

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 "1, 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 "1, 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

