for taxpayers next year. Funding the cost of taking over liability will come at the expense of increasing future property tax relief.

LB 147 is poor public policy and continues the slippery slope of the state taxpayer bailout of the OPS pension plan.

For these reasons, I respectfully urge you to sustain my vetoes of LB 147e and LB 147Ae.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 25, 2021

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 306e and LB 306Ae without my signature and with my objections.

LB 306 permanently increases the income eligibility for the Low-Income Energy Assistance Program (LIHEAP) from 130% of the Federal Poverty Level (FPL) to 150% FPL. The bill also requires that a minimum of 10% of available LIHEAP funds be allocated for weatherization assistance.

Apart from the temporary LIHEAP funding increase, the regular federal allotment does not fully fund the heating, cooling, and weatherization costs for Nebraskans who are at or below the existing 130% federal poverty level. Permanently expanding program participants who have higher incomes by what the fiscal office estimates to be another 22,555 individuals. This would be a permanent benefit expansion funded with one-time federal dollars. When those one-time federal dollars run out, the most in need will be disadvantaged by receiving a smaller share of the regular LIHEAP program funds.

Instead of jeopardizing the ongoing funding integrity of the program, I will commit to using the temporary LIHEAP funding increase that Nebraska is slated to receive under the American Rescue Plan Act to serve those whose incomes fall between 130% - 150% of the Federal Poverty Level and to provide additional weatherization assistance as is proposed in the bill. When the enhanced LIHEAP funding is no longer available, then the program eligibility would return to their current levels to serve individuals whose incomes are at or below 130% of the Federal Poverty Level.



For these reasons, I respectfully urge you to sustain my vetoes of LB 306e and LB 306Ae.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 150, 153, 160, 169, 195, and 197 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 128, 150, 153, 160, 169, 195, and 197.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 134.** Read. Considered.

Committee [AM1472](#), found on page 1545, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

[FA59](#)

Amend AM1472.

On page 2, line 6 strike "allow for".

Senator Blood offered the following motion:

[MO114](#)

Recommit to the Redistricting Committee.

Senator Blood withdrew her motion to recommit to committee.

Senator Linehan moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 16:

Blood	Day	Lathrop	Pansing Brooks
Bostar	DeBoer	McDonnell	Vargas
Cavanaugh, J.	Hansen, M.	McKinney	Walz
Cavanaugh, M.	Hunt	Morfeld	Wishart

Voting in the negative, 28:

Aguilar	Briese	Gragert	Hughes	Sanders
Albrecht	Clements	Groene	Lindstrom	Slama
Arch	Dorn	Halloran	Linehan	Stinner
Bostelman	Erdman	Hansen, B.	Lowe	Williams
Brandt	Flood	Hilgers	Moser	
Brewer	Geist	Hilkemann	Murman	

Present and not voting, 3:

Kolterman    McCollister    Pahls

Absent and not voting, 1:

Friesen

Excused and not voting, 1:

Wayne

The Morfeld amendment lost with 16 ayes, 28 nays, 3 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Morfeld offered the following amendment to the committee amendment:

[FA60](#)

Amend AM1472.

On page 3, line 20, strike "10%" and insert "8%".

The Morfeld amendment lost with 15 ayes, 28 nays, 5 present and not voting, and 1 excused and not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

Senator Linehan requested a roll call vote on the committee amendment.

Voting in the affirmative, 30:

Aguilar	Briese	Geist	Hilkemann	Moser
Albrecht	Clements	Gragert	Hughes	Murman
Arch	Dorn	Groene	Kolterman	Sanders
Bostelman	Erdman	Halloran	Lindstrom	Slama
Brandt	Flood	Hansen, B.	Linehan	Stinner
Brewer	Friesen	Hilgers	Lowe	Williams

Voting in the negative, 16:

Blood	Day	Lathrop	Pansing Brooks
Bostar	DeBoer	McDonnell	Vargas
Cavanaugh, J.	Hansen, M.	McKinney	Walz
Cavanaugh, M.	Hunt	Morfeld	Wishart

Present and not voting, 2:

McCollister Pahls

Excused and not voting, 1:

Wayne

The committee amendment was adopted with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the adoption of the resolution.

Voting in the affirmative, 31:

Aguilar	Clements	Groene	Lindstrom	Slama
Albrecht	Dorn	Halloran	Linehan	Stinner
Arch	Erdman	Hansen, B.	Lowe	Williams
Bostelman	Flood	Hilgers	Moser	
Brandt	Friesen	Hilkemann	Murman	
Brewer	Geist	Hughes	Pahls	
Briese	Gragert	Kolterman	Sanders	

Voting in the negative, 16:

Blood	Day	Lathrop	Pansing Brooks
Bostar	DeBoer	McDonnell	Vargas
Cavanaugh, J.	Hansen, M.	McKinney	Walz
Cavanaugh, M.	Hunt	Morfeld	Wishart

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Wayne

LR134, as amended, was adopted with 31 ayes, 16 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR117	Natural Resources
LR131	Urban Affairs
LR239	Health and Human Services
LR246	Natural Resources
LR248	Judiciary
LR249	Judiciary
LR253	Judiciary
LR254	Judiciary
LR256	Judiciary
LR257	Judiciary
LR258	Judiciary
LR259	Judiciary
LR260	Judiciary

(Signed) Dan Hughes, Chairperson  
Executive Board

### MESSAGE(S) FROM THE GOVERNOR

May 26, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 100e, 236, 285e, 432, 432A, and 579 were received in my office on May 21, 2021.

These bills were signed and delivered to the Secretary of State on May 26, 2021.

(Signed) Sincerely,  
Pete Ricketts  
Governor

May 26, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 388e and 388Ae were received in my office on May 20, 2021.

These bills were signed and delivered to the Secretary of State on May 26, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 26, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 274e and 274Ae were received in my office on May 20, 2021.

These bills were signed on May 25, 2021, and delivered to the Secretary of State on May 26, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

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

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

Senator Vargas name added to LR128.  
Senator Sanders name added to LR134.

**RECESS**

At 11:06 a.m., on a motion by Senator Slama, 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 Bostar, Morfeld, and Pansing Brooks who were excused until they arrive.

**MOTION(S) - Override Veto on LB108**

Senator McCollister offered the following motion to LB108:

MO110

Becomes law notwithstanding the objections of the Governor.

Senator McCollister moved for a call of the house. The motion prevailed with 35 ayes, 4 nays, and 10 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hunt	McKinney	Walz
Cavanaugh, J.	Friesen	Kolterman	Morfeld	Wayne
Cavanaugh, M.	Gragert	Lathrop	Pahls	Williams
Day	Halloran	Lindstrom	Pansing Brooks	Wishart

Voting in the negative, 19:

Aguilar	Brewer	Geist	Hughes	Murman
Albrecht	Briese	Groene	Linehan	Sanders
Arch	Clements	Hansen, B.	Lowe	Slama
Bostelman	Erdman	Hilgers	Moser	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Override Veto on LB108A**

Senator McCollister offered the following motion to LB108A:  
MO111

Becomes law notwithstanding the objections of the Governor.

Senator McCollister requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Blood	DeBoer	Hansen, M.	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hunt	McKinney	Walz
Cavanaugh, J.	Friesen	Kolterman	Morfeld	Wayne
Cavanaugh, M.	Gragert	Lathrop	Pahls	Williams
Day	Halloran	Lindstrom	Pansing Brooks	Wishart

Voting in the negative, 19:

Aguilar	Brewer	Geist	Hughes	Murman
Albrecht	Briese	Groene	Linehan	Sanders
Arch	Clements	Hansen, B.	Lowe	Slama
Bostelman	Erdman	Hilgers	Moser	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**MOTION(S) - Override Veto on LB306**

Senator Brandt offered the following motion to LB306:  
MO108

Becomes law notwithstanding the objections of the Governor.

Senator Brandt moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Senator Brandt requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Blood	Day	Hansen, M.	McDonnell	Walz
Bostar	DeBoer	Hilkemann	McKinney	Wayne
Bostelman	Dorn	Hunt	Morfeld	Williams
Brandt	Flood	Kolterman	Pahls	Wishart
Briese	Friesen	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Stinner	
Cavanaugh, M.	Halloran	McCollister	Vargas	

Voting in the negative, 15:

Aguilar	Clements	Groene	Linehan	Murman
Albrecht	Erdman	Hilgers	Lowe	Sanders
Brewer	Geist	Hughes	Moser	Slama

Present and not voting, 2:

Arch            Hansen, B.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

#### **MOTION(S) - Override Veto on LB306A**

Senator Brandt offered the following motion to LB306A:

[MO109](#)

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Blood	Day	Hansen, M.	McDonnell	Walz
Bostar	DeBoer	Hilkemann	McKinney	Wayne
Bostelman	Dorn	Hunt	Morfeld	Williams
Brandt	Flood	Kolterman	Pahls	Wishart
Briese	Friesen	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Stinner	
Cavanaugh, M.	Halloran	McCollister	Vargas	

Voting in the negative, 16:



Aguilar	Erdman	Hilgers	Moser
Albrecht	Geist	Hughes	Murman
Brewer	Groene	Linehan	Sanders
Clements	Hansen, B.	Lowe	Slama

Present and not voting, 1:

Arch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**MOTION(S) - Override Veto on LB147**

Senator Kolterman offered the following motion to LB147:

[MO112](#)

Becomes law notwithstanding the objections of the Governor.

Senator Kolterman moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Aguilar	DeBoer	Hilkemann	McDonnell	Wayne
Blood	Dorn	Hunt	McKinney	Williams
Bostar	Flood	Kolterman	Morfeld	Wishart
Brandt	Gragert	Lathrop	Pansing Brooks	
Cavanaugh, J.	Halloran	Lindstrom	Stinner	
Cavanaugh, M.	Hansen, M.	Linehan	Vargas	
Day	Hilgers	McCollister	Walz	

Voting in the negative, 18:

Albrecht	Briese	Geist	Lowe	Sanders
Arch	Clements	Groene	Moser	Slama
Bostelman	Erdman	Hansen, B.	Murman	
Brewer	Friesen	Hughes	Pahls	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Override Veto on LB147A**

Senator Kolterman offered the following motion to LB147A:

MO113

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Aguilar	Day	Hilgers	McCollister	Vargas
Arch	DeBoer	Hilkemann	McDonnell	Walz
Blood	Dorn	Hunt	McKinney	Wayne
Bostar	Flood	Kolterman	Morfeld	Williams
Brandt	Gragert	Lathrop	Pahls	Wishart
Cavanaugh, J.	Halloran	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Linehan	Stinner	

Voting in the negative, 16:

Albrecht	Clements	Groene	Moser
Bostelman	Erdman	Hansen, B.	Murman
Brewer	Friesen	Hughes	Sanders
Briese	Geist	Lowe	Slama

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**MOTION - Suspend Rules**

Senator Flood offered his motion, MO46, found on page 1125, to suspend Rule 3, Section 20 (d) so as to provide that LR14 "not stand as indefinitely postponed", to LR14.

Senator Flood moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Flood requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

Aguilar	Briese	Gragert	Linehan	Pahls
Arch	Clements	Halloran	Lowe	Sanders
Bostar	Dorn	Hansen, B.	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Flood	Kolterman	Moser	Williams
Brewer	Friesen	Lindstrom	Murman	Wishart

Voting in the negative, 14:

Blood	Geist	Hughes	McKinney	Vargas
Cavanaugh, J.	Hansen, M.	Hunt	Morfeld	Walz
Day	Hilgers	Lathrop	Pansing Brooks	

Present and not voting, 2:

Cavanaugh, M. DeBoer

Excused and not voting, 3:

Albrecht Groene Slama

The Flood motion to suspend the rules prevailed with 30 ayes, 14 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### COMMUNICATION

May 26, 2021

The Honorable Robert Evnen  
 Secretary of State  
 2300 State Capitol  
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB108e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB108e, notwithstanding the objections of the Governor.

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

PJO;jl  
 Enc.

**CERTIFICATE**

Legislative Bill 108e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

**COMMUNICATION**

May 26, 2021

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB108Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB108Ae, notwithstanding the objections of the Governor.

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

PJO:jl  
Enc.

**CERTIFICATE**

Legislative Bill 108Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

**COMMUNICATION**

May 26, 2021

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB306e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB306e, notwithstanding the objections of the Governor.

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

PJO:jl  
Enc.

#### **CERTIFICATE**

Legislative Bill 306e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

#### **COMMUNICATION**

May 26, 2021

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB306Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB306Ae, notwithstanding the objections of the Governor.

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

PJO:jl  
Enc.

#### **CERTIFICATE**

Legislative Bill 306Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

**COMMUNICATION**

May 26, 2021

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB147e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB147e, notwithstanding the objections of the Governor.

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

PJO:jl  
Enc.

**CERTIFICATE**

Legislative Bill 147e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

**COMMUNICATION**

May 26, 2021

The Honorable Robert Evnen  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB147Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB147Ae, notwithstanding the objections of the

Governor.

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

PJO:jl  
Enc.

**CERTIFICATE**

Legislative Bill 147Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley  
President of the Legislature

**COMMITTEE REPORT**  
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR134.

(Signed) Terrell McKinney, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 134.** Introduced by Redistricting Committee Blood, 3; Briese, 41; Lathrop, 12; Morfeld, 46; Wayne, 13; Linehan, 39; Lowe, 37; Geist, 25; Sanders, 45.

WHEREAS, redistricting of the various election districts will be considered as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created the Redistricting Committee to administer the 2021 redistricting process; and

WHEREAS, the Redistricting Committee adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2021 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. Population data from the 2020 United States Census will be used for purposes of redistricting.

2. District boundaries established by the Legislature during the 2021 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters, preserve communities of interest, and allow for the preservation of the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2021:

UNITED STATES HOUSE OF REPRESENTATIVES

(a) Three single-member districts.

(b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.

(c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, the preservation of communities of interest, and allowance for the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.



**LEGISLATURE**

(a) Forty-nine single-member districts.

(b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.

(c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.

(d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

**NEBRASKA SUPREME COURT**

(a) Six single-member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**BOARD OF REGENTS**

(a) Eight single-member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**PUBLIC SERVICE COMMISSION**

(a) Five single-member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**STATE BOARD OF EDUCATION**

(a) Eight single-member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 261.** Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Bostar, 29; Briese, 41; Flood, 19; Friesen, 34; Lindstrom, 18; Pahls, 31.

**PURPOSE:** The purpose of this interim study is to examine the structure and administration of and compliance with:

- (1) Individual and corporate income taxes;
- (2) Financial institution and insurance premiums taxes;
- (3) State and local sales and use taxes;
- (4) Real and personal property taxes; and
- (5) Any other taxes.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR**    **Committee**  
LR261    Revenue

(Signed) Dan Hughes, Chairperson  
Executive Board

#### EXECUTIVE BOARD REPORT

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

LB406 - The Statewide Tourism and Recreational Water Access and Resource Sustainability (STAR WARS) Special Committee

Senator Brandt  
Senator Clements  
Senator Gragert  
Senator Flood  
Senator Hughes  
Senator McCollister  
Senator McDonnell  
Senator Wishart

The committee also includes the Speaker, who shall serve as chairperson, and Senator Bostelman as chairperson of the Natural Resources Committee

LB247 - The Mental Health Crisis Hotline Task Force

Senator Bostar  
Senator Pansing Brooks  
Senator Brandt  
Senator Day  
Senator Friesen

LR141 - The School Finance Study Committee

Senator Bostar  
Senator Brandt  
Senator DeBoer  
Senator Dorn  
Senator Flood

Senator Friesen  
Senator Groene  
Senator McKinney  
Senator Pahls  
Senator Walz (Chair of Education Committee)  
Senator Wishart

(Signed) Dan Hughes, Chairperson  
Legislative Council, Executive Board

**ADJOURNMENT**

At 4:15 p.m., on a motion by Senator Stinner, the Legislature adjourned until 10:00 a.m., Thursday, May 27, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FOURTH DAY - MAY 27, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 27, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brewer.

**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 Senator Groene who was excused; and Senators Lathrop, Linehan, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 3.** Indefinitely postponed.  
**LEGISLATIVE BILL 62.** Indefinitely postponed.  
**LEGISLATIVE BILL 87.** Indefinitely postponed.  
**LEGISLATIVE BILL 327.** Indefinitely postponed.  
**LEGISLATIVE BILL 538.** Indefinitely postponed.  
**LEGISLATIVE BILL 558.** Indefinitely postponed.

(Signed) Lynne Walz, Chairperson

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on May 26, 2021, at 3:45 p.m. were the following: LBs 108e, 108Ae, 147e, 147Ae, 306e, and 306Ae.

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

**REPORTS**

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

**MOTION(S) - Withdraw LR135**

Senator Hunt offered her motion, [MO82](#), found on page 1545, to withdraw LR135.

The Hunt motion to withdraw the resolution prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**MOTION(S) - Withdraw LR228**

Senator Albrecht offered her motion, [MO104](#), found on page 1663, to withdraw LR228.

The Albrecht motion to withdraw the resolution prevailed with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 168.** Read. Considered.

**LEGISLATIVE RESOLUTION 247.** Read. Considered.

**LEGISLATIVE RESOLUTION 250.** Read. Considered.

**LEGISLATIVE RESOLUTION 251.** Read. Considered.

**LEGISLATIVE RESOLUTION 252.** Read. Considered.

**LEGISLATIVE RESOLUTION 255.** Read. Considered.

LRs 168, 247, 250, 251, 252, and 255 were adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Pursuant to Rule 4, Sec. 5(b), LRs 216, 217, 219, 220, 222, 224, 229, 238, 240, 241, 243, 244, and 245 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 5, 134, 168, 216, 217, 219, 220, 222, 224, 229, 238, 240, 241, 243, 244, 245, 247, 250, 251, 252, and 255.

**MOTION - Notify Governor**

Senator Hilkemann moved that a committee of five be appointed to notify the Governor that the One Hundred Seventh Legislature, First 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 Erdman, Linehan, McDonnell, Moser, and Wishart to serve on said committee.

The committee returned and escorted Governor Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Ricketts from the Chamber.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 14.** Placed on General File.

(Signed) Tom Brewer, Chairperson

**MOTION(S) - Suspend Rules**

Senator Hilgers offered his motion, found on page 1689, to suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 99, 161, 162, 189, 218, 254, 288, 295, 316, 354, 365, 415, 549, 556, 570, and 647.

The Hilgers motion to suspend the rules prevailed with 47 ayes, 1 nay, and 1 excused and not voting.

**MOTION - Journal, Session Laws, and Indexes**

Senator McKinney 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.

The motion prevailed.

**MOTION - Adjourn Sine Die**

Senator Erdman moved that the Journal for the Eighty-Fourth Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred Seventh Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:14 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature