

**TWENTY-NINTH DAY - FEBRUARY 18, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 18, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator B. Hansen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Bostelman who was excused; and Senators Bostar, Hunt, Lindstrom, McCollister, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**COMMUNICATION**

Received communication to Senator John Arch and the Health and Human Services Committee, from Gary J. Anthone, M.D., Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the appointment of the following to the Nebraska Stem Cell Research Advisory Committee:

Dr. David Owens

**COMMUNICATION**

Received communication to Senator John Arch and the Health and Human Services Committee, from Gary J. Anthone, M.D., Chief Medical Officer,

Director, Division of Public Health, Department of Health and Human Services, regarding the reappointment of the following to the Nebraska Stem Cell Research Advisory Committee:

Dr. Dennis Roop

**MESSAGE(S) FROM THE GOVERNOR**

February 11, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Transportation:

John Selmer, 328 Lafayette Avenue, Story City, IA 50248

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services  
Room 1510

Thursday, February 25, 2021 9:30 a.m.  
Diane Schutt - Commission for the Deaf and Hard of Hearing  
David J. Hansen - Nebraska Child Abuse Prevention Fund Board

(Signed) John Arch, Chairperson

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 660.** Placed on General File with amendment.

[AM120](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-1373, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 81-1373 (1) For the purpose of implementing the state employees'  
6 right to organize for the purpose of collective bargaining, there are  
7 hereby created twelve bargaining units for all state agencies except the  
8 University of Nebraska, the Nebraska state colleges, and other  
9 constitutional offices. The units shall consist of state employees whose  
10 job classifications are occupationally and functionally related and who  
11 share a community of interest. The bargaining units shall be:  
12 (a) Maintenance, Trades, and Technical, which unit is composed of  
13 generally recognized blue collar and technical classes, including highway  
14 maintenance workers, carpenters, plumbers, electricians, print shop  
15 workers, auto mechanics, engineering aides and associates, and similar  
16 classes;  
17 (b) Administrative Support, which unit is composed of clerical and  
18 administrative nonprofessional classes, including typists, secretaries,  
19 accounting clerks, computer operators, office service personnel, and  
20 similar classes;  
21 (c) Health and Human Care Nonprofessional, which unit is composed of  
22 institutional care classes, including nursing aides, psychiatric aides,  
23 therapy aides, and similar classes;  
24 (d) Social Services and Counseling, which unit is composed of  
25 generally professional-level workers providing services and benefits to  
26 eligible persons. Classes shall include job service personnel, income  
27 maintenance personnel, social workers, counselors, and similar classes;  
28 (e) Administrative Professional, which unit is composed of  
29 professional employees with general business responsibilities, including  
30 accountants, buyers, personnel specialists, data processing personnel,  
31 and similar classes;  
32 (f) Protective Service, which unit is composed of institutional  
33 security personnel, including correctional officers, building security  
34 guards, and similar classes;  
35 (g) Law Enforcement, which unit is composed of employees holding  
36 powers of arrest, including Nebraska State Patrol officers and sergeants,  
37 conservation officers, fire marshal personnel, and similar classes.  
38 Sergeants, investigators, and patrol officers employed by the Nebraska  
39 State Patrol as authorized in section 81-2004 shall be presumed to have a  
40 community of interest with each other and shall be included in this  
41 bargaining unit notwithstanding any other provision of law which may  
42 allow for the contrary;  
43 (h) Health and Human Care Professional, which unit is composed of  
44 community health, nutrition, and health service professional employees,  
45 including nurses, doctors, psychologists, pharmacists, dietitians,  
46 licensed therapists, and similar classes;  
47 (i) Examining, Inspection, and Licensing, which unit is composed of  
48 employees empowered to review certain public and business activities,  
49 including driver-licensing personnel, revenue agents, bank and insurance  
50 examiners who remain in the State Personnel System under sections 8-105  
51 and 44-119, various public health and protection inspectors, and similar  
52 classes;  
53 (j) Engineering, Science, and Resources, which unit is composed of  
54 specialized professional scientific occupations, including civil and  
55 other engineers, architects, chemists, geologists and surveyors, and  
56 similar classes;  
57 (k) Teachers, which unit is composed of employees required to be  
58 licensed or certified as a teacher; and  
59 (l) Supervisory, which unit is composed of employees who are  
60 supervisors as defined in section 48-801.  
61 All employees who are excluded from bargaining units pursuant to the  
62 Industrial Relations Act, all employees of the personnel division of the  
63 Department of Administrative Services, and all employees of the Division  
64 of Employee Relations of the Department of Administrative Services shall

7 be excluded from any bargaining unit of state employees.  
 8 (2) Any employee organization, including one which represents other  
 9 state employees, may be certified or recognized as provided in the  
 10 Industrial Relations Act as the exclusive collective-bargaining agent for  
 11 a supervisory unit, except that such unit shall not have full collective-  
 12 bargaining rights but shall be afforded only meet-and-confer rights.  
 13 ~~(3)(a) (3) It is the intent of the Legislature that the professional~~  
 14 ~~staff employee classifications, including the managerial-professional and~~  
 15 ~~managerial employee classification, classifications and the office and~~  
 16 ~~service staff employee classification, classifications be grouped in~~  
 17 broad occupational units for the University of Nebraska and the Nebraska  
 18 state colleges established on a university-wide or college-system-wide  
 19 basis, including all campuses within the system.  
 20 (b) Any unit entirely composed of supervisory employees of the  
 21 University of Nebraska or the Nebraska state colleges shall be afforded  
 22 only meet-and-confer rights.  
 23 (c) Any bargaining unit seeking to represent an academic-  
 24 administrative staff employee classification consisting of faculty,  
 25 including adjunct faculty, of the University of Nebraska or of any  
 26 administrative unit of the university may organize and seek recognition  
 27 or certification by the commission on an administrative unit-wide basis  
 28 as otherwise determined pursuant to the Industrial Relations Act.  
 29 (d) The bargaining units for academic, faculty, and teaching  
 30 employees of the University of Nebraska and the Nebraska state colleges  
 31 shall continue as they existed on April 9, 1987, plus the addition of  
 1 Kearney State College, and any adjustments thereto or new units therefor  
 2 shall continue to be determined pursuant to the Industrial Relations Act.  
 3 (4) Other constitutional offices shall continue to subscribe to the  
 4 procedures for unit determination in the Industrial Relations Act, except  
 5 that the commission is further directed to determine the bargaining units  
 6 in such manner as to (a) reduce the effect of overfragmentation of  
 7 bargaining units on the efficiency of administration and operations of  
 8 the constitutional office and (b) be consistent with the administrative  
 9 structure of the constitutional office. Any unit entirely composed of  
 10 supervisory employees of a constitutional office shall be afforded only  
 11 meet-and-confer rights.  
 12 Sec. 2. This act becomes operative on August 1, 2021.  
 13 Sec. 3. Original section 81-1373, Reissue Revised Statutes of  
 14 Nebraska, is repealed.  
 15 Sec. 4. Since an emergency exists, this act takes effect when  
 16 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 99.** Placed on General File.  
**LEGISLATIVE BILL 161.** Placed on General File.  
**LEGISLATIVE BILL 265.** Placed on General File.  
**LEGISLATIVE BILL 405.** Placed on General File.

**LEGISLATIVE BILL 9.** Placed on General File with amendment.  
[AM231](#)

1 1. On page 2, strike lines 8 through 13 and insert the following new  
 2 subdivision:  
 3 "(2) In counties in which at least three cities of the first class  
 4 are located, lands, lots, tracts, streets, or highways shall be deemed  
 5 contiguous although property owned by the federal government lies between

6 the same and the corporate limits, so long as the lands, lots, tracts,  
 7 streets, or highways sought to be annexed are adjacent to or contiguous  
 8 with the property owned by the federal government. The annexation of any  
 9 lands, lots, tracts, streets, or highways described in this subdivision  
 10 shall not result in any change in the service area of any electric  
 11 utility without the express agreement of the electric utility serving the  
 12 area comprising such annexed lands, lots, tracts, streets, or highways at  
 13 the time of annexation, except that at such time following the annexation  
 14 of the lands, lots, tracts, streets, or highways as the city lawfully  
 15 annexes sufficient intervening area so as to directly connect the lands,  
 16 lots, tracts, streets, or highways to the primary area of the city, such  
 17 lands, lots, tracts, streets, or highways shall, solely for the purposes  
 18 of section 70-1008, be treated as if they had been annexed by the city on  
 19 the date upon which the intervening area had been formally annexed."

**LEGISLATIVE BILL 156.** Placed on General File with amendment.  
[AM223](#) is available in the Bill Room.

**LEGISLATIVE BILL 162.** Placed on General File with amendment.  
[AM153](#)

1 1. On page 4, line 26, after "city" insert "of the first class, city  
 2 of the second class,".  
 3 2. On page 5, line 3, strike ", by a majority vote of its members."  
 4 and insert "adopt an ordinance by a majority vote of its members to"; in  
 5 line 5 strike "order" and insert "ordinance"; in lines 6 and 19 after  
 6 "deeds" insert "and of the election commissioner or county clerk"; in  
 7 line 7 after "city" insert "of any class"; in line 9 strike "a proposed  
 8 resolution" and insert "notice"; in line 11 strike "resolution" and  
 9 insert "notice"; in line 12 strike ". The notice" and insert "and"; in  
 10 line 13 strike "resolution" and insert "ordinance ordering such property  
 11 to be detached"; in line 16 strike "resolution" and insert "ordinance";  
 12 and in line 18 strike "adopted resolution" and insert "ordinance".

**LEGISLATIVE BILL 332.** Placed on General File with amendment.  
[AM118](#)

1 1. Strike section 5.  
 2 2. On page 2, strike beginning with the second "election" in line 17  
 3 through "situated" in line 18 and insert "city council of".  
 4 3. Renumber the remaining section and correct the repealer  
 5 accordingly.

(Signed) Justin Wayne, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 487.** Placed on General File with amendment.  
[AM160](#)

1 1. On page 2, lines 12, 14 and 15, and 27, strike "or  
 2 telemonitoring".

(Signed) Matt Williams, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 38 and 39 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 38 and 39.

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 113A.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 46.** Introduced by Gragert, 40.

WHEREAS, Wausa Public Schools received a 2021 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, Wausa Public Schools demonstrates high educational standards and provides all students the opportunity to learn through the arts; and

WHEREAS, Wausa Public Schools provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and

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

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

1. That the Legislature congratulates Wausa Public Schools for receiving a 2021 NebraskARTS Award.
2. That a copy of this resolution be sent to Wausa Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 47.** Introduced by Sanders, 45; McKinney, 11.

WHEREAS, Robert Holts of Bellevue was a dedicated serviceman and public servant; and

WHEREAS, Robert Holts attended Kellom Elementary School and Omaha Central High School; and

WHEREAS, Robert Holts enlisted in the United States Armed Services in 1942 and served until 1946; and

WHEREAS, Robert Holts was a member of the prestigious Tuskegee Airmen; and

WHEREAS, the courage and service of the Tuskegee Airmen led in part to the desegregation of the U.S. Armed Forces in 1948; and

WHEREAS, in 2007, the Tuskegee Airmen were awarded the Congressional Gold Medal and their Nebraska counterparts were inducted into the Nebraska Aviation Hall of Fame; and

WHEREAS, President Obama stated, "My career in public service was made possible by the path heroes like the Tuskegee Airmen trail-blazed"; and

WHEREAS, Robert Holts was a member of the Alfonza W. Davis Chapter of the Tuskegee Airmen, Inc.; and

WHEREAS, Robert Holts was also inducted into the Omaha Central High School Hall of Fame; and

WHEREAS, Robert Holts retired to Omaha after nearly 40 years of public service in the U.S. Postal Service; and

WHEREAS, Robert Holts later resided in Bellevue for many years; and

WHEREAS, before his passing, Robert Holts was Nebraska's last surviving member of the Tuskegee Airmen; and

WHEREAS, Robert Holts passed away on Friday, February 12, at the age of 96.

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

1. That the Legislature recognizes Robert Holts' service to our nation and his part in advancing the cause of equality in the United States.

2. That the Legislature offers its condolences to the family of Robert Holts.

3. That copies of this resolution be sent to the family of Robert Holts and the Alfonza W. Davis Chapter of the Tuskegee Airmen, Inc.

Laid over.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Owens, David - Stem Cell Research Advisory Committee - Health and Human Services

Roop, Dennis - Stem Cell Research Advisory Committee - Health and Human Services

Selmer, John - Director - Nebraska Department of Transportation - Transportation and Telecommunication

(Signed) Dan Hughes, Chairperson  
Executive Board

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Lowe name added to LB141.

Senator Kolterman name added to LB542.

Senator Kolterman name added to LB579.

**VISITOR(S)**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 9:25 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature