

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 |
|-----------|--------|---------|---------|-------|

Excused and not voting, 3:

| | | |
|--------|-------------|----------------|
| Bostar | McCollister | Pansing Brooks |
|--------|-------------|----------------|

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 |
|----------|--------|---------|----------|-------|

Excused and not voting, 3:

| | | |
|--------|-------------|----------------|
| Bostar | McCollister | Pansing Brooks |
|--------|-------------|----------------|

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:

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|-----------|---------------|------------|----------------|----------|
| 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 |
|----------|----------|--------|------|---------|

Present and not voting, 3:

| | | |
|---------|----------|------------|
| Friesen | Halloran | Hansen, B. |
|---------|----------|------------|

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

