

SIXTIETH DAY - APRIL 13, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 13, 2021

PRAYER

The prayer was offered by Senator Dorn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Geist, M. Hansen, Hunt, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

AMENDMENT(S) - Print in Journal

Senator Arch filed the following amendment to LB428:

[AM943](#)

(Amendments to Standing Committee amendments, AM566)

- 1 1. Strike section 1.
- 2 2. On page 4, line 26, strike "effective date of this act" and
- 3 insert "operative date of this section".
- 4 3. On page 6, line 22, strike "1, 3, 5, and 7" and insert "2, 4, and
- 5 5 6"; and in line 25 strike "43-404, 83-102," and insert "83-102".
- 6 4. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 91. Introduced by Brewer, 43; Aguilar, 35; Briese, 41; Erdman, 47; Halloran, 33; Williams, 36.

WHEREAS, a number of volunteers from Grand Island to Alliance organized the Sandhills Journey Scenic Byway Association to apply for Nebraska Highway 2 to become a Nebraska Scenic Byway in 1999; and

WHEREAS, those volunteers voted on and chose the name Sandhills Journey Scenic Byway for the stretch of Nebraska Highway 2 between Grand Island and Alliance after that stretch was designated as a Nebraska Scenic Byway by Governor Mike Johanns in 1999; and

WHEREAS, the Sandhills Journey Scenic Byway extends for two hundred seventy-two miles between Alliance and Grand Island; and

WHEREAS, heading west to east, Alliance, Antioch, Lakeside, Ellsworth, Bingham, Ashby, Hyannis, Whitman, Mullen, Seneca, Thedford, Halsey, Dunning, Anselmo, Merna, Broken Bow, Berwyn, Ansley, Mason City, Litchfield, Hazard, Ravenna, Cairo, and Grand Island are located along the Sandhills Journey Scenic Byway; and

WHEREAS, the Sandhills encompass over nineteen thousand square miles and make up the largest area of grass-stabilized sand dunes in the Western Hemisphere; and

WHEREAS, the Sandhills are located above the Ogallala Aquifer, the largest aquifer in the world, which contributes water to the numerous wetlands, lakes, and streams that can be seen when traveling the Sandhills Journey Scenic Byway; and

WHEREAS, the Sandhills Journey Scenic Byway crosses several rivers in the Loup River system; and

WHEREAS, over eighty percent of the world's population of Sandhill Cranes stop along the Platte River near Grand Island during their annual migration; and

WHEREAS, historical museums with a focus on the prairie and the Sandhills are located along the Sandhills Journey Scenic Byway; and

WHEREAS, on February 16, 2021, the Sandhills Journey Scenic Byway was designated as a National Scenic Byway by the Federal Highway Administration.

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

1. That the legislature recognizes over twenty years of efforts by volunteers who worked to get Nebraska Scenic Byway and National Scenic Byway designations for the stretch of Nebraska Highway 2 between Grand Island and Alliance known as the Sandhills Journey Scenic Byway and congratulates them on their success.

2. That a copy of this resolution be sent to the Sandhills Journey Scenic Byway Association.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 80, 81, and 82 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 80, 81, and 82.

SELECT FILE

LEGISLATIVE BILL 379. [ER52](#), found on page 925, was adopted.

Senator M. Cavanaugh offered the following motion:

[MO32](#)

Bracket until April 15, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Cavanaugh, M.

Voting in the negative, 43:

Aguilar	Clements	Hansen, B.	McCollister	Slama
Albrecht	Day	Hilgers	McDonnell	Stinner
Arch	DeBoer	Hilkemann	McKinney	Vargas
Blood	Dorn	Hughes	Morfeld	Walz
Bostelman	Flood	Kolterman	Moser	Wayne
Brandt	Friesen	Lathrop	Murman	Williams
Brewer	Gragert	Lindstrom	Pahls	Wishart
Briese	Groene	Linehan	Pansing Brooks	
Cavanaugh, J.	Halloran	Lowe	Sanders	

Present and not voting, 1:

Erdman

Excused and not voting, 4:

Bostar Geist Hansen, M. Hunt

The M. Cavanaugh motion to bracket failed with 1 aye, 43 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Aguilar	Clements	Hilgers	McDonnell	Stinner
Albrecht	Day	Hilkemann	McKinney	Vargas
Arch	Dorn	Hughes	Morfeld	Walz
Blood	Erdman	Kolterman	Moser	Wayne
Bostelman	Flood	Lathrop	Murman	Williams
Brandt	Friesen	Lindstrom	Pahls	Wishart
Brewer	Gragert	Linehan	Pansing Brooks	
Briese	Halloran	Lowe	Sanders	
Cavanaugh, J.	Hansen, B.	McCollister	Slama	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. DeBoer Groene

Excused and not voting, 4:

Bostar Geist Hansen, M. Hunt

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 381. Considered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 271A. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, One Hundred Seventh Legislature, First Session, 2021.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Dunning, Eric - Director - Department of Insurance - Banking, Commerce and Insurance

(Signed) Dan Hughes, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to [LB17](#):
[AM929](#) is available in the Bill Room.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 616. Placed on Select File with amendment.

[ER58](#)

1 1. On page 1, strike beginning with "the" in line 4 through
2 "requirements" in line 6 and insert "provisions regarding vesting of
3 title and notification of disposition".

LEGISLATIVE BILL 58. Placed on Select File.

LEGISLATIVE BILL 63. Placed on Select File.

LEGISLATIVE BILL 466. Placed on Select File.

LEGISLATIVE BILL 181. Placed on Select File with amendment.

[ER57](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 7
2 and insert "revenue and taxation; to amend section 77-6703, Revised
3 Statutes Cumulative Supplement, 2020; to change certain school district
4 tax credit provisions; to provide an operative date; to repeal the
5 original section; and to declare an emergency".

(Signed) Terrell McKinney, Chairperson

SELECT FILE

LEGISLATIVE BILL 381. Senator M. Cavanaugh offered the following motion:

[MO33](#)

Bracket until April 15, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO34](#)

Bracket until April 20, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO35](#)

Bracket until April 21, 2021.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 6 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Cavanaugh, M.

Voting in the negative, 43:

Aguilar	Cavanaugh, J.	Halloran	Lowe	Sanders
Albrecht	Clements	Hansen, M.	McCollister	Slama
Arch	DeBoer	Hilgers	McDonnell	Stinner
Blood	Dorn	Hilkemann	McKinney	Vargas
Bostar	Flood	Hughes	Morfeld	Walz
Bostelman	Friesen	Kolterman	Moser	Williams
Brandt	Geist	Lathrop	Murman	Wishart
Brewer	Gragert	Lindstrom	Pahls	
Briese	Groene	Linehan	Pansing Brooks	

Present and not voting, 2:

Erdman Wayne

Excused and not voting, 3:

Day Hansen, B. Hunt

The M. Cavanaugh motion to bracket failed with 1 aye, 43 nays, 2 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 45:

Aguilar	Cavanaugh, J.	Gragert	Lindstrom	Pahls
Albrecht	Cavanaugh, M.	Groene	Linehan	Pansing Brooks
Arch	Clements	Halloran	Lowe	Sanders
Blood	DeBoer	Hansen, M.	McCollister	Slama
Bostar	Dorn	Hilgers	McDonnell	Stinner
Bostelman	Erdman	Hilkemann	McKinney	Vargas
Brandt	Flood	Hughes	Morfeld	Walz
Brewer	Friesen	Kolterman	Moser	Williams
Briese	Geist	Lathrop	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 3:

Day Hansen, B. Hunt

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 382. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 384. [ER49](#), found on page 926, was adopted.

Senator Stinner offered the following amendment:

[AM937](#)

(Amendments to Standing Committee amendments, AM396)

1 1. Insert the following new section:

2 Sec. 10. Section 71-808, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 71-808 (1) A regional behavioral health authority shall be
 5 established in each behavioral health region by counties acting under
 6 provisions of the Interlocal Cooperation Act. Each regional behavioral
 7 health authority shall be governed by a regional governing board
 8 consisting of one county board member from each county in the region.
 9 Board members shall serve for staggered terms of three years and until
 10 their successors are appointed and qualified. Board members shall serve
 11 without compensation but shall be reimbursed for expenses as provided in
 12 sections 81-1174 to 81-1177.

13 (2) The regional governing board shall appoint a regional
 14 administrator who shall be responsible for the administration and
 15 management of the regional behavioral health authority. Each regional
 16 behavioral health authority shall encourage and facilitate the
 17 involvement of consumers in all aspects of service planning and delivery
 18 within the region and shall coordinate such activities with the office of
 19 consumer affairs within the division. Each regional behavioral health

20 authority shall establish and utilize a regional advisory committee
 21 consisting of consumers, providers, and other interested parties and may
 22 establish and utilize such other task forces, subcommittees, or other
 23 committees as it deems necessary and appropriate to carry out its duties
 24 under this section.

25 (3) Each county in a behavioral health region shall provide funding
 26 for the operation of the behavioral health authority and for the
 1 provision of behavioral health services in the region. The total amount
 2 of funding provided by counties under this subsection shall be equal to
 3 one dollar for every three dollars from the General Fund. The division
 4 shall annually certify the total amount of county matching funds to be
 5 provided. At least forty percent of such amount shall consist of local
 6 and county tax revenue, and the remainder shall consist of other
 7 nonfederal sources. The regional governing board of each behavioral
 8 health authority, in consultation with all counties in the region, shall
 9 determine the amount of funding to be provided by each county under this
 10 subsection. For purposes of calculating the amount of county matching
 11 funds under this subsection, the amount of General Funds shall exclude:
 12 Any General Funds transferred from regional centers for the provision of
 13 community-based behavioral health services after July 1, 2004, and funds
 14 received by a regional behavioral health authority for the provision of
 15 behavioral health services to children under section 71-826 shall be
 16 excluded from any calculation of county matching funds under this
 17 subsection.

18 (a) An amount equal to two million five hundred ninety-nine thousand
 19 six hundred sixty dollars from the General Fund each year, beginning on
 20 July 1, 2021;

21 (b) Any General Funds transferred from regional centers for the
 22 provision of community-based behavioral health services after July 1,
 23 2004; and

24 (c) Funds received by a regional behavioral health authority for the
 25 provision of behavioral health services to children under section 71-826.

26 2. Renumber the remaining sections and correct the repealer
 27 accordingly.

The Stinner amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendment, [AM939](#), found on page 947.

Senator Wayne offered the following amendment:

[AM962](#)

(Amendments to Standing Committee amendments, AM396)

1 1. Insert the following new section:

2 Sec. 27. The Prison Overcrowding Contingency Fund is created. The
 3 State Treasurer shall transfer \$15,000,000 from the General Fund to the
 4 Prison Overcrowding Contingency Fund on or before July 15, 2021, on such
 5 date as directed by the budget administrator of the budget division of
 6 the Department of Administrative Services. It is the intent of the
 7 Legislature that these funds remain in the Prison Overcrowding
 8 Contingency Fund until sufficient details are provided to the Legislature
 9 regarding plans to reduce prison overcrowding, except that the fund may
 10 be used for purposes of a study of inmate classification within the
 11 Department of Correctional Services. Any money in the fund available for
 12 investment shall be invested by the state investment officer pursuant to
 13 the Nebraska Capital Expansion Act and the Nebraska State Funds
 14 Investment Act.

15 2. Renumber the remaining sections accordingly.

The Wayne amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 290. Placed on General File.

LEGISLATIVE BILL 450. Placed on General File with amendment.

[AM739](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 10 of this act shall be known and may be
4 cited as the Nebraska Innovation Hub Act.
5 Sec. 2. The Legislature finds and declares that:
6 (1) Job creation through rapid technology commercialization is a
7 vital part of the state's economic well-being;
8 (2) Innovation and technology-driven entrepreneurial activity
9 coupled with venture investment creates small business startups and
10 expansions at an accelerated rate, which leads to significant employment
11 opportunities that contribute to the state's financial health and
12 economic competitiveness;
13 (3) In order to maintain a healthy state economy and to aid
14 communities, entrepreneurship and technology-based small businesses must
15 be stimulated and supported; and
16 (4) Innovation hubs could serve as a vital resource for stimulating
17 and supporting entrepreneurship and technology-based small businesses in
18 this state.
19 Sec. 3. For purposes of the Nebraska Innovation Hub Act:
20 (1) Applicant means one or more entities that submit an application
21 to the director to become designated as an iHub. Eligible applicants
22 shall be one or more of the following:
23 (a) A fully accredited institution of higher education;
24 (b) A private nonprofit corporation engaged in economic development
25 activities;
26 (c) A county, city, or village in this state that has a preexisting
27 economic development department or program; or
1 (d) A public economic development institution such as a workforce
2 investment board or an economic development corporation;
3 (2) Department means the Department of Economic Development;
4 (3) Director means the Director of Economic Development;
5 (4) Economic redevelopment area means an area in the State of
6 Nebraska in which:
7 (a) The average rate of unemployment in the area during the period
8 covered by the most recent federal decennial census or American Community
9 Survey 5-Year Estimate by the United States Bureau of the Census is at
10 least one hundred fifty percent of the average rate of unemployment in
11 the state during the same period; and
12 (b) The average poverty rate in the area is twenty percent or more
13 for the federal census tract in the area;
14 (5) iHub area means the geographical area in this state in which an
15 iHub will operate. An iHub area may include:
16 (a) An economic redevelopment area; and
17 (b) An enterprise zone designated pursuant to the Enterprise Zone

18 Act;

19 (6) iHub coordinator means the individual or entity agreed to by the

20 iHub partners who is responsible for all of the following:

21 (a) Implementing the objectives of the iHub;

22 (b) Serving as the primary agent responsible for coordinating

23 services and resources and maintaining the iHub partnership; and

24 (c) Serving as the primary liaison to the state and to the

25 department;

26 (7) iHub partner means any one of the firms, local governments,

27 economic development organizations, educational entities, or other

28 entities that make up the iHub; and

29 (8) Innovation hub or iHub means a partnership between interrelated

30 firms, local governments, economic development organizations, educational

31 entities, and other entities that collectively drive economic growth

1 within an iHub area.

2 Sec. 4. The department shall designate innovation hubs within iHub

3 areas to stimulate partnerships, economic development, and job creation

4 by leveraging assets to provide an innovation platform for startup

5 businesses, economic development organizations, business groups, and

6 venture capitalists. The assets may include, but are not limited to,

7 research parks, technology incubators, universities, and federal

8 laboratories.

9 Sec. 5. (1) Applicants may apply to the director to become

10 designated as an iHub. Applications shall be submitted on or after

11 November 1, 2021, and before June 1, 2022. The application shall include,

12 but not be limited to, the following:

13 (a) A statement of purpose;

14 (b) A signed statement of cooperation and a description of the roles

15 and relationships of each iHub partner;

16 (c) A designated iHub coordinator;

17 (d) A clear explanation and map conveying the iHub area;

18 (e) A clearly identified central location for the iHub;

19 (f) Clearly identified benchmarks or milestones with approximate

20 dates as to when they will be achieved;

21 (g) A complete budget, including a description of secured funds,

22 pending funds, and potential future funding sources;

23 (h) A list and brief description of local and regional incentives

24 and support programs;

25 (i) A clearly articulated commercial market focus and plan;

26 (j) A clearly articulated iHub management structure and plan, which

27 may include a description of the capabilities, qualifications, and

28 experience of the proposed management team, team leaders, or key

29 personnel who are critical to achieving the proposed objectives;

30 (k) A list of iHub assets and resources;

31 (l) A clearly articulated focus area of the iHub, including industry

1 sectors or other targeted areas for development and growth;

2 (m) A list of specific resources available to support and guide

3 startup companies;

4 (n) A clearly articulated list of goals to be achieved with the

5 designation of the iHub;

6 (o) Expectations for job development and business creation;

7 (p) Defined performance standards agreed upon by the entities

8 involved in the development of the iHub;

9 (q) Evaluation procedures that will be used to measure the level of

10 achievement for each stated goal;

11 (r) A plan for sustainability;

12 (s) Organizational experience, including capabilities, related

13 experience, facilities, techniques, or unusual resources that are

14 integral factors for achieving the proposed objectives;

15 (t) Demonstrated experience with innovation programs, such as

16 involvement with technology commercialization;

17 (u) Demonstrated experience with technology transfer or licensing;

18 (v) Demonstrated experience with intellectual property management;

19 (w) Evidence of community engagement and support; and

20 (x) An application fee of one thousand dollars. The director shall

21 remit all application fees received under this section to the State

22 Treasurer for credit to the Innovation Hub Cash Fund.

23 (2) The director may waive any of the requirements listed in

24 subsection (1) of this section, except for the application fee.

25 (3) The director shall determine whether or not to approve the

26 requested iHub designation by no later than July 1, 2022. Each iHub

27 designation shall be for a term of not more than five years. An iHub may

28 apply for redesignation without limitation as to the number of times.

29 (4) The iHub designation shall not be official until a memorandum of

30 understanding is entered into by the applicant and the director. The

31 memorandum of understanding shall include the goals and performance

1 standards identified in the application and other related requirements as

2 determined by the director.

3 (5) More than one iHub may be designated in the same iHub area to

4 the extent that there is a clear distinction between the focus areas of

5 the iHubs.

6 (6) The department shall set guidelines for approval, designation,

7 operation, reporting, and redesignation of iHubs.

8 (7) An iHub shall annually report to the director on its progress in

9 meeting the goals and performance standards as described in the iHub

10 application and the implementing memorandum of understanding with the

11 director. The report shall also include information regarding the number

12 of businesses served, the number of jobs created, and the amount of funds

13 raised by the iHub. The director shall annually post the information from

14 these reports on the department's web site and provide notice to the

15 Governor and the Legislature that the information is available on the web

16 site.

17 Sec. 6. A designated iHub shall include:

18 (1) At least one major university or research center or institute;

19 (2) At least one economic development organization; and

20 (3) At least four additional members. Each such member shall fall

21 within one of the following categories:

22 (a) A business support organization, including a workforce

23 development or training organization, an incubator or a business

24 accelerator, a business technical assistance provider, a chamber of

25 commerce, or a networking organization that supports innovation;

26 (b) An educational consortium, including technology transfer

27 representatives;

28 (c) A venture capital network, including angel investors;

29 (d) A business foundation, innovation foundation, science

30 foundation, laboratory research institution, federal laboratory, or

31 research and development facility;

1 (e) A municipal economic development division or department;

2 (f) A federal government partner, such as a national laboratory;

3 (g) A bank or other financial institution; or

4 (h) A labor union or similar employee organization.

5 Sec. 7. Before an official designation as an iHub, the applicant

6 shall self-certify that the iHub and its iHub partners are current in

7 payment of all state and local taxes owed.

8 Sec. 8. (1) An iHub may do all of, but shall not be limited to, the

9 following:

10 (a) Provide counseling and technical assistance to entrepreneurs,

11 either by direct or indirect services, in the following areas:

12 (i) Entrepreneurial business planning and management;

13 (ii) Financing and the use of credit;

14 (iii) Marketing for small businesses;
 15 (iv) Tax education;
 16 (v) Financial account management, bookkeeping, and budgeting;
 17 (vi) Leadership development;
 18 (vii) Insurance needs and requirements;
 19 (viii) Sources for grant funding and how to apply for such grants;
 20 (ix) Financial literacy education;
 21 (x) Permit and licensing requirements; and
 22 (xi) Government procurement processes;
 23 (b) Provide expert advice to entrepreneurs on starting a business,
 24 including legal requirements for starting a business and access to
 25 financing opportunities;
 26 (c) Conduct business workshops, seminars, and conferences with local
 27 partners including, but not limited to, universities, community colleges,
 28 local governments, state and federal service providers, private industry,
 29 workforce investment boards and agencies, small business development
 30 centers, microenterprise development organizations, small business
 31 service agencies, economic development organizations, and chambers of
 1 commerce; and
 2 (d) Facilitate partnerships between innovative startup businesses,
 3 research institutions, and venture capitalists or financial institutions.
 4 (2) An iHub shall, to the extent feasible, do all of the following:
 5 (a) Work in close collaboration with the activities of the
 6 department as its primary statewide partner; and
 7 (b) Coordinate activities with community colleges, universities, and
 8 other state economic and workforce development programs.
 9 Sec. 9. The Innovation Hub Cash Fund is created. The fund shall be
 10 administered by the department and shall consist of application fees
 11 received under section 5 of this act and any other money as determined by
 12 the Legislature. The fund shall be used by the department for purposes of
 13 carrying out the Nebraska Innovation Hub Act. Any money in the fund
 14 available for investment shall be invested by the state investment
 15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 16 State Funds Investment Act.
 17 Sec. 10. The director may adopt and promulgate rules and
 18 regulations to carry out the Nebraska Innovation Hub Act.

(Signed) Ben Hansen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 664A. Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, One Hundred Seventh Legislature, First Session, 2021.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 92. Introduced by Bostelman, 23.

WHEREAS, Aaron Langemeier, a senior at Schuyler Central High School and member of Troop 211 of Schuyler, has completed the requirements for the rank of Eagle Scout in Scouts BSA; and

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

WHEREAS, to achieve the rank of Eagle Scout, a scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, Aaron has earned 32 merit badges and completed nearly one hundred fifty hours of community service; and

WHEREAS, for his Eagle Scout service project, Aaron coordinated the construction of playground equipment at his local campground; and

WHEREAS, Aaron, through hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

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

Laid over.

RECESS

At 12:08 p.m., on a motion by Senator Hunt, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

ROLL CALL

The roll was called and all members were present except Senators Brandt, Day, Hunt, Pansing Brooks, Walz, and Williams who were excused until they arrive.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 73. Placed on General File.

(Signed) Tom Briese, Chairperson

SELECT FILE

LEGISLATIVE BILL 385. [ER50](#), found on page 926, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 380. [ER56](#), found on page 934, was adopted.

Senator Stinner offered the following amendment:

[AM946](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 22, Department of Insurance:
- 2 Correct an appropriation.
- 3 Amendment:
- 4 a. On page 32, strike lines 3 and 4 and insert "FEDERAL FUND est.
- 5 1,527,879 1,529,336 PROGRAM TOTAL 14,014,376 13,341,327".
- 6 2. Purpose: For Agency 25, Department of Health and Human Services:
- 7 Change a date for a youth rehabilitation and treatment center study.
- 8 Amendment:
- 9 a. On page 39, line 30, strike "15" and insert "1".
- 10 3. Purpose: For Agency 25, Department of Health and Human Services:
- 11 Correct appropriation and earmark amounts.
- 12 Amendment:
- 13 a. On page 42, strike lines 6 and 7 and insert the following:
- 14 "FEDERAL FUND est. 1,793,045,470 1,871,333,807 PROGRAM TOTAL
- 15 2,735,087,957 2,865,286,561"; in line 14 strike "\$1,787,404,383" and
- 16 insert "\$1,793,045,470"; and in line 18 strike "1,861,248,974" and insert
- 17 "\$1,871,333,807".
- 18 4. Purpose: For Agency 25, Department of Health and Human Services:
- 19 Correct an earmark regarding state aid.
- 20 Amendment:
- 21 a. On page 42, line 14, strike "\$42,109,345" and insert
- 22 "\$42,109,354".
- 23 5. Purpose: For Agency 25, Department of Health and Human Services:
- 24 Correct an earmark.
- 25 Amendment:
- 26 a. On page 50, line 17, strike "\$1,526,000" and insert "\$1,349,000".
- 1 6. Purpose: For Agency 25, Department of Health and Human Services:
- 2 Add a salary limit.
- 3 Amendment:
- 4 a. On page 53, strike line 30 and insert: "SALARY LIMIT 13,500
- 5 13,500".
- 6 7. Purpose: For Agency 29, Department of Natural Resources: Correct
- 7 appropriation and earmark amounts.
- 8 Amendment:
- 9 a. On page 61, strike lines 12 and 13 and insert: "CASH FUND
- 10 10,865,033 10,865,033 PROGRAM TOTAL 10,865,033 10,865,033"; and in lines
- 11 17 and 19 strike "\$10,390,033" and insert "\$10,865,033".
- 12 8. Purpose: For Agency 50, Board of Trustees of the Nebraska State
- 13 Colleges: Insert career scholarship reappropriation language.
- 14 Amendment:
- 15 a. On page 77, after line 18 insert the following new subdivision:
- 16 "(2) The unexpended General Fund appropriation balance existing on
- 17 June 30, 2021, from the appropriation for the Nebraska Career Scholarship
- 18 Program, as authorized in Laws 2020, LB 1008, section 60, is hereby
- 19 reappropriated."; in line 19 strike "(2)" and insert "(3)"; in line 25
- 20 strike "(3)" and insert "(4)"; and in line 29 strike "(4)" and insert
- 21 "(5)";

22 b. On page 78, line 5, strike "(5)" and insert "(6)"; in line 14
 23 strike "(6)" and insert "(7)"; and in line 20 strike "(7)" and insert
 24 "(8)"; and
 25 c. On page 80, line 9, strike "(8)" and insert "(9)".
 26 9. Purpose: For Agency 51, University of Nebraska: Insert career
 27 scholarship reappropriation language.
 28 Amendment:
 29 a. On page 80, after line 27 insert the following new subdivision:
 30 "(3) The unexpended General Fund appropriation balance existing on
 31 June 30, 2021, from the appropriation for the Nebraska Career Scholarship
 1 Program, as authorized in Laws 2020, LB 1008, section 61, is hereby
 2 reappropriated."; and in line 28 strike "(3)" and insert "(4)";
 3 b. On page 81, line 5, strike "(4)" and insert "(5)"; in line 9
 4 strike "(5)" and insert "(6)"; in line 13 strike "(6)" and insert "(7)";
 5 in line 18 strike "(7)" and insert "(8)"; and in line 31 strike "(8)" and
 6 insert "(9)";
 7 c. On page 82, line 10, strike "(9)" and insert "(10)"; and in line
 8 14 strike "(10)(a)" and insert "(11)(a)";
 9 d. On page 83, line 24, strike "(11)" and insert "(12)"; and
 10 e. On page 84, line 24, strike "(12)" and insert "(13)".
 11 10. Purpose: For Agency 70, Foster Care Review Office: Provide for
 12 reappropriation of funds.
 13 Amendment:
 14 a. On page 104, after line 3 insert the following new paragraph:
 15 "The unexpended cash fund balance existing on June 30, 2021, is
 16 hereby reappropriated."
 17 11. Purpose: For Agency 89, Nebraska Hemp Commission: Correct an
 18 appropriation amount.
 19 Amendment:
 20 a. On page 125, strike lines 14 and 15 and insert: "CASH FUND 10,000
 21 10,000 PROGRAM TOTAL 10,000 10,000".
 22 12. Purpose: For Agency 94, Commission on Public Advocacy: Delete
 23 salary limit.
 24 Amendment:
 25 a. On page 127, strike line 30.
 26 13. Purpose: Add additional transfers from the General Fund.
 27 Amendment:
 28 a. On page 145, line 6, strike "and"; in line 9 strike the period
 29 and insert "; and"; and after line 9 insert the following new
 30 subdivision:
 31 "(j) The Commission on Public Advocacy Operations Cash Fund:
 1 \$520,000 on such date as directed by the budget administrator of the
 2 budget division of the Department of Administrative Services."; and
 3 b. On page 146, line 10, strike "and"; in line 13 strike the period
 4 and insert "; and"; and after line 13 insert the following new
 5 subdivision:
 6 "(g) The Commission on Public Advocacy Operations Cash Fund:
 7 \$520,000 on such date as directed by the budget administrator of the
 8 budget division of the Department of Administrative Services.".

The Stinner amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Groene offered the following amendment:

[AM961](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 47, line 27, strike "9,283,060 10,783,060" and insert
 2 "7,783,060 7,783,060"; and in line 29 strike "18,513,060 20,013,060" and
 3 insert "17,013,060 17,013,060".

4 2. On page 48, line 1, strike "\$9,283,060" and insert "\$7,783,060";
 5 and in line 3 strike "\$10,783,060" and insert "\$7,783,060".
 6 3. On page 49, line 9, strike "\$4,898,246" and insert "\$3,398,246";
 7 in line 12 strike "\$6,398,246" and insert "\$3,398,246"; in line 15 strike
 8 "\$3,398,246" and insert "\$1,898,246"; and in lines 18 and 19 strike
 9 "\$3,000,000" and insert "\$1,500,000".

SENATOR HUGHES PRESIDING

The Groene amendment lost with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

Senator Wishart offered the following amendment:

AM963

(Amendments to Standing Committee amendments, AM393)

1 1. On page 71, line 29, strike "2,876,000" and insert "3,076,000".
 2 2. On page 72, line 3, strike "268,435,854" and insert
 3 "268,635,854".
 4 3. On page 73, after line 1 insert the following new paragraph:
 5 "There is included in the appropriation to this program \$200,000
 6 Cash Funds for FY2021-22 to contract with the University of Nebraska for
 7 a study of inmate classification within the Department of Correctional
 8 Services. The Department of Correctional Services shall provide all
 9 information necessary to carry out this study."
 10 4. On page 133, line 14, after "Fund" insert ", Prison Overcrowding
 11 Contingency Fund".
 12 5. On page 144, line 21, strike "\$115,000,000" and insert
 13 "\$100,000,000".

The Wishart amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Senator McKinney offered the following amendment:

AM967

(Amendments to Standing Committee amendments, AM393)

1 1. On page 105, after line 11 insert the following new paragraph:
 2 "It is the intent of the Legislature that of the amount appropriated
 3 as state aid for the Business Innovation Act, at least twenty percent is
 4 used for the small business investment program pursuant to section
 5 81-12,162."

The McKinney amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Arch offered the following amendment:

AM968

(Amendments to Standing Committee amendments, AM393)

1 1. On page 45, after line 9 insert the following new paragraph:
 2 "It is the intent of the Legislature that the funds appropriated to
 3 this program be used for a two-percent increase in child welfare provider
 4 rates excluding the eastern service area and that a two-percent increase
 5 in child welfare provider rates within the eastern service area be funded
 6 by the existing child welfare case management contract for that area."

The Arch amendment was adopted with 41 ayes, 0 nays, 4 present and not

voting, and 4 excused and not voting.

Senator Wayne withdrew his amendment, [AM938](#), found on page 947.

SPEAKER HILGERS PRESIDING

Senator Wayne offered the following amendment:

[AM957](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. On page 27, strike lines 20 and 21 and insert:

2 CASH FUND	275,000,000	275,000,000
3 PROGRAM TOTAL	275,000,000	275,000,000;
- 4 in line 23 strike "\$300,000,000" and insert "\$275,000,000"; and in
- 5 line 25 strike "\$313,000,000" and insert "\$275,000,000".
- 6 2. On page 144, line 12, strike "\$297,000,000" and insert
- 7 "\$275,000,000".
- 8 3. On page 145, line 27, strike "\$310,000,000" and insert
- 9 "\$275,000,000".

Senator Wayne withdrew his amendment.

Senator Wayne offered the following amendment:

[AM940](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Strike the Flood amendment, AM891.

Senator Wayne withdrew his amendment.

Senator M. Cavanaugh offered the following amendment:

[AM952](#)

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 25, Department of Health and Human Services,
- 2 Programs 33, 348, and 424: Provide funds for developmental disability
- 3 waiting list and corresponding administrative costs.
- 4 Amendment:
 - 5 a. On page 34, strike lines 16 and 17 and insert:

6 "FEDERAL FUND est.	340,323,629	367,718,207
7 PROGRAM TOTAL	515,168,450	544,314,819";
 - 8 b. On page 36, after line 28 insert the following new subdivision:
 - 9 "(12) It is the intent of the Legislature to increase the General
 - 10 Fund appropriation in FY2023-24 by \$1,373,070 and the Federal Fund
 - 11 appropriation in FY2023-24 by \$25,295,910 for Program 33 to provide funds
 - 12 for the developmental disability waiting list and the corresponding
 - 13 administrative and medicaid costs.";
 - 14 c. On page 42, strike lines 4 through 7 and insert:

15 "GENERAL FUND	900,937,835	954,005,973
16 CASH FUND	42,109,354	42,117,244
17 FEDERAL FUND est.	1,788,736,197	1,864,126,099
18 PROGRAM TOTAL	2,731,783,386	2,860,249,316";
 - 19 in line 14 strike "\$899,933,133" and insert "\$900,937,835"; and
 - 20 strike "\$1,787,404,383" and insert "\$1,788,736,197"; in line 17 strike
 - 21 "\$951,835,510" and insert "\$954,005,973"; and in line 18 strike
 - 22 "\$1,861,248,974" and insert "\$1,864,126,099";
 - 23 d. On page 43, after line 18 insert the following new paragraph:
 - 24 "It is the intent of the Legislature to increase the General Fund
 - 25 appropriation in FY2023-24 by \$1,165,761 and the Federal Fund

26 appropriation in FY2023-24 by \$1,545,311 for Program 348 to provide funds
 1 for the developmental disability waiting list and the corresponding
 2 administrative and medicaid costs."; and
 3 e. On page 47, strike line 3 and insert:
 4 "GENERAL FUND 171,474,508 198,212,765";
 5 strike line 5 and insert:
 6 "PROGRAM TOTAL 177,786,508 204,524,765";
 7 in line 7 strike "\$157,634,528" and insert "\$171,474,508"; in line 9
 8 strike "\$167,735,010" and insert "\$198,212,765"; and after line 11 insert
 9 the following new paragraph:
 10 "It is the intent of the Legislature to increase the General Fund
 11 appropriation in FY2023-24 by \$16,637,775 for Program 424 to provide
 12 funds for the developmental disability waiting list and the corresponding
 13 administrative and medicaid costs.".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	Hansen, B.	McKinney	Pansing Brooks
Bostar	DeBoer	Hansen, M.	Morfeld	Walz
Cavanaugh, J.	Groene	Lathrop	Pahls	Wayne

Voting in the negative, 20:

Aguilar	Clements	Friesen	Kolterman	Moser
Albrecht	Dorn	Gragert	Linehan	Slama
Brewer	Erdman	Halloran	Lowe	Stinner
Briese	Flood	Hughes	McCollister	Williams

Present and not voting, 11:

Arch	Geist	McDonnell	Vargas
Bostelman	Hilgers	Murman	Wishart
Brandt	Hilkemann	Sanders	

Excused and not voting, 3:

Day	Hunt	Lindstrom
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The M. Cavanaugh amendment lost with 15 ayes, 20 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 383. Senator Wayne withdrew his amendment, [FA20](#), found on page 931.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 666. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 386. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 386A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 379. Placed on Final Reading.

[ST9](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Sections 20, 21, 22, 23, 24, 25, 26, and 27 have been renumbered as sections 21, 22, 23, 24, 25, 26, 27, and 20, respectively.

LEGISLATIVE BILL 381. Placed on Final Reading.

LEGISLATIVE BILL 382. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 93. Introduced by Aguilar, 35; Kolterman, 24.

WHEREAS, jockey Armando Martinez achieved his 2,000th win in a Thoroughbred race on April 3rd, 2021, at Fonner Park; and

WHEREAS, over the course of Armando Martinez's 17,953 career races, his mounts have earned more than \$11.7 million; and

WHEREAS, Armando Martinez reached his 2,000th Thoroughbred win riding Upperclassman, owned and trained by Mark Hibdon, with a time of 46.60 seconds in the four-furlong claiming dash; and

WHEREAS, Armando Martinez grew up in Calvillo, Mexico, and immigrated to the United States at the age of 13, working as a jockey in California, Montana, Nebraska, and Kentucky; and

WHEREAS, Armando Martinez reached this incredible career milestone with the support of his family, his wife Kelli Martinez, and the many Thoroughbred breeders, trainers, and owners who contributed to his success; and

WHEREAS, Armando Martinez is a testament to the values of dedication, integrity, and perseverance.

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

1. That the Legislature congratulates jockey Armando Martinez for his 2,000th Thoroughbred win.
2. That copies of this resolution be sent to Armando Martinez, Mark Hibdon, and the Hall County Livestock Improvement Association.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Clements, 2.

WHEREAS, Rylee Hogue, a senior from Elmwood-Murdock Public Schools, won the 2021 Class C-2 Oral Interpretation of Humorous Prose State Speech Championship; and

WHEREAS, in the preliminary round, Rylee received a perfect score of 50 from one judge and a score of 49 from the other judge; and

WHEREAS, Rylee's championship performance was the culmination of many hours of work; and

WHEREAS, Rylee became the second Elmwood-Murdock student in the past twenty years to win a state speech title and the second Oral Interpretation of Humorous Prose champion in school history; and

WHEREAS, under the direction of Head Coach Keri Hogue, two additional members of the Elmwood-Murdock Knights speech team also earned medals, which contributed to a fifth-place finish by the Knights in the state finals; and

WHEREAS, those members are Gus Pope with a runner-up finish in Oral Interpretation of Poetry and Bri Ross with a fifth-place finish in Entertainment Speaking; and

WHEREAS, such team and individual achievements are made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates Rylee Hogue for winning the 2021 Class C-2 Oral Interpretation of Humorous Prose State Speech Championship.
2. That a copy of this resolution be sent to Rylee Hogue, the Elmwood-Murdock Public Schools speech team, and Head Coach Keri Hogue.

Laid over.

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 523. Placed on General File.

LEGISLATIVE BILL 69. Indefinitely postponed.

LEGISLATIVE BILL 222. Indefinitely postponed.
LEGISLATIVE BILL 272. Indefinitely postponed.
LEGISLATIVE BILL 412. Indefinitely postponed.
LEGISLATIVE BILL 459. Indefinitely postponed.
LEGISLATIVE BILL 625. Indefinitely postponed.
LEGISLATIVE BILL 681. Indefinitely postponed.

(Signed) Lou Ann Linehan, Chairperson

ADJOURNMENT

At 4:10 p.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Wednesday, April 14, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

