

FIFTY-FIRST DAY - MARCH 29, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 2021

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Geist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Arch who was excused; and Senators Bostar, M. Cavanaugh, Hunt, Pansing Brooks, and Wayne who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 572. Placed on Select File with amendment.
[ER29](#) is available in the Bill Room.

LEGISLATIVE BILL 40. Placed on Select File.
LEGISLATIVE BILL 40A. Placed on Select File.

LEGISLATIVE BILL 544. Placed on Select File with amendment.
[ER30](#)

1 1. On page 5, line 18, strike "An" and insert "Include an".

LEGISLATIVE BILL 390. Placed on Select File with amendment.ER27

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:
5 38-101 Sections 38-101 to 38-1,145 and section 3 of this act and the
6 following practice acts shall be known and may be cited as the Uniform
7 Credentialing Act:
8 (1) The Advanced Practice Registered Nurse Practice Act;
9 (2) The Alcohol and Drug Counseling Practice Act;
10 (3) The Athletic Training Practice Act;
11 (4) The Audiology and Speech-Language Pathology Practice Act;
12 (5) The Certified Nurse Midwifery Practice Act;
13 (6) The Certified Registered Nurse Anesthetist Practice Act;
14 (7) The Chiropractic Practice Act;
15 (8) The Clinical Nurse Specialist Practice Act;
16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
17 Body Art Practice Act;
18 (10) The Dentistry Practice Act;
19 (11) The Dialysis Patient Care Technician Registration Act;
20 (12) The Emergency Medical Services Practice Act;
21 (13) The Environmental Health Specialists Practice Act;
22 (14) The Funeral Directing and Embalming Practice Act;
23 (15) The Genetic Counseling Practice Act;
24 (16) The Hearing Instrument Specialists Practice Act;
25 (17) The Licensed Practical Nurse-Certified Practice Act until
26 November 1, 2017;
27 (18) The Massage Therapy Practice Act;
1 (19) The Medical Nutrition Therapy Practice Act;
2 (20) The Medical Radiography Practice Act;
3 (21) The Medicine and Surgery Practice Act;
4 (22) The Mental Health Practice Act;
5 (23) The Nurse Practice Act;
6 (24) The Nurse Practitioner Practice Act;
7 (25) The Nursing Home Administrator Practice Act;
8 (26) The Occupational Therapy Practice Act;
9 (27) The Optometry Practice Act;
10 (28) The Perfusion Practice Act;
11 (29) The Pharmacy Practice Act;
12 (30) The Physical Therapy Practice Act;
13 (31) The Podiatry Practice Act;
14 (32) The Psychology Practice Act;
15 (33) The Respiratory Care Practice Act;
16 (34) The Surgical First Assistant Practice Act;
17 (35) The Veterinary Medicine and Surgery Practice Act; and
18 (36) The Water Well Standards and Contractors' Practice Act.
19 If there is any conflict between any provision of sections 38-101 to
20 38-1,145 and section 3 of this act and any provision of a practice act,
21 the provision of the practice act shall prevail except as otherwise
22 specifically provided in section 3 of this act.
23 The Revisor of Statutes shall assign the Uniform Credentialing Act,
24 including the practice acts enumerated in subdivisions (1) through (35)
25 of this section, to articles within Chapter 38.
26 Sec. 2. Section 38-129.01, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:
28 38-129.01 (1) The department, with the recommendation of the
29 appropriate board, shall issue a temporary credential to a military
30 spouse who complies with and meets the requirements of this section
31 pending issuance of the applicable credential under the Uniform

1 Credentialing Act. This section shall not apply to a license to practice
2 dentistry, including a temporary license under section 38-1123.

3 (2) A military spouse shall submit the following with his or her
4 application for the applicable credential:

5 (a) A copy of his or her military dependent identification card
6 which identifies him or her as the spouse of an active duty member of the
7 United States Armed Forces;

8 (b) A copy of his or her spouse's military orders reflecting an
9 active-duty assignment in Nebraska;

10 (c) A copy of his or her credential from another jurisdiction and
11 the applicable statutes, rules, and regulations governing the credential;
12 and

13 (d) A copy of his or her fingerprints for a criminal background
14 check if required under section 38-131.

15 (3) If the department, with the recommendation of the appropriate
16 board, determines that the applicant is a resident of Nebraska, is the
17 spouse of an active duty member of the United States Armed Forces who is
18 assigned to a duty station in Nebraska, holds a valid credential in
19 another jurisdiction which has similar standards for the profession to
20 the Uniform Credentialing Act and the rules and regulations adopted and
21 promulgated under the act, and has submitted fingerprints for a criminal
22 background check if required under section 38-131, the department shall
23 issue a temporary credential to the applicant. The applicant shall not be
24 required to pay any fees pursuant to the Uniform Credentialing Act for
25 the temporary credential or the initial regular credential except the
26 actual cost of the fingerprinting and criminal background check for an
27 initial license under section 38-131.

28 (4) A temporary credential issued under this section shall be valid
29 until the application for the regular credential is approved or rejected,
30 not to exceed one year.

31 Sec. 3. (1) This section provides an additional method of issuing a
1 credential based on reciprocity and is supplemental to the methods of
2 credentialing found in the various practice acts within the Uniform
3 Credentialing Act. Any person required to be credentialed under any of
4 the various practice acts who meets the requirements of this section
5 shall be issued a credential subject to the provisions of this section.

6 (2) A person who has a credential that is current and valid in
7 another state, a territory of the United States, or the District of
8 Columbia may apply to the department for the equivalent credential under
9 the Uniform Credentialing Act. The department, with the recommendation of
10 the board with jurisdiction over the equivalent credential, shall
11 determine the appropriate level of credential for which the applicant
12 qualifies under this section. The department shall determine the
13 documentation required to comply with subsection (3) of this section. The
14 department shall issue the credential if the applicant meets the
15 requirements of subsections (3) and (4) of this section and section
16 38-129 and submits the appropriate fees for issuance of the credential,
17 including fees for a criminal background check if required for the
18 profession. A credential issued under this section shall not be valid for
19 purposes of an interstate compact or for reciprocity provisions of any
20 practice act under the Uniform Credentialing Act.

21 (3) The applicant shall provide documentation of the following:

22 (a) The credential held in the other state, territory, or District
23 of Columbia, the level of such credential, and the profession for which
24 credentialed;

25 (b) Such credential is valid and current and has been valid for at
26 least one year;

27 (c) Educational requirements;

28 (d) The minimum work experience and clinical supervision
29 requirements, if any, required for such credential and verification of

30 the applicant's completion of such requirements;

31 (e) The passage of an examination for such credential if such
1 passage is required to obtain the credential in the other jurisdiction;

2 (f) Such credential is not and has not been subject to revocation or
3 any other disciplinary action or voluntarily surrendered while the
4 applicant was under investigation for unprofessional conduct or any other
5 conduct which would be subject to section 38-178 if the conduct occurred
6 in Nebraska;

7 (g) Such credential has not been subject to disciplinary action. If
8 another jurisdiction has taken disciplinary action against the applicant
9 on any credential the applicant has held, the appropriate board under the
10 Uniform Credentialing Act shall determine if the cause for the
11 disciplinary action was corrected and the matter resolved. If the matter
12 has not been resolved, the applicant is not eligible for a credential
13 under this section until the matter is resolved; and

14 (h) Receipt of a passing score on a credentialing examination
15 specific to the laws of Nebraska if required by the appropriate board
16 under the Uniform Credentialing Act.

17 (4) An applicant who obtains a credential upon compliance with
18 subsections (2) and (3) of this section shall establish residency in
19 Nebraska within one hundred eighty days after the issuance of the
20 credential and shall provide proof of residency in a manner and within
21 the time period required by the department. The department shall
22 automatically revoke the credential of any credential holder who fails to
23 comply with this subsection.

24 (5) In addition to failure to submit the required documentation in
25 subsection (3) of this section, an applicant shall not be eligible for a
26 credential under this section if:

27 (a) The applicant had a credential revoked, subject to any other
28 disciplinary action, or voluntarily surrendered due to an investigation
29 in any jurisdiction for unprofessional conduct or any other conduct which
30 would be subject to section 38-178 if the conduct occurred in Nebraska;

31 (b) The applicant has a complaint, allegation, or investigation
1 pending before any jurisdiction that relates to unprofessional conduct or
2 any other conduct which would be subject to section 38-178 if the conduct
3 occurred in Nebraska. If the matter has not been resolved, the applicant
4 is not eligible for a credential under this section until the matter is
5 resolved; or

6 (c) The person has a disqualifying criminal history as determined by
7 the appropriate board pursuant to the Uniform Credentialing Act and rules
8 and regulations adopted and promulgated under the act.

9 (6) A person who holds a credential under this section shall be
10 subject to the Uniform Credentialing Act and other laws of this state
11 relating to the person's practice under the credential and shall be
12 subject to the jurisdiction of the appropriate board.

13 (7) This section applies to credentials for:

14 (a) Professions governed by the Advanced Practice Registered Nurse
15 Practice Act, the Certified Nurse Midwifery Practice Act, the Certified
16 Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist
17 Practice Act, the Dentistry Practice Act, the Dialysis Patient Care
18 Technician Registration Act, the Emergency Medical Services Practice Act,
19 the Medical Nutrition Therapy Practice Act, the Medical Radiography
20 Practice Act, the Nurse Practitioner Practice Act, the Optometry Practice
21 Act, the Perfusion Practice Act, the Pharmacy Practice Act, the Podiatry
22 Practice Act, the Psychology Practice Act, and the Surgical First
23 Assistant Practice Act; and

24 (b) Physician assistants and acupuncturists credentialed pursuant to
25 the Medicine and Surgery Practice Act.

26 Sec. 4. Original sections 38-101 and 38-129.01, Revised Statutes

27 Cumulative Supplement, 2020, are repealed.

LEGISLATIVE BILL 92. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File with amendment.

[ER28](#)

1 1. On page 1, strike beginning with "participants" in line 3 through
2 "Program" in line 4 and insert "award recipients from the National
3 Service Trust".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 432. Placed on General File with amendment.

[AM774](#) is available in the Bill Room.

LEGISLATIVE BILL 595. Placed on General File with amendment.

[AM776](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to [LB561](#):

[FA13](#)

Amend ER25

On page 1, line 5, strike "a" and insert "the".

ATTORNEY GENERAL'S OPINION

Opinion 21-003

SUBJECT: Does LB 528, as Amended, Violate the Single Subject Requirement in Neb. Const. art. III, § 14?

REQUESTED BY: Senator Lynne Walz
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office on the constitutionality of LB 528, titled: "Provide, change, and eliminate provisions relating to education." A proposed amendment, AM556, was filed on March 16, 2021, and would replace the bill. You have specifically asked whether LB 528, as amended, would violate Neb. Const. art. III, § 14, which requires that no bill shall contain more than one subject.

LB 528, as amended, amends Nebraska statutes concerning various topics which include the following: (1) updating references to "accredited" instead of "regionally accredited" postsecondary institutions in numerous state statute; (2) leasing of school lands; (3) school district budgets and budget hearings; (4) mandatory school attendance; (5) temporary teaching certificates; (6) changes to the Tax Equity and Educational Opportunities Support Act; (7) valuation of and distribution of funds to educational service units; (8) school classifications; (9) use and reporting of income from solar and wind agreements on school lands; (10) college savings plans; (11) scholarship programs; and, (12) the contents of school student identification cards.

Neb. Const. art. III, § 14 provides, in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title." You have referred to LB 528, as amended, as a "Christmas tree bill" and you are correct that a variety of statutes would be amended by this bill. However, as this office has noted in prior opinions, the Nebraska Supreme Court has adopted a liberal construction with respect to this constitutional requirement. *See, e.g.*, Op. Att'y Gen. No. 03012 (May 7, 2003), Op. Att'y Gen. No. 89003 (January 23, 1989), Op. Att'y Gen. No. 87018 (February 11, 1987), Op. Att'y Gen. No. 86029 (March 6, 1986).

In *Midwest Popcorn Co. v. Johnson*, 152 Neb. 867, 43 N.W.2d 174 (1950), the Court considered the Tax Appraisal Board Act, which dealt with taxation of property and the establishment of a tax appraisal board, and held that it did not violate the single subject rule and was constitutional. "An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose." *Id.* at 872, 43 N.W.2d at 178. Here, other provisions of the act were found to be incidental and germane to the subject of taxation.

Similarly, in *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967), *appeal dismissed*, 390 U.S. 714 (1968), the Court considered a bill providing for a sales tax, a use tax, an income tax, and a franchise tax and found it constitutional. The Court found that all of the provisions in the bill related to the general subject of taxation stated in the bill's title. "If an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Art. III, Section 14, of the Constitution (citation omitted) This Court holds that the provisions of LB 377 contain but one general subject, taxation, and that it does not violate the Constitution of Nebraska." *Id.* at 408-409, 155 N.W.2d at 332.

More recently, the Court considered a bill which included provisions relating to several different taxes, as well as provisions on tax refund procedures and the retroactive application of judicial decisions finding tax provisions to be unconstitutional, and held that the bill did not violate the

single subject rule of Neb. Const. art. III, § 14. The Court found that all provisions of the bill were germane to the broad subject of taxation. *Jaksha v. State*, 241 Neb. 106, 486 N.W. 2d 858 (1992).¹

Here, although the provisions of LB 528, as amended, might be said to relate to the broad subject of "education" as stated in the bill's title, the bill now touches on at least a dozen different areas. While the Court has adopted a liberal construction of art. III, § 14, the number and variety of the different topics included in LB 528 may distinguish it from the bills considered by the Court in the cases discussed above. As the connection of these various provisions appears tenuous, we have some concerns regarding the constitutionality of the legislation. However, we cannot say that LB 528 clearly violates Neb. Const. art. III, § 14.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-761-29

¹We note that the single subject rule for constitutional amendments is different than the single subject rule for legislative bills. *State ex rel. Loontjer v. Gale*, 288 Neb. 973, 853 N.W.2d 494 (2014). Therefore, the Nebraska Supreme Court's discussion of a single subject rule in *Loontjer*; or in the more recent case of *State ex rel. Wagner v. Evnen*, 307 Neb. 142, 948 N.W.2d 244 (2020), is not applicable here.

GENERAL FILE

LEGISLATIVE BILL 274A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 324A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 544A. Title read. Considered.

Senator Wayne offered the following amendment:

[AM777](#)

1 1. On page 2, after line 13 insert the following new paragraph:

² "Total expenditures for permanent and temporary salaries and per
³ diems from funds appropriated in this section shall not exceed \$144,980
⁴ for FY2021-22 or \$198,120 for FY2022-23."

The Wayne amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 561A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 70, 71, 72, and 73 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 70, 71, 72, and 73.

GENERAL FILE

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 461. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Committee [AM276](#), found on page 465, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Wayne withdrew his amendment, [AM15](#), found on page 315.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendment to [LB390](#):
[AM753](#)

(Amendments to E&R amendments, ER27)

1 1. On page 6, lines 21 and 22, strike "the Podiatry Practice Act.".

Senator Wayne filed the following amendment to [LB544](#):
[AM747](#)

1 1. Strike original section 16 and insert the following new section:
2 Sec. 16. Taxpayer means any person subject to sales and use taxes
3 under the Nebraska Revenue Act of 1967 and subject to withholding under
4 section 77-2753 and any entity that is or would otherwise be a member of
5 the same unitary group, if incorporated, that is subject to such sales
6 and use taxes and such withholding. Taxpayer does not include a political
7 subdivision or an organization that is exempt from income taxes under
8 section 501(a) of the Internal Revenue Code of 1986, as amended. For
9 purposes of this section, political subdivision includes any public
10 corporation created for the benefit of a political subdivision and any
11 group of political subdivisions forming a joint public agency, organized
12 by interlocal agreement, or utilizing any other method of joint action.

BILL ON FIRST READING

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

LEGISLATIVE BILL 320A. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 320, One Hundred Seventh Legislature, First Session, 2021.

LEGISLATIVE BILL 156A. 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 156, One Hundred Seventh Legislature, First Session, 2021.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 14, 35, 66e, 93, 94, 113Ae, 148e, 163, 177, 297, 337, 368, 369, 389, and 509.

(Signed) Ben Hansen

RESOLUTION(S)

LEGISLATIVE RESOLUTION 29. Senator Hughes asked unanimous consent to withdraw the second Hughes amendment, [FA7](#), found on page 730, and considered on page 746, and replace it with his substitute amendment, [AM771](#). No objections. So ordered.

[AM771](#)

(Amendments to Standing Committee amendments, AM595)

1 1. On page 2, line 10, strike "and" and insert ". After
2 authorization by the executive board, the committee may".

Senator Hughes moved for a call of the house. The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Senator Hughes requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Albrecht	Dorn	Groene	Linehan	Sanders
Bostelman	Erdman	Halloran	Lowe	Slama
Brandt	Flood	Hansen, B.	McDonnell	Stinner
Brewer	Friesen	Hilgers	Moser	Wishart
Briese	Geist	Hilkemann	Murman	
Clements	Gragert	Hughes	Pahls	

Voting in the negative, 6:

DeBoer	Hunt	Morfeld
Hansen, M.	Lathrop	Vargas

Present and not voting, 14:

Aguilar	Cavanaugh, J.	Kolterman	McKinney	Wayne
Blood	Cavanaugh, M.	Lindstrom	Pansing Brooks	Williams
Bostar	Day	McCollister	Walz	

Excused and not voting, 1:

Arch

The Hughes amendment was adopted with 28 ayes, 6 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:

[FA14](#)

On page 2, paragraph 1, after "testimony." add, each subpoena issued by the committee shall be approved by the Executive Board unless the subpoena attempts to secure documents or the attendance of witnesses outside the scope of the resolution or is not in proper form.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 529. Placed on Select File with amendment.

[ER31](#)

1 1. On page 1, line 9, after "Behavioral" insert "Awareness and"; and
2 in line 23 after the first semicolon insert "to adopt the Door to College
3 Scholarship Act;".

(Signed) Terrell McKinney, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Morfeld name added to LB64.

Senator Brandt name added to LB103.

Senator Kolterman name added to LB108.

Senator Kolterman name added to LB121.

Senator Blood name added to LB143.

Senator Brandt name added to LB454.

RECESS

At 12:06 p.m., on a motion by Senator Brewer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Lindstrom presiding.

ROLL CALL

The roll was called and all members were present except Senator Arch who was excused; and Senators Bostelman, Brewer, Briese, Geist, and Wayne who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 29. Senator Lathrop renewed his amendment, [FA14](#), found in this day's Journal.

Senator Lathrop moved for a call of the house. The motion prevailed with 30 ayes, 7 nays, and 12 not voting.

Senator Lathrop requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Aguilar	Cavanaugh, M.	Hunt	McKinney	Vargas
Blood	Day	Kolterman	Morfeld	Walz
Bostar	DeBoer	Lathrop	Pahls	Wayne
Cavanaugh, J.	Hansen, M.	McCollister	Pansing Brooks	Wishart

Voting in the negative, 18:

Albrecht	Friesen	Hansen, B.	McDonnell	Slama
Clements	Geist	Hilgers	Moser	Stinner
Erdman	Groene	Hughes	Murman	
Flood	Halloran	Linehan	Sanders	

Present and not voting, 9:

Brandt	Briese	Gragert	Lindstrom	Williams
Brewer	Dorn	Hilkemann	Lowe	

Excused and not voting, 2:

Arch	Bostelman
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The Lathrop amendment lost with 20 ayes, 18 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Clements requested that a majority of the elected members be required for the adoption of LR29, pursuant to Rule 4, Sec. 5.

LR29, as amended, was adopted with 40 ayes, 6 nays, 1 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 423A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 423, One Hundred Seventh Legislature, First Session, 2021.

LEGISLATIVE BILL 359A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, One Hundred Seventh Legislature, First Session, 2021.

GENERAL FILE

LEGISLATIVE BILL 273. Title read. Considered.

Committee [AM600](#), found on page 656, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SPEAKER HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 639. Title read. Considered.

Committee [AM541](#), found on page 631, was offered.

Senator Day withdrew her amendment, [AM683](#), found on page 719, to the committee amendment.

The committee amendment was adopted with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

SENATOR HUGHES PRESIDING

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SPEAKER HILGERS PRESIDING

LEGISLATIVE BILL 143. Title read. Considered.

Committee [AM105](#), found on page 442, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 298. Placed on General File with amendment.

[AM251](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 4-109, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 4-109 For purposes of sections 4-108 to 4-113:
6 (1) ~~Public~~ ~~public~~ benefits means any grant, contract, loan,
7 professional license, commercial license, welfare benefit, health payment
8 or financial assistance benefit, disability benefit, public or assisted
9 housing benefit, postsecondary education benefit involving direct payment
10 of financial assistance, food assistance benefit, or ~~unemployment benefit~~
11 ~~or~~ any other similar benefit provided by or for which payments or
12 assistance are provided to an individual, a household, or a family
13 eligibility unit by an agency of the United States, the State of
14 Nebraska, or a political subdivision of the State of Nebraska; ~~and~~ -
15 (2) ~~Public benefits does not include unemployment benefits provided~~
16 ~~pursuant to the Employment Security Law.~~
17 Sec. 2. Section 48-628.04, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:
19 48-628.04 (1) An individual shall be disqualified for unemployment
20 benefits for any week if the services upon which such benefits are based
21 are performed by an alien, ~~This section shall apply~~ unless such alien:
22 (a) Is an individual who was lawfully admitted for permanent
23 residence at the time such services were performed;
24 (b) Was lawfully present for purposes of performing such services,
25 including, pursuant to 8 U.S.C. 1621(d), all such aliens authorized to
26 work as provided by 8 C.F.R. 274a.12, as such regulation existed on
27 January 1, 2021; or
1 (c) Was permanently residing in the United States under color of law
2 at the time such services were performed, including an alien who was
3 lawfully present in the United States as a result of the application of
4 section 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C.
5 1182(d)(5).
6 (2) Any data or information required of individuals applying for

7 benefits to determine whether benefits are not payable to them because of
 8 their alien status shall be uniformly required from all applicants for
 9 benefits. In the case of an individual whose application for benefits
 10 would otherwise be approved, no determination that benefits to such
 11 individual are not payable because of his or her alien status shall be
 12 made except upon a preponderance of the evidence.

13 (3) Any individual who qualifies for benefits under subsection (1)
 14 of this section shall have his or her employment authorization document
 15 verified through the Systematic Alien Verification for Entitlements
 16 Program operated by the United States Department of Homeland Security or
 17 an equivalent program designated by the United States Department of
 18 Homeland Security.

19 Sec. 3. Original section 4-109, Reissue Revised Statutes of
 20 Nebraska, and section 48-628.04, Revised Statutes Cumulative Supplement,
 21 2020, are repealed.

LEGISLATIVE BILL 567. Placed on General File with amendment.

AM301

1 1. Insert the following new section:

2 Section 1. Section 48-625, Revised Statutes Cumulative Supplement,
 3 2020, is amended to read:

4 48-625 (1) Except as provided in subsection (4) of this section,

5 ~~each~~ Each eligible individual who is unemployed in any week shall be paid
 6 with respect to such week a benefit in an amount equal to his or her full
 7 weekly benefit amount if he or she has wages payable to him or her with
 8 respect to such week equal to one-fourth of such benefit amount or less.

9 In the event he or she has wages payable to him or her with respect to
 10 such week greater than one-fourth of such benefit amount, he or she shall
 11 be paid with respect to that week an amount equal to the individual's
 12 weekly benefit amount less that part of wages payable to the individual
 13 with respect to that week in excess of one-fourth of the individual's
 14 weekly benefit amount. In the event there is any deduction from such
 15 individual's weekly benefit amount because of earned wages pursuant to
 16 this subsection or as a result of the application of section 48-628.02,
 17 the resulting benefit payment, if not an exact dollar amount, shall be
 18 computed to the next lower dollar amount.

19 (2) Any amount of unemployment compensation payable to any
 20 individual for any week, if not an even dollar amount, shall be rounded
 21 to the next lower full dollar amount.

22 (3) The percentage of benefits and the percentage of extended
 23 benefits which are federally funded may be adjusted in accordance with
 24 the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law
 25 99-177.

26 (4) To the extent authorized under federal law, if an individual is
 27 eligible for an equal or greater weekly benefit amount under a federal
 1 unemployment program than the weekly benefit amount which the individual
 2 is eligible for under the Employment Security Law, the commissioner shall
 3 suspend the payment of state unemployment benefits to such individual
 4 while such individual is receiving the federal unemployment benefit. Such
 5 suspension shall terminate upon the individual's exhaustion of benefits
 6 available under the federal unemployment program. An individual shall not
 7 be eligible to receive the federal weekly benefit and the state
 8 unemployment weekly benefit during the same week. The provisions of this
 9 subsection shall not apply to any federal unemployment benefit which is
 10 paid in addition to the state weekly benefit amount.

11 2. Renumber the remaining sections and correct the repealer
 12 accordingly.

(Signed) Ben Hansen, Chairperson

Revenue

LEGISLATIVE BILL 454. Placed on General File with amendment.AM789

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 4 of this act shall be known and may be
4 cited as the School Property Tax Stabilization Act.
5 Sec. 2. (1) On or before September 15, 2021, the State Department
6 of Education shall determine the total school property tax stabilization
7 payment to be paid to each eligible school district for the 2021-22
8 school fiscal year. On or before June 30, 2022, and on or before June 30
9 of each year thereafter, the State Department of Education shall
10 determine the total school property tax stabilization payment to be paid
11 to each eligible school district for the ensuing school fiscal year.
12 (2) A school district is eligible for a school property tax
13 stabilization payment if the school district property tax requirement
14 exceeds:
15 (a) For school fiscal year 2021-22, seventy percent of the formula
16 need calculated for such school district;
17 (b) For school fiscal year 2022-23, sixty-five percent of the
18 formula need calculated for such school district;
19 (c) For school fiscal year 2023-24, sixty percent of the formula
20 need calculated for such school district; and
21 (d) For school fiscal year 2024-25 and each school fiscal year
22 thereafter, fifty-five percent of the formula need calculated for such
23 school district.
24 (3) The school district property tax requirement for each school
25 district shall equal the formula need calculated pursuant to section
26 79-1007.11 minus the sum of the amount to be distributed pursuant to the
27 Tax Equity and Educational Opportunities Support Act as certified
1 pursuant to section 79-1022 and other actual receipts as determined
2 pursuant to section 79-1018.01 for such school district for the school
3 fiscal year for which a total school property tax stabilization payment
4 is being calculated.
5 (4) The school property tax stabilization base for an eligible
6 school district shall equal the amount by which the school district
7 property tax requirement exceeds:
8 (a) For school fiscal year 2021-22, seventy percent of the formula
9 need calculated for such school district;
10 (b) For school fiscal year 2022-23, sixty-five percent of the
11 formula need calculated for such school district;
12 (c) For school fiscal year 2023-24, sixty percent of the formula
13 need calculated for such school district; and
14 (d) For school fiscal year 2024-25 and each school fiscal year
15 thereafter, fifty-five percent of the formula need calculated for such
16 school district.
17 (5) The total school property tax stabilization payment to be paid
18 to an eligible school district shall equal the school property tax
19 stabilization base for such school district multiplied by fifty percent.
20 Sec. 3. The total school property tax stabilization payment
21 calculated pursuant to section 2 of this act for each eligible school
22 district shall be certified to the Director of Administrative Services,
23 the Auditor of Public Accounts, and each school district. The amounts
24 certified pursuant to this section shall be divided and distributed in
25 ten as nearly as possible equal monthly school property tax stabilization
26 payments on the last business day of each month beginning in September of
27 the school fiscal year for which such school property tax stabilization

28 payments were certified and ending in June of such school fiscal year,
29 except that a school district that would receive monthly school property
30 tax stabilization payments of less than one thousand dollars shall
31 receive the total school property tax stabilization payment on the last
1 business day of December during such school fiscal year. The amounts
2 certified pursuant to this section shall be shown as budgeted non-
3 property-tax receipts and deducted prior to calculating the property tax
4 request in the school district's general fund budget statement as
5 provided to the Auditor of Public Accounts pursuant to section 79-1024.
6 Sec. 4. It is the intent of the Legislature to appropriate the
7 amount necessary to carry out the School Property Tax Stabilization Act
8 for each school fiscal year. It is also the intent of the Legislature to
9 fully fund the Tax Equity and Educational Opportunities Support Act
10 before funding the School Property Tax Stabilization Act.
11 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:
13 79-1018.01 Except as otherwise provided in this section, local
14 system formula resources include other actual receipts available for the
15 funding of general fund operating expenditures as determined by the
16 department for the second school fiscal year immediately preceding the
17 school fiscal year in which aid is to be paid. Other actual receipts
18 include:
19 (1) Public power district sales tax revenue;
20 (2) Fines and license fees;
21 (3) Tuition receipts from individuals, other districts, or any other
22 source except receipts derived from adult education, receipts derived
23 from summer school tuition, receipts derived from early childhood
24 education tuition, tuition receipts from converted contracts beginning
25 with the calculation of state aid to be distributed in school fiscal year
26 2011-12, and receipts from educational entities as defined in section
27 79-1201.01 for providing distance education courses through the
28 Educational Service Unit Coordinating Council to such educational
29 entities;
30 (4) Transportation receipts;
31 (5) Interest on investments;
1 (6) Other miscellaneous noncategorical local receipts, not including
2 receipts from private foundations, individuals, associations, or
3 charitable organizations;
4 (7) Special education receipts;
5 (8) Special education receipts and non-special education receipts
6 from the state for wards of the court and wards of the state;
7 (9) All receipts from the temporary school fund. Receipts from the
8 temporary school fund shall only include (a) receipts pursuant to section
9 79-1035 and (b) the receipt of funds pursuant to section 79-1036 for
10 property leased for a public purpose as set forth in subdivision (1)(a)
11 of section 77-202;
12 (10) Motor vehicle tax receipts received;
13 (11) Pro rata motor vehicle license fee receipts;
14 (12) Other miscellaneous state receipts excluding revenue from the
15 School Property Tax Stabilization Act and the textbook loan program
16 authorized by section 79-734;
17 (13) Impact aid entitlements for the school fiscal year which have
18 actually been received by the district to the extent allowed by federal
19 law;
20 (14) All other noncategorical federal receipts;
21 (15) Receipts under the federal Medicare Catastrophic Coverage Act
22 of 1988, as such act existed on January 1, 2014, as authorized pursuant
23 to sections 43-2510 and 43-2511 for services to school-age children,
24 excluding amounts designated as reimbursement for costs associated with
25 the implementation and administration of the billing system pursuant to

26 section 43-2511;
 27 (16) Receipts for accelerated or differentiated curriculum programs
 28 pursuant to sections 79-1106 to 79-1108.03; and
 29 (17) Revenue received from the nameplate capacity tax distributed
 30 pursuant to section 77-6204.
 31 Sec. 6. Original section 79-1018.01, Revised Statutes Cumulative
 1 Supplement, 2020, is repealed.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT
 Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR29.

(Signed) Terrell McKinney, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Cavanaugh, M., 6;
 Hansen, M., 26.

WHEREAS, Saint Francis Ministries was awarded a five-year, 197-million-dollar child welfare contract to serve abused and neglected children in the eastern service area of Douglas and Sarpy counties as designated pursuant to section 81-3116 by the Department of Health and Human Services; and

WHEREAS, under that contract Saint Francis Ministries has responsibility for approximately 2,500 children who are wards of the State of Nebraska or are in Nebraska families who are in need of services to keep their children safe and healthy; and

WHEREAS, Saint Francis Ministries has been accused in the State of Kansas of gross mismanagement of funds; and

WHEREAS, Saint Francis Ministries has estimated a 27-million-dollar operating loss for the first year of the contract with the Department of Health and Human Services and may be at risk of bankruptcy.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to appoint a special committee of the Legislature to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature. Members shall include two members of the Health and Human Services Committee of the Legislature, two members of the Appropriations Committee of the Legislature, two members of the Judiciary Committee of the Legislature, two members of the Government, Military and Veterans Affairs Committee of the Legislature,

and one at-large member of the Legislature. The at-large member shall be a resident of the eastern service area. The Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee shall elect a chairperson and vice-chairperson from the membership of the committee. The executive board may provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board may authorize the committee to hire outside legal counsel, consultants, and investigators as required by the committee. The committee may hold hearings. After authorization by the executive board, the committee may issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

2. The Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature is hereby authorized to study the Department of Administrative Services and Department of Health and Human Services with respect to the award, implementation, and oversight of the child welfare contract. The committee is also hereby authorized to study the circumstances surrounding the creation and submission of the bid by Saint Francis Ministries including, but not limited to, the actions of Saint Francis Ministries and the communications of its employees and agents. The scope of this authorization expressly includes the communications of former employees or agents of Saint Francis Ministries. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall investigate placement and quality of care received by the children served by the eastern service area through the contract services agreement with Saint Francis Ministries.

3. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2021. The committee shall terminate on December 31, 2022.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hansen, M. name added to LB271.

Senator Hansen, M. name added to LB639.

VISITOR(S)

The Doctor of the Day was Dr. Rob Messbarger of Kearney.

ADJOURNMENT

At 4:50 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 2021.

Patrick J. O'Donnell
Clerk of the Legislature