

THIRTY-EIGHTH DAY - MARCH 4, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 2021

PRAYER

The prayer was offered by Senator Arch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Aguilar.

ROLL CALL

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

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, Briese, M. Cavanaugh, Flood, B. Hansen, Hunt, Pansing Brooks, Stinner, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1524

Thursday, March 11, 2021 1:30 p.m.

Aaron L. Jazyuka - Boiler Safety Code Advisory Board

Gerald Whitlock - Boiler Safety Code Advisory Board

Johnie Jason Girmus - Boiler Safety Code Advisory Board

Martin Kasl - Boiler Safety Code Advisory Board

(Signed) Ben Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 297. Placed on Select File.**LEGISLATIVE BILL 177.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 3, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Howard, Sara
First Five Nebraska
Mueller Robak
International Code Council, Inc.

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Ann E. Ames - Crime Victim's Reparations Committee
Jeffrey Davis - Crime Victim's Reparations Committee
Shawn Eatherton - Crime Victim's Reparations Committee

Aye: 8. Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing
Brooks, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

The Judiciary 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.

Rosalyn R. Cotton - Board of Parole

Aye: 8. Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing
Brooks, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 124. Placed on General File.
LEGISLATIVE BILL 355. Placed on General File.
LEGISLATIVE BILL 386. Placed on General File.
LEGISLATIVE BILL 444. Placed on General File.
LEGISLATIVE BILL 471. Placed on General File.

LEGISLATIVE BILL 333. Placed on General File with amendment.

[AM345](#)

1 1. On page 2, line 16, strike "or"; after line 16 insert the
2 following new subdivision:
3 "(f) The Inspector General of the Nebraska Correctional System or
4 any employee of the office of the Inspector General; or"; and in line 17
5 strike "(f)" and insert "(g)".
6 2. On page 3, line 7, strike "and"; and in line 9 strike the period
7 and insert "; and"
8 (d) The Inspector General of the Nebraska Correctional System or any
9 employee of the office of the Inspector General."

(Signed) Steve Lathrop, Chairperson

Agriculture

LEGISLATIVE BILL 572. Placed on General File with amendment.

[AM410](#)

1 1. Strike sections 4, 5, and 10.
2 2. On page 2, line 3, strike "8, 9;" and insert "8, and 9"; in line
3 4 strike "10, 11, and 12"; in line 9 strike "8, 9, 10" and insert "8, and
4 9"; and in line 10 strike "11, and 12".
5 3. On page 3, line 3, strike "licensed" and insert "qualified"; and
6 in line 31 strike "of the Nebraska Milk Act".
7 4. On page 9, strike beginning with "a" in line 15 through
8 "branding" in line 17 and insert "satisfactory evidence of ownership for
9 the purpose of enrollment of cattle and for electronic inspection
10 authorized under section 54-1,108".
11 5. On page 11, line 17, strike "ninety-five" and insert "eighty-
12 five"; and in lines 19 and 20 strike the new matter and reinstate the
13 stricken matter.
14 6. On page 12, line 19, after "subsection" insert "the fee".
15 7. On page 13, line 5, strike "ninety-five" and insert "eighty-
16 five"; in line 7 strike "fifty" and insert "ten"; strike beginning with
17 "submit" in line 20 through "describing" in line 21 and insert "report to
18 the Legislature any"; and strike beginning with the period in line 22
19 through "describe" in line 23 and insert ", including".
20 8. On page 22, lines 15 through 31; and page 23, lines 1 through 6,
21 strike the new matter and reinstate the stricken matter.
22 9. On page 24, line 2, strike "(1)"; and strike lines 14 through 26.
23 10. On page 26, line 30, strike beginning with "8" through "12" and
24 insert "8, and 9".

25 11. Renumber the remaining sections and correct internal references
26 accordingly.

(Signed) Steve Halloran, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

Tom S. Dinsdale - Nebraska State Fair Board

Aye: 8. Brandt, Brewer, Cavanaugh, J., Gragert, Groene, Halloran, Hansen, B., Lathrop. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Thursday, March 11, 2021, at 10:00 a.m., in Room 1524.

ANNOUNCEMENT

Senator Kolterman announced that the birthday of the Clerk, Patrick J. O'Donnell, was yesterday.

MOTION(S) - Confirmation Report(s)

Senator M. Hansen moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 410:

Nebraska Accountability and Disclosure Commission
Kate Sullivan

Voting in the affirmative, 32:

Aguilar	DeBoer	Hilgers	McCollister	Sanders
Albrecht	Dorn	Hughes	McDonnell	Slama
Arch	Friesen	Kolterman	McKinney	Walz
Blood	Geist	Lathrop	Morfeld	Williams
Bostelman	Gragert	Lindstrom	Moser	
Brandt	Halloran	Linehan	Murman	
Cavanaugh, J.	Hansen, M.	Lowe	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Clements	Erdman	Hilkemann	Wayne
Day	Groene	Pahls	Wishart

Excused and not voting, 9:

Bostar	Briese	Flood	Hunt	Vargas
Brewer	Cavanaugh, M.	Hansen, B.	Stinner	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator M. Hansen moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 410:

State Personnel Board
Erin Bond

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	Lowe	Pansing Brooks
Albrecht	Cavanaugh, M.	Halloran	McCollister	Sanders
Arch	Day	Hansen, M.	McDonnell	Slama
Blood	DeBoer	Hilgers	McKinney	Walz
Bostelman	Dorn	Hughes	Morfeld	Williams
Brandt	Friesen	Lindstrom	Moser	
Briese	Geist	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 9:

Clements	Groene	Kolterman	Pahls	Wishart
Erdman	Hilkemann	Lathrop	Wayne	

Excused and not voting, 7:

Bostar	Flood	Hunt	Vargas
Brewer	Hansen, B.	Stinner	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 459:

Coordinating Commission for Postsecondary Education
Gene Kelly

Voting in the affirmative, 36:

Aguilar	Cavanaugh, M.	Gragert	Linehan	Sanders
Albrecht	Clements	Groene	Lowe	Slama
Arch	Day	Halloran	McDonnell	Walz
Blood	DeBoer	Hansen, M.	McKinney	Williams
Bostelman	Dorn	Hilgers	Morfeld	
Brandt	Erdman	Hughes	Moser	
Briese	Friesen	Kolterman	Murman	
Cavanaugh, J.	Geist	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Hilkemann	McCollister	Wayne
Lathrop	Pahls	Wishart

Excused and not voting, 7:

Bostar	Flood	Hunt	Vargas
Brewer	Hansen, B.	Stinner	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 166A. Introduced by Geist, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, One Hundred Seventh Legislature, First Session, 2021.

ANNOUNCEMENT(S)

Priority designation(s) received:

General Affairs - LB561
General Affairs - LB274

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 274. Placed on General File with amendment.
[AM427](#) is available in the Bill Room.

LEGISLATIVE BILL 295. Placed on General File with amendment.**AM328**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:
5 53-101 Sections 53-101 to 53-1,122 and section 3 of this act shall
6 be known and may be cited as the Nebraska Liquor Control Act.
7 Sec. 2. Section 53-178.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 53-178.01 No licensee shall sell alcoholic liquor, including beer,
10 to any person for consumption off the licensed premises while such person
11 is in any manner within any motor vehicle unless the licensee has been
12 issued a motor vehicle sale endorsement as provided in section 3 of this
13 act. This section shall not apply to sales to handicapped persons in a
14 motor vehicle displaying a current handicapped license plate issued by
15 the Department of Motor Vehicles.
16 Sec. 3. (1) The holder of a retail license to sell alcoholic liquor
17 for consumption off the premises may obtain a motor vehicle sale
18 endorsement for such license to allow for the sale of alcoholic liquor,
19 including beer, to a person who is twenty-one years of age or older
20 within a motor vehicle as prescribed in this section.
21 (2) A licensee desiring to obtain a motor vehicle sale endorsement
22 shall file with the commission an application upon such forms as the
23 commission prescribes and a fee of fifty dollars payable to the
24 commission. The commission shall issue a motor vehicle sale endorsement
25 in the same manner as the licensee's retail license in accordance with
26 section 53-131. A motor vehicle sale endorsement may be issued for the
27 same period and may be renewed in the same manner as the licensee's
1 retail license.
2 (3) The holder of a motor vehicle sale endorsement may sell
3 alcoholic liquor, including beer, in its original package, to a person
4 within a motor vehicle, using a drive-through window or curbside pickup,
5 if:
6 (a) The sale occurs on the licensed premises of the licensee during
7 the hours the licensee is authorized to sell the alcoholic liquor or
8 beer; and
9 (b) The individual purchasing the alcoholic liquor or beer is
10 twenty-one years of age or older.
11 Sec. 4. Original section 53-178.01, Reissue Revised Statutes of
12 Nebraska, and section 53-101, Revised Statutes Cumulative Supplement,
13 2020, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 54. Introduced by Gragert, 40; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostelman, 23; Brandt, 32; Cavanaugh, J., 9; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, M., 26; Hilgers, 21; Hughes, 44; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Walz, 15; Williams, 36; Wishart, 27.

WHEREAS, Andy Hoffman of Atkinson, Nebraska, raised awareness for the need to research a cure for pediatric brain cancer; and

WHEREAS, the Hoffman family began their battle with pediatric brain cancer in 2011 with the diagnosis of a malignant brain tumor in Andy's five-year-old son, Jack; and

WHEREAS, prior to Jack's second surgery in 2011, Andy reached out to the University of Nebraska Cornhusker's football team hoping Jack could meet running back Rex Burkhead; and

WHEREAS, Jack was invited to play in the 2013 Red-White Nebraska Football Spring Game, in which he ran for a sixty-nine-yard touchdown; and

WHEREAS, Jack's touchdown run helped raise national awareness for the need to research a cure for pediatric brain cancer; and

WHEREAS, with the help of friends and colleagues in 2013, Andy and his wife, Brianna, founded the Team Jack Foundation; and

WHEREAS, the foundation raised over eight million dollars dedicated to researching a cure for pediatric brain cancer; and

WHEREAS, in July of 2020, Andy learned that he had glioblastoma, a malignant brain tumor; and

WHEREAS, despite his brain cancer diagnosis, Andy authored Yards After Contact, a book detailing Jack's story; and

WHEREAS, Andy Hoffman passed away on March 1, 2021, at the age of 42 and is survived by his wife Brianna and their three children, Jack, Ava, and Reese; and

WHEREAS, Andy Hoffman will be remembered as a fearless leader and dedicated family man.

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

1. That the Legislature recognizes the legacy of Andy Hoffman for his love for his family and his dedication to fighting pediatric brain cancer.

2. That the Legislature offers its condolences to the family of Andy Hoffman.

3. That a copy of this resolution be sent to Brianna Hoffman.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB39.

Senator Sanders name added to LB263.

Senator Sanders name added to LB442.

VISITOR(S)

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

ADJOURNMENT

At 9:30 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

