

FORTY-FOURTH DAY - MARCH 16, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 2021

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Clements.

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, Hunt, and Lathrop who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 579. Placed on General File.

LEGISLATIVE BILL 103. Placed on General File with amendment.
[AM588](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$5,000,000 from the
4 General Fund for FY2021-22 and (2) \$5,000,000 from the General Fund for
5 FY2022-23, to the State Treasurer, for Program 149, to be distributed as
6 aid for any county that has a judgment in excess of twenty-five million
7 dollars rendered against it by a federal court for a violation of federal
8 law if the total cost of the judgment is equal to twenty percent or more
9 of the county's annual budget and if the county has set the property tax
10 levy in the county at the maximum levy authorized pursuant to section

11 77-3442 for any year in which such aid is received. Any aid received by a
 12 county under this section shall be used for the payment of such judgment.
 13 No expenditures for permanent and temporary salaries and per diems
 14 for state employees shall be made from funds appropriated in this
 15 section.
 16 There is included in the appropriation in this section for FY2021-22
 17 \$5,000,000 General Funds for state aid, which shall only be used for such
 18 purpose. There is included in the appropriation in this section for
 19 FY2022-23 \$5,000,000 General Funds for state aid, which shall only be
 20 used for such purpose.
 21 Sec. 2. Since an emergency exists, this act takes effect when
 22 passed and approved according to law.

LEGISLATIVE BILL 365. Placed on General File with amendment.

AM590

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated \$475,000 from the General
 4 Fund for FY2020-21 to the State Racing Commission, for Program 81, to aid
 5 in carrying out the Nebraska Racetrack Gaming Act.
 6 Total expenditures for permanent and temporary salaries and per
 7 diems from funds appropriated in this section shall not exceed \$200,000
 8 for FY2020-21.
 9 The unexpended General Fund appropriation balance existing on June
 10 30, 2021, is hereby reappropriated.
 11 Sec. 2. Since an emergency exists, this act takes effect when
 12 passed and approved according to law.

LEGISLATIVE BILL 566. Placed on General File with amendment.

AM606

1 1. On page 4, line 19, after the period insert "The fund shall
 2 consist of transfers authorized by the Legislature and any gifts, grants,
 3 or bequests from any source, including federal, state, public, and
 4 private sources."; and strike beginning with "appropriate" in line 24
 5 through line 28 and insert "allocate twenty-five million dollars from the
 6 General Fund and seventy-five million dollars of federal funds allocated
 7 to states pursuant to the American Rescue Plan Act of 2021 from the
 8 Coronavirus State Fiscal Recovery Fund and received by the State of
 9 Nebraska on or after the effective date of this act, if such use is
 10 permitted, for use by the department for purposes of carrying out the
 11 Shovel-Ready Capital Recovery and Investment Act.".

LEGISLATIVE BILL 629. Placed on General File with amendment.

AM139

1 1. On page 2, line 13, strike "and"; in line 15 strike the period
 2 and insert an underscored semicolon; after line 15 insert the following
 3 new subdivisions:
 4 "(iv) An eligible facility as defined in section 13-2603 for which
 5 state assistance has been provided pursuant to the Convention Center
 6 Facility Financing Assistance Act; and
 7 (v) A for-profit or not-for-profit music venue or venue otherwise
 8 dedicated to performance arts."; in line 27 strike "and"; in line 29
 9 strike the period and insert an underscored semicolon; and after line 29
 10 insert the following new subdivisions:
 11 "(d) Events that would have been held at an eligible facility as
 12 defined in section 13-2603 for which state assistance has been provided
 13 pursuant to the Convention Center Facility Financing Assistance Act; and
 14 (e) Events that would have been held at a for-profit or not-for-

15 profit music venue or venue otherwise dedicated to performance arts."

(Signed) John Stinner, Chairperson

Judiciary

LEGISLATIVE BILL 28. Placed on General File with amendment.

AM545

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 29-2101, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 29-2101 A new trial, after a verdict of conviction, may be granted,
 6 on the application of the defendant, for any of the following grounds
 7 affecting materially his or her substantial rights:
 8 (1) Irregularity in the proceedings of the court, of the prosecuting
 9 attorney, or of the witnesses for the state or in any order of the court
 10 or abuse of discretion by which the defendant was prevented from having a
 11 fair trial;
 12 (2) ~~Misconduct~~ ~~misconduct~~ of the jury, of the prosecuting attorney,
 13 or of the witnesses for the state;
 14 (3) ~~Accident~~ ~~accident~~ or surprise which ordinary prudence could not
 15 have guarded against;
 16 (4) ~~The~~ ~~the~~ verdict is not sustained by sufficient evidence or is
 17 contrary to law;
 18 (5) ~~Newly~~ ~~newly~~ discovered evidence material for the defendant which
 19 he or she could not with reasonable diligence have discovered ~~or~~ ~~and~~
 20 produced at the trial. For purposes of this subdivision, testimony or
 21 evidence from a witness who previously had a testimonial or
 22 constitutional privilege and who, because of such privilege, refused to
 23 testify or produce evidence in a prior proceeding, shall be considered
 24 newly discovered evidence;
 25 (6) ~~Newly~~ ~~newly~~ discovered exculpatory DNA or similar forensic
 26 testing evidence obtained under the DNA Testing Act; or
 27 (7) ~~Error~~ ~~error~~ of law occurring at the trial.
 1 The changes made to this section by this legislative bill shall
 2 apply to all persons, otherwise eligible in accordance with the
 3 provisions of this section, whether convicted prior to, on, or subsequent
 4 to the effective date of this act.
 5 Sec. 2. Section 29-2103, Reissue Revised Statutes of Nebraska, is
 6 amended to read:
 7 29-2103 (1) A motion for new trial shall be made by written
 8 application and may be filed either during or after the term of the court
 9 at which the verdict was rendered.
 10 (2) A motion for a new trial shall state the grounds under section
 11 29-2101 which are the basis for the motion and shall be supported by
 12 evidence as provided in section 29-2102.
 13 (3) A motion for new trial based on the grounds set forth in
 14 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
 15 within ten days after the verdict was rendered unless such filing is
 16 unavoidably prevented, and the grounds for such motion may be stated by
 17 directly incorporating the appropriate language of section 29-2101
 18 without further particularity.
 19 (4)(a) Except as provided in subdivision (4)(b) of this section, a
 20 (4)-A motion for new trial based on the grounds set forth in subdivision
 21 (5) of section 29-2101 shall be filed within a reasonable time after the
 22 discovery of the new evidence and cannot be filed more than five years
 23 after the date of the verdict, unless the motion and supporting documents
 24 show the new evidence could not with reasonable diligence have been

25 discovered ~~or and~~ produced at trial and such evidence is so substantial
26 that a different result may have occurred.

27 (b) The time limitation in this subsection does not apply if the
28 motion for a new trial involves a conviction for a Class I, IA, or IB
29 felony.

30 (5) A motion for new trial based on the grounds set forth in
31 subdivision (6) of section 29-2101 shall be filed within ninety days
1 after a final order is issued under section 29-4123 or within ninety days
2 after the hearing if no final order is entered, whichever occurs first.

3 (6) The changes made to this section by this legislative bill shall
4 apply to all persons, otherwise eligible in accordance with the
5 provisions of this section, whether convicted prior to, on, or subsequent
6 to the effective date of this act.

7 Sec. 3. Original sections 29-2101 and 29-2103, Reissue Revised
8 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 204. Placed on General File with amendment.

AM458

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

3 Section 1. Section 29-4003, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 29-4003 (1)(a) The Sex Offender Registration Act applies to any
6 person who on or after January 1, 1997:

7 (i) Has ever pled guilty to, pled nolo contendere to, or been found
8 guilty of any of the following:

9 (A) Kidnapping of a minor pursuant to section 28-313, except when
10 the person is the parent of the minor and was not convicted of any other
11 offense in this section;

12 (B) False imprisonment of a minor pursuant to section 28-314 or
13 28-315;

14 (C) Sexual assault pursuant to section 28-319 or 28-320;

15 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

16 (E) Sexual assault of a child in the second or third degree pursuant
17 to section 28-320.01;

18 (F) Sexual assault of a child in the first degree pursuant to
19 section 28-319.01;

20 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to
21 subdivision (1)(c) of section 28-386;

22 (H) Incest of a minor pursuant to section 28-703;

23 (I) Pandering of a minor pursuant to section 28-802;

24 (J) Visual depiction of sexually explicit conduct of a child
25 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
26 28-1463.05;

27 (K) Knowingly possessing any visual depiction of sexually explicit
1 conduct which has a child as one of its participants or portrayed
2 observers pursuant to subsection (1) or (4) of section 28-813.01;

3 (L) Criminal child enticement pursuant to section 28-311;

4 (M) Child enticement by means of an electronic communication device
5 pursuant to section 28-320.02;

6 (N) Debauching a minor pursuant to section 28-805; or

7 (O) Attempt, solicitation, aiding or abetting, being an accessory,
8 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
9 through (1)(a)(i)(N) of this section;

10 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
11 guilty of any offense that is substantially equivalent to a registrable
12 offense under subdivision (1)(a)(i) of this section by any village, town,
13 city, state, territory, commonwealth, or other jurisdiction of the United
14 States, by the United States Government, by court-martial or other
15 military tribunal, or by a foreign jurisdiction, notwithstanding a

16 procedure comparable in effect to that described under section 29-2264 or
17 any other procedure to nullify a conviction other than by pardon;
18 (iii) Is incarcerated in a jail, a penal or correctional facility,
19 or any other public or private institution or is under probation or
20 parole as a result of pleading guilty to or being found guilty of a
21 registrable offense under subdivision (1)(a)(i) or (ii) of this section
22 prior to January 1, 1997; or
23 (iv) Enters the state and is required to register as a sex offender
24 under the laws of another village, town, city, state, territory,
25 commonwealth, or other jurisdiction of the United States.
26 (b) In addition to the registrable offenses under subdivision (1)(a)
27 of this section, the Sex Offender Registration Act applies to any person
28 who on or after January 1, 2010:
29 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
30 section, has ever pled guilty to, pled nolo contendere to, or been found
31 guilty of any of the following:
1 (I) Murder in the first degree pursuant to section 28-303;
2 (II) Murder in the second degree pursuant to section 28-304;
3 (III) Manslaughter pursuant to section 28-305;
4 (IV) Assault in the first degree pursuant to section 28-308;
5 (V) Assault in the second degree pursuant to section 28-309;
6 (VI) Assault in the third degree pursuant to section 28-310;
7 (VII) Stalking pursuant to section 28-311.03;
8 (VIII) Violation of section 28-311.08 requiring registration under
9 the act pursuant to subsection (6) of section 28-311.08;
10 (IX) Kidnapping pursuant to section 28-313;
11 (X) False imprisonment pursuant to section 28-314 or 28-315;
12 (XI) Sexual abuse of an inmate or parolee in the first degree
13 pursuant to section 28-322.02;
14 (XII) Sexual abuse of an inmate or parolee in the second degree
15 pursuant to section 28-322.03;
16 (XIII) Sexual abuse of a protected individual pursuant to section
17 28-322.04;
18 (XIV) Incest pursuant to section 28-703;
19 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
20 28-707;
21 (XVI) Enticement by electronic communication device pursuant to
22 section 28-833; or
23 (XVII) Attempt, solicitation, aiding or abetting, being an
24 accessory, or conspiracy to commit an offense listed in subdivisions (1)
25 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
26 (B) In order for the Sex Offender Registration Act to apply to the
27 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
28 (VI), (VII), (IX), and (X) of this section, a court shall have found that
29 evidence of sexual penetration or sexual contact, as those terms are
30 defined in section 28-318, was present in the record, which shall include
31 consideration of the factual basis for a plea-based conviction and
1 information contained in the presentence report;
2 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
3 guilty of any offense that is substantially equivalent to a registrable
4 offense under subdivision (1)(b)(i) of this section by any village, town,
5 city, state, territory, commonwealth, or other jurisdiction of the United
6 States, by the United States Government, by court-martial or other
7 military tribunal, or by a foreign jurisdiction, notwithstanding a
8 procedure comparable in effect to that described under section 29-2264 or
9 any other procedure to nullify a conviction other than by pardon; or
10 (iii) Enters the state and is required to register as a sex offender
11 under the laws of another village, town, city, state, territory,
12 commonwealth, or other jurisdiction of the United States.
13 (c) In addition to the registrable offenses under subdivisions (1)

14 (a) and (b) of this section, the Sex Offender Registration Act applies to
 15 any person who on or after January 1, 2020:
 16 (i) Has ever pled guilty to, pled nolo contendere to, or been found
 17 guilty of sexual abuse of a detainee under section 28-322.05; or
 18 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
 19 guilty of any offense that is substantially equivalent to a registrable
 20 offense under subdivision (1)(c)(i) of this section by any village, town,
 21 city, state, territory, commonwealth, or other jurisdiction of the United
 22 States, by the United States Government, by court-martial or other
 23 military tribunal, or by a foreign jurisdiction, notwithstanding a
 24 procedure comparable in effect to that described under section 29-2264 or
 25 any other procedure to nullify a conviction other than by pardon.
 26 (d) In addition to the registrable offenses under subdivisions (1)
 27 (a), (b), and (c) of this section, the Sex Offender Registration Act
 28 applies to any person who on or after January 1, 2022:
 29 (i) Has ever pled guilty to, pled nolo contendere to, or been found
 30 guilty of human trafficking under subsection (1) or (2) of section
 31 28-831, and the court determines either by notification of sex offender
 1 registration responsibilities or notation in the sentencing order that
 2 the human trafficking was sex trafficking or sex trafficking of a minor
 3 and not solely labor trafficking or labor trafficking of a minor; or
 4 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
 5 guilty of any offense that is substantially equivalent to a registrable
 6 offense under subdivision (1)(d)(i) of this section by any village, town,
 7 city, state, territory, commonwealth, or other jurisdiction of the United
 8 States, by the United States Government, by court-martial or other
 9 military tribunal, or by a foreign jurisdiction, notwithstanding a
 10 procedure comparable in effect to that described under section 29-2264 or
 11 any other procedure to nullify a conviction other than by pardon.
 12 (2) A person appealing a conviction of a registrable offense under
 13 this section shall be required to comply with the act during the appeals
 14 process.
 15 Sec. 2. Original section 29-4003, Revised Statutes Cumulative
 16 Supplement, 2020, is repealed.

LEGISLATIVE BILL 273. Placed on General File with amendment.
[AM600](#) is available in the Bill Room.

LEGISLATIVE BILL 316. Placed on General File with amendment.
[AM354](#)

1 1. On page 3, line 16, after the period insert "This subdivision
 2 only applies if, within thirty days after petitioning the Supreme Court
 3 of the United States for a writ of certiorari, the prisoner files a
 4 notice in the district court of conviction stating that the prisoner has
 5 filed such petition.".

LEGISLATIVE BILL 661. Placed on General File with amendment.
[AM612](#)

1 1. On page 4, line 26, strike "tax" and insert "taxi".

(Signed) Steve Lathrop, Chairperson

Health and Human Services

LEGISLATIVE BILL 411. Placed on General File with amendment.
[AM584](#)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 81-6,125, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 81-6,125 (1) The purpose of the Population Health Information Act
6 is to designate a health information exchange to provide the data
7 infrastructure needed to assist in creating a healthier Nebraska and
8 operating the electronic health records initiative.

9 (2) The designated health information exchange shall:

10 (a) (1) Aggregate clinical information from health care entities
11 needed to support the operation of the medical assistance program under
12 the Medical Assistance Act;

13 (b) (2) Act as the designated entity for purposes of access to and
14 analysis of health data;

15 (c) (3) Collect and analyze data for purposes of informing the
16 Legislature, the department, health care providers, and health care
17 entities as to the cost of, access to, and quality of health care in
18 Nebraska;

19 (d) (4) Act as a collector and reporter of public health data for
20 registry submissions, electronic laboratory reporting, immunization
21 reporting, and syndromic surveillance from an electronic health record,
22 which does not include claims data; and

23 (e) (5) Enable any health care provider or health care entity to
24 access information available within the designated health information
25 exchange to evaluate and monitor care and treatment of a patient in
26 accordance with the privacy and security provisions set forth in the
27 federal Health Insurance Portability and Accountability Act of 1996,
1 Public Law 104-191.

2 (3)(a) On or before September 30, 2021, each health care facility
3 listed in subdivision (b) of this subsection shall participate in the
4 designated health information exchange through sharing of clinical
5 information. Such clinical information shall include the clinical data
6 that the health care facility captured in their existing electronic
7 health record as permitted by state and federal laws, rules, and
8 regulations. Any patient health information shared with the designated
9 health information exchange as determined by policies adopted by the
10 Health Information Technology Board shall be provided in accordance with
11 the privacy and security provisions set forth in the federal Health
12 Insurance Portability and Accountability Act of 1996, Public Law 104-191,
13 and regulations adopted under the act, including, but not limited to,
14 specific provisions related to privacy under the medical assistance
15 program.

16 (b) This subsection applies to an ambulatory surgical center, a
17 center or group home for the developmentally disabled, a critical access
18 hospital, a general acute hospital, a health clinic, a hospital, an
19 intermediate care facility, an intermediate care facility for persons
20 with developmental disabilities, a long-term care hospital, a mental
21 health substance use treatment center, a PACE center, a pharmacy, a
22 psychiatric or mental hospital, a public health clinic, or a
23 rehabilitation hospital, as such terms are defined in the Health Care
24 Facility Licensure Act. This subsection does not apply to an assisted-
25 living facility, a nursing facility, or a skilled nursing facility, as
26 such terms are defined in the Health Care Facility Licensure Act.

27 (c) Any connection established by July 1, 2021, between a health
28 care facility and the designated health information exchange to
29 facilitate such participation shall be at no cost to the participating
30 health care facility.

31 (d) A health care facility may apply to the board for a waiver from
1 the requirement to participate under this subsection due to a
2 technological burden. The board shall review the application and
3 determine whether to waive the requirement. If the board waives the

4 requirement for a health care facility, the board shall review the waiver
5 annually to determine if the health care facility continues to qualify
6 for the waiver.
7 (e) The board shall not require a health care facility to purchase
8 or contract for an electronic records management system or service.
9 (4)(a) On or before January 1, 2022, each health insurance plan
10 shall participate in the designated health information exchange through
11 sharing of information. Such information shall be determined by policies
12 adopted by the Health Information Technology Board.
13 (b) For purposes of this subsection:
14 (i) Health insurance plan includes any group or individual sickness
15 and accident insurance policy, health maintenance organization contract,
16 subscriber contract, employee medical, surgical, or hospital care benefit
17 plan, or self-funded employee benefit plan to the extent not preempted by
18 federal law; and
19 (ii) Health insurance plan does not include (A) accident-only,
20 disability-income, hospital confinement indemnity, dental, hearing,
21 vision, or credit insurance, (B) coverage issued as a supplement to
22 liability insurance, (C) insurance provided as a supplement to medicare,
23 (D) insurance arising from workers' compensation provisions, (E)
24 automobile medical payment insurance, (F) insurance policies that provide
25 coverage for a specified disease or any other limited benefit coverage,
26 or (G) insurance under which benefits are payable with or without regard
27 to fault and which is statutorily required to be contained in any
28 liability insurance policy.
29 Sec. 2. Original section 81-6,125, Revised Statutes Cumulative
30 Supplement, 2020, is repealed.
31 Sec. 3. Since an emergency exists, this act takes effect when
1 passed and approved according to law.

LEGISLATIVE BILL 428. Placed on General File with amendment.

[AM566](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 43-404, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:
5 43-404 (1) There is created within the Department of Health and
6 Human Services the Office of Juvenile Services. The office shall have
7 oversight and control of the youth rehabilitation and treatment centers.
8 The Administrator of the Office of Juvenile Services shall be appointed
9 by the chief executive officer of the department or his or her designee
10 and shall be responsible for the administration of the facilities and
11 programs of the office. The department may subcontract with a state
12 agency or private provider to provide services related to the facilities
13 and programs of the Office of Juvenile Services.
14 (2)(a) At least one hundred twenty days prior to implementing any
15 substantial changes to the facilities or programs under the jurisdiction
16 of the Office of Juvenile Services, the Department of Health and Human
17 Services shall notify the Legislature of such intended substantial
18 changes. The notification shall be submitted electronically. The
19 notification shall include a detailed summary of the proposed changes.
20 (b) For purposes of this subsection, substantial changes are defined
21 as:
22 (i) The establishment of a new youth rehabilitation and treatment
23 center;
24 (ii) The relocation of a youth rehabilitation and treatment program
25 to another state-operated or private facility;
26 (iii) The establishment of a youth rehabilitation and treatment
27 program at another state-operated or private facility; or
1 (iv) The closure or termination of a youth rehabilitation and

2 treatment center, program, or facility.

3 (c) Nothing in this subsection shall be construed to limit or
4 prevent the Department of Health and Human Services from acting in
5 accordance with sections 43-428 to 43-430 in the event of an emergency.
6 Sec. 2. Section 68-1213, Reissue Revised Statutes of Nebraska, is

7 amended to read:

8 68-1213 If the pilot project described in section 68-1212 is
9 extended by the Department of Health and Human Services, an evaluation of
10 the pilot project shall be completed by the Legislature prior to December
11 31, ~~2014~~ 2021. The Legislature shall utilize all necessary resources,
12 including the hiring of a consultant if deemed necessary. The department
13 and any child welfare entity which has contracted with the department
14 shall provide all data and information to the Legislature to assist in
15 the evaluation.

16 Sec. 3. Section 83-102, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 83-102 (1) Youth rehabilitation and treatment centers shall be
19 operated to provide programming and services to rehabilitate and treat
20 juveniles committed under the Nebraska Juvenile Code. Each youth
21 rehabilitation and treatment center shall be considered a separate
22 placement. Each youth rehabilitation and treatment center shall provide:

23 (a) Safe and sanitary space for sleeping, hygiene, education,
24 programming, treatment, recreation, and visitation for each juvenile;

25 (b) Health care and medical services;

26 (c) Appropriate physical separation and segregation of juveniles
27 based on gender;

28 (d) Sufficient staffing to comply with state and federal law and
29 protect the safety and security of each juvenile;

30 (e) Training that is specific to the population being served at the
31 youth rehabilitation and treatment center;

1 (f) A facility administrator for each youth rehabilitation and
2 treatment center who has the sole responsibility for administration of a
3 single youth rehabilitation and treatment center;

4 (g) An evaluation process for the development of an individualized
5 treatment plan within fourteen days after admission to the youth
6 rehabilitation and treatment center;

7 (h) An age-appropriate and developmentally appropriate education
8 program for each juvenile that can award relevant and necessary credits
9 toward high school graduation that will be accepted by any public school
10 district in the State of Nebraska. Juveniles committed to the youth
11 rehabilitation and treatment centers are entitled to receive an
12 appropriate education equivalent to educational opportunities offered
13 within the regular settings of public school districts across the State
14 of Nebraska ~~the juvenile's home school district;~~

15 (i) A case management and coordination process, designed to assure
16 appropriate reintegration of the juvenile with his or her family, school,
17 and community;

18 (j) Compliance with the requirements stated in Title XIX and Title
19 IV-E of the federal Social Security Act, as such act existed on January
20 1, 2020, the Special Education Act, or other funding guidelines as
21 appropriate;

22 (k) Research-based or evidence-based programming for all juveniles
23 that includes a strong academic program and classes in health education,
24 living skills, vocational training, behavior management and modification,
25 money management, family and parent responsibilities, substance use
26 awareness, physical education, job skills training, and job placement
27 assistance; and

28 (l) Research-based or evidence-based treatment service for
29 behavioral impairment, severe emotional disturbance, sex offender
30 behavior, other mental health or psychiatric disorder, drug and alcohol

31 addiction, physical or sexual abuse, and any other treatment indicated by
1 a juvenile's individualized treatment plan.

2 (2) Each youth rehabilitation and treatment center shall be
3 accredited by a nationally recognized entity that provides accreditation
4 for juvenile facilities and shall maintain accreditation as provided in
5 section 79-703 to provide an age-appropriate and developmentally
6 appropriate education program.

7 (3) Each youth rehabilitation and treatment center shall
8 electronically submit a report of its activities for the preceding fiscal
9 year to the Clerk of the Legislature on or before July 15 of each year
10 beginning on July 15, 2021. The annual report shall include, but not be
11 limited to, the following information:

12 (a) Data on the population served, including, but not limited to,
13 admissions, average daily census, average length of stay, race, and
14 ethnicity;

15 (b) An overview of programming and services; and

16 (c) An overview of any facility issues or facility improvements.

17 Sec. 4. Section 83-106, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 83-106 (1) The Department of Health and Human Services shall
20 ~~contract for the completion of~~ ~~may conduct~~ a needs assessment and cost
21 analysis for the establishment of an inpatient adolescent psychiatric
22 unit housed within the Lincoln Regional Center. ~~The If the department~~
23 ~~chooses to conduct such needs assessment and cost analysis, the~~
24 department shall contract with an outside consultant with expertise in
25 needs assessment and cost analysis of health care facilities within sixty
26 days after the effective date of this act for the purpose of conducting
27 such assessment and analysis.

28 (2) ~~The If a needs assessment and cost analysis is conducted by the~~
29 ~~department, the~~ department shall submit a report electronically to the
30 Health and Human Services Committee of the Legislature and the Clerk of
31 the Legislature on or before December 15, 2021 ~~ninety days after the~~
1 ~~completion of such needs assessment and cost analysis.~~ Such report shall

2 contain the following information:

3 (a) A needs assessment, including the number of adolescents expected
4 to use such inpatient adolescent psychiatric unit;

5 (b) The cost of opening an existing facility at the Lincoln Regional
6 Center for use as an inpatient adolescent psychiatric unit;

7 (c) The cost of reopening the facility at the Lincoln Regional
8 Center, including the costs for necessary construction, upgrades, or
9 repairs;

10 (d) Annual operating costs of such unit, including, but not limited
11 to, any federal funds available to operate the unit in addition to
12 General Fund appropriations; and

13 (e) Cost savings realized by moving adolescents from out-of-state
14 institutions back to Nebraska for treatment at such unit.

15 (3) For purposes of this section, adolescent means a person under
16 the jurisdiction of the juvenile court.

17 Sec. 5. Section 83-107.01, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 83-107.01 (1) The official names of the state institutions under the
20 supervision of the Department of Health and Human Services shall be as
21 follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional
22 Center, (c) Norfolk Regional Center, (d) Hastings Regional Center, (e)
23 Youth Rehabilitation and Treatment Center-Kearney, and (f) Youth
24 Rehabilitation and Treatment Center-Geneva.

25 (2)(a) This subsection applies beginning July 1, 2021.

26 (b) Except as provided in subdivision (2)(e) of this section, so
27 long as the department operates the Youth Rehabilitation and Treatment
28 Center-Kearney, such institution shall be used for the treatment of boys

29 only.

30 (c) Except as provided in subdivision (2)(e) of this section, so
31 long as the department operates the Youth Rehabilitation and Treatment
1 Center-Geneva, such institution shall be used for the treatment of girls
2 only.

3 (d) For any other facility operated and utilized as a youth
4 rehabilitation and treatment center in compliance with state law, the
5 department shall ensure safe and appropriate gender separation.

6 (e) In the event of an emergency, the department may use either the
7 Youth Rehabilitation and Treatment Center-Kearney or the Youth
8 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
9 of both genders for up to seven days. During any such use the department
10 shall ensure safe and appropriate gender separation.

11 (f) For purposes of this section, emergency means a public health
12 emergency or a situation including fire, flood, tornado, natural
13 disaster, or damage to the institution that renders an institution
14 uninhabitable. Emergency does not include inadequate staffing.

15 (3) It is the intent of the Legislature that no institution under
16 the supervision of the Department of Health and Human Services at which
17 the department provides inpatient or subacute substance abuse or
18 behavioral health residential treatment for juveniles under the
19 jurisdiction of a juvenile court shall delay such treatment to a juvenile
20 when such treatment has been determined necessary under subsection (2) of
21 section 43-407 or has been ordered by a juvenile court.

22 Sec. 6. Sections 1, 3, 5, and 7 of this act become operative three
23 calendar months after adjournment of this legislative session. The other
24 sections of this act become operative on their effective date.

25 Sec. 7. Original sections 43-404, 83-102, and 83-107.01, Revised
26 Statutes Cumulative Supplement, 2020, are repealed.

27 Sec. 8. Original section 68-1213, Reissue Revised Statutes of
28 Nebraska, and section 83-106, Revised Statutes Cumulative Supplement,
29 2020, are repealed.

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

(Signed) John Arch, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 215. Placed on General File.

(Signed) Curt Friesen, Chairperson

Education

LEGISLATIVE BILL 452. Placed on General File with amendment.

[AM636](#)

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

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Financial Literacy Act.

5 Sec. 2. For purposes of the Financial Literacy Act, financial
6 literacy includes, but is not limited to, knowledge and skills regarding
7 budget and financial record keeping; banking; taxes; establishing,
8 building, maintaining, and monitoring credit; debt; savings; risk
9 management; insurance; and investment strategies.

10 Sec. 3. Each school district, in consultation with the State

11 Department of Education, shall develop a financial literacy program for
12 incorporation into all phases of the curriculum of grades kindergarten
13 through eight and shall require each student to complete at least one
14 half-credit high school course in personal finance or financial literacy
15 prior to graduation beginning with school year 2022-23. The department
16 shall create recommended financial literacy academic content standards
17 pursuant to section 79-760.01 and distribute such standards to all school
18 districts. Each district shall adopt its own financial literacy academic
19 content standards pursuant to section 79-760.02 and create its own
20 financial literacy program based on the adopted financial literacy
21 academic content standards.

22 Sec. 4. (1) On or before December 31, 2022, and on or before
23 December 31 of each year thereafter, each school district shall present
24 evidence to the State Department of Education, in a form prescribed by
25 the department, that a financial literacy program has been incorporated
26 into the curriculum and is being taught to students and that completion
27 of at least one half-credit high school course in personal finance or
1 financial literacy is required prior to graduation. The department shall
2 evaluate each school district's financial literacy program and high
3 school personal finance or financial literacy course or courses in
4 accordance with the same process used to evaluate social studies
5 curriculums to ensure that each school district develops and utilizes
6 formative, interim, and summative assessments to measure student mastery
7 of the financial literacy academic content standards adopted by the
8 school district pursuant to section 79-760.02.

9 (2) A school district which fails to incorporate a financial
10 literacy program into the curriculum, fails to require completion of at
11 least one half-credit high school course in personal finance or financial
12 literacy prior to graduation, or fails to annually provide evidence
13 pursuant to subsection (1) of this section shall lose its accreditation
14 status.

15 Sec. 5. The State Department of Education shall adopt and
16 promulgate rules and regulations to carry out the Financial Literacy Act.

17 Sec. 6. Section 79-729, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 79-729 The Legislature recognizes the importance of assuring that
20 all persons who graduate from Nebraska high schools possess certain
21 minimum levels of knowledge, skills, and understanding. Each Beginning in
22 school year 1987-88, each high school student shall complete a minimum of
23 two hundred high school credit hours prior to graduation. At least eighty
24 percent of the minimum such credit hours shall be core curriculum courses
25 prescribed by the State Board of Education. Beginning in school year
26 2022-23, at least one half-credit hour of the minimum credit hours shall
27 be a high school course in personal finance or financial literacy. The
28 State Board of Education may establish recommended statewide graduation
29 guidelines. This section does not apply to high school students whose
30 individualized education programs plans prescribe a different course of
31 instruction. This section does not prohibit the governing board of any
1 high school from prescribing specific graduation guidelines as long as
2 such guidelines do not conflict with this section. For purposes of this
3 section, high school means grades nine through twelve and credit hour
4 shall be defined by appropriate rules and regulations of the State Board
5 of Education but shall not be less than the amount of credit given for
6 successful completion of a course which meets at least one period per
7 week for at least one semester.

8 Sec. 7. Section 79-760.01, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 79-760.01 (1) The State Board of Education shall adopt measurable
11 academic content standards for at least the grade levels required for
12 statewide assessment pursuant to section 79-760.03. The standards shall

13 cover the subject areas of reading, writing, mathematics, science, and
 14 social studies.
 15 (2) The board shall also recommend academic content standards for
 16 financial literacy programs pursuant to the Financial Literacy Act.
 17 (3) Academic content ~~The standards adopted or recommended pursuant~~
 18 to this section shall be sufficiently clear and measurable to be used for
 19 testing student performance with respect to mastery of the content
 20 described in the state standards.
 21 (4) The State Board of Education shall develop a plan to review and
 22 update standards for each subject area every seven years. The state board
 23 plan shall include a review of commonly accepted standards adopted by
 24 school districts.
 25 Sec. 8. Section 79-760.02, Revised Statutes Cumulative Supplement,
 26 2020, is amended to read:
 27 79-760.02 In accordance with timelines that are adopted by the State
 28 Board of Education, but in no event later than one year following the
 29 adoption, recommendation, or modification of state standards, each school
 30 district shall adopt measurable quality academic content standards in the
 31 subject areas of reading, writing, mathematics, science, ~~and~~ social
 1 studies, and financial literacy. The standards may be the same as, or may
 2 be equal to or exceed in rigor, the measurable academic content standards
 3 adopted or recommended by the state board and shall cover at least the
 4 same grade levels. School districts may work collaboratively with
 5 educational service units, with learning communities, or through
 6 interlocal agreements to develop such standards.
 7 Sec. 9. Original section 79-729, Reissue Revised Statutes of
 8 Nebraska, and sections 79-760.01 and 79-760.02, Revised Statutes
 9 Cumulative Supplement, 2020, are repealed.

LEGISLATIVE BILL 669. Placed on General File with amendment.

[AM467](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and may be
 4 cited as the Veteran Promise Act.
 5 Sec. 2. For purposes of the Veteran Promise Act:
 6 (1) Eligible military student means a student who:
 7 (a) Graduated from a Nebraska high school on or after January 1,
 8 2022;
 9 (b) Signed enlistment papers to serve in a uniformed service; and
 10 (c)(i) At the time of application is serving in such uniformed
 11 service under a six-year obligation; or
 12 (ii) Has served at least two years of active duty in such uniformed
 13 service and at the time of application is serving in such uniformed
 14 service or another uniformed service;
 15 (2) Eligible veteran student means a student who:
 16 (a)(i) Graduated from a Nebraska high school on or after January 1,
 17 2022; or
 18 (ii) Graduated from a high school in another state on or after
 19 January 1, 2022, and served in a uniformed service while assigned to a
 20 location in this state;
 21 (b) Signed enlistment papers to serve in a uniformed service; and
 22 (c) Received either an honorable discharge or a general discharge
 23 under honorable conditions from a uniformed service; and
 24 (3) Uniformed service means an active or reserve component of:
 25 (a) The Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant
 26 Marine, or Space Force of the United States;
 27 (b) The Commissioned Officer Corps of the National Oceanic and
 1 Atmospheric Administration or of the Public Health Service of the United
 2 States; or

3 (c) The Nebraska National Guard.

4 Sec. 3. (1) Each public postsecondary institution in this state
 5 shall, upon application, automatically accept any eligible military
 6 student or eligible veteran student who otherwise meets the admissions
 7 requirements for such postsecondary institution to enroll as an
 8 undergraduate student in virtual and in-person courses and programs.
 9 (2) Except with regard to the acceptance of eligible military
 10 students and eligible veteran students as provided in subsection (1) of
 11 this section, nothing in the Veteran Promise Act shall be construed to
 12 change any policy or practice of any public postsecondary institution in
 13 this state, including any additional criteria or prioritization for
 14 capped enrollment academic programs.

15 Sec. 4. Each public postsecondary institution in this state shall
 16 make information about the Veteran Promise Act available on its official
 17 web site and electronically submit an annual report to the Clerk of the
 18 Legislature on or before December 31, 2022, and on or before December 31
 19 of each year thereafter. Such annual report shall detail the number of
 20 applicants under the act, the number of eligible military students and
 21 the number of eligible veteran students who are enrolled under the act,
 22 the amount of any application fees waived for applicants under the act,
 23 and any additional support, service, or assistance that is provided to
 24 participating eligible military students and eligible veteran students
 25 under the act.

26 Sec. 5. The Veteran Promise Act shall be construed in a manner
 27 consistent with federal law, including, but not limited to, the United
 28 States Department of Defense Tuition Assistance Program and with any
 29 Voluntary Education Partnership Memorandum of Understanding entered into
 30 by a public postsecondary institution and the United States Department of
 31 Defense.

1 Sec. 6. Section 85-502.01, Revised Statutes Cumulative Supplement,
 2 2020, is amended to read:

3 85-502.01 (1) A person who enrolls in a public college or university
 4 in this state and who is (a) a veteran as defined in Title 38 of the
 5 United States Code and was discharged or released from a period of not
 6 fewer than ninety days of service in the active military, naval, or air
 7 service ~~less than three years before the date of initial enrollment~~, (b)
 8 a spouse or dependent of such a veteran, (c) an eligible recipient
 9 entitled to educational assistance as provided in 38 U.S.C. 3319 while
 10 the transferor is on active duty in the uniformed services or as provided
 11 in 38 U.S.C. 3311(b)(9), as such sections existed on January 1, 2019, or
 12 (d) entitled to rehabilitation pursuant to 38 U.S.C. 3102(a), as such
 13 section existed on January 1, 2019, shall be considered a resident
 14 student notwithstanding the provisions of section 85-502 if the person is
 15 registered to vote in Nebraska and demonstrates objective evidence of
 16 intent to be a resident of Nebraska, except that a person who is under
 17 eighteen years of age is not required to register to vote in Nebraska.
 18 (2) For purposes of this section, objective evidence of intent to be
 19 a resident of Nebraska includes a Nebraska driver's license, a Nebraska
 20 state identification card, a Nebraska motor vehicle registration, or
 21 documentation that the individual is registered to vote in Nebraska.

22 Sec. 7. Original section 85-502.01, Revised Statutes Cumulative
 23 Supplement, 2020, is repealed.

(Signed) Lynne Walz, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 35. Placed on Final Reading.

LEGISLATIVE BILL 93. Placed on Final Reading.

LEGISLATIVE BILL 94. Placed on Final Reading.

LEGISLATIVE BILL 148. Placed on Final Reading.

[ST1](#)

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

1. On page 1, line 2, "2-3254," has been inserted after "sections"; in line 3 "46-1011," has been inserted after "38-1,119,"; and in line 11 "2-2626," has been inserted after "sections" and "46-602, 46-705," has been inserted after "38-1,143,".
2. On page 12, line 12, an underscored comma has been inserted after "operate".
3. On page 35, line 20, "55 and 56" has been struck and "60 and 61" inserted.
4. On page 46, lines 1 and 13; and page 54, line 7, "66" has been struck and "71" inserted.
5. On page 63, line 15, "2-3254," has been inserted after "sections"; in line 16 "46-1011," has been inserted after "38-1,119,"; in line 23 "2-2626," has been inserted after "sections"; and in line 24 "46-602, 46-705," has been inserted after "38-1,143,".

LEGISLATIVE BILL 177. Placed on Final Reading.

LEGISLATIVE BILL 297. Placed on Final Reading.

LEGISLATIVE BILL 337. Placed on Final Reading.

LEGISLATIVE BILL 503. Placed on Final Reading.

[ST3](#)

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

1. On page 3, line 7, the first "section" has been struck and "subsection" inserted; and in line 8 "the" has been inserted after "of".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 369. Placed on Select File.

LEGISLATIVE BILL 100. Placed on Select File with amendment.

[ER21](#)

1. On page 2, line 6, after "reduction" insert "policy".

LEGISLATIVE BILL 101. Placed on Select File.

LEGISLATIVE BILL 351. Placed on Select File.

LEGISLATIVE BILL 476. Placed on Select File.

LEGISLATIVE BILL 533. Placed on Select File.

LEGISLATIVE BILL 401. Placed on Select File.

LEGISLATIVE BILL 37. Placed on Select File.

LEGISLATIVE BILL 169. Placed on Select File.

LEGISLATIVE BILL 255. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to LB250:
[AM418](#)

(Amendments to Standing Committee amendments, AM232)

- 1 1. Strike section 60.
- 2 2. On page 33, strike lines 8 through 11; in lines 12 and 17, strike
- 3 the new language; in lines 18 and 19, strike "or registrant's"; and in
- 4 line 20 and lines 28 through 30, strike the new matter.
- 5 3. Renumber the remaining sections, correct internal references, and
- 6 correct the repealer accordingly.

ANNOUNCEMENT

Senator Williams announced the birthday of Senator Kolterman.

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 5 nays, 5 present and not voting, and 1 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 55 and 56 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 55 and 56.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 528. Placed on General File with amendment.
[AM556](#) is available in the Bill Room.

LEGISLATIVE BILL 529. Placed on General File with amendment.
[AM495](#) is available in the Bill Room.

(Signed) Lynne Walz, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 509. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to [LB529](#):

[AM677](#)

(Amendments to Standing Committee amendments, AM495)

1 1. On page 9, line 17, strike "with funding".

Senator Walz filed the following amendment to [LB529](#):

[AM678](#)

(Amendments to Standing Committee amendments, AM495)

1 1. On page 6, line 28; and page 45, line 15, strike "funds" and

2 insert "money".

GENERAL FILE

LEGISLATIVE BILL 324. Title read. Considered.

Committee [AM150](#), found on page 471, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 88. Title read. Considered.

Senator Clements offered the following amendment:

[AM654](#)

1 1. Strike section 2.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 322. Placed on Select File with amendment.

[ER22](#)

1 1. On page 1, line 3, strike "and" and insert "to provide an
2 operative date;"; and in line 4 after "section" insert "; and to declare
3 an emergency".

LEGISLATIVE BILL 487. Placed on Select File.

LEGISLATIVE BILL 285. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Hansen filed the following amendment to LB106:
AM586

(Amendments to Final Reading copy)

- 1 1. On page 1, line 7, after the second semicolon insert "to require
2 a report;"
- 3 2. On page 2, line 17, strike "(2) The", show as stricken, and
4 insert "(2)(a) Until July 1, 2032, the"; and after line 22 insert the
5 following new subdivision:
6 "(b) Beginning July 1, 2032, the department shall remit any revenue
7 generated under subsections (1) through (5) of this section to the State
8 Treasurer, and the State Treasurer shall credit sixty-six and two-thirds
9 percent to the Department of Motor Vehicles Cash Fund and thirty-three
10 and one-third percent to the Records Management Cash Fund."
- 11 3. On page 3, line 30, strike "(8)" and insert "(8)(a)" and after
12 the last underscored comma insert "until June 30, 2032."
- 13 4. On page 4, after line 5, insert the following new subdivision:
14 "(b) Beginning July 1, 2032, for any record provided pursuant to
15 subsection (1) of this section, the requester shall be required to pay,
16 in addition to the fee prescribed in such subsection, a fee of fifty
17 cents, which shall be credited to the Department of Motor Vehicles Cash
18 Fund."; and in line 17 after "(3)" insert "The Department of Motor
19 Vehicles shall report to the Legislature by September 1 of each even-
20 numbered year through the year 2030 on the progress the department has
21 made on the new operator's license services system. The report shall
22 include an estimated cost for completion, the operating systems under
23 consideration, and the expected time the new operator's license services
24 system will become fully operational. The report shall be made
25 electronically.
26 (4)".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB64.
Senator Hilkeemann name added to LB283.
Senator Hansen, B. name added to LB310.
Senator Hansen, M. name added to LB324.
Senator Blood name added to LB371.
Senator Wayne name added to LB371.
Senator Hilkeemann name added to LR14.

WITHDRAW - Cointroducer(s)

Senator Sanders name withdrawn from LB241.

VISITOR(S)

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

