

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

