

**FORTY-NINTH DAY - MARCH 24, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 24, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Erdman.

**ROLL CALL**

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

The roll was called and all members were present except Senator Brewer who was excused; and Senators Bostar, M. Hansen, and Lindstrom who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 37.** Placed on Final Reading.

**LEGISLATIVE BILL 100.** Placed on Final Reading.

[ST4](#)

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

1. On page 1, line 1, "the Medical Assistance Act" has been struck and "public health and welfare" inserted; in line 2 "to provide requirements for insurance coverage of prescribed contraceptives and obtaining prescribed contraceptives under the medical assistance program;" has been inserted after the semicolon; and in line 4 "under the Medical Assistance Act" has been inserted after "practices".

**LEGISLATIVE BILL 101.** Placed on Final Reading.

**LEGISLATIVE BILL 351.** Placed on Final Reading.

**LEGISLATIVE BILL 401.** Placed on Final Reading.

**LEGISLATIVE BILL 476.** Placed on Final Reading.

[ST5](#)

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

1. On page 3, line 29, "and" has been struck and shown as stricken; and in line 31 an underscored comma has been inserted after "Act".

**LEGISLATIVE BILL 533.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 529.** Title read. Considered.

Committee [AM495](#), found on page 666, was offered.

Senator Walz asked unanimous consent to withdraw her amendment, [AM677](#), found on page 667, to the committee amendment, and replace it with her substitute amendment, [FA10](#). No objections. So ordered.

[FA10](#)

Amend AM495

On page 11, line 8, strike "schizophrenia, bipolar disorder,".

On page 11, line 12, strike "health care" and insert "intervention".

#### SENATOR WILLIAMS PRESIDING

Pending.

#### BILL ON FIRST READING

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

**LEGISLATIVE BILL 544A.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, One Hundred Seventh Legislature, First Session, 2021.

#### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 673.** Indefinitely postponed.

(Signed) Lynne Walz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 169.** Placed on Final Reading.**LEGISLATIVE BILL 255.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 281.** Placed on Select File with amendment.[ER26](#)

1 1. On page 1, line 2, strike "instructional" and after "staff"  
 2 insert "; and to provide powers and duties for the State Department of  
 3 Education".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 647.** Placed on General File.**LEGISLATIVE BILL 549.** Placed on General File with amendment.[AM741](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Municipal Natural Gas System Emergency Assistance Act.  
 5 Sec. 2. The purpose of the Municipal Natural Gas System Emergency  
 6 Assistance Act is to assist municipalities which own and operate a  
 7 natural gas plant or natural gas system in addressing extraordinary costs  
 8 due to extreme weather events.  
 9 Sec. 3. For purposes of the Municipal Natural Gas System Emergency  
 10 Assistance Act:  
 11 (1) Extraordinary costs means expenses that exceed the usual,  
 12 average, or budgeted costs related to procuring and delivering natural  
 13 gas, including the purchase of spot or incremental natural gas, the  
 14 purchase of gas to replenish depleted storage, overtime pay for utility  
 15 workers, costs related to propane injection, and pipeline charges beyond  
 16 the scope of normal and customary charges;  
 17 (2) Extreme weather event means a weather event occurring on or  
 18 after January 1, 2021, including, but not limited to, snow, rain,  
 19 drought, flood, storm, extreme heat, or extreme cold, that generates  
 20 extraordinary costs related to such event; and  
 21 (3) Municipality means any city of the first class, city of the  
 22 second class, or village which owns or operates a natural gas plant or  
 23 natural gas system.  
 24 Sec. 4. A municipality may apply to the State Treasurer for a grant  
 25 under the Municipal Natural Gas System Emergency Assistance Act to cover  
 26 up to ninety percent of the extraordinary costs incurred by such  
 27 municipality as a result of an extreme weather event. Applications shall  
 1 be submitted on a form prescribed by the State Treasurer. Each  
 2 application shall include the amount of grant funds requested, the date

3 or dates of the extreme weather event, and documentation of the  
 4 extraordinary costs incurred as a result of such extreme weather event.  
 5 The State Treasurer shall consider applications in the order in which  
 6 they are received and may approve applications within the limits of  
 7 available appropriations. The State Treasurer shall not be required to  
 8 verify the information provided in the application.  
 9 Sec. 5. The Municipal Natural Gas System Emergency Assistance Fund  
 10 is created. The fund shall be used by the State Treasurer to make grants  
 11 to municipalities under the Municipal Natural Gas System Emergency  
 12 Assistance Act and to defray any administrative expenses incurred by the  
 13 State Treasurer in carrying out the act. The fund shall consist of  
 14 appropriations made by the Legislature, transfers authorized by the  
 15 Legislature, and any federal funds which may become available for the  
 16 purposes of the act. Any money in the fund available for investment shall  
 17 be invested by the state investment officer pursuant to the Nebraska  
 18 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 19 Sec. 6. The State Treasurer shall transfer ten million dollars from  
 20 the General Fund to the Municipal Natural Gas System Emergency Assistance  
 21 Fund on the effective date of this act or as soon thereafter as  
 22 administratively practicable.  
 23 Sec. 7. On or before December 31 of each year, the State Treasurer  
 24 shall electronically submit a report to the Urban Affairs Committee of  
 25 the Legislature documenting the grants approved under the Municipal  
 26 Natural Gas System Emergency Assistance Act during the calendar year.  
 27 Sec. 8. The State Treasurer may adopt and promulgate rules and  
 28 regulations to carry out the Municipal Natural Gas System Emergency  
 29 Assistance Act.  
 30 Sec. 9. The Municipal Natural Gas System Emergency Assistance Act  
 31 terminates on June 30, 2023. The State Treasurer shall transfer any  
 1 unobligated money remaining in the Municipal Natural Gas System Emergency  
 2 Assistance Fund on such date to the General Fund.  
 3 Sec. 10. The Revisor of Statutes shall assign sections 1 to 9 of  
 4 this act to a new article in Chapter 19.  
 5 Sec. 11. Since an emergency exists, this act takes effect when  
 6 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

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

Senator Briese filed the following amendment to LB408:

FA12

Amend AM371

On page 4, line 29, strike "a" and insert "any".

#### EASE

The Legislature was at ease from 11:00 a.m. until 11:20 a.m.

#### SPEAKER HILGERS PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 529.** Senator Walz renewed her amendment, FA10, found in this day's Journal, to the committee amendment.

The Walz amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Murman offered his amendment, [AM719](#), found on page 733, to the committee amendment.

Senator Morfeld requested a ruling of the Chair on whether the Murman amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

Pending.

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

Senator Flood filed the following amendment to [LB503](#):

[AM733](#)

(Amendments to Final Reading copy)

1 1. On page 3, line 2, strike "subsection (1) of this section" and  
2 insert "section 1 of this act".

#### **COMMITTEE REPORT(S)**

Business and Labor

The Business and Labor 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.

Johnie Jason Girmus - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Aaron L. Jazyinka - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Martin Kasl - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Gerald Whitlock - Boiler Safety Code Advisory Board

Aye: 7. Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ben Hansen, Chairperson

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

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

Senator Bostar name added to LB108.  
Senator Blood name added to LB392.  
Senator Clements name added to LB398.  
Senator Hansen, M. name added to LB463.  
Senator McCollister name added to LB639.

#### **RECESS**

At 12:00 p.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senator Slama who was excused until she arrives.

#### **GENERAL FILE**

**LEGISLATIVE BILL 529.** Senator Murman renewed his amendment, [AM719](#), found on page 733 and considered in this day's Journal, to the committee amendment.

Senator Morfeld renewed his request for a ruling of the Chair on whether the Murman amendment, [AM719](#), would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Murman amendment is substantially the same as LB673, which was indefinitely postponed by the Education Committee, and

would, therefore, require 30 votes.

Senator Murman withdrew his amendment to the committee amendment.

Senator Groene offered the following amendment to the committee amendment:

[AM731](#)

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 7, strike beginning with "the" in line 30 through "(i)"
- 2 in line 31 and insert "each school district shall".
- 3 2. On page 8, strike beginning with "statewide" in line 1 through
- 4 "system" in line 3 and insert "to such school district's administrators,
- 5 teachers, paraprofessionals, school nurses, and counselors".
- 6 3. On page 9, lines 3 and 4; and in line 8, strike "Educational
- 7 Service Unit Coordinating Council" and insert "state school security
- 8 director".
- 9 4. On page 10, line 12, strike the comma and insert "and"; strike
- 10 beginning with the comma in line 14 through "Act" in line 17 and insert
- 11 ". The department shall distribute money in the fund proportionally to
- 12 school districts based on the most recently available fall membership
- 13 numbers for behavioral awareness and intervention training required
- 14 pursuant to section 4 of this act"; and strike beginning with "or" in
- 15 line 24 through "unit" in line 25.

Senator Groene withdrew his amendment.

Committee [AM495](#), found on page 666 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 6 nays, 14 present and not voting, and 1 excused and not voting.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, 66, and 67 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 25, 64, 65, 66, and 67.

### GENERAL FILE

**LEGISLATIVE BILL 156.** Title read. Considered.

Committee [AM223](#), found on page 737, was offered.

Senator Wayne offered the following amendment to the committee amendment:

[AM737](#) is available in the Bill Room.

#### **SENATOR LINDSTROM PRESIDING**

The Wayne amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 29.** The Hughes amendment, [FA7](#), found on page 730, was offered.

Pending.

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

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

Senator Hunt name added to LB156.

Senator Cavanaugh, M. name added to LB639.

#### **ADJOURNMENT**

At 5:01 p.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature