

FORTY-NINTH DAY - JULY 27, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, July 27, 2020

PRAYER

The prayer was offered by Senator Murman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

July 24, 2020

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 344, 770, 870e, 909e, 962, 996e, 997, 1014, 1016e, 1054e, and 1061 were received in my office on July 21, 2020.

These bills were signed and delivered to the Secretary of State on July 24, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1525

Monday, July 27, 2020 8:00 a.m.
AM3104 to LB1167 (cancel)

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to [LB323](#):
[AM3118](#)

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-915, Revised Statutes Supplement, 2019, is
4 amended to read:
5 68-915 The following persons shall be eligible for medical
6 assistance:
7 (1) Dependent children as defined in section 43-504;
8 (2) Aged, blind, and disabled persons as defined in sections 68-1002
9 to 68-1005;
10 (3) Children under nineteen years of age who are eligible under
11 section 1905(a)(i) of the federal Social Security Act;
12 (4) Persons who are presumptively eligible as allowed under sections
13 1920 and 1920B of the federal Social Security Act;
14 (5) Children under nineteen years of age with a family income equal
15 to or less than two hundred percent of the Office of Management and
16 Budget income poverty guideline, as allowed under Title XIX and Title XXI
17 of the federal Social Security Act, without regard to resources, and
18 pregnant women with a family income equal to or less than one hundred
19 eighty-five percent of the Office of Management and Budget income poverty
20 guideline, as allowed under Title XIX and Title XXI of the federal Social
21 Security Act, without regard to resources. Children described in this
22 subdivision and subdivision (6) of this section shall remain eligible for
23 six consecutive months from the date of initial eligibility prior to
24 redetermination of eligibility. The department may review eligibility
25 monthly thereafter pursuant to rules and regulations adopted and
26 promulgated by the department. The department may determine upon such
1 review that a child is ineligible for medical assistance if such child no
2 longer meets eligibility standards established by the department;
3 (6) For purposes of Title XIX of the federal Social Security Act as
4 provided in subdivision (5) of this section, children with a family
5 income as follows:
6 (a) Equal to or less than one hundred fifty percent of the Office of
7 Management and Budget income poverty guideline with eligible children one
8 year of age or younger;
9 (b) Equal to or less than one hundred thirty-three percent of the
10 Office of Management and Budget income poverty guideline with eligible
11 children over one year of age and under six years of age; or
12 (c) Equal to or less than one hundred percent of the Office of
13 Management and Budget income poverty guideline with eligible children six
14 years of age or older and less than nineteen years of age;
15 (7) Persons who are medically needy caretaker relatives as allowed
16 under 42 U.S.C. 1396d(a)(ii);

17 (8) As allowed under 42 U.S.C. ~~1396a(a)(10)(A)(ii)(XV) and (XVI)~~
 18 ~~1396a(a)(10)(A)(ii)~~, disabled persons who have as defined in section
 19 ~~68-1005~~ with a family income of less than two hundred fifty percent of
 20 the Office of Management and Budget income poverty guideline and who, but
 21 for earnings in excess of the limit established under 42 U.S.C. ~~1396d(q)~~
 22 ~~(2)(B)~~, would be considered to be receiving federal Supplemental Security
 23 Income. The department shall apply for a waiver to disregard any unearned
 24 income that is contingent upon a trial work period in applying the
 25 Supplemental Security Income standard. Such disabled persons shall be
 26 subject to payment of premiums as a percentage of family income beginning
 27 at not less than two hundred percent of the Office of Management and
 28 Budget income poverty guideline. Such premiums shall be graduated based
 29 on family income and shall not exceed seven and one-half ~~be less than two~~
 30 ~~percent or more than ten~~ percent of family income;
 31 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
 1 (a) Have been screened for breast and cervical cancer under the
 2 Centers for Disease Control and Prevention breast and cervical cancer
 3 early detection program established under Title XV of the federal Public
 4 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
 5 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
 6 treatment for breast or cervical cancer, including precancerous and
 7 cancerous conditions of the breast or cervix;
 8 (b) Are not otherwise covered under creditable coverage as defined
 9 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
 10 ~~300gg-3(c) 300gg(e)~~;
 11 (c) Have not attained sixty-five years of age; and
 12 (d) Are not eligible for medical assistance under any mandatory
 13 categorically needy eligibility group;
 14 (10) Persons eligible for services described in subsection (3) of
 15 section 68-972; and
 16 (11) Persons eligible pursuant to section 68-992.
 17 Except as provided in subdivision (8) of this section and section
 18 68-972, eligibility shall be determined under this section using an
 19 income budgetary methodology that determines children's eligibility at no
 20 greater than two hundred percent of the Office of Management and Budget
 21 income poverty guideline and adult eligibility using adult income
 22 standards no greater than the applicable categorical eligibility
 23 standards established pursuant to state or federal law. Except as
 24 otherwise provided in subdivision (8) of this section, the The department
 25 shall determine eligibility under this section pursuant to such income
 26 budgetary methodology and subdivision (1)(q) of section 68-1713.
 27 Sec. 2. This act becomes operative on October 1, 2021.
 28 Sec. 3. Original section 68-915, Revised Statutes Supplement, 2019,
 29 is repealed.
 30 2. On page 1, strike beginning with "Cumulative" in line 2 through
 31 "427" in line 3 and insert "Supplement, 2019"; and in line 4 after the
 1 semicolon insert "to provide an operative date;".

Senator Crawford filed the following amendment to LB323A:
AM3123

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated \$14,873 from the General
 4 Fund and \$14,873 from federal funds for FY2021-22 to the Department of
 5 Health and Human Services, for Program 33, to aid in carrying out the
 6 provisions of Legislative Bill 323, One Hundred Sixth Legislature, Second
 7 Session, 2020.
 8 No expenditures for permanent and temporary salaries and per diems
 9 for state employees shall be made from funds appropriated in this

10 section.

11 Sec. 2. There is hereby appropriated \$116,710 from the General Fund,
 12 \$23,669 from the Health and Human Services Cash Fund, and \$151,404 from
 13 federal funds for FY2021-22 to the Department of Health and Human
 14 Services, for Program 348, to aid in carrying out the provisions of
 15 Legislative Bill 323, One Hundred Sixth Legislature, Second Session,
 16 2020.

17 No expenditures for permanent and temporary salaries and per diems
 18 for state employees shall be made from funds appropriated in this
 19 section.

20 2. On page 1, line 3, strike "First Session, 2019" and insert
 21 "Second Session, 2020".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 382. Introduced by Legislative Performance Audit Committee: Geist, 25, Chairperson; Crawford, 45; Friesen, 34; Hansen, B., 16; Hilgers, 21; Scheer, 19; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the oversight of non-court-involved child welfare cases. The study shall include, but not be limited to, an examination of the following:

- (1) Oversight entities for non-court-involved child welfare cases;
- (2) Authority and access to information regarding non-court-involved child welfare cases;
- (3) The differences in oversight of non-court-involved child welfare cases across the state; and
- (4) Whether the current oversight of non-court-involved child welfare cases is sufficient.

The study committee shall solicit information from representatives of the Department of Health and Human Services service areas, the Foster Care Review Office, child abuse and neglect investigation teams formed pursuant to section 28-729, and other interested parties.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1053. Considered.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Committee [AM2774](#), found on page 939, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 534. Placed on Final Reading Second.

LEGISLATIVE BILL 911A. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 910. Placed on Select File with amendment.

[ER229](#)

- 1 1. On page 1, line 17, after the first semicolon insert "to
- 2 harmonize provisions;".
- 3 2. On page 51, line 6, strike "telephone and written" and show as
- 4 stricken.

LEGISLATIVE BILL 424. Placed on Select File with amendment.

[ER223](#) is available in the Bill Room.

LEGISLATIVE BILL 920. Placed on Select File with amendment.

[ER231](#) is available in the Bill Room.

LEGISLATIVE BILL 1064. Placed on Select File.

LEGISLATIVE BILL 1052. Placed on Select File with amendment.

[ER224](#)

- 1 1. On page 1, strike beginning with "Medical" in line 1 through line
- 2 4 and insert "public health and welfare; to amend sections 38-2826,
- 3 38-28,107, 68-955, 71-401, 71-403, 71-2411, 71-2412, 71-2413, 71-2457,
- 4 71-2458, 71-2468, 71-2478, and 71-2479, Reissue Revised Statutes of
- 5 Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement,
- 6 2018; to authorize pharmacists to adapt prescriptions as prescribed; to
- 7 define and redefine terms; to change provisions relating to dispensed
- 8 drugs or devices, certain prescription drugs, and emergency box drugs; to
- 9 provide requirements for assisted-living facilities, nursing facilities,
- 10 and skilled nursing facilities; to harmonize provisions; and to repeal
- 11 the original sections."

LEGISLATIVE BILL 1124. Placed on Select File with amendment.

[ER219](#)

1 1. On page 2, line 15, insert an underscored comma after
2 "disorders".

LEGISLATIVE BILL 781. Placed on Select File with amendment.
[ER222](#) is available in the Bill Room.

LEGISLATIVE BILL 923. Placed on Select File.

LEGISLATIVE BILL 632. Placed on Select File with amendment.
[ER220](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 2-1504, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 2-1504 (1) The Nebraska Natural Resources Commission is established.
6 The commission shall advise the department as requested by the director
7 and shall perform such other functions as are specifically conferred on
8 the commission by law. The commission shall have no jurisdiction over
9 matters pertaining to water rights.
10 (2) Each member of the commission shall be a resident of the State
11 of Nebraska and shall have attained the age of majority. The voting
12 members of the commission, ~~all of whom shall have attained the age of~~
13 ~~majority,~~ shall be:
14 (a) One resident of each of the following river basins, with
15 delineations being those on the Nebraska river basin map officially
16 adopted by the commission and on file with the department: (i) The
17 Niobrara River, White River, and Hat Creek basin, (ii) the North Platte
18 River basin, (iii) the South Platte River basin, (iv) the middle Platte
19 River basin, (v) the lower Platte River basin, (vi) the Loup River basin,
20 (vii) the Elkhorn River basin, (viii) the Missouri tributaries basin,
21 (ix) the Republican River basin, (x) the Little Blue River basin, (xi)
22 the Big Blue River basin, and (xii) the Nemaha River basin;
23 (b) One additional resident of each river basin which encompasses
24 one or more cities of the metropolitan class; and
25 (c) Fourteen members appointed by the Governor, subject to
26 confirmation by the Legislature. Of the members appointed by the
27 Governor, one shall represent each of the following categories:
1 Agribusiness interests; agricultural interests; ground water irrigators;
2 irrigation districts; manufacturing interests; metropolitan utilities
3 districts; municipal users of water from a city of the primary class;
4 municipal users of water from a city of the first or second class or a
5 village; outdoor recreation users; public power districts; public power
6 and irrigation districts; range livestock owners; surface water
7 irrigators; and wildlife conservation interests.
8 (3) Members of the commission described in subdivision (2)(a) of
9 this section shall be selected for four-year terms at individual caucuses
10 of the natural resources district directors residing in the river basin
11 from which the member is selected. Such caucuses shall be held for each
12 basin within ten days following the first Thursday after the first
13 Tuesday of the year the term of office of the member from that basin
14 expires. The dates and locations for such caucuses shall be established
15 by the commission, and the commission shall provide notice to the public
16 by issuing press releases for publication in a newspaper of general
17 circulation in each county that comprises the river basin for which a
18 caucus election will be held. Terms of office of such members shall
19 follow the sequence originally determined by the river basin
20 representatives to the commission at their first meeting on the third
21 Thursday after the first Tuesday in January 1975. All river basin members

22 shall take office on the third Thursday after the first Tuesday in
23 January following their selection and any vacancy shall be filled for the
24 unexpired term by a caucus held within thirty days following the date
25 such vacancy is created. Each member of the commission representing a
26 river basin shall qualify by filing with the other members of the
27 commission an acceptance in writing of his or her selection.

28 (4) Members of the commission described in subdivision (2)(b) of
29 this section shall be residents of natural resources districts which
30 encompass one or more cities of the metropolitan class and shall be
31 selected in the same manner, at the same time, and for a four-year term
1 having the same term sequence as provided for the other members from such
2 basin under subsection (3) of this section.

3 (5) For members of the commission described in subdivision (2)(c) of
4 this section:

5 (a) The Governor shall appoint the eleven additional members added
6 by Laws 2014, LB1098, within thirty days after April 17, 2014. The eleven
7 additional appointments shall be for staggered four-year terms, as
8 determined by the Governor. The Governor shall also set the terms of the
9 current members of the commission appointed under such subdivision and
10 serving on April 17, 2014, to staggered four-year terms. Future
11 appointments shall be for four-year terms. Members whose terms have
12 expired shall continue to serve until their successors have been
13 appointed. In the case of a vacancy, the Governor shall appoint a
14 successor for the unexpired term. Members may be removed for cause.
15 Initial appointees shall begin serving immediately following notice of
16 appointment, except that the member appointed representing municipal
17 users of water from the class of city or a village that is being
18 represented by the current member representing municipal users of water
19 and the members representing surface water irrigators and ground water
20 irrigators shall not begin serving until the term of the current member
21 representative of the category expires or such member resigns or is
22 otherwise removed; and

23 (b) In appointing such members, the Governor shall:

24 (i) Create a broad-based commission which has knowledge of, has
25 experience with, and is representative of Nebraska's water use and
26 economy;

27 (ii) Give recognition to the importance of both water quantity and
28 water quality; and

29 (iii) Appoint members who represent diverse geographic regions of
30 the state, including urban and rural areas, and represent, to the extent
31 possible, the racial and ethnic diversity of the state.

1 (6) After the members have been appointed as required under this
2 section, the commission shall revise or adopt and promulgate rules and
3 regulations as necessary to administer the Water Sustainability Fund
4 pursuant to sections 2-1506 to 2-1513.

5 Sec. 2. Section 13-2001, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 13-2001 Sections 13-2001 to 13-2043 and section 4 of this act shall
8 be known and may be cited as the Integrated Solid Waste Management Act.

9 Sec. 3. Section 13-2003, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 13-2003 For purposes of the Integrated Solid Waste Management Act,
12 the definitions found in sections 13-2004 to 13-2016.01 and section 4 of
13 this act shall be used.

14 Sec. 4. Container means a bag, cup, can, pouch, package, container,
15 bottle, or other packaging that is (1) designed to be reusable,
16 recyclable, or single-use, (2) made of cloth, paper, plastic, including
17 foamed or expanded plastic, cardboard, corrugated material, aluminum,
18 glass, or postconsumer recycled or similar material or substrates,
19 including coated, laminated, or multilayer substrates, and (3) designed

20 for consuming, protecting, or transporting merchandise, food, or
21 beverages from or at a food service or retail facility.

22 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 13-2017 It is the policy of this state:

25 (1) To encourage the development of integrated solid waste
26 management programs, including waste volume reduction and recycling
27 programs and education, at the local governmental level through
28 incentives, technical assistance, grants, and other practical measures;

29 (2) To support and encourage the development of new uses and markets
30 for recycled goods, placing emphasis on the development in Nebraska of
31 businesses relating to waste reduction and recycling;

1 (3) To provide education concerning the components of integrated
2 solid waste management, at the elementary level through the high school
3 level and through community organizations, to enhance the success of
4 local programs requiring public involvement; ~~and~~

5 (4) To support and encourage manufacturing methods which are
6 environmentally sustainable, technologically safe, and ecologically sound
7 and which enhance waste reduction by creating products which have longer
8 usage life and which are adaptable to secondary uses through processes
9 such as pyrolysis or biomass, require less input material, and decrease
10 resource consumption; and .

11 (5) To encourage uniform regulation of containers in order to avoid
12 the burden on retailers of having to comply with varying regulatory
13 policies in multiple jurisdictions.

14 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-2023 (1) A county, municipality, or agency may, by ordinance or
17 resolution, adopt regulations governing collection, source separation,
18 storage, transportation, transfer, processing, treatment, and disposal of
19 solid waste within its solid waste jurisdiction area as necessary to
20 protect the public health and welfare and the environment. Regulations
21 authorized by this section shall be equal to or more stringent than the
22 provisions of the Integrated Solid Waste Management Act and rules and
23 regulations adopted and promulgated by the council as authorized by the
24 act. Any person who violates any such regulation shall be subject to a
25 noncompliance fee not to exceed five hundred dollars.

26 (2) A county, municipality, or agency shall not adopt, enforce, or
27 otherwise administer an ordinance or resolution that prohibits the use of
28 or that sets standards, fees, prohibitions, or requirements regarding the
29 sale, use, or marketing of containers. This subsection shall not apply to
30 county, municipality, or agency recycling or solid waste collection
31 programs, except that in no event shall such programs prohibit or have
1 the effect of prohibiting the sale, use, or marketing of any containers.

2 Sec. 7. Section 70-1605, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 70-1605 No public or private utility company, other than a municipal
5 utility owned and operated by a village, furnishing water, natural gas,
6 or electricity at retail in this state shall discontinue service to any
7 domestic subscriber for nonpayment of any past-due account unless the
8 utility company first gives notice to any subscriber whose service is
9 proposed to be terminated. Such notice shall be given in person, by
10 first-class mail, or by electronic delivery, except that electronic
11 delivery shall only be used if the subscriber has specifically elected to
12 receive such notices by electronic delivery. If notice is given by first-
13 class mail or electronic delivery, such notice shall be conspicuously
14 marked as to its importance. Service shall not be discontinued for at
15 least seven days after notice is sent or given. Holidays and weekends
16 shall be excluded from the seven days. A public or private utility
17 company shall not charge a fee for the discontinuance or reconnection of

18 utility service that exceeds the reasonable costs of providing such
 19 service.

20 Sec. 8. Section 70-1606, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 70-1606 (1) The notice required by section 70-1605 shall contain
 23 the following information:

24 (a) (1) The reason for the proposed disconnection;

25 (b) (2) A statement of intention to disconnect unless the domestic
 26 subscriber either pays the bill or reaches an agreement with the utility
 27 regarding payment of the bill;

28 (c) (3) The date upon which service will be disconnected if the
 29 domestic subscriber does not take appropriate action;

30 (d) (4) The name, address, and telephone number of the utility's
 31 employee or department to whom the domestic subscriber may address any
 1 inquiry or complaint;

2 (e) (5) The domestic subscriber's right, prior to the disconnection
 3 date, to request a conference regarding any dispute over such proposed
 4 disconnection;

5 (f) (6) A statement that the utility may not disconnect service
 6 pending the conclusion of the conference;

7 (g) (7) A statement to the effect that disconnection ~~shall~~ may be
 8 postponed or prevented upon presentation of a duly licensed physician's,
 9 physician assistant's, or advanced practice registered nurse's
 10 certificate, which shall certify that a domestic subscriber or resident
 11 within such subscriber's household has an existing illness or handicap
 12 which would cause such subscriber or resident to suffer an immediate and
 13 serious health hazard by the disconnection of the utility's service to
 14 that household. Such certificate shall be filed with the utility within
 15 five days of receiving notice under this section, excluding holidays and
 16 weekends, and will prevent the disconnection of the utility's service for
 17 a period of at least thirty days from such filing. Only one postponement
 18 of disconnection shall be ~~required~~ allowed under this subdivision for
 19 each incidence of nonpayment of any past-due account;

20 (h) (8) The cost that will be borne by the domestic subscriber for
 21 restoration of service;

22 (i) (9) A statement that the domestic subscriber may arrange with
 23 the utility for an installment payment plan;

24 (j) (10) A statement to the effect that those domestic subscribers
 25 who are welfare recipients may qualify for assistance in payment of their
 26 utility bill and that they should contact their caseworker in that
 27 regard; and

28 (k) (11) Any additional information not inconsistent with this
 29 section which has received prior approval from the board of directors or
 30 administrative board of any utility.

31 (2) A public or private utility company, other than a municipal
 1 utility owned and operated by a village, shall make the service
 2 termination information required under subdivisions (d), (e), (f), (g),
 3 (i), (j), and (k) of subsection (1) of this section readily accessible to
 4 the public on the web site of the utility company and available by mail
 5 upon request.

6 Sec. 9. The Legislature finds and declares that the State of
 7 Nebraska experienced a historic flood event in 2019. This flood event
 8 significantly impacted numerous communities and individual Nebraskans.
 9 Coordination and communication between state and local entities
 10 implementing flood mitigation strategies is essential to maximize federal
 11 funds for flood mitigation efforts.

12 Sec. 10. The Department of Natural Resources shall develop a state
 13 flood mitigation plan as a stand-alone document to be annexed into the
 14 state hazard mitigation plan maintained by the Nebraska Emergency
 15 Management Agency. Such plan shall be structured in accordance with

16 Federal Emergency Management Agency guidelines, and shall be
17 comprehensive, collaborative, and statewide in scope with opportunities
18 for input from diverse stakeholders.
19 Sec. 11. The Department of Natural Resources shall convene a plan
20 development group which shall be housed and staffed for administrative
21 purposes within such department. The Department of Natural Resources
22 shall engage with federal, state, and local agency and community
23 stakeholders in the development of the state flood mitigation plan,
24 including, but not limited to, the Department of Transportation, the
25 Department of Environment and Energy, the Department of Economic
26 Development, the Department of Agriculture, the Nebraska Emergency
27 Management Agency, natural resources districts, the United States
28 Department of Agriculture, the United States Army Corps of Engineers, the
29 United States Geological Survey, the Federal Emergency Management Agency,
30 the University of Nebraska, representatives of counties, municipalities,
31 and other political subdivisions, and the Natural Resources Committee of
1 the Legislature. The Department of Natural Resources may engage other
2 sources to provide technical expertise as needed.
3 Sec. 12. The Department of Natural Resources shall:
4 (1) Evaluate the flood issues that occurred in 2019, and identify
5 cost-effective flood mitigation strategies that should be adopted to
6 reduce the disruption of lives and livelihoods and prioritize making
7 Nebraska communities more resilient;
8 (2) Identify opportunities to implement flood hazard mitigation
9 strategies with the intent to reduce the impact of flood events;
10 (3) Work to improve knowledge and understanding of available
11 recovery resources while identifying potential gaps in current disaster
12 program delivery;
13 (4) Identify potential available funding sources that can be
14 accessed to improve the resilience of the state through flood mitigation
15 and post-flood disaster recovery. The funding sources shall include, but
16 not be limited to, assistance from (a) the Federal Emergency Management
17 Agency's Flood Mitigation Assistance Grant Program, Building Resilient
18 Infrastructure and Communities Grant Program, Hazard Mitigation Grant
19 Program, Public Assistance Program, and Individual Assistance Program,
20 (b) the United States Department of Housing and Urban Development's
21 Community Development Block Grant Program and Community Development Block
22 Grant Disaster Recovery Program, and (c) programs of the United States
23 Department of Agriculture's Natural Resources Conservation Service.
24 Identification of such funding sources shall be in addition to grants and
25 cost-sharing programs available through other agencies that support flood
26 hazard mitigation planning in communities;
27 (5) Compile a centralized list of critical infrastructure and state-
28 owned facilities and identify those with the highest risk of flooding. In
29 compiling such list, the Department of Natural Resources shall consult
30 and collaborate with other state and local agencies that have information
31 that identifies vulnerable facilities;
1 (6) Evaluate state laws, rules, regulations, policies, and programs
2 related to flood hazard mitigation and development in flood hazard-prone
3 areas to support the state's administration of the Federal Emergency
4 Management Agency's National Flood Insurance Program, Community Rating
5 System, and Risk Mapping, Assessment, and Planning Program;
6 (7) Examine existing law and, if necessary, recommend statutory or
7 administrative changes to help ensure collaboration and coordination
8 between state and local entities in statewide flood mitigation planning;
9 and
10 (8) Hold two public hearings, one prior to the first state flood
11 mitigation plan development meeting and one prior to the completion of
12 such plan. Notice of each hearing shall be published at least thirty days
13 prior to the hearing date.

14 Sec. 13. The state flood mitigation plan shall be completed and
 15 reported to the Governor and electronically to the Legislature on or
 16 before December 31, 2021.
 17 Sec. 14. Original sections 13-2001, 13-2003, 13-2017, 13-2023,
 18 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section
 19 2-1504, Revised Statutes Cumulative Supplement, 2018, are repealed.
 20 2. On page 1, strike beginning with "regulation" in line 1 through
 21 line 4 and insert "environment and energy; to amend sections 13-2001,
 22 13-2003, 13-2017, 13-2023, 70-1605, and 70-1606, Reissue Revised Statutes
 23 of Nebraska, and section 2-1504, Revised Statutes Cumulative Supplement,
 24 2018; to change provisions relating to Nebraska Natural Resources
 25 Commission membership and the Integrated Solid Waste Management Act; to
 26 define a term; to restate policy; to prohibit regulation of containers as
 27 prescribed; to change provisions relating to utility discontinuance and
 28 reconnection; to require the Department of Natural Resources to develop a
 29 state flood mitigation plan; to harmonize provisions; and to repeal the
 30 original sections."

LEGISLATIVE BILL 1056. Placed on Select File with amendment.

[ER221](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 6
 2 and insert "regulated activities; to amend sections 9-426, 9-429, and
 3 9-431, Reissue Revised Statutes of Nebraska, sections 53-123.12, 53-129,
 4 and 53-134, Revised Statutes Cumulative Supplement, 2018, and section
 5 53-123.11, Revised Statutes Supplement, 2019; to change provisions
 6 regarding special permits, remittance of taxes on gross proceeds, and
 7 sales of raffle tickets or stubs pursuant to the Nebraska Lottery and
 8 Raffle Act; to provide for temporary expansion of licensed premises under
 9 the Nebraska Liquor Control Act; to harmonize provisions; and to repeal
 10 the original sections."

LEGISLATIVE BILL 1160. Placed on Select File with amendment.

[ER225](#)

1 1. In the Standing Committee amendments, AM3084, on page 2, line 5,
 2 strike "~~robust~~," and insert "~~and robust~~".
 3 2. On page 1, line 1, after "Nebraska" insert "Statewide".

LEGISLATIVE BILL 956. Placed on Select File with amendment.

[ER226](#)

1 1. On page 1, strike lines 2 through 5 and insert "sections 68-914
 2 and 68-973, Reissue Revised Statutes of Nebraska, and sections 68-901 and
 3 68-974, Revised Statutes Supplement, 2019; to define and redefine terms;
 4 to provide duties for managed care organizations regarding changes to
 5 provider contracts as prescribed; to change provisions relating to notice
 6 regarding eligibility for or modifications to medical assistance; to
 7 state findings and intent regarding integrity procedures; to provide for
 8 program integrity contractors and remove references to recovery audit
 9 contractors; and to repeal the original sections."

LEGISLATIVE BILL 783. Placed on Select File with amendment.

[ER227](#)

1 1. On page 1, strike beginning with "facilities" in line 1 through
 2 "section" in line 3 and insert "; to amend section 71-405, Reissue
 3 Revised Statutes of Nebraska, section 38-2025, Revised Statutes
 4 Cumulative Supplement, 2018, and section 71-7910.01, Revised Statutes
 5 Supplement, 2019; to provide an exemption from licensure under the
 6 Medicine and Surgery Practice Act; to redefine ambulatory surgical center

7 under the Health Care Facility Licensure Act; to redefine professional
8 health care service entity under the Health Care Quality Improvement Act;
9 and to repeal the original sections".

LEGISLATIVE BILL 1158. Placed on Select File with amendment.

ER228

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
4 amended to read:
5 68-901 Sections 68-901 to 68-994 and sections 2 to 4 of this act
6 shall be known and may be cited as the Medical Assistance Act.
7 Sec. 2. Section 71-831, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 ~~71-831~~ All contracts and agreements relating to the medical
10 assistance program governing at-risk managed care service delivery for
11 behavioral health services entered into by the department and existing on
12 or after July 1, 2020 ~~21, 2016~~, shall:
13 (1) Provide a definition and cap on administrative spending such
14 that (a) administrative expenditures do not include profit greater than
15 the contracted amount, (b) any administrative spending is necessary to
16 improve the health status of the population to be served, and (c)
17 administrative expenditures do not include contractor incentives.
18 Administrative spending shall not under any circumstances exceed twelve
19 percent. Such spending shall be tracked by the contractor and reported ~~to~~
20 the department quarterly to the department and electronically to the
21 Clerk of the Legislature;
22 (2) Provide a definition of annual contractor profits and losses and
23 restrict such profits and losses under the contract so that profit shall
24 not exceed a percentage specified by the department but not more than
25 three percent per year as a percentage of the aggregate of all income and
26 revenue earned by the contractor and related parties, including parent
27 and subsidiary companies and risk-bearing partners, under the contract;
1 (3) Provide for ~~return reinvestment~~ of (a) any remittance if the
2 contractor does not meet the minimum medical loss ratio, (b) ~~performance~~
3 ~~contingencies imposed by the department~~, and (c) any unearned incentive
4 funds, and (c) any other funds in excess of the contractor limitations
5 identified in state or federal statute or contract to the State Treasurer
6 for credit to the Medicaid Managed Care Excess Profit Fund to fund
7 additional health services for children, families, and adults according
8 to a plan developed with input from stakeholders and approved by the
9 department. Such plan shall address the health needs of adults and
10 children, including filling service gaps and providing system
11 improvements;
12 (4) Provide for a minimum medical loss ratio of eighty-five percent
13 of the aggregate of all income and revenue earned by the contractor and
14 related parties under the contract;
15 (5) Provide that contractor incentives, in addition to potential
16 profit, be up to two percent of the aggregate of all income and revenue
17 earned by the contractor and related parties under the contract; and
18 (6) Be reviewed and awarded competitively and in full compliance
19 with the procurement requirements of the State of Nebraska.
20 Sec. 3. The Medicaid Managed Care Excess Profit Fund is created.
21 The fund shall contain money returned to the State Treasurer pursuant to
22 subdivision (3) of section 2 of this act. The fund shall first be used to
23 offset any losses under subdivision (2) of section 2 of this act and then
24 to provide for services addressing the health needs of adults and
25 children under the Medical Assistance Act, including filling service
26 gaps, providing system improvements, and sustaining access to care as
27 determined by the Legislature. The fund shall only be used for the

28 purposes described in this section. Any money in the fund available for
 29 investment shall be invested by the state investment officer pursuant to
 30 the Nebraska Capital Expansion Act and the Nebraska State Funds
 31 Investment Act.

1 Sec. 4. (1) Beginning October 1, 2020, the Department of Health and
 2 Human Services shall inform each adult applicant for medical assistance
 3 about job-skills programs within the Department of Health and Human
 4 Services, the Department of Labor, or other skill-based programs that
 5 could assist the applicant for medical assistance in obtaining job skills
 6 or training, employment, higher-paying jobs, or related skills. The
 7 Department of Health and Human Services shall connect interested
 8 applicants to such job-skills programs. The job-skills programs may be
 9 utilized on a voluntary basis by applicants for medical assistance or
 10 recipients of medical assistance. The job-skills programs do not affect
 11 the receipt of services provided under the Medical Assistance Act.

12 (2) Beginning February 1, 2021, and within thirty days of the
 13 expiration of each subsequent calendar quarter within the years 2021 and
 14 2022, the Department of Health and Human Services shall report
 15 electronically to the Clerk of the Legislature on the total number of
 16 applicants for medical assistance who were referred to job-skills
 17 programs under this section and any job-skills services received as a
 18 result of this section by applicants for medical assistance.

19 (3) Beginning January 1, 2021, through December 31, 2022, the
 20 Department of Labor shall report quarterly to the Department of Health
 21 and Human Services the number of applicants for medical assistance who
 22 were referred to job-skills programs under this section, the number of
 23 applicants for medical assistance who received help obtaining job skills
 24 or training, employment, higher-paying jobs, or related skills under this
 25 section, and the types of job-skills services received as a result of
 26 this section.

27 (4) The Department of Health and Human Services and the Department
 28 of Labor shall administer this section.

29 Sec. 5. Section 71-801, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 71-801 Sections 71-801 to 71-830 ~~71-831~~ shall be known and may be
 1 cited as the Nebraska Behavioral Health Services Act.

2 Sec. 6. Original sections 71-801 and 71-831, Reissue Revised
 3 Statutes of Nebraska, and section 68-901, Revised Statutes Supplement,
 4 2019, are repealed.

5 Sec. 7. Since an emergency exists, this act takes effect when
 6 passed and approved according to law.

7 2. On page 1, strike beginning with "the" in line 1 through line 4
 8 and insert "social services; to amend sections 71-801 and 71-831, Reissue
 9 Revised Statutes of Nebraska, and section 68-901, Revised Statutes
 10 Supplement, 2019; to change provisions regarding contracts and agreements
 11 relating to the medical assistance program; to create a fund; to provide
 12 duties regarding job-skills programs for applicants for medical
 13 assistance; to transfer provisions; to harmonize provisions; to repeal
 14 the original sections; and to declare an emergency."

LEGISLATIVE BILL 681. Placed on Select File with amendment.

[ER232](#)

1 1. On page 1, strike beginning with "50-406" in line 1 through line
 2 4 and insert "29-2011.02, 29-2011.03, and 50-408, Reissue Revised
 3 Statutes of Nebraska, and sections 50-406, 50-407, and 50-1205, Revised
 4 Statutes Cumulative Supplement, 2018; to change provisions relating to
 5 witnesses who refuse to testify or provide information, powers of the
 6 Legislative Council and committees of the Legislature, litigation related
 7 to legislative subpoenas, and enforcement of legislative subpoenas; to
 8 provide for renewal of legislative subpoenas as prescribed; to provide

9 that certain legislative issues are not justiciable; to change provisions
 10 relating to certain witness fees; to harmonize provisions; and to repeal
 11 the original sections."

LEGISLATIVE BILL 927. Placed on Select File with amendment.

ER230

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. The following sum of money, or so much thereof as may be
 4 required, is hereby appropriated from the General Fund or from other
 5 funds as indicated in the state treasury, not otherwise appropriated, for
 6 the payment of a state settlement, which has been settled by the Attorney
 7 General in the district court and which requires the approval of the
 8 Legislature for payment.
 9 \$107,243.21 for 8:16CV546, a self-insured liability settlement with
 10 Riley Nicole Shadle, against the State of Nebraska, pay to Michael D.
 11 Gooch, Attorney, 7215 North 162nd Street, Bennington, NE 68007, out of
 12 the General Fund.
 13 The claim included in this section shall be paid through Program 536
 14 in Agency 65.

15 For informational purposes only, the appropriation contained in this
 16 section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|--------------------------|----------------------|
| 18 <u>GENERAL FUND</u> | <u>\$107,243.21</u> |
| 19 <u>CASH FUND</u> | <u>\$-0-</u> |
| 20 <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| 21 <u>TOTAL</u> | <u>\$107,243.21</u> |

22 Sec. 2. The following sum of money, or so much thereof as may be
 23 required, is hereby appropriated from the General Fund or from other
 24 funds as indicated in the state treasury, not otherwise appropriated, for
 25 the payment of attorney's fees and costs associated with a required
 26 appearance before a tribunal for which the state agency has insufficient
 27 funds to pay, which requires the approval of the Legislature for payment.

1 \$50,628.87 for Case No. CI 20-29 in Lancaster County District Court
 2 and Case No. CI 20-46 in Hall County District Court for self-insured
 3 liability attorney's fees and costs for which there is insufficient
 4 agency funding, against the State Racing Commission, pay to Lamson Dugan
 5 and Murray LLP, 10306 Regency Parkway Drive, Omaha, NE 68114-3708, out of
 6 the General Fund.

7 The amount included in this section shall be paid through Program
 8 536 in Agency 65.

9 For informational purposes only, the appropriation contained in this
 10 section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|--------------------------|----------------------|
| 12 <u>GENERAL FUND</u> | <u>\$50,628.87</u> |
| 13 <u>CASH FUND</u> | <u>\$-0-</u> |
| 14 <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| 15 <u>TOTAL</u> | <u>\$50,628.87</u> |

16 Sec. 3. The following sums of money, or so much thereof as may be
 17 required, are hereby appropriated from the General Fund or from other
 18 funds as indicated in the state treasury, not otherwise appropriated, for
 19 the payment of tort claims which have been settled by the State Claims
 20 Board and approved by the district court, which have been settled by the
 21 Attorney General in the district court, or in which court judgments have
 22 been entered and which require the approval of the Legislature for
 23 payment.

24 \$335,000.00 for Tort Claim Number 2017-16279, against the State of
 25 Nebraska, pay to Disability Rights Nebraska Trust Account on behalf of
 26 Ruth Cecetka, 134 South 13th Street, Suite 600, Lincoln, NE 68508, out of
 27 the General Fund.

28 \$850,000.00 for Tort Claim Numbers 2018-18149 and 2018-18150,
 29 against the State of Nebraska, pay jointly to Christine Allen (now
 30 "Harms") and Cynthia Allen; Woods & Aitken LLP, 301 South 13th Street,
 1 Suite 500, Lincoln, NE 68508-2578, out of the General Fund.
 2 The claims included in this section shall be paid through Program
 3 591 in Agency 65.

4 For informational purposes only, the appropriations contained in
 5 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-------------------------|-----------------------|
| 7 <u>GENERAL FUND</u> | <u>\$1,185,000.00</u> |
| 8 <u>CASH FUND</u> | <u>\$-0-</u> |
| 9 <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| 10 <u>TOTAL</u> | <u>\$1,185,000.00</u> |

11 Sec. 4. The following sums of money, or so much thereof as may be
 12 required, are hereby appropriated from the General Fund or from other
 13 funds as indicated in the state treasury, not otherwise appropriated, for
 14 the payment of workers' compensation claims which have been settled by
 15 the Attorney General in the Nebraska Workers' Compensation Court or in
 16 which court judgments have been entered and which require the approval of
 17 the Legislature for payment.

18 \$116,898.88 for a workers' compensation claim, pay to American
 19 General Annuity Service Corporation, f/b/o Randy Bradley, 2271 SE 27th
 20 Avenue, Amarillo, TX 79103, out of the Workers' Compensation Claims
 21 Revolving Fund.

22 \$140,834.84 for a workers' compensation claim, pay to Randy Bradley
 23 and David Handley, 2809 S 160th Street, Suite 309, Omaha, NE 68130, out
 24 of the Workers' Compensation Claims Revolving Fund.

25 \$25,000.00 for a workers' compensation claim, pay to Michael Morgan
 26 and Joe Dowding, Dowding, Dowding & Urbom Law Office, 201 North
 27 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, out of the
 28 Workers' Compensation Claims Revolving Fund.

29 The claims included in this section shall be paid through Program
 30 593 in Agency 65.

1 For informational purposes only, the appropriations contained in
 2 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-------------------------|----------------------|
| 4 <u>GENERAL FUND</u> | <u>\$-0-</u> |
| 5 <u>CASH FUND</u> | <u>\$-0-</u> |
| 6 <u>REVOLVING FUND</u> | <u>\$282,733.72</u> |
| 7 <u>TOTAL</u> | <u>\$282,733.72</u> |

8 Sec. 5. The following sums of money, or so much thereof as may be
 9 required, are hereby appropriated from the General Fund or from other
 10 funds as indicated in the state treasury, not otherwise appropriated, for
 11 the payment of tort claims which have been settled by the State Claims
 12 Board and approved by the district court, which have been settled by the
 13 Attorney General in the district court, or in which court judgments have
 14 been entered and which require the approval of the Legislature for
 15 payment.

16 \$90,000.00 for Tort Claim Number 2016-15375, against the State of
 17 Nebraska, pay to Jennifer Urbina and Dyer Law, Attorney, Dyer Law PC,
 18 LLO, 2611 South 117th Street, Omaha, NE 68144, out of the State Insurance
 19 Fund.

20 \$112,000.00 for Tort Claim Number 2016-16049, against the State of
 21 Nebraska, pay to Copple and Rockey Trust Account, 2425 Taylor Avenue,
 22 P.O. Box 78, Norfolk, NE 68701, out of the State Insurance Fund.

23 \$323,846.79 for Tort Claim Number 2017-16406, against the State of
 24 Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and
 25 Lenaghan, 13924 Gold Circle, Omaha, NE 68144, out of the State Insurance
 26 Fund.

27 The claims included in this section shall be paid through Program

28 594 in Agency 65.

29 For informational purposes only, the appropriations contained in
30 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-------------------------|----------------------|
| 2 <u>GENERAL FUND</u> | \$-0- |
| 3 <u>CASH FUND</u> | \$-0- |
| 4 <u>REVOLVING FUND</u> | \$525,846.79 |
| 5 <u>TOTAL</u> | \$525,846.79 |

6 Sec. 6. The Director of Administrative Services is hereby
7 authorized and directed to draw his or her warrants upon the funds in the
8 state treasury enumerated in this act, in favor of the several
9 beneficiaries named in this act for the amount set opposite their
10 respective names, upon the presentation of proper vouchers therefor. The
11 several amounts appropriated in this act shall be in full payment of any
12 and all claims, rights, causes of action, damages, and demands of every
13 character and kind owing by or against the State of Nebraska, its
14 officers, agents, and employees, and their successors and assigns with
15 respect to each of the beneficiaries respectively in whose favor the
16 appropriations are made. The director shall not deliver any warrant for
17 any items appropriated in this act until a receipt and release in full,
18 releasing the State of Nebraska, its officers, employees, and agents, and
19 their successors and assigns, has been filed by each of the beneficiaries
20 respectively. Upon presentation of the warrants, the State Treasurer is
21 hereby directed to pay the same out of money in the General Fund or out
22 of money in other funds indicated in this act not otherwise appropriated.

23 Sec. 7. The following requests were filed by state agencies seeking
24 permission to write off certain accounts. The State Claims Board reviewed
25 and approved the following requests:

26 \$8,045.21 for Request Number 2020-19968, made by the Nebraska Public
27 Employees Retirement System.
28 \$1,469,717.55 for Request Number 2020-19974, made by the Department
29 of Health and Human Services.
30 \$110,998.88 for Request Number 2020-19977, made by the Department of

1 Veterans' Affairs.
2 \$112,695.24 for Request Number 2020-19978, made by the Department of
3 Transportation.

4 \$910,000.00 for Request Number 2020-19991, made by the Nebraska
5 State Patrol.

6 \$63,342,441.64 for Request Number 2020-19996, made by the Department
7 of Labor.

8 \$5,952.89 for Request Number 2020-19997, made by the Game and Parks
9 Commission.

10 \$760.00 for Request Number 2020-19998, made by the State Fire
11 Marshal.

12 \$83,174.24 for Request Number 2020-19999, made by the Department of
13 Motor Vehicles.

14 \$3.00 for Request Number 2020-20010, made by the Nebraska Workers'
15 Compensation Court.

16 Sec. 8. Since an emergency exists, this act takes effect when
17 passed and approved according to law.

LEGISLATIVE BILL 966. Placed on Select File with amendment.

ER233

1 1. On page 1, strike beginning with "decedents" in line 1 through
2 line 2 and insert "law; to amend sections 30-2414, 30-2416, 30-2426,
3 71-601, and 76-3413, Reissue Revised Statutes of Nebraska, and section
4 30-2201, Revised Statutes Cumulative Supplement, 2018; to adopt the
5 Uniform Wills Recognition Act (1977); to change Nebraska Probate Code
6 provisions relating to individuals who are related to a decedent through
7 two lines of relationship, parents who are barred from inheriting from a

8 child, allowable will provisions, informal probate and appointment
9 proceedings, and formal testacy or appointment proceedings; to provide
10 for an acknowledgment of maternity as prescribed; to change provisions
11 relating to the revocation of transfer on death deeds under the Nebraska
12 Uniform Real Property Transfer on Death Act; to harmonize provisions; and
13 to repeal the original sections."

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Arch filed the following amendment to [LB1158](#):
[AM3174](#)

(Amendments to E&R amendments, ER228)

1 1. On page 1, line 12, strike "July 1, 2020", show the old matter as
2 stricken, and insert "the effective date of this act".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 383. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature that may arise during the interim.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine issues related to Nebraska's correctional system.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to investigate the advertisement and use of unproven stem cell injections as a therapy for health disorders. Stem cells of the body are capable of developing into any of the body's 200 different kinds of cells and, with proper study, development and approval, may offer the potential to combat diseases that have few or no treatments. The only stem-cell-based products that have approval from the federal Food and Drug Administration are those made from blood-forming cells that are derived from umbilical cord blood, peripheral blood, or bone marrow. These are used primarily to treat patients with cancer or other disorders of the blood or immune system. Any other advertised use of stem cells is not approved by the federal Food and Drug Administration and the advertising of such unapproved uses violates state and federal law. It has been documented across the United States that patients who have received unapproved stem cell therapy have suffered serious infections, blindness, tumor growth, or even death. Older individuals are particularly vulnerable to misleading marketing statements regarding stem cell therapy as they may not be good candidates for other treatment options but are desperate for relief. More than 500 clinics across the United States, including several in Nebraska, offer unproven stem cell therapies which cost tens of thousands of dollars and are not covered by private or public insurance. Such clinics do not possess approval from the federal Food and Drug Administration, nor scientific substantiation for the claims made within their advertising campaigns, and are harming Nebraskans. Other states have implemented new laws to establish consumer protections for those in the public who are unaware of potential risks, dangerous side effects, and lack of effectiveness of such unapproved stem cell therapy. By informing the public that certain treatments have not been proven safe or effective Nebraskans can make more informed decisions about their healthcare.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Stem cells and stem cell products;
- (2) The approval process for stem cell therapies by the federal Food and Drug Administration;
- (3) Current clinical trials for stem cells and stem cell products;
- (4) Products and services offered at stem cell clinics located in Nebraska and the advertising techniques used to promote such products and services; and
- (5) The role the state can play in protecting the public from potential adverse effects of unproven stem cell therapies, including the state agencies that can work together to share certain information.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386. Introduced by Pansing Brooks, 28; Vargas, 7.

PURPOSE: The purpose of this interim study is to examine Nebraska law, policy, and application in the filing and transferring of cases involving youth between juvenile and criminal court and to consider the jurisdictional structure currently set forth in sections 29-1816, 43-246.01, 43-247, and 43-274 and in light of national best practices, scientific understanding of adolescent development, the lived experience of youth and families in Nebraska, and racial equity outcomes. The purpose of this interim study is also to examine how the current jurisdictional structure supports the intent of the juvenile code to effectuate the outcomes listed in section 43-246 and to explore the expansion of problem-solving courts and alternative juvenile court jurisdictional models, including extending the age of juvenile court jurisdiction or adopting a young adult court.

This interim study shall include, but not be limited to, an examination of:

(1) The number and type of cases in Nebraska, disaggregated by demographic factors, wherein:

(a) An individual under the age of eighteen was charged as an adult in county or district court, whether or not a motion to transfer the case to juvenile court was filed;

(b) An individual under the age of eighteen was petitioned in juvenile court and a motion to transfer the case to county or district court was filed; or

(c) An individual under the age of eighteen was charged as an adult in county or district court and petitioned in juvenile court for separate offenses arising from a singular incident;

(2) Case progression data with regard to filing of transfer motions, hearings on transfer motions, orders on transfer motions, and any appeals that may have been filed in the matter;

(3) The disproportionate use of discretionary charging and transfers for Black, Indigenous, and other youth of color in Nebraska and whether and to what extent the factors set forth in section 43-276 contribute to racial and ethnic disparities for youth sentenced as adults;

(4) The variance of discretionary charging and transfers of youth between juvenile and criminal court across counties, by gender, by age, and by type of offense;

(5) The case outcomes or sentences for youth charged and sentenced as adults, as compared with the case outcomes or dispositions for youth charged as adults but transferred to juvenile court;

(6) The experience and outcomes of discretionary criminal court charging and transfers, as articulated by youth and family advocates with lived experience of the transfer process in Nebraska; and

(7) Other state models and best practices for structuring juvenile, adult, and young adult court jurisdictions to support rehabilitation, healing, and community safety.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER'S MAJOR PROPOSALS

July 27, 2020

Senator Mike Hilgers, Chair
Legislative Executive Board
State Capitol, Room 2108
Lincoln, NE 68509

RE: Speaker's Major Proposals

Dear Senator Hilgers and Members of the Executive Board:

Pursuant to Rule 1, Section 17, I have selected Legislative Bills 1008 and 1009, the state budget bills, as two of my 2020 Speaker's Major Proposals. I am requesting Executive Board approval of this designation as required by rule.

Thank you for your assistance.

Sincerely,
(Signed) Jim Scheer

GENERAL FILE

LEGISLATIVE BILL 992. Title read. Considered.

Committee [AM3055](#), found on page 1021, was offered.

SENATOR WILLIAMS PRESIDING

The committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 387. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to examine the processes by which children, from birth to age three, who are the victim of a substantiated case of abuse or neglect, are able to access services through Nebraska's Early Development Network under the federal Individuals with Disabilities Education Act, Part C.

This interim study shall include, but not be limited to, an examination of the following:

(1) The percentage of children from birth to age three who are the victim of a substantiated case of abuse or neglect that receive services through the Nebraska Early Development Network;

(2) Points in the process that present barriers to services for children from birth to age three who are the victim of a substantiated case of abuse or neglect;

(3) Conversations with Nebraska Early Development Network leadership, regional Early Developmental Network leadership, Early Development Network service coordinators, Early Development Network evaluators, families, and other interested parties from rural and urban settings;

(4) Eligibility under the federal Individuals with Disabilities Education Act, Part C, for children from birth to age three who are the victim of a substantiated case of abuse or neglect in surrounding states; and

(5) Potential solutions to ensure children from birth to age three who are the victim of a substantiated case of abuse or neglect have access to the services they need to thrive.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB1064](#):

[AM3175](#)

1 1. Insert the following new section:

2 Sec. 8. Section 77-2602.05, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 77-2602.05 (1) A person that paid taxes applicable under section

5 77-2602 on cigarettes sold in an exempt transaction shall be eligible for
6 a refund of the taxes paid on those cigarettes.
7 (2) Exempt transactions, for purposes of this section and section
8 69-2703, are defined as:
9 (a) Cigarette sales on a federal installation in a transaction that
10 is exempt from state taxation under federal law; and
11 (b) Cigarette sales on an Indian tribe's Indian country to its
12 tribal members where state taxation is precluded by federal law.
13 (3) Except as provided in subsection (5) of this section, the person
14 seeking a refund of taxes shall submit an application to the Tax
15 Commissioner providing documentation sufficient to demonstrate (a) that
16 the cigarettes were sold in a package bearing the correct stamp required
17 under section 77-2603 or 77-2603.01 and that the stamp was one that
18 required payment of tax, (b) that the person paid the applicable taxes in
19 question, (c) that the cigarettes were sold in an exempt transaction, and
20 (d) that the person has not previously obtained the refund on the
21 cigarettes. The documentation shall include, in addition to information
22 necessary to meet the requirements of subdivisions (3)(a) through (d) of
23 this section and any other information that the Tax Commissioner may
24 reasonably require, documents showing the identity of the seller and
25 purchaser and the places of shipment and delivery of the cigarettes. The
26 Tax Commissioner shall verify the accuracy and completeness of the
27 required documentation and information before granting the requested
1 refund.
2 (4) If a meritorious refund claim under subsection (3) of this
3 section is not paid within sixty days after submission of the required
4 documentation, the refund shall include interest on the amount of such
5 refund at the rate specified in section 45-104.02 as such rate existed at
6 the date of submission of the required documentation.
7 (5) The Tax Commissioner and an Indian tribe may agree upon a tax
8 refund formula to operate in lieu of application for refunds under
9 subsection (3) of this section. The aggregate refund provided to an
10 Indian tribe under a formula for a year shall not exceed the aggregate
11 tax paid by entities owned and operated by that tribe or a member of that
12 tribe on cigarettes sold in exempt transactions on that tribe's Indian
13 country during that year. Refunds of taxes under subsection (3) of this
14 section shall not be available for cigarettes sold in exempt transactions
15 on an Indian tribe's Indian country by an Indian tribe that agrees upon a
16 refund formula under this subsection. Nothing in this subsection shall
17 limit the state's authority to enter into an agreement pursuant to
18 section 77-2602.06 pertaining to the collection and dissemination of any
19 cigarette taxes which may otherwise be inconsistent with this subsection.
20 (6) Any product that is taxed as a cigar under Title 26 of the
21 United States Code, as such title existed on January 1, 2020, and is a
22 cigarette for purposes of section 77-2602, shall not be treated as a
23 cigarette for purposes of (a) subdivision (4) of section 69-2702 and the
24 Master Settlement Agreement as defined in section 69-2702 or (b) the
25 Reduced Cigarette Ignition Propensity Act.
26 2. Renumber the remaining sections and correct the repealer
27 accordingly.

GENERAL FILE

LEGISLATIVE BILL 866. Title read. Considered.

Committee [AM2913](#), found on page 942, was offered.

Senator Morfeld offered the following amendment to the committee

amendment:

[AM3172](#)

(Amendments to Standing Committee amendments, AM2913)

- 1 1. Insert the following new sections:
- 2 Sec. 7. (1) For purposes of sections 7 to 11 of this act:
- 3 (a) City means a city of any class or a village;
- 4 (b) Dwelling unit includes a dwelling unit as defined in sections
- 5 76-1410 and 76-1459;
- 6 (c) Eviction means the use by a landlord of any judicial or
- 7 nonjudicial means to involuntarily terminate a rental agreement or
- 8 tenancy or remove a tenant from a dwelling unit;
- 9 (d) Eviction action means a judicial or administrative proceeding
- 10 that seeks recovery or possession of a dwelling unit from a tenant,
- 11 including under sections 76-1440 to 76-1447 or under section 76-14,104;
- 12 (e) Eviction notice means any notice directing a resident to vacate
- 13 a dwelling unit or purporting to terminate a rental agreement or tenancy;
- 14 (f) Eviction order means any order entered in an eviction action
- 15 that directs or authorizes the removal of a tenant from a dwelling unit.
- 16 Notwithstanding that such an order may require removal of a person from a
- 17 dwelling unit, eviction order does not include a domestic violence
- 18 protection order issued pursuant to section 42-924, a harassment
- 19 protection order issued pursuant to section 28-311.09 or 28-311.10, or a
- 20 sexual assault protection order issued pursuant to section 28-311.11 or
- 21 28-311.12, or any similar order entered in any type of proceeding to
- 22 protect a tenant from domestic violence, sexual violence, stalking, or
- 23 other violence. Eviction order also does not include an order restoring a
- 24 resident to possession of premises under section 10 of this act;
- 25 (g) Judicial foreclosure action means an action that seeks the
- 26 foreclosure or satisfaction of a mortgage in accordance with sections
- 27 25-2137 to 25-2155;
- 28 (h) Landlord includes a landlord as defined in sections 76-1410 and
- 29 76-1462;
- 30 (i) Moratorium period means the time period beginning on the date a
- 31 city enacts a moratorium under section 8 of this act and lasting until
- 32 the moratorium is terminated;
- 33 (j) Rent includes rent as defined in sections 76-1410 and 76-1467;
- 34 (k) Rental agreement means a rental agreement as defined in sections
- 35 76-1410 and 76-1468;
- 36 (l) Tenant includes a tenant as defined in sections 76-1410 and
- 37 76-1471 and also includes any member of a tenant's household, whether or
- 38 not listed in a rental agreement;
- 39 (m) Trust deed has the same meaning as in section 76-1001; and
- 40 (n) Trustee has the same meaning as in section 76-1001.
- 41 (2) When reference in this section is made to a definition found in
- 42 both the Uniform Residential Landlord and Tenant Act and the Mobile Home
- 43 Landlord and Tenant Act, the definition relevant to the type of tenant or
- 44 dwelling unit at issue applies for purposes of sections 7 to 11 of this
- 45 act.
- 46 Sec. 8. (1)(a) If a city finds that it is necessary to protect the
- 47 public welfare from the spread of a virus or infectious disease, the city
- 48 may enact a moratorium on any evictions and foreclosures within the city.
- 49 (b) A moratorium may be enacted by either the governing body of the
- 50 city or the chief executive officer of the city, by resolution or
- 51 proclamation.
- 52 (2)(a) Except as provided in subdivision (2)(b) of this section, the
- 53 moratorium shall end when either the governing body or the chief
- 54 executive officer of the city determines, by resolution or proclamation,
- 55 that the moratorium is no longer necessary to protect the public welfare,
- 56 regardless of which entity enacted the moratorium. The moratorium period
- 57 shall terminate on the date specified in the resolution or proclamation,

1 which shall not be sooner than fourteen days after the issuance of the
2 resolution or proclamation.

3 (b) If the moratorium is enacted by the governing body of the city
4 and the chief executive officer terminates the moratorium, the governing
5 body may reinstate the moratorium with a two-thirds majority vote.

6 (3) If the Legislature determines that a moratorium is unnecessary
7 for the protection of the public welfare, it may by resolution rescind
8 any moratorium enacted by a city.

9 Sec. 9. (1) During the period in which a city has enacted a
10 moratorium, the following shall apply to any dwelling unit within the
11 jurisdiction of the city:

12 (a) A landlord shall not serve a tenant of such a dwelling unit with
13 a notice of intent to terminate a rental agreement or an eviction notice.
14 Any such notice issued to a tenant during the moratorium period is void
15 and shall not be enforced against the tenant;

16 (b) A landlord shall not file a judicial eviction action against a
17 tenant of such a dwelling unit. A court in which such an action is filed
18 shall summarily dismiss such action;

19 (c) A court in which an eviction action relating to such a dwelling
20 unit is pending shall not convene to hear such action or decide such an
21 action;

22 (d) Service of process shall not be issued against a tenant for an
23 eviction action concerning such a dwelling unit;

24 (e) A court shall not accept for filing any eviction action relating
25 to such a dwelling unit;

26 (f) All deadlines pertaining to the filing, service, or other
27 prosecution of an eviction action relating to such a dwelling unit are
28 tolled for the duration of the moratorium period;

29 (g) No eviction order shall be served or executed on a tenant of
30 such a dwelling unit; and

31 (h) A landlord shall not charge fees, penalties, or other charges to
1 a tenant for nonpayment of rent for such a dwelling unit.

2 (2) During the six months following expiration of a moratorium
3 period, a landlord shall not terminate or decline to renew a rental
4 agreement because of a rent delinquency that arose during a moratorium
5 period.

6 (3)(a) Following the expiration of the six-month grace period
7 described in subsection (2) of this section, a landlord shall not
8 terminate or decline to renew a rental agreement because of a rent
9 delinquency that arose during a moratorium period and that remains unpaid
10 unless the landlord first allows the tenant the opportunity to propose a
11 reasonable payment plan after the expiration of the moratorium period. If
12 the proposed payment plan is reasonable under the circumstances, the
13 landlord shall accept the plan.

14 (b) A payment plan is presumptively reasonable for purposes of this
15 subsection if:

16 (i) The tenant agrees that future rental payments will be paid in
17 full as they come due;

18 (ii) Any arrearage on the tenant's account would be paid in full
19 within six months of the agreement; and

20 (iii) The tenant has, or there is good cause to believe the tenant
21 will have, the means to make the required payments according to the
22 schedule.

23 (c) In an eviction action governed by this subsection:

24 (i) The landlord has the burden to prove that the landlord provided
25 an opportunity to propose a reasonable payment plan as required by
26 subdivision (3)(a) of this section;

27 (ii) The tenant has the burden to prove that a payment plan was
28 offered and the proposed terms of such plan; and

29 (iii) If the terms of the proposed payment plan are presumptively

30 reasonable under subdivision (3)(b) of this section, the landlord shall
31 have the burden to prove that the plan was not, in fact, reasonable under
1 the circumstances. If the plan was not presumptively reasonable, the
2 tenant has the burden to prove that the plan was, in fact, reasonable
3 under the circumstances.

4 (4) Except as provided in subsections (5) and (6) of this section,
5 this section does not preclude a landlord from terminating, after
6 expiration of the moratorium period, and for a good cause unrelated to
7 the rent delinquency, the rental agreement of a tenant who became
8 delinquent in rent during a moratorium period.

9 (5) After expiration of a moratorium period, a landlord may
10 terminate a rental agreement that existed during the moratorium period
11 for good cause that arose during the moratorium period, other than a
12 delinquency in rent, only as follows:

13 (a) By giving a new eviction notice that provides the tenant the
14 opportunity to cure the lease violation as required by law, if any; or
15 (b) By giving the tenant at least thirty days' written notice to
16 vacate the premises if (i) no eviction notice would have been required to
17 terminate the rental agreement prior to the moratorium period or (ii) an
18 eviction notice was given before the moratorium period and the deadline
19 for the tenant to preserve the rental agreement by curing the lease
20 violation, if any, expired prior to the expiration of the moratorium
21 period.

22 (6) A landlord shall not terminate or attempt to terminate a rental
23 agreement that existed during a moratorium period wholly or in part
24 because of the tenant's assertion or exercise of a right or protection
25 arising under this section. It shall be a defense to a rental agreement
26 termination or eviction action that the landlord's action was motivated
27 wholly or in part by the tenant's assertion of such right or protection.

28 Sec. 10. (1) Any tenant displaced from a dwelling unit in violation
29 of section 9 of this act may bring an action in a court of competent
30 jurisdiction for a writ of restitution to be restored to such dwelling
31 unit. Such a claim shall constitute an emergency and critical function of
1 the judicial system. The procedure for such a claim shall be as follows:

2 (a) The tenant shall initiate such action by filing a sworn
3 complaint stating the factual basis for the claim and requesting relief
4 as authorized by this subsection;

5 (b) The court shall schedule a hearing on the complaint for as soon
6 thereafter as practicable. Such hearing may be held by telephone or
7 videoconference or through other remote means if practicable, if such
8 means are available to the parties and the court, and if the parties
9 agree to hold a hearing by such means; and

10 (c) Unless the hearing on the complaint is held on the same day as
11 it is filed, the court shall consider the sworn allegations in the
12 complaint and may, on the basis of such sworn allegations, issue an ex
13 parte order that entitles the tenant to immediate and temporary
14 possession of the dwelling unit pending the hearing.

15 (2) A tenant adversely affected by any violation of section 9 of
16 this act may bring a civil action to restrain further violations and to
17 recover the tenant's damages, costs, and reasonable attorney fees. In the
18 case of a willful violation, such tenant shall be awarded damages equal
19 to the tenant's actual and consequential damages or liquidated damages
20 equal to three times the monthly rent, whichever is greater. An action
21 under this subsection may be combined with or brought in addition to an
22 action under subsection (1) of this section.

23 (3) This section waives sovereign immunity with respect to any
24 violation of section 9 of this act committed by a public official or
25 agency, including any landlord which is a public housing agency or
26 governmental entity.

27 Sec. 11. (1) During the period in which a city has enacted a

28 moratorium, the following shall apply to any real property of a landlord
 29 within the jurisdiction of the city containing one or more dwelling units
 30 rented to tenants:
 31 (a) A mortgagee shall not file a judicial foreclosure action against
 1 a mortgagor of such real property. A court in which such an action is
 2 filed shall summarily dismiss such action;
 3 (b) A trustee of any trust deed for such real property shall not:
 4 (i) Exercise the power of sale as provided in section 76-1005;
 5 (ii) Foreclose upon the trust deed in the manner provided by law for
 6 the foreclosure of mortgages on real property as provided in section
 7 76-1005;
 8 (iii) File for recording a notice of default as provided in section
 9 76-1006; or
 10 (iv) Publish a notice of sale as provided in section 76-1007;
 11 (c) An office of the register of deeds in which a notice described
 12 in subdivision (1)(b)(iii) is filed shall refuse to record or accept such
 13 filing;
 14 (d) Service of process shall not be issued against a mortgagor of
 15 such real property for a judicial foreclosure action concerning such real
 16 property;
 17 (e) A court in which a judicial foreclosure action concerning such
 18 real property is pending shall not convene to hear such an action or
 19 decide such an action;
 20 (f) A court shall not accept for filing any judicial foreclosure
 21 action concerning such real property; and
 22 (g) The following deadlines shall be tolled for the duration of the
 23 moratorium period:
 24 (i) All deadlines pertaining to the filing, service, or other
 25 prosecution of a judicial foreclosure action;
 26 (ii) All deadlines pertaining to exercising the trustee's power of
 27 sale or foreclosure under section 76-1005;
 28 (iii) All deadlines pertaining to the filing, service, or other
 29 prosecution of an action commenced to recover the balance due upon the
 30 obligation for which a trust deed was given as security under section
 31 76-1013; and
 1 (iv) All deadlines relating to exercising the right to cure a
 2 default under section 76-1012.
 3 (2) A landlord adversely affected by any violation of this section
 4 may bring a civil action to restrain further violations and to recover
 5 damages, costs, and reasonable attorney fees. In the case of a willful
 6 violation, such landlord shall be awarded damages equal to the landlord's
 7 actual and consequential damages or liquidated damages equal to three
 8 times the monthly mortgage payment, whichever is greater.
 9 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, and 18 of this
 10 act become operative three calendar months after the adjournment of this
 11 legislative session. The other sections of this act become operative on
 12 their effective date.
 13 Sec. 19. Since an emergency exists, this act takes effect when
 14 passed and approved according to law.
 15 2. Renumber the remaining sections accordingly.

Senator Clements requested a ruling of the Chair on whether the Morfeld amendment is germane to the committee amendment.

The Chair ruled the Morfeld amendment is not germane to the committee amendment.

Senator Morfeld challenged the ruling of the Chair. The question is, "Shall

the Chair be overruled?"

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

Senator Clements requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 19:

| | | | | |
|-----------|------------|-------------|----------------|---------|
| Blood | Crawford | Hunt | Morfeld | Walz |
| Bolz | DeBoer | Kolowski | Pansing Brooks | Wayne |
| Cavanaugh | Hansen, M. | Lathrop | Quick | Wishart |
| Chambers | Howard | McCollister | Vargas | |

Voting in the negative, 30:

| | | | | |
|-----------|----------|------------|-----------|----------|
| Albrecht | Clements | Groene | Kolterman | Moser |
| Arch | Dorn | Halloran | La Grone | Murman |
| Bostelman | Erdman | Hansen, B. | Lindstrom | Scheer |
| Brandt | Friesen | Hilgers | Linehan | Slama |
| Brewer | Geist | Hilkemann | Lowe | Stinner |
| Briese | Gragert | Hughes | McDonnell | Williams |

The Morfeld motion to overrule the Chair failed with 19 ayes, 30 nays, and 0 not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 388. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the coordination of efforts to find alternatives to incarceration for offenses that involve operating a motor vehicle under the influence of alcohol or other drugs. The study shall focus on allowing counties to create and implement 24/7 sobriety programs, in which participants are tested twice daily at designated facilities for evidence of alcohol or drug consumption in place of incarceration or other conditions of bond, and allowing for application for permits for such programs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study and analyze existing public postsecondary institution programs, initiatives, and strategies to:

(1) Address workforce and talent shortages and the economic impact of the COVID-19 pandemic on those shortages; and

(2) Identify best practices for increasing postsecondary degrees and credentials to assist in filling vacant high-wage, high-demand, high-skill jobs in Nebraska to reduce the impact of COVID-19 on Nebraska's economy and develop Nebraska's workforce in a post-pandemic environment.

The study shall include, but not be limited to, an examination of the following:

(1) The effects of the COVID-19 pandemic on Nebraska's workforce and demand for high-wage, high-demand, high-skill jobs in Nebraska;

(2) State and federal programs that are specifically targeted to high-wage, high-demand, high-skill jobs;

(3) Public postsecondary institution initiatives that seek to address workforce and talent shortages in high-wage, high-demand, high-skill occupations;

(4) Degree and credential completion initiatives that seek to assist Nebraskans who have postsecondary education credits, but who have not earned a degree or certification;

(5) Best practices of public postsecondary institutions in assisting first-generation students and adult-learners seeking to enter into high-wage, high-demand, high-skill careers;

(6) Barriers for public postsecondary institutions to increase the college-going rate to further address vacant high-wage, high-demand, high-skill jobs in Nebraska;

(7) Education attainment, demographic, and high-wage, high-demand, high-skill occupation projections through 2030;

(8) Best practices in the utilization of differentiated tuition and tuition waivers for public postsecondary institutions for high-wage, high-demand, high-skill connected degree and credential programs; and

(9) Historical review of state appropriations for dual credit scholarship and targeted public postsecondary institution scholarship programs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Stinner, 48.

PURPOSE: The purpose of this study resolution is to assess the fiscal and economic impact of the COVID-19 pandemic on Nebraska's early childhood workforce and the early childhood care and education system and to ensure that the early childhood care and education system is stable enough to support children's development during and after this crisis situation and to support families, communities, and businesses while rebuilding the state's economy.

The foundation for this study resolution is an analysis of Nebraska's strengths and challenges across all sectors affecting early childhood care and education as presented in "Elevating Nebraska's Early Childhood Workforce: Report and Recommendations of the Nebraska Early Childhood Workforce Commission," released on January 30, 2020, by the Buffett Early Childhood Institute at the University of Nebraska. The science of early childhood development makes it clear that the early years, from birth through the age of eight, are a time of unparalleled human growth and brain development and that healthy development during these pivotal early years requires reliable, positive, and consistent interactions between the developing child and parents and other familiar, caring adults.

In Nebraska, seventy-five percent of children under the age of six live in homes where all adults in their family work outside the home. Most parents of young children who work outside the home rely on early childhood professionals, whether in family child care homes, child care centers, or public or private schools, to provide additional positive interactions and experiences that young children need to thrive. Prior to the pandemic, many communities across the state already lacked sufficient and affordable early childhood care and education options. Eleven Nebraska counties had no licensed child care facilities and eighty-four percent of Nebraska counties lacked sufficient child care openings to meet the needs of families living in the county.

A survey of Nebraska child care providers conducted by the Buffett Early Childhood Institute in the initial days of the pandemic revealed many of the providers could not survive a closure of any length, decreasing parent options and increasing stress on local economies. Ensuring all families and children have equitable access to affordable high-quality care is key to both the healthy growth and development of Nebraska's children as well as the economic vitality and prosperity of communities and the state.

This study shall include, but not be limited to, an examination of the following:

(1) The fiscal and economic impact of the COVID-19 pandemic on the early childhood workforce and the early childhood care and education system;

(2) Federal and state investments and expenditures in Nebraska's early childhood care and education system;

(3) The funding gap between current investments and the total investments needed to fully fund a high-quality early childhood care and education system; and

(4) Financing options for closing the funding gap for a high-quality early childhood care and education system, including state and community-based models.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to conduct a review of current academic literature and research examining the impact of paid sick leave policies on pandemic spread in various states and industries and to identify lessons and best practices for the development of paid sick leave policy in Nebraska.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the feasibility of increasing the capacity of pre-health academic and research undergraduate programs at the University of Nebraska at Kearney to help expand the permanent presence of the University of Nebraska Medical Center in central and western Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) The current capacity of existing pre-health or health care-related undergraduate programs at the University of Nebraska at Kearney;

- (2) Existing initiatives to recruit undergraduate students into pre-health or health care-related degree programs;
- (3) Internship, apprenticeship, and professional development initiatives that focus on recruiting undergraduate students into health-related careers;
- (4) The current master facility plan at the University of Nebraska at Kearney as it relates to potential expansions of existing University of Nebraska Medical Center programs and facility space;
- (5) Current planning efforts and the capacity of the University of Nebraska Medical Center to expand the delivery of new and expanded health sciences programs at the University of Nebraska at Kearney; and
- (6) Recommendations for potential strategies and funding sources to achieve the expansion of undergraduate pre-health career pipelines between the University of Nebraska at Kearney and the University of Nebraska Medical Center.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Pansing Brooks, 28; Vargas, 7.

PURPOSE: The purpose of this interim study is to review juvenile justice involvement for youth who commit a status offense specified in subdivision (3)(b) of section 43-247. Status offenses include a range of behaviors prohibited by law for children, but not adults, including chronic absenteeism, running away from home, being uncontrollable in the home, engaging in behavior that injures or seriously endangers the morals or health of the youth or others, and possessing or consuming alcohol or tobacco. National juvenile justice best practices encourage policymakers to increase community-based interventions that address the underlying causes of status offenses and eliminate formal court interventions.

The interim study shall include, but not be limited to, an examination of the following:

- (1) The number and type of status offenses cases filed across the state;
- (2) The outcomes for youth adjudicated for status offenses, including length of time on probation, recidivism, or other metrics to assess whether youth are transitioning to a productive adulthood;
- (3) Any outcomes not tracked, including educational attainment, behavioral and mental health improvements, skill development, and employment;

(4) The amount of money the state commits to state systems to address status behaviors, including, but not limited to, the costs of formal court involvement, the cost to the educational system to address chronic absenteeism, and the cost of state-aid dedicated to community-based interventions for youth;

(5) The variance of chronic absenteeism in our state across school districts, diversion programs focused on chronic absenteeism, and referrals to county attorneys for formal court intervention, including demographic information and how chronic absenteeism may disproportionately affect communities of color and non-English learners;

(6) The programs addressing chronic absenteeism supported through community-based aid dollars, other community-based programs that address behaviors that lead to status offense filings, and the outcomes for youth resulting from all such programs;

(7) Any programs used by probation to address chronic absenteeism within probation districts and the outcomes for youth resulting from such programs;

(8) Best practices to improve youth and family engagement and positive youth outcomes resulting from collaborative plan meetings required pursuant to subdivision (2)(b) of section 79-209; and

(9) A survey of national best practices in addressing status offenses to identify necessary services and gaps in service delivery in this state.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Lowe filed the following amendment to [LB1056](#):
[AM3158](#)

(Amendments to Briese amendments, AM3001)

1 1. Insert the following new section:

2 Sec. 9. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

4 2. On page 5, line 30; page 8, line 12; and page 12, line 15, after

5 "exceed" insert "fifty days for calendar year 2020 and, for each calendar

6 year thereafter, not to exceed".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Murman name added to LR373.

RECESS

At 11:54 a.m., on a motion by Senator Lowe, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

ROLL CALL

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 394. Introduced by Cavanaugh, 6.

PURPOSE: To study the TestNebraska program. TestNebraska is a new initiative which began in April 2020 based on a partnership between the state leaders in Nebraska and private corporations. The goal of the initiative is to dramatically increase the rate of testing for the 2019 novel coronavirus (COVID-19), an upper-respiratory tract illness, so Nebraskans would have better access to testing and help stem the spread of COVID-19 in order to return society to normal as quickly as possible.

The study should include investigation into the contract which formed the basis of the partnership, the procurement process used for purposes of the program, the exclusion of certain state resources by the program, and the lack of access to the program for vulnerable populations, including low-income, minority, medically fragile, and disability populations.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 927. [ER230](#), found in this day's Journal, was adopted.

Senator Hilgers offered the following amendment:

[AM3181](#)

(Amendments to E & R amendments, ER230)

- 1 1. On page 2, line 6, strike "General" and insert "Racing
- 2 Commission's Cash"; and strike lines 12 and 13 and insert
- 3 "GENERAL FUND \$-0-
- 4 CASH FUND \$50,628.87".

The Hilgers amendment was adopted with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB857](#):

[AM3186](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
- 4 amended to read:
- 5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
- 6 known and may be cited as the Online Notary Public Act.
- 7 Sec. 2. No otherwise valid online notarial act performed on or
- 8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
- 9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
- 10 because it was performed prior to the operative date of Laws 2019, LB186.
- 11 Sec. 3. Original section 64-401, Revised Statutes Supplement, 2019,
- 12 is repealed.
- 13 Sec. 4. Since an emergency exists, this act takes effect when
- 14 passed and approved according to law.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1525

Monday, August 3, 2020 12:00 p.m.
AM3186 to LB857

(Signed) Tom Brewer, Chairperson

General Affairs
Room 1525

Monday, August 3, 2020 8:30 a.m.
Shane Greckel - State Racing Commission

(Signed) Tom Briese, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 395.** Introduced by Blood, 3.

PURPOSE: The purpose of this interim study is to determine the benefits of requiring each committee of the Legislature to complete a study and hold a public hearing for each interim study resolution referred to the committee prior to the beginning of the following legislative session.

The study shall include, but not be limited to, an examination of the following:

(1) Whether the portion of Rule 4, Section 3(c), of the Rules of the Nebraska Unicameral Legislature, which states "...the chairperson of each committee may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for any study resolution referenced to such committee" should be replaced with "...the chairperson of each committee shall file, on a form prescribed by the Clerk in consultation with the Executive Board, a study plan for all study resolutions referenced to such committee"; and

(2) How such form should be designed to obtain more comprehensive information about the research to be completed and to ensure all interim study resolutions are given the proper time and attention.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Friesen, 34; Williams, 36.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact peer-to-peer vehicle sharing program legislation. The study should include a review of issues raised during consideration of Legislative Bill 961, One Hundred Sixth Legislature, Second Session, 2020, which, as introduced, was based on the Peer-to-Peer Car Sharing Program Model Act adopted in 2019 by the National Council of Insurance Legislators. In order to carry out the purpose of this resolution, the study committee shall seek and consider the input of interested persons and organizations as the study committee deems necessary and beneficial.

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

1. That the Transportation and Telecommunications Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with the recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to study the implementation and impact of eliminating felony disenfranchisement in Nebraska.

This study shall include, but not be limited to, an examination of the following issues:

(1) The history, process, and impact of eliminating felony disenfranchisement in Vermont and Maine;

(2) The requirements for successful implementation of voting from prison in Nebraska;

(3) The impacts on public safety, including recidivism; and

(4) The policy justification for restricting voting rights for Nebraskans convicted of a felony.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine retirement benefits for law enforcement employees in all counties, except counties containing a city of the metropolitan class, and all cities and villages, except cities of the metropolitan class. The study shall examine the average retirement benefits for such law enforcement officers and compare such average retirement benefits to the retirement benefits for law enforcement officers in other states. The study shall consider any federal policies, including, but not limited to, the federal Healthcare Enhancement for Local Public Safety Retirees Act, as included in the Pension Protection Act of 2006, and any additional contributions allowable by employees and employers to enhance law enforcement retirement benefits.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and policies of retirement systems for such law enforcement officers.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1008. [ER210](#), found on page 952, was adopted.

Senator Stinner withdrew his amendment, [AM2936](#), found on page 948.

Senator Stinner offered the following amendment:
[AM3008](#) is available in the Bill Room.

SENATOR HILGERS PRESIDING

The Stinner amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 399. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to conduct an in-depth review of how at-risk and economically disadvantaged students are identified as a qualification factor for state-funded, education-related programs at the primary, secondary, and postsecondary education levels. The study shall include, but not be limited to, an examination of the following:

(1) The use of the federal National School Lunch Program administered by the federal Department of Agriculture as a proxy to identify poverty;

(2) The impact changes in such program, specifically the implementation of the community eligibility provision and direct certification, have had on current and future student eligibility for state programs;

(3) How poverty is identified and program qualification factors are written in other states;

(4) Relevant studies and literature with a focus on the best practices for determinations of poverty for education-related funding programs; and

(5) Whether a need exists to update current state statutes to meet the legislative intent for the various funding programs in light of changes in federal policy, and, if so, what options are available for such statutory updates.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study the enrollment option program as applied across the state to ensure that it is offering equality to all Nebraska students. The issues addressed by this interim study shall include, but not be limited to:

(1) The demographics of school districts that students option into compared to the districts from which such students option out;

(2) The rate at which students are denied the ability to option into another school district based on:

(a) Full capacity in a program, class, grade level, or school building;

(b) Special education limitations; or

(c) Missed application deadlines; and

(3) Equitable state funding options for students that attend school through the enrollment option program.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study the impact of COVID-19 on the education of Nebraska's children and options available to ensure that free instruction is provided to all students. The issues addressed by this interim study shall include, but not be limited to:

- (1) Broadening options for educational opportunities;
- (2) Consequences for students and families, including, but not limited to:
 - (a) A widening of learning gaps;
 - (b) Costs and attributes related to stay-at-home efforts and remote learning; and
 - (c) Costs of alternative learning environments; and
- (3) Impacts on the educational workforce.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Cavanaugh, 6.

WHEREAS, the National Education Association, as a part of their annual Human and Civil Rights Awards program, presents the Dr. Martin Luther King, Jr., Memorial Award to an individual or organization that inspires others to champion the cause of human and civil rights by:

- (1) Initiating or engaging in activities that positively impact the educational, social, economic, or political life of the community;
- (2) Contributing to the achievement of self-determination by individuals or groups;
- (3) Displaying creativity, determination, and perseverance in achieving human and civil rights goals;
- (4) Establishing an ongoing program or institution for the improvement of human relations and civil rights; or
- (5) Exemplifying the nonviolent philosophy of Dr. King, and other nonviolent activists in the quest for improved human relations and civil rights; and

WHEREAS, the Empowerment Network based in Omaha was awarded the 2020 Dr. Martin Luther King, Jr., Memorial Award; and

WHEREAS, as a recipient of this award, Empowerment Network has consistently demonstrated the criteria to be deserving of the award; and

WHEREAS, the staff and volunteers with the Empowerment Network demonstrated perseverance and skill in achieving this remarkable honor.

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

1. That the Legislature congratulated the Empowerment Network on receiving the National Education Association's 2020 Dr. Martin Luther King, Jr., Memorial Award.

2. That a copies of this resolution be sent to the Empowerment Network and President Willie Barney.

Laid over.

LEGISLATIVE RESOLUTION 404. Introduced by Morfeld, 46; Howard, 9.

PURPOSE: The purpose of this interim study is to provide continued oversight of and updates regarding the execution and administration of medicaid expansion by the Department of Health and Human Services pursuant to Neb. Rev. Stat. §68-992.

In November 2018, the people of Nebraska voted to expand access to the medical assistance program through Initiative No. 427. On April 1, 2019, the Division of Medicaid and Long-Term Care of the Department of Health and Human Services submitted three state plan amendments to the federal Centers for Medicaid and Medicare Services, which are necessary to implement medicaid expansion. Expanded coverage is expected to begin October 1, 2020, with enrollment beginning August 1, 2020.

The issues addressed by this interim study shall include, but not be limited to:

(1) The hiring and retention of employees tasked with determining eligibility for expanded medicaid coverage through the Heritage Health Adult program;

(2) Any challenges to beneficiaries, providers, contractors, or the department in implementing the medical assistance program;

(3) The effectiveness of educational media and programming relating to the enrollment of individuals in the medical assistance program; and

(4) Any other issues relating to expanded edicaid coverage in Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Cavanaugh, 6.

PURPOSE: The purpose of this interim study is to examine the feasibility of developing the Nebraska Juvenile Justice Information System (NJJIS), an independent, external, juvenile justice and child welfare data warehouse that will integrate current data sources from state and local agencies, for the applied purposes of research and evaluation. The purpose of the NJJIS is to answer key questions about youth at risk of entering the child welfare and juvenile justice system, along with youth involved in either system, to guide future investment in preventing involvement in both systems.

Currently, juvenile justice, child welfare, education, and law enforcement data are maintained by separate agencies, making research efforts to improve these systems limited in scope to a single agency, while lacking in uniform definition and independent evaluation.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Current gaps in data and information sharing;
- (2) Legal issues surrounding data sharing, including, but not limited to, privacy protections provided under the law by federal, state, and local governments;
- (3) Specific agency concerns and solutions for overcoming such concerns;
- (4) Data sharing memorandums of understanding that should be put into place between local and state agencies;
- (5) The process for matching youth cases across systems;
- (6) The process for releasing data for the purposes of research and evaluation; and
- (7) How data is reported and current statistics distributed in compliance with federal requirements and with sections 84-712 to 84-712.09.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Health and Human Services Committee of the Legislature that may arise during the interim.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a fifty million dollars endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska. The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund.

This study shall include:

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
- (2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and
- (3) Recommendations for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The United States Congress passed the Coronavirus Aid, Relief and Economic Security (CARES) Act that was signed into law on March 27, 2020.

The assistance provided by the CARES Act was intended to provide direct economic stimulus to individuals, families, small businesses, and industry, and provide assistance for state, local, and tribal governments affected by the COVID-19 pandemic.

A portion of these economic stimulus funds were directed to state relief and entitlement programs under the jurisdiction of the Health and Human Services Committee of the Legislature.

The issues addressed by this interim study shall include, but not be limited to:

1. How much money was distributed from the Nebraska Department of Health and Human Services' Community CARES grant program and to how many eligible grant recipients;

2. The individual communities or geographic areas of the state receiving Community CARES Act funding and how such funding was allocated geographically;

3. The types of programs funded from the Community CARES grant program, including, but not limited to, programs under the jurisdiction of the Health and Human Services Committee of the Legislature;

4. The measurable outcomes reported for programs funded by the Community CARES grant program, including how many individuals or families received assistance and the average amount of assistance received by an individual or household;

5. How other funding from the federal CARES Act that was allocated to specific Department of Health and Human Services programs was spent, including, but not limited to, the number and geographic distribution of providers or eligible recipients receiving such funds.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the drug testing protocol in the Division of Children and Family Services of the Department of Health and Human Services for families involved in the child welfare system.

This interim study shall include, but not be limited to, an examination of the following:

- (1) The experience of other states with drug testing protocols related to child welfare systems;
- (2) Drug testing for initial assessments and structured decisionmaking safety and risk assessments;
- (3) The use of a new drug testing protocol in high-risk cases and for families subject to a safety plan;
- (4) The use of substance use disorder evaluations when the structured decisionmaking assessment outcome is safe or conditionally safe;
- (5) The benefits of allowing infants and children who may have been exposed to drugs to be tested;
- (6) The current laws related to drug testing policies in the child welfare system;
- (7) The impacts of possible drug use on children after the drug testing protocol change;
- (8) The process for holding parents and guardians accountable under a safety plan or case plan; and
- (9) The efforts by the department to find a compromise solution with stakeholders regarding drug testing protocols.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Health and Human Services Committee: Howard, 9, Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to provide continued oversight of and updates regarding the contract between the Department of Health and Human Services and St. Francis Ministries for child welfare case management services in the eastern service area.

Pursuant to section 68-1212 the Department of Health and Human Services is authorized to contract with a lead agency for a case management lead agency model pilot project in the eastern service area. In June 2019, the department awarded that contract to St. Francis Ministries, replacing PromiseShip, a collaborative that had been providing services for the

previous nine years. The bid from St. Francis Ministries received lower scores but was significantly less expensive with a reduction of more than half the cost of PromiseShip's bid and more than half of what it had historically cost PromiseShip or the State of Nebraska to provide services to the children in the eastern service area. In October 2019, the timetable for the transfer of cases from PromiseShip to St. Francis Ministries was accelerated, and all cases were transferred by January 1, 2020.

The Health and Human Services Committee has continued oversight over the case management lead agency model pilot program in the eastern service area. To keep the committee informed of the progress and performance of the new lead agency contract, this interim study shall include, but not be limited to, an examination of the following:

- (1) The areas of contract oversight and performance review detailed in section 68-1212;
- (2) The caseload size for caseworkers at St. Francis Ministries and how those caseload are calculated;
- (3) The availability of appropriate foster homes and emergency short term placements in the eastern service area;
- (4) The hiring and retention of staff by St. Francis Ministries, including the qualifications for each role;
- (5) Services offered by St. Francis Ministries; and
- (6) The use of sub-contractors by St. Francis Ministries for service delivery, which entities are serving as sub-contractors, and the percentage of services being provided by St. Francis Ministries or a subsidiary of St. Francis Ministries.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to provide continued oversight of and updates regarding the response of the Department of Health and Human Services to the COVID-19 pandemic.

The issues addressed by this interim study shall include, but not be limited to, an examination of the following:

- (1) Statewide and local measures implemented to address COVID-19;
- (2) The effectiveness and availability of testing;
- (3) The hiring and retention of contact tracers;

(4) The effectiveness of waivers to the medical assistance program or other economic assistance programs implemented during the COVID-19 pandemic; and

(5) Future plans for mitigation of COVID-19 for locations or populations at high risk of outbreak, including schools, meat-packing facilities, long-term care facilities, and large scale events.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to assess the mental and behavioral health needs of Nebraskans and the current shortages of services and resources needed to ensure a robust behavioral health service delivery system.

The study shall include, but not be limited to, and examination of the following:

(1) The current system for mental and behavioral health care and adherence to the Division of Behavioral Health Strategic Plan for 2017-2020;

(2) Mental and behavioral health programs and services administered by the Department of Health and Human Services and the behavioral health regions;

(3) Funding sources for mental and behavioral health assessment, treatment, and community support;

(4) Model policies and programs used by behavioral health groups to ensure community mental and behavioral health needs are met; and

(5) Emergency protective custody and steps the Department of Health and Human Services takes to ensure a safe and appropriate environment for individuals placed in such custody.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to continue oversight of the residential facilities for juveniles, including the youth rehabilitation and treatment centers, under the supervision of the Department of Health and Human Services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Walz, 15; Howard, 9.

PURPOSE: The purpose of this interim study is to examine issues under the jurisdiction of the Health and Human Services Committee of the Legislature related to long-term care facilities, assisted living facilities, and nursing facilities.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Clements, 2.

PURPOSE: The purpose of this resolution is to examine the state inheritance tax, its current structure, and recommendations on whether it should be amended, replaced, or repealed. As Nebraska seeks to reform its tax structure to encourage economic growth, simplification, and fairness for its residents while providing adequate funds for necessary government duties and services, it is appropriate to review the inheritance tax.

The study shall include, but not be limited to, an examination of the following:

- (1) The current structure, rates, and thresholds of the inheritance tax;

(2) The revenue generated and the ways in which it is spent throughout the state; and

(3) Recommendations on whether the inheritance tax should be amended, replaced, or repealed.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the terms used to refer to law enforcement officers in Nebraska statutes. The study shall examine:

(1) The usage of the term law enforcement officer, police officer, peace officer, sheriff, constable, and any other terms used to refer to a law enforcement officer throughout Nebraska statutes;

(2) The difference in meaning, if any, between the terms used to refer to law enforcement officers;

(3) Whether it would be beneficial to adopt consistent usage and definitions for law enforcement officers in Nebraska statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine law enforcement jurisdictions in the state and the existing policies on the use of force by law enforcement officers.

This study shall include, but not be limited to:

(1) An analysis of current use of force policies across jurisdictions to determine the most common components of these policies;

(2) An examination of current national best practices regarding use of force policies and whether Nebraska jurisdictions are adopting best practices; and

(3) Barriers law enforcement agencies may face in adopting effective use of force policies.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the categorization of criminal offenses. Currently, discussion and debate about criminal laws often include terms such as drug related crimes or violent crimes, of which there are not consistent definitions within Nebraska statutes. Nebraska's classification of crimes into misdemeanors and felonies does not serve as a viable proxy for these terms. For instance, some misdemeanors may be seen as more serious than some felonies.

This study shall include, but not be limited to, an examination of the following:

(1) Whether the criminal offenses in Nebraska can be categorized into drug-related and non-drug-related within the existing classification system;

(2) Whether the criminal offenses in Nebraska can be categorized into violent and nonviolent offenses within the existing classification system; and

(3) Whether any other potential categorization would be necessary or helpful in drafting future legislation relating to criminal justice issues.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the various age requirements in the Nebraska statutes related to minors and the age of majority.

The study shall include, but not be limited to, an examination of the following:

- (1) Age requirements related to receiving state services;
- (2) Age requirements related to juvenile court and criminal proceedings;
- (3) Age requirements related to consent for medical care;
- (4) Age requirements related to consent for contracts;
- (5) Any other related age requirements in statute; and
- (6) Potential advantages and disadvantages of adopting consistent ages throughout Nebraska statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Howard, 9; Lathrop, 12.

PURPOSE: The purpose of this interim study is to study the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including, specifically, for youth committed to the youth rehabilitation and treatment centers. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems.

The issues addressed by this interim study shall include, but not be limited to:

- (1) An action plan for reducing racial and ethnic disproportionality in the foster care and juvenile justice systems that includes input from a diverse group of community members of color, including, but not limited to, Nebraska's four federally recognized Indian tribes, and others whose lives have been affected by the foster care and juvenile justice systems;
- (2) The need for a formal body, such as a subcommittee of the Nebraska Children's Commission, or a task force, to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;
- (3) Current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;
- (4) The need for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Specific procedures that may be contributing to the current disproportionality;

(6) Racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Potential model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 421. Introduced by Lathrop, 12; Howard, 9.

PURPOSE: The purpose of this interim study is to study the racial and ethnic disproportionality that exists in Nebraska's foster care and juvenile justice systems, including, specifically, for youth committed to the youth rehabilitation and treatment centers. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems.

The issues addressed by this interim study shall include, but not be limited to:

(1) An action plan for reducing racial and ethnic disproportionality in the foster care and juvenile justice systems that includes input from a diverse group of community members of color, including, but not limited to, Nebraska's four federally recognized Indian tribes, and others whose lives have been affected by the foster care and juvenile justice systems;

(2) The need for a formal body, such as a subcommittee of the Nebraska Children's Commission, or a task force, to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;

(3) Current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;

(4) The need for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Specific procedures that may be contributing to the current disproportionality;

(6) Racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Potential model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Arch, 14.

PURPOSE: The purpose of this resolution is to examine the modifications made to child welfare policies and practices during the COVID-19 pandemic of 2020 and the practices and regulations that have been adjusted in order to effectively maintain the physical safety of workers, children, families, and others, while meeting the unique needs of children and families during the crisis.

The study shall examine the aspects of emergency policy and practice changes relating to child welfare that evolved during the crisis, including, but not limited to, the following:

(1) The types of child welfare services that have been delivered through virtual means;

(2) The costs of telehealth and other virtual services in the child welfare system and the reimbursement structure for services through the Nebraska medicaid program, private insurance plans, and federal child welfare funding streams;

(3) The utilization of telehealth services and other virtual services during the pandemic compared to previous years and the anticipated utilization in future years; and

(4) The electronic technology utilized in the delivery of telehealth and other child welfare services and the ability to protect child and family privacy, maintain progress toward permanency, and provide for child-caregiver bonding.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Vargas, 7; Kolterman, 24.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of the pay plan and salary grade ranges for legislative employees and to make recommendations that will modernize current policies and practices.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Vargas, 7; Cavanaugh, 6; Howard, 9.

PURPOSE: The purpose of this interim study is to conduct a comprehensive review of maternal and child mortality and make recommendations that will improve the quality of care in Nebraska for mothers and babies. The study shall include, but not be limited to, an examination of the following:

- (1) National best practices relating to maternal and child mortality;
- (2) Recent legislative action, policy initiatives, and recommendations addressing maternal and child mortality;
- (3) Potential reporting improvements that could lead to a more complete understanding of rates and causes of maternal mortality;
- (4) Racial, economic, and geographic disparities that exist in maternal and child mortality;
- (5) Potential reporting improvements for major morbidities of pregnancy;
- (6) Possible improvements to the data included on birth and death certificates of mothers and babies; and
- (7) The current organizational infrastructure that exists to address maternal and child mortality and additional resources may be needed.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Hilkemann, 4.

PURPOSE: The purpose of this interim study is to:

(1) Examine the administrative costs of local systems and school districts, including, but not limited to, the definition of what constitutes an administrative cost and the portion of total authorized expenditures that are budgeted for such costs;

(2) Investigate methods for reducing such costs; and

(3) Investigate methods for consolidating administrative costs of school districts.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Hilkemann, 4; Bolz, 29; Hansen, B., 16.

WHEREAS, Dr. Scott Nelson was elected as the president of the American College of Foot and Ankle Surgeons in February, 2020; and

WHEREAS, the American College of Foot and Ankle Surgeons is a professional society of more than 7,600 foot and ankle surgeons; and

WHEREAS, the American College of Foot and Ankle Surgeons seeks to promote the art and science of foot, ankle, and related lower extremity surgery to ensure superb patient care and to advance and improve standards of education and surgical skill; and

WHEREAS, Dr. Nelson is a Nebraska native who grew up in Blair; and

WHEREAS, Dr. Nelson received a Bachelor of Science degree from Nebraska Wesleyan University and a Doctor of Podiatric Medicine degree from Des Moines University; and

WHEREAS, Dr. Nelson is married to Jenny Nelson and the couple has three boys, Jake, Alex, and Reid; and

WHEREAS, Dr. Nelson is a journal article reviewer for The Journal of Foot and Ankle Surgery as well as the Journal of the American Podiatric Medical Association; and

WHEREAS, Dr. Nelson serves on the Board of Podiatry for the State of Nebraska.

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

1. That the Legislature congratulates Dr. Scott Nelson on being elected as the president of the American College of Foot and Ankle Surgeons and thanks him for his service to the state.

2. That a copy of this resolution be sent to Dr. Scott Nelson and the American College of Foot and Ankle Surgeons.

Laid over.

LEGISLATIVE RESOLUTION 427. Introduced by Wishart, 27; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the issue of reentry housing utilized by people exiting the Nebraska Department of Correctional Services and requiring post-release supervision.

The study shall include, but not be limited to, an examination of the following:

(1) Whether state licensing is necessary to ensure the safety of residents and the surrounding community; and

(2) Whether facilities use evidence-based plans for programming and what standards are set to support the residents transitioning to independence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers.

The study shall include, but not be limited to:

(1) Research by the study committee on the development of minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers;

(2) Development of goals and guidance for the study committee to develop minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers; and

(3) Research on partner organizations to work in cooperation to develop minimum staffing ratios and standards of care at assisted living facilities, nursing facilities, and day service providers.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1064:

AM3161

1 1. Strike original sections 3 and 7 and insert the following new
2 sections:

3 Sec. 3. Section 28-1419, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-1419. (1) Whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,
7 electronic nicotine delivery systems, or alternative nicotine products,
8 to any person under ~~twenty-one~~ ~~nineteen~~ years of age, is guilty of a
9 Class III misdemeanor for each offense.

10 (2)(a) In order to further the public policy of deterring licensees
11 or other persons from violating subsection (1) of this section, a person
12 who is at least fifteen years of age but under twenty-one years of age
13 may assist a peace officer in determining compliance with such subsection
14 if:

15 (i) The parent or legal guardian of the person has given written
16 consent for the person to participate in such compliance check if such
17 person is under nineteen years of age;

18 (ii) The person is an employee, a volunteer, or an intern with a
19 state or local law enforcement agency;

20 (iii) The person is acting within the scope of his or her assigned
21 duties as part of a law enforcement investigation;

22 (iv) The person does not use or consume a tobacco product as part of
23 such duties; and

24 (v) The person is not actively assigned to a diversion program, is
25 not a party to a pending criminal proceeding or a proceeding pending
26 under the Nebraska Juvenile Code, and is not on probation.

27 (b) Any person under the age of twenty-one years acting in
1 accordance with and under the authority of this subsection shall not be
2 in violation of section 28-1427.

3 Sec. 7. Section 28-1427, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-1427. Except as provided in subsection (2) of section 28-1419,
6 any Any person under the age of ~~twenty-one~~ ~~nineteen~~ years who obtains

7 cigars, tobacco, cigarettes, cigarette material, electronic nicotine
 8 delivery systems, or alternative nicotine products from a licensee by
 9 representing that he or she is of the age of ~~twenty-one~~ ~~nineteen~~ years or
 10 over is guilty of a Class V misdemeanor.

Senator Bostelman filed the following amendment to LB632:

AM3183

(Amendments to E&R amendments, ER220)

1 1. On page 10, line 16, strike "December 31, 2021" and insert "July
 2 1, 2022".

SELECT FILE

LEGISLATIVE BILL 1008. Senator Cavanaugh offered the following amendment:

AM3205

(Amendments to AM3008)

1 1. Insert the following new sections:
 2 Sec. 69. Laws 2019, LB294, section 257, is amended to read:
 3 Sec. 257. FEDERAL FUNDS.
 4 The receipts for FY2019-20 and FY2020-21 inuring to the several
 5 Federal Funds, together with any amounts held in account by the State
 6 Treasurer on June 30, 2019, are hereby credited to each of the funds
 7 respectively. Expenditure of Federal Funds appropriated in this act shall
 8 not be limited to the amount shown.
 9 Any Federal Funds, not otherwise appropriated, any additional
 10 Federal Funds made available to the credit of the State Treasurer
 11 excluding funds made available under the provisions of the Coronavirus
 12 Aid, Relief, and Economic Security Act of 2020, section 5001, Coronavirus
 13 Relief Fund, and any amounts on hand in any such Federal Funds on June
 14 30, 2019, are hereby appropriated to the expending agency designated by
 15 the federal government or, if none is designated, to such expending
 16 agency as may be designated by the Governor.
 17 Sec. 70. There is hereby appropriated \$80,000,000 Federal Funds for
 18 FY2020-21 to the Military Department, for Program 191.
 19 Such funds shall be used for providing reimbursement for necessary
 20 COVID-19 related expenditures incurred by state agencies, including
 21 acquisition of personal protective equipment, sanitizing products, and
 22 other necessary COVID-19 medical supplies and equipment, COVID-19 medical
 23 leave, telework capabilities, expenses for sanitizing public areas, and
 24 temporary emergency staffing and overtime costs for staff that is
 25 substantially dedicated to the mitigation or response to the COVID-19
 26 public health emergency.
 1 Sec. 71. There is hereby appropriated \$100,000,000 Federal Funds for
 2 FY2020-21 to the Military Department, for Program 191.
 3 Such funds may be used for providing reimbursement for necessary
 4 COVID-19 related expenditures incurred by counties, cities, villages, and
 5 utility districts, including acquisition of personal protective
 6 equipment, sanitizing products, and other necessary COVID-19 medical
 7 supplies and equipment, COVID-19 medical leave, telework capabilities,
 8 expenses for sanitizing public areas, temporary emergency staffing and
 9 overtime costs for staff substantially dedicated to the mitigation or
 10 response to the COVID-19 public health emergency, medical transportation,
 11 and temporary isolation or quarantine sites. For purposes of payroll
 12 costs for public health and public safety employees for services
 13 dedicated to mitigating or responding to the COVID-19 public health
 14 emergency, no presumption is permitted.
 15 Douglas County and local political subdivisions within Douglas
 16 County, excluding the city of Omaha, are ineligible to receive
 17 reimbursement pursuant to this program. In order for any county

18 government to receive funds, the county courthouse and county offices
19 must have been open for business to the public on a non-appointment basis
20 by June 15, 2020.

21 Sec. 72. There is hereby appropriated \$216,300,000 Federal Funds for
22 FY2020-21 to the Department of Health and Human Services, for Program
23 800.

24 Such funds shall be used to provide qualifying organizations awards
25 or reimbursements to support existing services and programs that have
26 been strained during the COVID-19 public health emergency. Preference
27 shall be given to those organizations and programs that (1) work in
28 underserved or low-income communities; (2) provide critical services
29 during health, economic, and environmental emergencies; and (3) have
30 difficulty accessing other funding. In addition such funds shall be used
31 to assist low-income individuals and families in need during the COVID-19
1 public health emergency.

2 There is included in the appropriation to this program for FY2020-21
3 \$40,000,000 Federal Funds for stabilization grants for charitable
4 organizations and providers to cover operating expenses related to
5 COVID-19, which shall only be used for such purpose.

6 There is included in the appropriation to this program for FY2020-21
7 \$43,000,000 Federal Funds for response and recovery grants for charitable
8 organizations and providers to help children, families, and communities
9 respond to and recover from the impact of COVID-19, which shall only be
10 used for such purpose.

11 There is included in the appropriation to this program for FY2020-21
12 \$2,000,000 Federal Funds for grants for child care providers and centers
13 of worship to assist facilities with the purchase of personal protective
14 equipment and cleaning supplies, which shall only be used for such
15 purpose.

16 There is included in the appropriation to this program \$30,000,000
17 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
18 Security Act (Public Law 116-136) for FY2020-21 to the Department of
19 Health and Human Services. It is the intent of the Legislature to create
20 a grant program to increase child care capacity for school-age children
21 through age thirteen who are not in school full-time and to support
22 extended learning opportunities where before-school and after-school
23 child care opportunities are limited as a result of the coronavirus
24 emergency in the State of Nebraska in accordance with federal law.
25 Priority shall be given to programs that serve a majority of children
26 eligible for free or reduced-price meal programs.

27 There is included in the appropriation to this program \$30,000,000
28 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
29 Security Act (Public Law 116-136) for FY2020-21 to the Department of
30 Health and Human Services. It is the intent of the Legislature that the
31 funds be used for housing stabilization as a response to the coronavirus
1 emergency in the State of Nebraska in accordance with federal law. The
2 department shall use such appropriation to distribute funds for housing
3 assistance in a manner to be determined by the department, to households
4 at or below two hundred percent of the federal poverty level. Funds shall
5 be used to promote housing stability, prevent homelessness, and support
6 public health measures, including, but not limited to:

7 (1) Tenant-based rental assistance;

8 (2) Utility assistance;

9 (3) Rapid rehousing;

10 (4) Street outreach;

11 (5) Emergency homeless services;

12 (6) Legal assistance; and

13 (7) Administrative or staffing costs associated with increased
14 demand for services.

15 There is included in the appropriation to this program \$6,100,000

16 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
17 Security Act (Public Law 116-136) for FY2020-21 to the Department of
18 Health and Human Services. It is the intent of the Legislature to provide
19 an additional, one-time five-hundred-dollar payment to each child
20 eligible for the Aid to Dependent Children program on September 1, 2020,
21 as a response to the coronavirus emergency in the State of Nebraska in
22 accordance with federal law.
23 There is included in the appropriation to this program \$28,200,000
24 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
25 Security Act (Public Law 116-136) for FY2020-21 to the Department of
26 Health and Human Services. It is the intent of the Legislature to
27 administer a program to provide a one-time five-hundred-dollar payment to
28 Nebraska families with a demonstrated loss of fifty percent or more in
29 total household income for two weeks or more since March 13, 2020, up to
30 one hundred eighty-five percent of the federal poverty level who are not
31 otherwise eligible for the Aid to Dependent Children program through
1 December 31, 2020, as a response to the coronavirus emergency in the
2 State of Nebraska in accordance with federal law.
3 There is included in the appropriation to this program \$10,000,000
4 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
5 Security Act (Public Law 116-336) for FY2020-21 to the Department of
6 Health and Human Services. It is the intent of the Legislature to provide
7 temporary food assistance to households at or below two hundred percent
8 of the federal poverty level, who are ineligible for the Supplemental
9 Nutrition Assistance Program due to exceeding income limits. Household
10 eligibility for such assistance, other than the higher income limit
11 herein, shall follow Supplemental Nutrition Assistance Program rules and
12 shall be administered in the same manner, including, but not limited to,
13 utilization of electronic benefit transfer cards.
14 There is included in the appropriation to this program \$25,000,000
15 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
16 Security Act (Public Law 116-136) for FY2020-21 to the Department of
17 Health and Human Services. It is the intent of the Legislature to provide
18 temporary child care subsidies to households at or below two hundred
19 percent of the federal poverty level, who are ineligible for the child
20 care subsidy program established under section 68-1206, due to exceeding
21 the income limit. Household eligibility for such assistance, other than
22 the higher income limit, shall follow the rules of the child care subsidy
23 program established under section 68-1206 and shall be administered in
24 the same manner. When a household's eligibility period ends, the
25 household shall continue to be eligible for transitional child care
26 assistance if the family's income is below two hundred fifty percent of
27 the federal poverty level.
28 There is included in the appropriation to this program \$2,000,000
29 Federal Funds as provided in the Coronavirus Aid, Relief, and Economic
30 Security Act (Public Law 116-136) for FY2020-21 to the Department of
31 Health and Human Services. It is the intent of the Legislature that cost-
1 sharing requirements be temporarily waived for recipient families in the
2 child care subsidy program through December 31, 2020, as a response to
3 the coronavirus emergency in the State of Nebraska in accordance with
4 federal law.
5 Sec. 73. There is hereby appropriated \$392,000,000 Federal Funds for
6 FY2020-21 to the Department of Economic Development, for Program 801.
7 There is included in the appropriation to this program for FY2020-21
8 \$230,000,000 Federal Funds for grants to small businesses with seventy-
9 five or fewer employees who have been severely impacted by COVID-19
10 related closures, occupancy restrictions, and the overall loss of
11 consumer traffic, which shall only be used for such purpose. Such grants
12 shall not exceed twelve thousand dollars per applicant.
13 There is included in the appropriation to this program for FY2020-21

14 \$100,000,000 Federal Funds for grants to livestock producers, including
 15 beef, pork, poultry, dairy, and sheep and goat producers, negatively
 16 impacted by COVID-19, which shall only be used for such purpose. Such
 17 grants shall not exceed twelve thousand dollars per applicant.
 18 There is included in the appropriation to this program for FY2020-21
 19 \$1,000,000 Federal Funds for business leadership training by businesses
 20 with fewer than five hundred employees negatively impacted by COVID-19,
 21 which shall only be used for such purpose.
 22 There is included in the appropriation to this program for FY2020-21
 23 \$40,000,000 Federal Funds for high-speed broadband Internet access to
 24 those who have been directly impacted by COVID-19, including communities
 25 or households lacking broadband Internet access, as defined by the
 26 Federal Communications Commission standard of 25/3 Mbps download/upload
 27 speeds, thus impacting the ability to work from home, participate in
 28 online learning, or access healthcare via telehealth, which shall only be
 29 used for such purpose.
 30 There is included in the appropriation to this program for FY2020-21
 31 \$16,000,000 Federal Funds for community college workforce training
 1 programs, including administration expenses, and college scholarships to
 2 unemployed and underemployed individuals negatively impacted by COVID-19,
 3 which shall only be used for such purpose. Twenty percent of the total
 4 appropriation shall be allocated to the community colleges based upon the
 5 percentage of unemployed persons in the community college area.
 6 There is included in the appropriation to this program for FY2020-21
 7 \$5,000,000 Federal Funds for administration by the Department of Economic
 8 Development of the programs listed in this section, which shall only be
 9 used for such purpose.
 10 Sec. 74. The State Treasurer shall transfer \$167,000,000 from the
 11 Governors Emergency Federal COVID-19 Relief Fund to the State
 12 Unemployment Insurance Trust Fund on or before December 31, 2020.
 13 2. On page 58, line 20, strike "and 244" and insert "244, and 257".
 14 3. Renumber the remaining sections accordingly.

SENATOR LINDSTROM PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1525

Monday, August 3, 2020 8:30 a.m.
Shelby Bakenhus - State Racing Commission

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB1009:
[AM3120](#)

(Amendments to Standing Committee amendments, AM2738)

1 1. Insert the following new section:
 2 Sec. 6. Section 81-829.33, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 81-829.33 The Governor's Emergency Cash Fund is created. The fund
 5 shall consist of federal reimbursements received by the state for

- 6 eligible state administrative costs incurred by the Nebraska Emergency
 7 Management Agency for administering federal emergency disaster
 8 declarations and revenue from all other nonfederal government sources.
 9 Except as provided in section 90-270, the fund shall be used to pay
 10 eligible costs related to state emergency disaster declarations. The fund
 11 shall be administered by the State Administrator of the Nebraska
 12 Emergency Management Agency. Any money in the fund available for
 13 investment shall be invested by the state investment officer pursuant to
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
 15 Investment Act.
 16 Transfers may be made from the Governor's Emergency Cash Fund to the
 17 Cash Reserve Fund at the direction of the Legislature through June 30,
 18 2021. The State Treasurer shall transfer sixty million dollars from the
 19 Governor's Emergency Cash Fund to the Cash Reserve Fund between the
 20 effective date of this act and June 30, 2021, on such dates and in such
 21 amounts as directed by the budget administrator of the budget division of
 22 the Department of Administrative Services.
 23 2. On page 1, line 5, strike "June 30, 2020" and insert "September
 24 15, 2020".
 25 3. On page 5, line 3, strike "2020" and insert "2021".
 26 4. On page 6, line 12, strike "and 61-224" and insert ", 61-224, and
 1 81-829.33".
 2 5. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB1008:
AM3185

(Amendments to AM3008)

- 1 1. Strike sections 19, 24, 25, 34, 37, 46, 59, and 67.
 2 2. On page 7, in lines 10 and 11 strike "12,362,347" and insert
 3 "8,632,198"; and strike lines 12 through 16.
 4 3. On page 19, line 17, strike "145,782,020" and insert
 5 "145,693,093"; in line 21 strike "488,989,103" and insert "488,900,176";
 6 and in line 22 strike "166,258,216" and insert "166,204,143".
 7 4. On page 20, strike lines 10 through 14.
 8 5. On page 25, line 5, strike "23,778,754" and insert "19,638,505";
 9 and in line 10 strike "124,763,228" and insert "120,622,979"; and in line
 10 18 strike "\$23,778,754" and insert "\$19,638,505".
 11 6. On page 32, line 22, strike "172,174,830" and insert
 12 "171,924,830"; and in line 26 strike "207,120,423" and insert
 13 "206,870,423".
 14 7. On page 33, line 5, strike "\$172,174,830" and insert
 15 "\$171,924,830".
 16 8. On page 40, in lines 28 and 29 strike "616,435,633" and insert
 17 "615,935,633".
 18 9. On page 42, strike lines 3 through 7.
 19 10. On page 48, line 18, strike "969,005" and insert "739,005"; in
 20 line 19 strike "27,454,611" and insert "17,454,611"; and in line 23
 21 strike "52,219,944" and insert "41,989,944".
 22 11. On page 49, line 1, strike "\$700,000" and insert "\$470,000" and
 23 strike "\$26,563,965" and insert "\$16,563,965"; and in line 7 strike
 24 "\$700,000" and insert "\$470,000".
 25 12. On page 52, in lines 25 and 26 strike "103,558,339" and insert
 26 "102,558,339".
 1 13. On page 53, strike the new matter in lines 1 through 22.
 2 14. Renumber the remaining sections accordingly.

Senator Morfeld filed the following amendment to LB1008:

AM3196

(Amendments to AM3008)

- 1 On page 26, strike lines 29 and 30, show the old matter as
- 2 stricken, and insert:
- 3 "FEDERAL FUND est. 112,235,004 137,235,004
- 4 PROGRAM TOTAL 207,404,332 229,515,459".
- 5 2. On page 27, line 9, strike "\$112,235,004", show as stricken, and
- 6 insert "\$137,235,004"; and after line 25 insert the following:
- 7 "There is included in the appropriation to this program \$25,000,000
- 8 from the federal Coronavirus Relief Funds as provided in the Coronavirus
- 9 Aid, Relief, and Economic Security Act (Public Law 116-136) to the
- 10 Department of Health and Human Services. It is the intent of the
- 11 Legislature for such funds to be used for rental assistance for
- 12 individuals and families in need due to the public health emergency.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 429. Introduced by DeBoer, 10.

PURPOSE: The purpose of this study is to examine matters related to mapping broadband coverage throughout Nebraska. This interim study shall include, but not be limited to, an examination of the following:

- (1) Current best practices for mapping broadband coverage utilized in Nebraska and in other states;
- (2) The accuracy of current broadband data maps in determining broadband conditions and coverage in Nebraska;
- (3) The information collected by the Federal Communications Commission (FCC) on Form 477 and the accuracy of that information in demonstrating service availability;
- (4) Possible changes to current broadband coverage mapping techniques to develop more accurate broadband coverage maps, specifically in rural Nebraska;
- (5) The inclusion in mapping of household level data and Internet speeds that do not consistently meet federal standards; and
- (6) An analysis of whether proposed changes by the FCC to provide more accurate data will be sufficient to determine whether coverage in Nebraska census tracts and households will be accurately accounted for in the determination of broadband speeds available for those users.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study issues related to property and casualty insurance. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1089. Placed on General File with amendment.AM3176

- 1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-729, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-729 (1) The Legislature recognizes the importance of assuring
6 that all persons who graduate from Nebraska high schools possess certain
7 minimum levels of knowledge, skills, and understanding.
8 (2) Beginning in school year 1987-88, each high school student shall
9 complete a minimum of two hundred high school credit hours prior to
10 graduation. At least eighty percent of such credit hours shall be core
11 curriculum courses prescribed by the State Board of Education.
12 (3)(a) Beginning with the 2021-22 school year, each public high
13 school student shall complete and submit to the United States Department
14 of Education a Free Application for Federal Student Aid prior to
15 graduating from such high school except as otherwise provided in this
16 subsection.
17 (b) A public high school student shall not be required to comply
18 with subdivision (3)(a) of this section if:
19 (i) A parent or legal guardian of or a person standing in loco
20 parentis to such student submits a signed form indicating that such
21 parent, legal guardian, or person standing in loco parentis authorizes
22 such student to decline to complete and submit a Free Application for
23 Federal Student Aid; or
24 (ii) The school principal or the school principal's designee
25 authorizes the student to decline to complete and submit a Free
26 Application for Federal Student Aid for good cause as determined by the
27 school principal or the school principal's designee.
1 (c) The Commissioner of Education shall create and adopt a form to
2 be used by each public high school for purposes of subdivision (3)(b) of
3 this section. Such form shall be made available:
4 (i) By each public high school to students, parents and legal

5 guardians of students, and persons standing in loco parentis to students;
6 and

7 (ii) In English, Spanish, and any other language spoken by a
8 majority of the students enrolled in any English learner program at such
9 public high school.

10 (d) A student may sign and submit a Free Application for Federal
11 Student Aid on the student's own behalf if such student is nineteen years
12 of age or older or such student is an emancipated minor.

13 (e) The school principal or the school principal's designee of each
14 public high school shall provide such compliance information to the
15 school district or governing authority for such public high school and to
16 the State Department of Education without disclosing, for any student who
17 has complied with the requirements of this subsection, personally
18 identifiable information distinguishing whether such compliance was
19 pursuant to subdivision (3)(a) of this section or subdivision (3)(b) of
20 this section. Such school principal or school principal's designee shall
21 provide separately the aggregate number of students who have not complied
22 with this subsection, who complied pursuant to subdivision (3)(a) of this
23 section, and who complied pursuant to subdivision (3)(b) of this section,
24 unless otherwise prohibited by federal or state law regarding the
25 confidentiality of student educational information.

26 (f) On or before December 31, 2022, and on or before December 31 of
27 each year thereafter, the Commission of Education shall electronically
28 submit a report with the information received by the State Department of
29 Education pursuant to subdivision (3)(e) of this section to the Clerk of
30 the Legislature.

31 (4) The State Board of Education may establish recommended statewide
1 graduation guidelines. This section does not prohibit the governing board
2 of any high school from prescribing specific graduation guidelines as
3 long as such guidelines do not conflict with this section.

4 (5) This section does not apply to high school students whose
5 individualized education plans prescribe a different course of
6 instruction. ~~This section does not prohibit the governing board of any~~
7 ~~high school from prescribing specific graduation guidelines as long as~~
8 ~~such guidelines do not conflict with this section.~~

9 (6) For purposes of this section, high school means grades nine
10 through twelve and credit hour shall be defined by appropriate rules and
11 regulations of the State Board of Education but shall not be less than
12 the amount of credit given for successful completion of a course which
13 meets at least one period per week for at least one semester.

14 (7) The State Department of Education shall adopt and promulgate
15 rules and regulations as necessary to implement this section. Such rules
16 and regulations shall include, but not be limited to:

17 (a) A timeline for the distribution of the Free Application for
18 Federal Student Aid and the form adopted under subdivision (3)(c) of this
19 section by public high schools and for the submission of the Free
20 Application for Federal Student Aid and the form adopted under
21 subdivision (3)(c) of this section by students;

22 (b) Standards regarding the information that a public high school
23 must provide to students regarding:

24 (i) Instructions for filling out the Free Application for Federal
25 Student Aid;

26 (ii) The options available to a student under subdivision (3)(b) of
27 this section if a student wishes to decline to complete and submit a Free
28 Application for Federal Student Aid; and

29 (iii) The method by which a student shall provide proof to the
30 public high school that such student has completed and submitted the Free
31 Application for Federal Student Aid or the form adopted under subdivision
1 (3)(c) of this section; and

2 (c) A requirement for each public high school to report the number

3 of students who completed and submitted a Free Application for Federal
4 Student Aid and the number of students who instead submitted the form
5 adopted under subdivision (3)(c) of this section.
6 Sec. 2. Original section 79-729, Reissue Revised Statutes of
7 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB632:
[AM3153](#)

(Amendments to E & R amendments, ER220)

- 1 1. Strike sections 2, 3, 4, 5, and 6.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator DeBoer name added to LB881.
Senator M. Hansen name added to LB966.
Senator Brewer name added to LB992.
Senator DeBoer name added to LB1148.

ADJOURNMENT

At 4:57 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, July 28, 2020.

Patrick J. O'Donnell
Clerk of the Legislature

