

**THIRTY-FIRST DAY - FEBRUARY 23, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 23, 2021

**PRAYER**

The prayer was offered by Senator Dorn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Williams.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 248.** Placed on Select File with amendment.

[ER3](#)

1 1. On page 1, line 1, after "the" insert "Nebraska".

**LEGISLATIVE BILL 363.** Placed on Select File with amendment.

[ER8](#)

1 1. On page 1, line 14, after the semicolon insert "to define a  
2 term;"; in line 16 strike "and" and after the second "Act" insert ", the  
3 Credit Union Act, and the Uniform Commercial Code"; and strike line 17.

**LEGISLATIVE BILL 373.** Placed on Select File.

**LEGISLATIVE BILL 25.** Placed on Select File.

**LEGISLATIVE BILL 44.** Placed on Select File.

**LEGISLATIVE BILL 159.** Placed on Select File with amendment.

[ER6](#)

1 1. On page 1, strike beginning with "provide" in line 4 through  
2 "form" in line 5 and insert "change provisions relating to printing and  
3 publishing ordinances".

**LEGISLATIVE BILL 163.** Placed on Select File with amendment.

[ER1](#)

1 1. On page 2, line 4, after "18-2807," insert "and" and strike the  
2 last "and"; in line 5 strike "77-3,119," and "13-518,,"; in line 8 after  
3 "18-2717," insert "and" and strike "and 77-2602,,"; and strike beginning  
4 with "eliminate" in line 13 through line 19 and insert "harmonize  
5 provisions; and to repeal the original sections."  
6 2. On page 16, line 31, strike "utilities", show as stricken, and  
7 insert "utility".  
8 3. On page 34, line 11; and page 41, line 26, strike "shall become",  
9 show as stricken, and insert "becomes".  
10 4. On page 35, line 5, strike "acquiring", show as stricken, and  
11 insert "acquisition".  
12 5. On page 37, line 23; and page 39, line 6, strike "petition", show  
13 as stricken, and insert "complaint".  
14 6. On page 60, line 13, strike "shall constitute", show as stricken,  
15 and insert "constitutes".  
16 7. On page 80, line 27, strike the underscored comma.  
17 8. On page 88, line 11, strike the underscored comma.  
18 9. On page 89, line 24, strike "holder" and insert "holder's".  
19 10. On page 92, lines 12, 14 and 15, and 18, strike the new matter  
20 and insert "the act".  
21 11. On page 93, line 18, strike the comma and show as stricken.  
22 12. On page 94, line 14, strike "167" and insert "166".  
23 13. On page 126, line 28, after "18-2807," insert "and" and strike  
24 the last "and"; in line 29 strike "77-3,119," and "13-518,,"; and in line  
25 31 after the last comma insert "and".  
26 14. On page 127, line 1, strike "and 77-2602,".

**LEGISLATIVE BILL 4.** Placed on Select File with amendment.

[ER7](#)

1 1. On page 2, line 5, after "States" insert an underscored comma.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 507.** Placed on General File with amendment.

[AM256](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section  
6 4 of this act and the State Park System Construction Alternatives Act

7 shall be known and may be cited as the Game Law.

8 Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 37-448 (1) Subject to rules and regulations adopted and promulgated  
11 by the commission, the secretary of the commission may designate, by  
12 order, special deer, antelope, and elk depredation seasons or extensions  
13 of existing deer hunting seasons. The secretary may designate a  
14 depredation season or an extension of an existing deer hunting season  
15 whenever he or she determines that deer, antelope, or elk are causing  
16 excessive property damage. The secretary shall specify the number of  
17 permits to be issued, the species, sex, and number or quota of animals  
18 deer allowed to be taken, the bag limit for such species ~~including deer~~  
19 ~~for donation in accordance with the deer donation program established~~  
20 ~~pursuant to sections 37-1501 to 37-1510~~, the beginning and ending dates  
21 for the depredation season or hunting season extension, shooting hours,  
22 the length of the depredation season or hunting season extension, and the  
23 geographic area in which hunting will be permitted. The Hunting during a  
24 special depredation season or hunting season extension shall be limited  
25 to residents, and the rules and regulations shall allow use of any weapon  
26 permissible for use during the regular deer, antelope, or elk season.

27 (2) The depredation season may commence not less than five days  
1 after the first public announcement that the depredation season has been  
2 established. Permits shall be issued in an impartial manner at a location  
3 determined by the secretary. The commission shall, pursuant to section  
4 37-327, establish and charge a fee of not more than twenty-five dollars  
5 for a resident special depredation season permit and a fee of not more  
6 than seventy-five dollars for a nonresident special depredation season  
7 permit. The commission shall use the income from the sale of special  
8 depredation season permits for abatement of damage caused by deer. The  
9 commission shall, pursuant to section 37-327, establish and charge a fee  
10 of not more than ten dollars for a landowner special depredation season  
11 permit also provide for an unlimited number of free permits for the  
12 taking of antlerless deer and antelope for upon request to any person  
13 owning or operating at least twenty acres of farm or ranch land within  
14 the geographic area in which hunting will be permitted and to any member  
15 of the immediate family of any such person as defined in subdivision (2)  
16 (a) of section 37-455, and for the taking of elk for any person owning or  
17 operating at least eighty acres of farm or ranch land within the  
18 geographic area in which hunting will be permitted and to any member of  
19 the immediate family of such person as defined in subdivision (2)(a) of  
20 section 37-455. A special depredation season free permit shall be valid  
21 only within such area and only during the designated deer depredation  
22 season. The commission shall use the income from the sale of special  
23 depredation season permits for abatement of damage caused by deer,  
24 antelope, and elk. Receipt of a depredation season permit shall not in  
25 any way affect a person's eligibility for a regular season permit issued  
26 under section 37-447, 37-449, 37-450, or 37-455.

27 Sec. 3. Section 37-456, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 37-456 The issuance of limited antelope permits pursuant to section  
30 37-455 in any management unit shall not exceed seventy-five ~~fifty~~ percent  
31 of the regular permits authorized for such antelope management unit. The  
1 issuance of limited elk permits pursuant to section 37-455 in any  
2 management unit shall not exceed seventy-five ~~fifty~~ percent of the  
3 regular permits authorized for such elk management unit.

4 Sec. 4. (1) The commission may issue one free-earned landowner elk  
5 permit for the taking of either sex of elk to any person owning or  
6 leasing at least eighty acres of farm or ranch land used for agricultural  
7 purposes, or to any member of the immediate family of such person as  
8 defined in subdivision (2)(a) of section 37-455, when the qualifying

9 number of antlerless elk have been harvested on such land by hunters with  
 10 a permit issued under section 37-448 or 37-450. Such permit shall be  
 11 limited to hunting on the lands owned or leased by the qualifying  
 12 landowner. Receipt of a free-earned landowner elk permit shall not in any  
 13 way affect a person's eligibility for a permit issued under section  
 14 37-450 or 37-455.

15 (2) The commission shall adopt and promulgate rules and regulations  
 16 prescribing procedures, forms, and requirements for documentation by  
 17 landowners or lessees as described in subsection (1) of this section to  
 18 annually report antlerless elk harvested on their property for  
 19 eligibility, and the number of antlerless elk required to be harvested on  
 20 such property to qualify for a free-earned landowner elk permit. The  
 21 number of antlerless elk harvested to qualify shall accumulate each year  
 22 until such time as a free-earned landowner elk permit is awarded.

23 Sec. 5. Section 46-102, Revised Statutes Cumulative Supplement,  
 24 2020, is amended to read:

25 46-102 (1) For purposes of the Irrigation District Act:

26 (a) Elector means:

27 (i) For any irrigation district or proposed irrigation district not  
 28 described in subdivision (1)(a)(ii) of this section, any resident of the  
 29 State of Nebraska who:

30 (A) Ow~~ns~~ ~~owning~~ not less than fifteen acres of land within any  
 31 such district;

1 (B) Is ~~or who~~ is an entryman of government land, within any such  
 2 irrigation district or proposed irrigation district; ; or

3 (C) Holds any resident of the State of Nebraska holding a leasehold  
 4 estate in not less than forty acres of state land within any such  
 5 irrigation district for a period of not less than five years from the  
 6 date at which such elector seeks to exercise the elective franchise; and

7 (ii) For any irrigation district or proposed irrigation district  
 8 which borders another state and comprises less than two thousand acres  
 9 and in which one-half or more of the landowners, leaseholders, or  
 10 entrymen of government lands are not residents of the State of Nebraska,  
 11 any person who:

12 (A) Ow~~ns~~ not less than fifteen acres of land within any such  
 13 district;

14 (B) Is an entryman of government land within any such district; or

15 (C) Holds a leasehold estate in not less than forty acres of state  
 16 land within any such district for a period of not less than five years  
 17 from the date at which such elector seeks to exercise the elective  
 18 franchise; and

19 (b) Residence means (i) that place in which a person is actually  
 20 domiciled, which is the residence of an individual or family, with which  
 21 a person has a settled connection for the determination of his or her  
 22 civil status or other legal purposes because it is actually or legally  
 23 his or her permanent and principal home, and to which, whenever he or she  
 24 is absent, he or she has the intention of returning, or (ii) the place  
 25 where a person has his or her family domiciled even if he or she does  
 26 business in another place.

27 (2) Status as an elector, including residency, shall be established  
 28 as provided by this section and section 46-110.

29 (3) (2) If an elector resides outside of the irrigation district,  
 30 the elector shall be considered an elector in the division of the  
 31 irrigation district in which his or her land is situated or, if the  
 1 elector is the owner of land in more than one division of the irrigation  
 2 district, the elector shall be considered an elector in the division of  
 3 the district in which the majority of his or her land is situated.

4 (4) (3) In the case of land owned or leased by joint tenants, each  
 5 joint tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
 6 entitled to vote if the total acreage owned or leased per joint tenant is

7 equal to or exceeds the minimum acreage requirements of subsection (1) of  
8 this section.

9 ~~(5) (4)~~ In the case of land owned or leased by tenants in common,  
10 each tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
11 entitled to vote if the total acreage owned or leased per tenant is equal  
12 to or exceeds the minimum acreage requirements of subsection (1) of this  
13 section.

14 ~~(6) (5)~~ In the case of land owned or leased by a corporation,  
15 limited liability company, limited liability partnership, joint venture,  
16 or other legal entity which meets the minimum acreage requirements of  
17 subsection (1) of this section, the entity shall designate a shareholder,  
18 member, or partner of the entity ~~who is a resident of the State of~~  
19 ~~Nebraska~~ to act as the elector on behalf of the entity. The entity shall  
20 identify its elector-designee in writing to the secretary of the board of  
21 directors of the irrigation district not less than thirty days prior to  
22 an irrigation district election.

23 ~~(7) (6)~~ In the case of land owned or leased under a life tenancy,  
24 each remainderman ~~who is a resident of the State of Nebraska~~ is an  
25 elector and entitled to vote if the total acreage owned or leased per  
26 remainderman is equal to or exceeds the minimum acreage requirements of  
27 subsection (1) of this section.

28 ~~(8) (7)~~ In the case of land held by a buyer in possession pursuant  
29 to a land-purchase contract when the total acreage under the land-  
30 purchase contract meets the minimum acreage requirements of subsection  
31 (1) of this section and the buyer in possession ~~is a resident of the~~  
1 ~~State of Nebraska~~ and is responsible for paying the real property taxes  
2 and the irrigation fees and assessments, the buyer in possession is the  
3 elector.

4 ~~(9) (8)~~ In the case of land owned or leased by a trust which meets  
5 the minimum acreage requirements of subsection (1) of this section, the  
6 trustee shall designate a trustor, beneficiary, or trustee of the trust  
7 ~~who is a resident of the State of Nebraska~~ to act as the elector on  
8 behalf of the trust. The trust shall identify its elector-designee in  
9 writing to the secretary of the board of directors not less than thirty  
10 days prior to an irrigation district election.

11 ~~(10) (9)~~ In the case of a pending estate of a deceased elector  
12 involving land which meets the minimum acreage requirements of subsection  
13 (1) of this section, the duly appointed personal representative of the  
14 estate ~~who is a resident of the State of Nebraska~~ shall act as the  
15 elector on behalf of the estate.

16 ~~(11) (10)~~ Prior to formation of an irrigation district, if two or  
17 more persons claim conflicting rights to vote on the same acreage, the  
18 election commissioner or county clerk shall determine the party entitled  
19 to vote. In such cases, the determination of the election commissioner or  
20 county clerk shall be conclusive. After formation of an irrigation  
21 district, if two or more persons claim conflicting rights to vote on the  
22 same acreage or any other conflict arises regarding the qualification of  
23 an elector, the secretary of the board of directors of the irrigation  
24 district shall determine the party entitled to vote. The secretary's  
25 determination shall be conclusive. If a claim involves the secretary of  
26 the board, the board of election for the affected irrigation district  
27 precinct shall determine the party entitled to vote. In such cases, the  
28 determination of the board of election shall be conclusive.

29 Sec. 6. Section 61-222, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:

31 61-222 (1) The Water Sustainability Fund is created in the  
1 Department of Natural Resources. The fund shall be used in accordance  
2 with the provisions established in sections 2-1506 to 2-1513 Laws 2014,  
3 LB1098, and for costs directly related to the administration of the fund.  
4 The Legislature shall not appropriate or transfer money from the fund for

5 any other purpose, except that transfers may be made from the fund as  
6 provided in subsections (4), (5), and (6) of this section.

7 (2) The fund shall consist of money transferred to the fund by the  
8 Legislature, other funds as appropriated by the Legislature, and money  
9 donated as gifts, bequests, or other contributions from public or private  
10 entities. Funds made available by any department or agency of the United  
11 States may also be credited to the fund if so directed by such department  
12 or agency. Any money in the fund available for investment shall be  
13 invested by the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act. Investment  
15 earnings from investment of money in the fund shall be credited to the  
16 fund.

17 (3) It is the intent of the Legislature that twenty-one million  
18 dollars be transferred from the General Fund to the Water Sustainability  
19 Fund in fiscal year 2014-15 and that eleven million dollars be  
20 transferred from the General Fund to the Water Sustainability Fund each  
21 fiscal year beginning in fiscal year 2015-16. It is the intent of the  
22 Legislature that three million dollars be transferred annually from the  
23 Water Sustainability Fund to the Nebraska Resources Development Fund in  
24 FY2015-16 and in FY2016-17.

25 (4) The State Treasurer shall transfer one hundred seventy-five  
26 thousand dollars from the Water Sustainability Fund to the Department of  
27 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
28 in such amounts as directed by the budget administrator of the budget  
29 division of the Department of Administrative Services.

30 (5) The State Treasurer shall transfer four hundred twenty-five  
31 thousand dollars from the Water Sustainability Fund to the Department of  
1 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
2 in such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 (6) The State Treasurer shall transfer five hundred thousand dollars  
5 from the Water Sustainability Fund to the General Fund on or before June  
6 30, 2021, on such dates and in such amounts as directed by the budget  
7 administrator of the budget division of the Department of Administrative  
8 Services.

9 Sec. 7. Section 66-1330, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall  
12 be known and may be cited as the Ethanol Development Act.

13 Sec. 8. The use of treated seed corn in the production of  
14 agricultural ethyl alcohol shall be prohibited if such use results in the  
15 generation of a byproduct that is deemed unsafe for livestock consumption  
16 or land application.

17 Sec. 9. Sections 1, 2, 3, 4, 5, 6, and 10 of this act become  
18 operative three calendar months after the adjournment of this legislative  
19 session. The other sections of this act become operative on their  
20 effective date.

21 Sec. 10. Original sections 37-448 and 37-456, Reissue Revised  
22 Statutes of Nebraska, and sections 37-201, 46-102, and 61-222, Revised  
23 Statutes Cumulative Supplement, 2020, are repealed.

24 Sec. 11. Original section 66-1330, Reissue Revised Statutes of  
25 Nebraska, is repealed.

26 Sec. 12. Since an emergency exists, this act takes effect when  
27 passed and approved according to law.

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 243.** Placed on General File.**LEGISLATIVE BILL 587.** Placed on General File with amendment.[AM217](#)

- 1 1. Strike original section 5.
- 2 2. On page 2, line 1 strike "6" and insert "5".
- 3 3. Renumber the remaining section accordingly.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Thomas E. Riley - Director - Department of Natural Resources

Aye: 6. Aguilar, Bostelman, Cavanaugh, J., Gragert, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 2. Groene, Wayne.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Charles Hutchison - Nebraska Power Review Board  
Gregory Eugene Moen - Nebraska Power Review Board

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

(Signed) Bruce Bostelman, Chairperson

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Gene Kelly - Coordinating Commission for Postsecondary Education

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lynne Walz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture  
Room 1524

Tuesday, March 2, 2021 1:30 p.m.  
Tom S. Dinsdale - Nebraska State Fair Board

(Signed) Steve Halloran, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, March 3, 2021 9:30 a.m.  
LB442

Wednesday, March 3, 2021 1:30 p.m.  
LB349  
LB29  
LB577

Thursday, March 4, 2021 9:30 a.m.  
LB8

Thursday, March 4, 2021 1:30 p.m.  
LB489  
LB61

(Signed) Tom Brewer, Chairperson

Natural Resources  
Room 1525

Wednesday, March 3, 2021 1:30 p.m.  
LR48

Note: Closed Testifiers

(Signed) Bruce Bostelman, Chairperson

Health and Human Services  
Room 1510

Wednesday, March 3, 2021 10:30 a.m.  
Dennis Roop - Stem Cell Research Advisory Committee

Wednesday, March 3, 2021 1:30 p.m.  
David Owens - Stem Cell Research Advisory Committee

(Signed) John Arch, Chairperson



**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to [LB147](#):

[AM295](#)

1 1. On page 70, line 27, after "participant" insert "who is a  
2 teacher".

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Blood - LB14

**SELECT FILE**

**LEGISLATIVE BILL 1.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 288.** Considered.

Pending.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 38.** Placed on General File.

**LEGISLATIVE BILL 6.** Indefinitely postponed.

**LEGISLATIVE BILL 10.** Indefinitely postponed.

**LEGISLATIVE BILL 74.** Indefinitely postponed.

**LEGISLATIVE BILL 318.** Indefinitely postponed.

(Signed) Lou Ann Linehan, Chairperson

**MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to [LB373](#):

[MO8](#)

Recommit to the Banking, Commerce and Insurance Committee.

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

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

Senator Halloran name added to LB40.

Senator Hunt name added to LB154.

Senator Hunt name added to LB158.  
Senator Erdman name added to LB188.  
Senator Hunt name added to LB217.  
Senator Hunt name added to LB278.  
Senator Hunt name added to LB332.  
Senator Kolterman name added to LB594.  
Senator Halloran name added to LB613.  
Senator Hunt name added to LB652.  
Senator Cavanaugh, J. name added to LR2CA.  
Senator Hunt name added to LR2CA.  
Senator Hunt name added to LR18CA.  
Senator Wayne name added to LR47.

#### **ANNOUNCEMENT**

Senator Arch announced the Health and Human Services Committee will hold executive sessions on Thursday, February 25, 2021 and Friday, February 26, 2021 following their morning hearings in Room 1510.

#### **ANNOUNCEMENT**

Senator Hughes announced the birthday of Senator Flood.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

#### **ADJOURNMENT**

At 9:25 a.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature