

FIFTY-SECOND DAY - MARCH 30, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 2021

PRAYER

The prayer was offered by Senator Murman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Gragert.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bostar, M. Cavanaugh, M. Hansen, Hunt, McCollister, McKinney, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 68, 74, 75, and 77 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 29, 68, 74, 75, and 77.

GENERAL FILE

LEGISLATIVE BILL 70A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 156A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 320A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 4 present and not voting, and 5 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 555:

Nebraska Investment Council
Keith Olson

Voting in the affirmative, 39:

Aguilar	Cavanaugh, J.	Gragert	Lowe	Slama
Albrecht	Clements	Halloran	McDonnell	Stinner
Arch	Day	Hansen, B.	Morfeld	Vargas
Blood	DeBoer	Hilgers	Moser	Walz
Bostelman	Dorn	Hilkemann	Murman	Wayne
Brandt	Flood	Hughes	Pahls	Williams
Brewer	Friesen	Kolterman	Pansing Brooks	Wishart
Briese	Geist	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 5:

Erdman	Groene	Lathrop	Lindstrom	McCollister
--------	--------	---------	-----------	-------------

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
--------	---------------	------------	------	----------

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 632:

Stem Cell Research Advisory Committee
Dennis Roop

Voting in the affirmative, 35:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Pansing Brooks
Albrecht	Clements	Halloran	Lowe	Sanders
Arch	Day	Hansen, B.	McCollister	Slama
Blood	DeBoer	Hilgers	McDonnell	Stinner
Brandt	Dorn	Hilkemann	Morfeld	Vargas
Brewer	Flood	Hughes	Moser	Williams
Briese	Geist	Kolterman	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Bostelman	Friesen	Lathrop	Pahls	Wayne
Erdman	Groene	Lindstrom	Walz	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
--------	---------------	------------	------	----------

The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 632:

Stem Cell Research Advisory Committee
David Owens

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Stinner
Arch	Day	Hansen, B.	McCollister	Vargas
Blood	DeBoer	Hilgers	McDonnell	Williams
Brandt	Dorn	Hilkemann	Moser	Wishart
Brewer	Flood	Hughes	Murman	
Briese	Geist	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 11:

Bostelman	Groene	Morfeld	Walz
Erdman	Lathrop	Pahls	Wayne
Friesen	Lindstrom	Slama	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
--------	---------------	------------	------	----------

The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board
Johnie Jason Girmus

Voting in the affirmative, 37:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Stinner
Arch	DeBoer	Hilgers	McDonnell	Vargas
Bostelman	Dorn	Hilkemann	Morfeld	Williams
Brandt	Erdman	Hughes	Moser	Wishart
Brewer	Flood	Kolterman	Murman	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 7:

Blood	Groene	Pahls	Wayne
Friesen	Lindstrom	Walz	

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
--------	---------------	------------	------	----------

The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board
Aaron L. Jazyuka

Voting in the affirmative, 39:

Aguilar	Clements	Gragert	Lathrop	Pansing Brooks
Albrecht	Day	Groene	Linehan	Sanders
Arch	DeBoer	Halloran	Lowe	Slama
Blood	Dorn	Hansen, B.	McCollister	Stinner
Brandt	Erdman	Hilgers	McDonnell	Vargas
Brewer	Flood	Hilkemann	Morfeld	Williams
Briese	Friesen	Hughes	Moser	Wishart
Cavanaugh, J.	Geist	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Bostelman	Lindstrom	Pahls	Walz	Wayne
-----------	-----------	-------	------	-------

Excused and not voting, 5:

Bostar	Cavanaugh, M.	Hansen, M.	Hunt	McKinney
--------	---------------	------------	------	----------

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 743:

Boiler Safety Code Advisory Board
Martin Kasl

Voting in the affirmative, 38:

Aguilar	Cavanaugh, J.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	DeBoer	Hansen, B.	McCollister	Stinner
Blood	Dorn	Hilgers	McDonnell	Vargas
Bostelman	Erdman	Hilkemann	Morfeld	Williams
Brandt	Flood	Hughes	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Day	Lindstrom	Walz
Friesen	Pahls	Wayne

Excused and not voting, 5:

Bostar Cavanaugh, M. Hansen, M. Hunt McKinney

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 744:

Boiler Safety Code Advisory Board
Gerald Whitlock

Voting in the affirmative, 38:

Aguilar	Cavanaugh, J.	Gragert	Linehan	Sanders
Albrecht	Clements	Groene	Lowe	Slama
Arch	Day	Halloran	McCollister	Stinner
Blood	DeBoer	Hansen, B.	McDonnell	Vargas
Bostelman	Dorn	Hilgers	Morfeld	Williams
Brandt	Erdman	Hilkemann	Moser	Wishart
Brewer	Flood	Hughes	Murman	
Briese	Geist	Kolterman	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Friesen	Lindstrom	Walz
Lathrop	Pahls	Wayne

Excused and not voting, 5:

Bostar Cavanaugh, M. Hansen, M. Hunt McKinney

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 9. Title read. Considered.

Committee [AM231](#), found on page 436, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Senator Slama moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Slama requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 40:

Aguilar	Clements	Halloran	Lindstrom	Murman
Arch	DeBoer	Hansen, B.	Linehan	Pansing Brooks
Bostar	Dorn	Hansen, M.	Lowe	Slama
Bostelman	Erdman	Hilgers	McCollister	Vargas
Brandt	Flood	Hilkemann	McDonnell	Walz
Brewer	Friesen	Hughes	McKinney	Wayne
Briese	Geist	Kolterman	Morfeld	Williams
Cavanaugh, J.	Gragert	Lathrop	Moser	Wishart

Voting in the negative, 3:

Albrecht	Hunt	Stinner
----------	------	---------

Present and not voting, 5:

Blood	Cavanaugh, M.	Day	Pahls	Sanders
-------	---------------	-----	-------	---------

Excused and not voting, 1:

Groene

Advanced to Enrollment and Review Initial with 40 ayes, 3 nays, 5 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to [LB507](#):
[AM786](#)

(Amendments to E & R amendments, ER32)

- 1 1. Strike sections 10 and 11 and insert the following new sections:
- 2 Sec. 10. Original sections 46-102 and 61-222, Revised Statutes
- 3 Cumulative Supplement, 2020, are repealed.
- 4 Sec. 11. Original sections 37-448, 37-456, and 66-1330, Reissue
- 5 Revised Statutes of Nebraska, and section 37-201, Revised Statutes
- 6 Cumulative Supplement, 2020, are repealed.
- 7 2. On page 8, line 19 strike "1, 2, 3, 4,".

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 156. Placed on Select File with amendment.

[ER33](#)

1 1. In the Wayne amendment, AM737:
 2 a. On page 6, line 9, after "board" insert "or boards"; and
 3 b. On page 12, line 1, strike the last occurrence of "county"; and
 4 in lines 29 and 30 strike "section 81-12,146" and insert "this section".
 5 2. On page 1, strike beginning with "cities" in line 1 through line
 6 2 and insert: "economic development; to amend section 81-12,148, Reissue
 7 Revised Statutes of Nebraska, and sections 81-12,146, 81-12,147, and
 8 81-12,149, Revised Statutes Cumulative Supplement, 2020; to adopt the
 9 Municipal Inland Port Authority Act; to state legislative intent for the
 10 transfer of funds; to change provisions relating to use of the Site and
 11 Building Development Fund and provide duties for the Department of
 12 Economic Development; to harmonize provisions; to provide a duty for the
 13 Revisor of Statutes; and to repeal the original sections."

LEGISLATIVE BILL 320. Placed on Select File with amendment.

[ER34](#) is available in the Bill Room.

LEGISLATIVE BILL 507. Placed on Select File with amendment.

[ER32](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,
 4 2020, is amended to read:
 5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section
 6 4 of this act and the State Park System Construction Alternatives Act
 7 shall be known and may be cited as the Game Law.
 8 Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is
 9 amended to read:
 10 37-448 (1) Subject to rules and regulations adopted and promulgated
 11 by the commission, the secretary of the commission may designate, by
 12 order, special deer, antelope, and elk depredation seasons or extensions
 13 of existing ~~deer~~ hunting seasons. The secretary may designate a
 14 depredation season or an extension of an existing ~~deer~~ hunting season
 15 whenever he or she determines that deer, antelope, or elk are causing
 16 excessive property damage. The secretary shall specify the number of
 17 permits to be issued, the species, sex, and number or quota of animals
 18 deer allowed to be taken, the bag limit for such species ~~including deer~~
 19 ~~for donation in accordance with the deer donation program established~~
 20 ~~pursuant to sections 37-1501 to 37-1510, the beginning and ending dates~~
 21 for the depredation season or hunting season extension, shooting hours,
 22 the length of the depredation season or hunting season extension, and the
 23 geographic area in which hunting will be permitted. The Hunting during a
 24 ~~special depredation season or hunting season extension shall be limited~~
 25 ~~to residents, and the rules and regulations shall allow use of any weapon~~
 26 ~~permissible for use during the regular deer, antelope, or elk season.~~
 27 (2) The depredation season may commence not less than five days
 1 after the first public announcement that the depredation season has been
 2 established. Permits shall be issued in an impartial manner at a location
 3 determined by the secretary. The commission shall, pursuant to section
 4 37-327, establish and charge a fee of not more than twenty-five dollars
 5 for a resident special depredation season permit and a fee of not more
 6 than seventy-five dollars for a nonresident special depredation season

7 ~~permit. The commission shall use the income from the sale of special~~
 8 ~~deprecation season permits for abatement of damage caused by deer. The~~
 9 ~~commission shall, pursuant to section 37-327, establish and charge a fee~~
 10 ~~of not more than ten dollars for a landowner special deprecation season~~
 11 ~~permit also provide for an unlimited number of free permits for the~~
 12 ~~taking of antlerless deer and antelope for upon request to any person~~
 13 ~~owning or operating at least twenty acres of farm or ranch land within~~
 14 ~~the geographic area in which hunting will be permitted and to any member~~
 15 ~~of the immediate family of any such person as defined in subdivision (2)~~
 16 ~~(a) of section 37-455, and for the taking of elk for any person owning or~~
 17 ~~operating at least eighty acres of farm or ranch land within the~~
 18 ~~geographic area in which hunting will be permitted and to any member of~~
 19 ~~the immediate family of such person as defined in subdivision (2)(a) of~~
 20 ~~section 37-455. A special deprecation season free permit shall be valid~~
 21 ~~only within such area and only during the designated deer deprecation~~
 22 ~~season. The commission shall use the income from the sale of special~~
 23 ~~deprecation season permits for abatement of damage caused by deer,~~
 24 ~~antelope, and elk. Receipt of a deprecation season permit shall not in~~
 25 ~~any way affect a person's eligibility for a regular season permit issued~~
 26 ~~under section 37-447, 37-449, 37-450, or 37-455.~~

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

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

4 Sec. 4. (1) ~~The commission may issue one free-earned landowner elk~~
 5 ~~permit for the taking of either sex of elk to any person owning or~~
 6 ~~leasing at least eighty acres of farm or ranch land used for agricultural~~
 7 ~~purposes, or to any member of the immediate family of such person as~~
 8 ~~defined in subdivision (2)(a) of section 37-455, when the qualifying~~
 9 ~~number of antlerless elk have been harvested on such land by hunters with~~
 10 ~~a permit issued under section 37-448 or 37-450. Such permit shall be~~
 11 ~~limited to hunting on the lands owned or leased by the qualifying~~
 12 ~~landowner. Receipt of a free-earned landowner elk permit shall not in any~~
 13 ~~way affect a person's eligibility for a permit issued under section~~
 14 ~~37-450 or 37-455.~~

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

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

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

26 (a) Elector means:

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

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

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

3 (C) ~~Holds any resident of the State of Nebraska holding~~ a leasehold
 4 estate in not less than forty acres of state land ~~within any such~~

5 irrigation district for a period of not less than five years from the
6 date at which such elector seeks to exercise the elective franchise; and
7 (ii) For any irrigation district or proposed irrigation district
8 which borders another state and comprises less than two thousand acres
9 and in which one-half or more of the landowners, leaseholders, or
10 entrymen of government lands are not residents of the State of Nebraska,
11 any person who:
12 (A) Owns not less than fifteen acres of land within any such
13 district;
14 (B) Is an entryman of government land within any such district; or
15 (C) Holds a leasehold estate in not less than forty acres of state
16 land within any such district for a period of not less than five years
17 from the date at which such elector seeks to exercise the elective
18 franchise; and
19 (b) Residence means (i) that place in which a person is actually
20 domiciled, which is the residence of an individual or family, with which
21 a person has a settled connection for the determination of his or her
22 civil status or other legal purposes because it is actually or legally
23 his or her permanent and principal home, and to which, whenever he or she
24 is absent, he or she has the intention of returning, or (ii) the place
25 where a person has his or her family domiciled even if he or she does
26 business in another place.
27 (2) Status as an elector, including residency, shall be established
28 as provided by this section and section 46-110.
29 (3) (2) If an elector resides outside of the irrigation district,
30 the elector shall be considered an elector in the division of the
31 irrigation district in which his or her land is situated or, if the
1 elector is the owner of land in more than one division of the irrigation
2 district, the elector shall be considered an elector in the division of
3 the district in which the majority of his or her land is situated.
4 (4) (3) In the case of land owned or leased by joint tenants, each
5 joint tenant who is a resident of the State of Nebraska is an elector and
6 entitled to vote if the total acreage owned or leased per joint tenant is
7 equal to or exceeds the minimum acreage requirements of subsection (1) of
8 this section.
9 (5) (4) In the case of land owned or leased by tenants in common,
10 each tenant who is a resident of the State of Nebraska is an elector and
11 entitled to vote if the total acreage owned or leased per tenant is equal
12 to or exceeds the minimum acreage requirements of subsection (1) of this
13 section.
14 (6) (5) In the case of land owned or leased by a corporation,
15 limited liability company, limited liability partnership, joint venture,
16 or other legal entity which meets the minimum acreage requirements of
17 subsection (1) of this section, the entity shall designate a shareholder,
18 member, or partner of the entity who is a resident of the State of
19 Nebraska to act as the elector on behalf of the entity. The entity shall
20 identify its elector-designee in writing to the secretary of the board of
21 directors of the irrigation district not less than thirty days prior to
22 an irrigation district election.
23 (7) (6) In the case of land owned or leased under a life tenancy,
24 each remainderman who is a resident of the State of Nebraska is an
25 elector and entitled to vote if the total acreage owned or leased per
26 remainderman is equal to or exceeds the minimum acreage requirements of
27 subsection (1) of this section.
28 (8) (7) In the case of land held by a buyer in possession pursuant
29 to a land-purchase contract when the total acreage under the land-
30 purchase contract meets the minimum acreage requirements of subsection
31 (1) of this section and the buyer in possession is a resident of the
1 State of Nebraska and is responsible for paying the real property taxes
2 and the irrigation fees and assessments, the buyer in possession is the

3 elector.

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

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

16 ~~(11) (40)~~ Prior to formation of an irrigation district, if two or
17 more persons claim conflicting rights to vote on the same acreage, the
18 election commissioner or county clerk shall determine the party entitled
19 to vote. In such cases, the determination of the election commissioner or
20 county clerk shall be conclusive. After formation of an irrigation
21 district, if two or more persons claim conflicting rights to vote on the
22 same acreage or any other conflict arises regarding the qualification of
23 an elector, the secretary of the board of directors of the irrigation
24 district shall determine the party entitled to vote. The secretary's
25 determination shall be conclusive. If a claim involves the secretary of
26 the board, the board of election for the affected irrigation district
27 precinct shall determine the party entitled to vote. In such cases, the
28 determination of the board of election shall be conclusive.

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

31 61-222 The Water Sustainability Fund is created in the Department of
1 Natural Resources. The fund shall be used in accordance with the
2 provisions established in sections 2-1506 to 2-1513 Laws 2014, LB1098,
3 and for costs directly related to the administration of the fund. The
4 Legislature shall not appropriate or transfer money from the Water
5 Sustainability Fund for any other purpose, except that transfers may be
6 made from the Water Sustainability Fund to the Department of Natural
7 Resources Cash Fund and as a one-time transfer to the General Fund as
8 described fund as provided in this section.

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

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

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

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

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

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

13 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall
 14 be known and may be cited as the Ethanol Development Act.

15 Sec. 8. The use of seed that is treated, as defined in section
 16 81-2,147.01, in the production of agricultural ethyl alcohol shall be
 17 prohibited if such use results in the generation of a byproduct that is
 18 deemed unsafe for livestock consumption or land application.

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

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

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

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

30 2. On page 1, strike beginning with "Ethanol" in line 1 through line
 31 5 and insert "regulation of resources; to amend sections 37-448, 37-456,
 1 and 66-1330, Reissue Revised Statutes of Nebraska, and sections 37-201,
 2 46-102, and 61-222, Revised Statutes Cumulative Supplement, 2020; to
 3 provide for and change provisions relating to hunting permits; to provide
 4 powers and duties for the Game and Parks Commission; to redefine elector
 5 under the Irrigation District Act; to change provisions relating to the
 6 use of the Water Sustainability Fund; to prohibit the use of treated seed
 7 in the production of agricultural ethyl alcohol as prescribed; to
 8 harmonize provisions; to provide operative dates; to repeal the original
 9 sections; and to declare an emergency."

LEGISLATIVE BILL 274A. Placed on Select File.

LEGISLATIVE BILL 324A. Placed on Select File.

LEGISLATIVE BILL 544A. Placed on Select File.

LEGISLATIVE BILL 561A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Committee [AM116](#), found on page 496, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Committee [AM633](#), found on page 621, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Geist withdrew her amendment, [AM528](#), found on page 541, to the committee amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 411. Title read. Considered.

SPEAKER HILGERS PRESIDING

Committee [AM584](#), found on page 656, was adopted with 39 ayes, 0 nays, 9 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.

LEGISLATIVE BILL 247. Title read. Considered.

Committee [AM558](#), found on page 600, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to [LB572](#):
[AM813](#)

(Amendments to E&R amendments, ER29)

- 1 1. On page 1, line 14, after "identification" insert "approved by
2 the Nebraska Brand Committee"; and in line 16 strike "approved by the
3 Nebraska Brand Committee".
- 4 2. On page 1, line 24; and page 2, line 8, after the first comma
5 insert "and".
- 6 3. On page 11, line 22, strike "A" and insert "Beginning October 1,
7 2021, a"; in line 26 strike the second "or", show as stricken, and insert
8 an underscored comma; in line 27 strike the second "or", show as
9 stricken, and insert ", inspected"; and in line 29 after "or" insert
10 "inspected".
- 11 4. On page 13, line 10, strike "An" and insert "Beginning October 1,
12 2021, an".
- 13 5. On page 24, line 13, strike "such person"; and in line 14 strike
14 "Willfully" and insert "Such person willfully".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Albrecht name added to LB388.

Senator Albrecht name added to LB549.

RECESS

At 12:01 p.m., on a motion by Senator J. Cavanaugh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Day, Groene, Linehan, and Walz who were excused until they arrive.

SPEAKER HILGERS PRESIDING**COMMITTEE REPORT(S)**

Health and Human Services

LEGISLATIVE BILL 569. Placed on General File.

LEGISLATIVE BILL 485. Placed on General File with amendment.

[AM764](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,
 4 2020, is amended to read:
 5 68-1206 (1) The Department of Health and Human Services shall
 6 administer the program of social services in this state. The department
 7 may contract with other social agencies for the purchase of social
 8 services at rates not to exceed those prevailing in the state or the cost
 9 at which the department could provide those services. The statutory
 10 maximum payments for the separate program of aid to dependent children
 11 shall apply only to public assistance grants and shall not apply to
 12 payments for social services.
 13 (2)(a) As part of the provision of social services authorized by
 14 section 68-1202, the department shall participate in the federal child
 15 care assistance program under 42 U.S.C. 9857 et seq. 648, as such
 16 ~~sections~~ ~~section~~ existed on January 1, 2021 ~~2013~~, and provide child care
 17 assistance to families with incomes up to (i) one hundred eighty-five
 18 ~~twenty-five~~ percent of the federal poverty level for fiscal years 2021-22
 19 through 2023-24 ~~FY2013-14~~ and (ii) one hundred thirty percent of the
 20 federal poverty level for fiscal year 2024-25 ~~FY2014-15~~ and each fiscal
 21 year thereafter.
 22 (b) ~~(2)~~ As part of the provision of social services authorized by

23 this section and section 68-1202, the department shall participate in the
24 federal Child Care Subsidy program. A child care provider seeking to
25 participate in the federal Child Care Subsidy program shall comply with
26 the criminal history record information check requirements of the Child
27 Care Licensing Act. In determining ongoing eligibility for this program,
1 ten percent of a household's gross earned income shall be disregarded
2 after twelve continuous months on the program and at each subsequent
3 redetermination. In determining ongoing eligibility, if a family's income
4 exceeds one hundred eighty-five percent of the federal poverty level for
5 fiscal years 2021-22 through 2023-24 or one hundred thirty percent of the
6 federal poverty level for fiscal year 2024-25 and each fiscal year
7 thereafter, the family shall receive transitional child care assistance
8 through the remainder of the family's eligibility period or until the
9 family's income exceeds eighty-five percent of the state median income
10 for a family of the same size as reported by the United States Bureau of
11 the Census, whichever occurs first. When the family's eligibility period
12 ends, the family shall continue to be eligible for transitional child
13 care assistance if the family's income is below two hundred percent of
14 the federal poverty level for fiscal years 2021-22 through 2023-24 or one
15 hundred eighty-five percent of the federal poverty level for fiscal year
16 2024-25 and each fiscal year thereafter. The family shall receive
17 transitional child care assistance through the remainder of the
18 transitional eligibility period or until the family's income exceeds
19 eighty-five percent of the state median income for a family of the same
20 size as reported by the United States Bureau of the Census, whichever
21 occurs first. The amount of such child care assistance shall be based on
22 a cost-shared plan between the recipient family and the state and shall
23 be based on a sliding-scale methodology. A recipient family may be
24 required to contribute a percentage of such family's gross income for
25 child care that is no more than the cost-sharing rates in the
26 transitional child care assistance program as of January 1, 2015, for
27 those no longer eligible for cash assistance as provided in section
28 68-1724. ~~Initial program eligibility standards shall not be impacted by~~
29 ~~the provisions of this subsection.~~
30 (c) For fiscal years 2021-22 through 2023-24, funds provided to the
31 State of Nebraska pursuant to the Child Care and Development Block Grant
1 Act of 1990, 42 U.S.C. 9857 et seq., as such act and sections existed on
2 March 24, 2021, shall be used to pay the costs to the state resulting
3 from the income eligibility changes made in subdivisions (2)(a) and (b)
4 of this section by this legislative bill. If the available amount of such
5 funds is insufficient to pay such costs, then funds provided to the state
6 for the Temporary Assistance for Needy Families program established in 42
7 U.S.C. 601 et seq. may also be used.
8 (d) The Department of Health and Human Services shall collaborate
9 with a private nonprofit organization with expertise in early childhood
10 care and education for an independent evaluation of the income
11 eligibility changes made in subdivisions (2)(a) and (b) of this section
12 by this legislative bill, if private funding is made available for such
13 purpose. The evaluation shall be completed by December 15, 2023, and
14 shall be submitted electronically to the department and to the Health and
15 Human Services Committee of the Legislature.
16 (3) In determining the rate or rates to be paid by the department
17 for child care as defined in section 43-2605, the department shall adopt
18 a fixed-rate schedule for the state or a fixed-rate schedule for an area
19 of the state applicable to each child care program category of provider
20 as defined in section 71-1910 which may claim reimbursement for services
21 provided by the federal Child Care Subsidy program, except that the
22 department shall not pay a rate higher than that charged by an individual
23 provider to that provider's private clients. The schedule may provide
24 separate rates for care for infants, for children with special needs,

25 including disabilities or technological dependence, or for other
26 individual categories of children. The schedule may also provide tiered
27 rates based upon a quality scale rating of step three or higher under the
28 Step Up to Quality Child Care Act. The schedule shall be effective on
29 October 1 of every year and shall be revised annually by the department.
30 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 68-1724 (1) Cash assistance shall be provided for a period or
2 periods of time not to exceed a total of sixty months for recipient
3 families with children subject to the following:
4 (a) If the state fails to meet the specific terms of the self-
5 sufficiency contract developed under section 68-1719, the sixty-month
6 time limit established in this section shall be extended;
7 (b) The sixty-month time period for cash assistance shall begin
8 within the first month of eligibility;
9 (c) When no longer eligible to receive cash assistance, assistance
10 shall be available to reimburse work-related child care expenses even if
11 the recipient family has not achieved economic self-sufficiency. The
12 amount of such assistance shall be based on a cost-shared plan between
13 the recipient family and the state which shall provide assistance up to
14 two hundred percent of the federal poverty level for fiscal years 2021-22
15 through 2023-24 or one hundred eighty-five percent of the federal poverty
16 level for fiscal year 2024-25 and each fiscal year thereafter. A
17 recipient family may be required to contribute up to twenty percent of
18 such family's gross income for child care. It is the intent of the
19 Legislature that transitional health care coverage be made available on a
20 sliding-scale basis to individuals and families with incomes up to one
21 hundred eighty-five percent of the federal poverty level if other health
22 care coverage is not available; and
23 (d) The self-sufficiency contract shall be revised and cash
24 assistance extended when there is no job available for adult members of
25 the recipient family. It is the intent of the Legislature that available
26 job shall mean a job which results in an income of at least equal to the
27 amount of cash assistance that would have been available if receiving
28 assistance minus unearned income available to the recipient family.
29 The department shall develop policy guidelines to allow for cash
30 assistance to persons who have received the maximum cash assistance
31 provided by this section and who face extreme hardship without additional
1 assistance. For purposes of this section, extreme hardship means a
2 recipient family does not have adequate cash resources to meet the costs
3 of the basic needs of food, clothing, and housing without continuing
4 assistance or the child or children are at risk of losing care by and
5 residence with their parent or parents.
6 (2) Cash assistance conditions under the Welfare Reform Act shall be
7 as follows:
8 (a) Adults in recipient families shall mean individuals at least
9 nineteen years of age living with and related to a child eighteen years
10 of age or younger and shall include parents, siblings, uncles, aunts,
11 cousins, or grandparents, whether the relationship is biological,
12 adoptive, or step;
13 (b) The payment standard shall be based upon family size;
14 (c) The adults in the recipient family shall ensure that the minor
15 children regularly attend school. Education is a valuable personal
16 resource. The cash assistance provided to the recipient family may be
17 reduced when the parent or parents have failed to take reasonable action
18 to encourage the minor children of the recipient family ages sixteen and
19 under to regularly attend school. No reduction of assistance shall be
20 such as may result in extreme hardship. It is the intent of the
21 Legislature that a process be developed to insure communication between
22 the case manager, the parent or parents, and the school to address issues

23 relating to school attendance;
 24 (d) Two-parent families which would otherwise be eligible under
 25 section 43-504 or a federally approved waiver shall receive cash
 26 assistance under this section;
 27 (e) For minor parents, the assistance payment shall be based on the
 28 minor parent's income. If the minor parent lives with at least one
 29 parent, the family's income shall be considered in determining
 30 eligibility and cash assistance payment levels for the minor parent. If
 31 the minor parent lives independently, support shall be pursued from the
 1 parents of the minor parent. If the absent parent of the minor's child is
 2 a minor, support from his or her parents shall be pursued. Support from
 3 parents as allowed under this subdivision shall not be pursued when the
 4 family income is less than three hundred percent of the federal poverty
 5 guidelines; and
 6 (f) For adults who are not biological or adoptive parents or
 7 stepparents of the child or children in the family, if assistance is
 8 requested for the entire family, including the adults, a self-sufficiency
 9 contract shall be entered into as provided in section 68-1719. If
 10 assistance is requested for only the child or children in such a family,
 11 such children shall be eligible after consideration of the family's
 12 income and if (i) the family cooperates in pursuing child support and
 13 (ii) the minor children of the family regularly attend school.
 14 Sec. 3. This act becomes operative on July 1, 2021.
 15 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes
 16 Cumulative Supplement, 2020, are repealed.
 17 Sec. 5. Since an emergency exists, this act takes effect when
 18 passed and approved according to law.

LEGISLATIVE BILL 516. Placed on General File with amendment.

AM577

1 1. On page 2, line 19, strike "subsection" and insert "subdivision";
 2 and strike lines 21 through 26 and insert the following new subsection:
 3 "(3) For an applicant engaged in remote or online coursework
 4 permitted under subsection (2) of this section, the Department of Health
 5 and Human Services shall verify an applicant's participation as follows:
 6 (a) Through an electronic tracking system, such as an applicant's
 7 electronic log-in and log-out records from such applicant's educational
 8 institution, to verify actual time spent completing remote or online
 9 coursework if such method is available; or
 10 (b) Through attendance timesheets indicating the actual time an
 11 applicant spent completing remote or online coursework signed by the
 12 applicant and a representative of such applicant's educational
 13 institution; or
 14 (c) If the options in both subdivisions (a) and (b) of this
 15 subsection are not feasible, through reports to an applicant's case
 16 manager. An applicant utilizing case manager documentation to verify such
 17 applicant's participation shall report daily hours spent on remote or
 18 online coursework to the case manager, which must include information on
 19 an applicant's attendance and progress in class. An applicant shall have
 20 contact with such applicant's case manager at least weekly under this
 21 method. An applicant shall submit any midterm and final grades to the
 22 case manager for each school term. If an applicant fails to demonstrate
 23 satisfactory progress in such applicant's remote or online coursework,
 24 the applicant is not allowed to use case manager documentation and is
 25 required to verify coursework hours through a method described in
 26 subdivision (a) or (b)."

LEGISLATIVE BILL 626. Placed on General File with amendment.AM642

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

2 sections:

3 Section 1. Section 71-3405, Revised Statutes Cumulative Supplement,

4 2020, is amended to read:

5 71-3405 For purposes of the Child and Maternal Death Review Act:

6 (1) Child means a person from birth to eighteen years of age;

7 (2) Investigation of child death means a review of existing records
8 and other information regarding the child from relevant agencies,
9 professionals, and providers of medical, dental, prenatal, and mental
10 health care. The records to be reviewed may include, but not be limited

11 to, medical records, coroner's reports, autopsy reports, social services
12 records, records of alternative response cases under alternative response
13 implemented in accordance with sections 28-710.01, 28-712, and 28-712.01,
14 educational records, emergency and paramedic records, and law enforcement

15 reports;
16 (3) Investigation of maternal death means a review of existing
17 records and other information regarding the woman from relevant agencies,
18 professionals, and providers of medical, dental, prenatal, and mental
19 health care. The records to be reviewed may include, but not be limited
20 to, medical records, coroner's reports, autopsy reports, social services
21 records, educational records, emergency and paramedic records, and law
22 enforcement reports;

23 (4) Maternal death means the death of a woman during pregnancy or
24 the death of a postpartum woman;

25 (5) Postpartum woman means a woman during the period of time
26 beginning when the woman ceases to be pregnant and ending one year after
27 the woman ceases to be pregnant;

1 (6) Preventable child or maternal death means the death of any child
2 or pregnant or postpartum woman which reasonable medical, social, legal,
3 psychological, or educational intervention may have prevented.

4 Preventable child or maternal death includes, but is not limited to, the
5 death of a child or pregnant or postpartum woman from (a) intentional and
6 unintentional injuries, (b) medical misadventures, including untoward
7 results, malpractice, and foreseeable complications, (c) lack of access
8 to medical care, (d) neglect and reckless conduct, including failure to
9 supervise and failure to seek medical care for various reasons, and (e)

10 preventable premature birth;
11 (7) Preventable maternal death means the death of a pregnant or
12 postpartum woman where there was at least some chance of the death being
13 averted by one or more reasonable changes to (a) the patient, (b) the
14 patient's family, (c) the health care provider, facility, or system, or
15 (d) community factors;

16 (8) (7) Reasonable means taking into consideration the condition,
17 circumstances, and resources available; and

18 (9) Teams (8) Team means the State Child Death Review Team and the
19 State Maternal Death Review Team.

20 Sec. 2. Section 71-3406, Revised Statutes Cumulative Supplement,

21 2020, is amended to read:

22 71-3406 (1) The chief executive officer of the Department of Health
23 and Human Services shall appoint a minimum of twelve and a maximum of
24 fifteen members each to the State Child Death Review Team and the State
25 Maternal Death Review Team.

26 (2) The core members shall serve on both teams and shall be (a) a
27 physician employed by the department, who shall be a permanent member and
28 shall serve as the chairperson of the teams team, (b) a senior staff
29 member with child protective services of the department, (c) a forensic
30 pathologist, (d) a law enforcement representative, (e) a mental
31 health provider (e) the Inspector General of Nebraska Child Welfare, and

1 (e) (f) an attorney. ~~The remaining members appointed may be, but shall~~
 2 ~~not be limited to, the following: A county attorney; a Federal Bureau of~~
 3 ~~Investigation agent responsible for investigations on Native American~~
 4 ~~reservations; a social worker; and members of organizations which~~
 5 ~~represent hospitals or physicians. The department shall be responsible~~
 6 ~~for the general administration of the activities of the teams team and~~
 7 ~~shall employ or contract with a team coordinators ~~coordinator~~ to provide~~
 8 ~~administrative support for each the team and shall provide a team data~~
 9 ~~abstractor for the teams.~~

10 (3) Additional required members appointed to the State Child Death
 11 Review Team shall include the Inspector General of Nebraska Child Welfare
 12 and a senior staff member with child protective services of the
 13 department, who shall be permanent members. The remaining members
 14 appointed to the State Child Death Review Team may include, but shall not
 15 be limited to, the following: (a) A county attorney; (b) a Federal Bureau
 16 of Investigation agent responsible for investigations on Native American
 17 reservations; (c) a social worker; and (d) members of organizations which
 18 represent hospitals or physicians.

19 (4) The remaining members appointed to the State Maternal Death
 20 Review Team may be, but shall not be limited to, the following: (a)
 21 County attorneys; (b) representatives of tribal organizations; (c) social
 22 workers; (d) medical providers, including obstetrics, maternal-fetal
 23 medicine, and anesthesiology; (e) public health workers; (f) community
 24 birth workers; and (g) community advocates. In appointing members to the
 25 State Maternal Death Review Team, the chief executive officer of the
 26 department shall consider members working in and representing communities
 27 that are diverse with regard to race, ethnicity, immigration status, and
 28 English proficiency and include members from differing geographic regions
 29 in the state, including both rural and urban areas.

30 (5) (2) Members shall serve four-year terms with the exception of
 31 the permanent members ~~chairperson~~. Each team shall annually elect a
 1 chairperson from among its members. In the absence of the chairperson, the
 2 chief executive officer may appoint another member of the core team to
 3 serve as chairperson.

4 (6) (3) The ~~teams team~~ shall not be considered a public body for
 5 purposes of the Open Meetings Act. The ~~teams team~~ shall meet a minimum of
 6 four times a year. Members of the ~~teams team~~ shall be reimbursed for
 7 expenses as provided in sections 81-1174 to 81-1177.

8 Sec. 3. Section 71-3407, Reissue Revised Statutes of Nebraska, is
 9 amended to read:

10 71-3407 (1) The ~~purpose purposes~~ of the ~~teams team~~ shall be to (a)
 11 develop an understanding of the causes and incidence of child or maternal
 12 deaths in this state, (b) develop recommendations for changes within
 13 relevant agencies and organizations which may serve to prevent child or
 14 maternal deaths, and (c) advise the Governor, the Legislature, and the
 15 public on changes to law, policy, and practice which will prevent child
 16 or maternal deaths.

17 (2) The ~~teams team~~ shall:

18 (a) Undertake annual statistical studies of the causes and incidence
 19 of child or maternal deaths in this state. The studies shall include, but
 20 not be limited to, an analysis of the records of community, public, and
 21 private agency involvement with the children, the pregnant or postpartum
 22 women, and their families prior to and subsequent to the child or
 23 maternal deaths;

24 (b) Develop a protocol for retrospective investigation of child or
 25 maternal deaths by the ~~teams team~~;

26 (c) Develop a protocol for collection of data regarding child or
 27 maternal deaths by the ~~teams team~~;

28 (d) Consider training needs, including cross-agency training, and
 29 service gaps;

30 (e) Include in its annual report recommended changes to any law,
 31 rule, regulation, or policy needed to decrease the incidence of
 1 preventable child or maternal deaths;
 2 (f) Educate the public regarding the incidence and causes of child
 3 or maternal deaths, the public role in preventing child or maternal
 4 deaths, and specific steps the public can undertake to prevent child or
 5 maternal deaths. The ~~teams team~~ may enlist the support of civic,
 6 philanthropic, and public service organizations in the performance of its
 7 educational duties;
 8 (g) Provide the Governor, the Legislature, and the public with
 9 annual reports which shall include the ~~teams' team's~~ findings and
 10 recommendations for each of ~~their its~~ duties. ~~Each~~ The team shall submit
 11 ~~an provide the annual report on or before each December 31 September 15.~~
 12 ~~The reports submitted to the Legislature shall be submitted~~
 13 electronically; and
 14 (h) When appropriate, make referrals to those agencies as required
 15 in section 28-711 or as otherwise required by state law.
 16 (3) The ~~teams team~~ may enter into consultation agreements with
 17 relevant experts to evaluate the information and records collected ~~by the~~
 18 ~~team~~. All of the confidentiality provisions of section 71-3411 shall
 19 apply to the activities of a consulting expert.
 20 (4) The ~~teams team~~ may enter into written agreements with entities
 21 to provide for the secure storage of electronic data ~~based on information~~
 22 ~~and records collected by the team~~, including data that contains personal
 23 or incident identifiers. Such agreements shall provide for the protection
 24 of the security and confidentiality of the content of the information,
 25 including access limitations, storage of the information, and destruction
 26 of the information. All of the confidentiality provisions of section
 27 71-3411 shall apply to the activities of the data storage entity.
 28 (5) The ~~teams team~~ may enter into agreements with a local public
 29 health department as defined in section 71-1626 to act as the agent of
 30 the ~~teams team~~ in conducting all information gathering and investigation
 31 necessary for the purposes of the Child and Maternal Death Review Act.
 1 All of the confidentiality provisions of section 71-3411 shall apply to
 2 the activities of the agent.
 3 (6) For purposes of this section, entity means an organization which
 4 provides collection and storage of data from multiple agencies but is not
 5 solely controlled by the agencies providing the data.
 6 Sec. 4. Section 71-3408, Reissue Revised Statutes of Nebraska, is
 7 amended to read:
 8 71-3408 (1) The chairperson of ~~each the~~ team shall:
 9 (a) Chair meetings of the ~~teams team~~; and
 10 (b) Ensure identification of strategies to prevent child or maternal
 11 deaths.
 12 (2) The team coordinator of each team provided under subsection (2)
 13 ~~(1)~~ of section 71-3406 shall:
 14 (a) Have the necessary information from investigative reports,
 15 medical records, coroner's reports, autopsy reports, educational records,
 16 and other relevant items made available to the team;
 17 (b) Ensure timely notification of the team members of an upcoming
 18 meeting;
 19 (c) Ensure that all team reporting and data-collection requirements
 20 are met;
 21 (d) Oversee adherence to the review process established by the Child
 22 and Maternal Death Review Act; and
 23 (e) Perform such other duties as the team deems appropriate.
 24 (3) The team data abstractor provided under subsection (2) of
 25 section 71-3406 shall:
 26 (a) Possess qualifying nursing experience, a demonstrated
 27 understanding of child and maternal outcomes, strong professional

28 communication skills, data entry and relevant computer skills, experience
 29 in medical record review, flexibility and ability to accomplish tasks in
 30 short time frames, appreciation of the community, knowledge of
 31 confidentiality laws, the ability to serve as an objective unbiased
 1 storyteller, and a demonstrated understanding of social determinants of
 2 health;

3 (b) Request records for identified cases from sources described in
 4 section 71-3410;

5 (c) Upon receipt of such records, review all pertinent records to
 6 complete fields in child and maternal death data bases;

7 (d) Summarize findings in a maternal death case summary; and

8 (e) Report all findings to the team coordinators.

9 Sec. 5. Section 71-3409, Reissue Revised Statutes of Nebraska, is
 10 amended to read:

11 71-3409 (1)(a) The team shall review all child deaths occurring on
 12 or after January 1, 1993, and before January 1, 2014, in three phases as
 13 provided in this subsection.

14 (b) Phase one shall be conducted by the core members. The core
 15 members shall review the death certificate, birth certificate, coroner's
 16 report or autopsy report if done, and indicators of child or family
 17 involvement with the Department of Health and Human Services. The core
 18 members shall classify the nature of the death, whether accidental,
 19 homicide, suicide, undetermined, or natural causes, determine the
 20 completeness of the death certificate, and identify discrepancies and
 21 inconsistencies. The core members may select cases from phase one for
 22 review in phase two.

23 (c) Phase two shall be completed by the core members and shall not
 24 be conducted on any child death under active investigation by a law
 25 enforcement agency or under criminal prosecution. The core members may
 26 seek additional records described in section 71-3410. The core members
 27 shall identify the preventability of death, the possibility of child
 28 abuse or neglect, the medical care issues of access and adequacy, and the
 29 nature and extent of interagency communication. The core members may
 30 select cases from phase two for review by the team in phase three.

31 (d) Phase three shall be a review by the team of those cases
 1 selected by the core members for further discussion, review, and
 2 analysis.

3 (1)(a) The State Child Death Review Team (2)(a) The team shall
 4 review all child deaths occurring on or after January 1, 2014, in the
 5 manner provided in this subsection.

6 (b) The members shall review the death certificate, birth
 7 certificate, coroner's report or autopsy report if done, and indicators
 8 of child or family involvement with the department. The members shall
 9 classify the nature of the death, whether accidental, homicide, suicide,
 10 undetermined, or natural causes, determine the completeness of the death
 11 certificate, and identify discrepancies and inconsistencies.

12 (c) A review shall not be conducted on any child death under active
 13 investigation by a law enforcement agency or under criminal prosecution.
 14 The members may seek records described in section 71-3410. The members
 15 shall identify the preventability of death, the possibility of child
 16 abuse or neglect, the medical care issues of access and adequacy, and the
 17 nature and extent of interagency communication.

18 (2)(a) The State Maternal Death Review Team (3)(a) The team shall
 19 review all maternal deaths occurring on or after January 1, 2014, in the
 20 manner provided in this subsection.

21 (b) The members shall review the maternal death case abstracts in
 22 accordance with evidence-based best practices in order to determine: (a)
 23 If the death is pregnancy-related; (b) the cause of death; (c) if the
 24 death was preventable; (d) the factors that contributed to the death; (e)
 25 recommendations and actions that address those contributing factors; and

26 ~~(f) the anticipated impact of those actions if implemented death~~
 27 ~~certificate, coroner's report or autopsy report if done, and indicators~~
 28 ~~of the woman's involvement with the department. The members shall~~
 29 ~~classify the nature of the death, whether accidental, homicide, suicide,~~
 30 ~~undetermined, or natural causes, determine the completeness of the death~~
 31 ~~certificate, and identify discrepancies and inconsistencies.~~

1 (c) A review shall not be conducted on any maternal death under
 2 active investigation by a law enforcement agency or under criminal
 3 prosecution. The members may seek records described in section 71-3410.
 4 The members shall identify the preventability of death, the possibility
 5 of domestic abuse, the medical care issues of access and adequacy, and
 6 the nature and extent of interagency communication.

7 Sec. 6. Section 71-3410, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 71-3410 (1) Upon request, the ~~teams team~~ shall be immediately
 10 provided:

11 (a) Information and records maintained by a provider of medical,
 12 dental, prenatal, and mental health care, including medical reports,
 13 autopsy reports, and emergency and paramedic records; and
 14 (b) All information and records maintained by any agency of state,
 15 county, or local government, any other political subdivision, any school
 16 district, or any public or private educational institution, including,
 17 but not limited to, birth and death certificates, law enforcement
 18 investigative data and reports, coroner investigative data and reports,
 19 educational records, parole and probation information and records, and
 20 information and records of any social services agency that provided
 21 services to the child, the pregnant or postpartum woman, or the family of
 22 the child or woman.

23 (2) The Department of Health and Human Services shall have the
 24 authority to issue subpoenas to compel production of any of the records
 25 and information specified in subdivisions (1)(a) and (b) of this section,
 26 except records and information on any child or maternal death under
 27 active investigation by a law enforcement agency or which is at the time
 28 the subject of a criminal prosecution, and shall provide such records and
 29 information to the ~~teams team~~.

30 Sec. 7. Section 71-3411, Reissue Revised Statutes of Nebraska, is
 31 amended to read:

1 71-3411 (1)(a) All information and records acquired by the ~~teams~~
 2 ~~team~~ in the exercise of ~~their~~ its purposes and duties pursuant to the
 3 Child and Maternal Death Review Act shall be confidential and exempt from
 4 disclosure and may only be disclosed as provided in this section and as
 5 provided in section 71-3407. Statistical compilations of data made by the
 6 ~~teams team~~ which do not contain any information that would permit the
 7 identification of any person to be ascertained shall be public records.

8 (b) De-identified information and records obtained by the ~~teams team~~
 9 may be released to a researcher, upon proof of identity and
 10 qualifications of the researcher, if the researcher is employed by a
 11 research organization, university, institution, or government agency and
 12 is conducting scientific, medical, or public health research and if there
 13 is no publication or disclosure of any name or facts that could lead to
 14 the identity of any person included in the information or records. Such
 15 release shall provide for a written agreement with the Department of
 16 Health and Human Services providing protection of the security of the
 17 content of the information, including access limitations, storage of the
 18 information, destruction of the information, and use of the information.
 19 The release of such information pursuant to this subdivision shall not
 20 make otherwise confidential information a public record.

21 (c) De-identified information and records obtained by the ~~teams team~~
 22 may be released to the United States Public Health Service or its
 23 successor, a government health agency, or a local public health

24 department as defined in section 71-1626 if there is no publication or
 25 disclosure of any name or facts that could lead to the identity of any
 26 person included in the information or records. Such release shall provide
 27 for protection of the security of the content of the information,
 28 including access limitations, storage of the information, destruction of
 29 the information, and use of the information. The release of such
 30 information pursuant to this subdivision shall not make otherwise
 31 confidential information a public record.

1 (2) Except as necessary to carry out the teams' ~~a team's~~ purposes
 2 and duties, members of ~~the teams~~ ~~a team~~ and persons attending a team
 3 ~~meetings~~ ~~meeting~~ may not disclose what transpired at ~~the meetings~~ ~~a~~
 4 ~~meeting~~ and shall not disclose any information the disclosure of which is
 5 prohibited by this section.

6 (3) Members of ~~the teams~~ ~~a team~~ and persons attending ~~team meetings~~
 7 ~~a team meeting~~ shall not testify in any civil, administrative, licensure,
 8 or criminal proceeding, including depositions, regarding information
 9 reviewed in or opinions formed as a result of ~~team meetings~~ ~~a team~~
 10 ~~meeting~~. This subsection shall not be construed to prevent a person from
 11 testifying to information obtained independently of the ~~teams~~ ~~team~~ or
 12 which is public information.

13 (4) Information, documents, and records of the ~~teams~~ ~~team~~ shall not
 14 be subject to subpoena, discovery, or introduction into evidence in any
 15 civil or criminal proceeding, except that information, documents, and
 16 records otherwise available from other sources shall not be immune from
 17 subpoena, discovery, or introduction into evidence through those sources
 18 solely because they were presented during proceedings of the ~~teams~~ ~~team~~
 19 or are maintained by the ~~teams~~ ~~team~~.

20 Sec. 8. Original sections 71-3407, 71-3408, 71-3409, 71-3410, and
 21 71-3411, Reissue Revised Statutes of Nebraska, and sections 71-3405 and
 22 71-3406, Revised Statutes Cumulative Supplement, 2020, are repealed.

(Signed) John Arch, Chairperson

GENERAL FILE

LEGISLATIVE BILL 650. Title read. Considered.

PRESIDENT FOLEY PRESIDING

Committee [AM548](#), found on page 622, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 650A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB566](#):
[AM344](#)

1 1. On page 2, line 11, after "facilities" insert "or restoration"

2 work on a facility designated as a National Historic Landmark"; and
 3 strike lines 22 through 29 and insert the following new subdivisions:
 4 "(5) Qualified nonprofit organization means a tax-exempt
 5 organization under section 501(c)(3) of the Internal Revenue Code that:
 6 (a) Is related to arts, culture, or the humanities, including any
 7 organization formed for the purpose of developing and promoting the work
 8 of artists and the humanities in various visual and performing forms,
 9 such as film, sculpture, dance, painting, horticulture, multimedia,
 10 poetry, photography, performing arts, zoology, or botany; or
 11 (b) Owns a sports complex;
 12 (6) Sports complex means property that:
 13 (a) Includes indoor areas, outdoor areas, or both;
 14 (b) Is primarily used for competitive sports; and
 15 (c) Contains at least twelve separate sports venues; and
 16 (7) Sports venue includes, but is not limited to:
 17 (a) A baseball field;
 18 (b) A softball field;
 19 (c) A soccer field;
 20 (d) An outdoor stadium primarily used for competitive sports;
 21 (e) An outdoor arena primarily used for competitive sports; and
 22 (f) An enclosed, temperature-controlled building primarily used for
 23 competitive sports."

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 41. Placed on Select File.

LEGISLATIVE BILL 461. Placed on Select File.

LEGISLATIVE BILL 78. Placed on Select File.

LEGISLATIVE BILL 405. Placed on Select File with amendment.

[ER35](#)

1 1. On page 2, line 14, after "employment" insert an underscored
 2 comma.

LEGISLATIVE BILL 252. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File.

LEGISLATIVE BILL 5. Placed on Select File with amendment.

[ER36](#)

1 1. On page 1, line 2, after "Act" insert "; and to provide a duty
 2 for the Revisor of Statutes".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 131. Placed on General File with amendment.

[AM751](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 338. Title read. Considered.

Committee [AM110](#), found on page 691, was offered.

Senator Bostelman offered the following amendment to the committee amendment:

[AM803](#)

(Amendments to Standing Committee amendments, AM110)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. Section 86-103.01, Reissue Revised Statutes of Nebraska,
- 5 is amended to read:
- 6 86-103.01 Advanced telecommunications capability service means high-
- 7 speed, broadband service at a minimum download speed of one hundred
- 8 megabits per second and a minimum upload speed of twenty megabits per
- 9 second telecommunications capability provided by a local exchange carrier
- 10 that enables users to originate and receive high-quality voice, data,
- 11 graphics, and video communications using any technology.
- 12 Sec. 2. Section 86-316, Revised Statutes Cumulative Supplement,
- 13 2020, is amended to read:
- 14 86-316 Sections 86-316 to 86-329 and section 3 of this act shall be
- 15 known and may be cited as the Nebraska Telecommunications Universal
- 16 Service Fund Act.
- 17 Sec. 3. Any recipient of ongoing high-cost support from the Nebraska
- 18 Telecommunications Universal Service Fund shall agree to submit to speed
- 19 tests as determined by the Public Service Commission. Upon the
- 20 commission's request, such recipient shall conduct the speed tests and
- 21 submit the results to the commission. The speed tests shall be conducted
- 22 for one week using a random sample of locations of consumers who
- 23 subscribe to services provided over infrastructure for which ongoing
- 24 high-cost support is received.
- 25 Sec. 4. Section 86-330, Revised Statutes Cumulative Supplement,
- 26 2020, is amended to read:
- 1 86-330 (1) Based on consumer complaints or upon its own motion, the
- 2 Public Service Commission may open a docket to consider the
- 3 implementation and operation of a funding redirection reverse auction
- 4 program that awards funding to broadband Internet service providers to
- 5 support high-speed Internet infrastructure deployment projects in
- 6 unserved or underserved exchanges within the State of Nebraska. The
- 7 commission may, in its discretion, withhold funding from the Nebraska
- 8 Telecommunications Universal Service Fund to any telecommunications
- 9 company that has not served, to the commission's satisfaction, those
- 10 areas with service that meets the criteria for successful investment of
- 11 funding from the Nebraska Telecommunications Universal Service Fund.
- 12 (2) The commission shall adopt and promulgate rules and regulations
- 13 that establish standards governing the withholding of funding from the
- 14 Nebraska Telecommunications Universal Service Fund from any recipient,
- 15 including the provision of notice and the right to a hearing prior to the
- 16 issuance of an order withdrawing such funding. If the commission
- 17 withdraws funding from the Nebraska Telecommunications Universal Service
- 18 Fund from any telecommunications company, the commission may redirect the
- 19 withdrawn funding through a reverse auction or rural-based plan to
- 20 another eligible telecommunications company use the funding that is
- 21 withdrawn to implement and operate a reverse auction program, except that
- 22 any funding that is withdrawn shall be utilized in the exchange area for

23 which the funding was originally granted. The commission shall have wide
 24 discretion in the design, implementation, and operation of a funding
 25 redirection reverse-auction program but may use as a guide the reverse
 26 auction program designed by the Federal Communications Commission in its
 27 Connect America Fund Phase II Auction process.

28 (3)(a) In redirecting funding that has been withheld from an
 29 eligible telecommunications company, the commission may consider rural-
 30 based plans. To qualify for commission consideration, a rural-based plan
 31 shall include an eligible telecommunications company.

1 (b) The commission shall consider rural-based plans based on the
 2 following scoring criteria:

3 (i) The history of the participating eligible telecommunications
 4 company in providing quality and affordable telecommunications and
 5 broadband services in rural areas;

6 (ii) The capability of the eligible telecommunications company to
 7 use the proposed technology to provide broadband services to every
 8 location in the exchange area on a reasonably comparable basis;

9 (iii) The support of local businesses, hospitals, schools, colleges,
 10 agricultural producers, and residents;

11 (iv) Other sources of funding;
 12 (v) Partnerships and other cooperative arrangements with local
 13 public power providers;

14 (vi) Partnerships and other cooperative arrangements with local
 15 wireless Internet service providers; and

16 (vii) Cooperation by the incumbent local exchange carrier from which
 17 funding has been withheld.

18 (c) In entering an order redirecting funding, the commission shall
 19 establish a timeline for deployment that includes periodic milestones for
 20 ensuring timely deployment and shall require the eligible
 21 telecommunications company to file reports sufficient to assess
 22 compliance with deployment milestones.

23 (d) The commission shall adopt and promulgate rules and regulations
 24 to carry out this subsection.

25 (4) For purposes of this section, rural-based plan means a proposal
 26 for redirecting funding as described in this section which is made by
 27 rural residential and business users of telecommunications and broadband
 28 services in high-cost areas of the exchange.

29 Sec. 5. Section 86-577, Revised Statutes Cumulative Supplement,
 30 2020, is amended to read:

31 86-577 (1) For purposes of this section:

1 (a) Served location means a location receiving, or at the time the
 2 lease is filed with the Public Service Commission able to receive,
 3 communications service at a minimum download speed of ~~one hundred twenty-~~
 4 ~~five~~ megabits per second and a minimum upload speed of ~~twenty three~~
 5 megabits per second or higher speeds, as determined by the Public Service
 6 Commission; and

7 (b) Unserved location means a location not receiving, and at the
 8 time the lease is filed with the Public Service Commission not able to
 9 receive, communications service at a minimum download speed of ~~one~~
 10 ~~hundred twenty-five~~ megabits per second and a minimum upload speed of
 11 ~~twenty three~~ megabits per second or higher speeds, as determined by the
 12 Public Service Commission.

13 (2) Any agency or political subdivision of the state may lease its
 14 dark fiber if:

15 (a) The lessee is a certificated telecommunications common carrier
 16 or a permitted telecommunications contract carrier pursuant to section
 17 86-128 or an Internet service provider;

18 (b) The lease terms are fair, reasonable, and nondiscriminatory; and

19 (c) The lease complies with this section.

20 (3)(a) Before a lease of dark fiber under this section becomes

21 effective, it shall be filed with the commission which shall
 22 expeditiously cause notice of the lease, including lease rates, to be
 23 published.

24 (b)(i) The lease shall become effective fourteen business days after
 25 the date of the published notice unless a protest is filed with the
 26 commission, in which event the commission shall consider the lease as a
 27 contested matter and consider the contested lease according to the
 28 commission's rules of procedure.

29 (ii) If the allocation of served location and unserved location in
 30 the lease is contested, the commission shall determine such allocation
 31 under the lease as a contested matter and consider the contested lease
 1 according to the commission's rules of procedure.

2 (4) For the lease of dark fiber:

3 (a) The commission shall establish a safe harbor range of market
 4 rates for all dark fiber leases using a competitive price determination
 5 comparison. When conducting a competitive price determination comparison,
 6 the commission, in its discretion, shall use rate schedules,
 7 interconnection agreements, or other documents within its regulatory
 8 oversight and shall gather other market rate information as deemed
 9 necessary. If a lease utilizes rates within the safe harbor range, such
 10 rates shall be deemed approved. Any other term of the lease may be

11 contested pursuant to subdivision (3)(b) of this section; and
 12 (b) Fifty percent of the profit earned by the agency or political
 13 subdivision under a lease of dark fiber leased to serve a served location
 14 shall be remitted to the State Treasurer for credit to the Nebraska
 15 Telecommunications Universal Service Fund. For purposes of this
 16 subdivision, profit earned by the agency or political subdivision means
 17 the lease price less the cost of infrastructure deployment. This
 18 subdivision does not apply to a lease or portion of a lease of dark fiber
 19 leased to exclusively serve unserved locations.

20 (5) The lessee shall make every reasonable effort to activate the
 21 maximum amount of the leased fiber as is possible, within one year after
 22 entering into the lease, unless good cause is shown.

23 Sec. 6. Section 86-1101, Revised Statutes Cumulative Supplement,
 24 2020, is amended to read:

25 86-1101 (1) The Legislature finds and declares that:

26 (a) (1) The availability, quality, and affordability of broadband
 27 telecommunications service is important to the residents of Nebraska; and

28 (b) (2) Because availability, quality, and affordability of
 29 broadband telecommunications service is lacking in certain rural areas in
 30 Nebraska, combined with greater investment in urban areas, the state may
 31 be facing a digital divide.

1 (2) It is the intent of the Legislature that broadband
 2 telecommunications service in rural areas of the state should be
 3 comparable in download and upload speed and price to urban areas in the
 4 state where possible and that state resources should be utilized to
 5 ensure that the rural residents of the state should not be penalized
 6 simply because of their rural residence. It is further the intent of the
 7 Legislature that the residents of this state should have access to
 8 broadband telecommunications service at a minimum download speed of one
 9 hundred twenty-five megabits per second and a minimum upload speed of one
 10 hundred three megabits per second.

11 (3) The changes made to this section by this legislative bill shall
 12 not be construed to affect, abrogate, or alter any commitments by the
 13 Public Service Commission made prior to the effective date of this act to
 14 provide ongoing high-cost support from the Nebraska Telecommunications
 15 Universal Service Fund for infrastructure capable of providing broadband
 16 service at a minimum download speed of twenty-five megabits per second
 17 and a minimum upload speed of three megabits per second.

18 Sec. 7. Section 86-1102, Revised Statutes Cumulative Supplement,

19 2020, is amended to read:

20 86-1102 (1) The Rural Broadband Task Force is hereby created. Task
 21 force members shall include the chairperson of the Transportation and
 22 Telecommunications Committee of the Legislature and a member of the
 23 Legislature selected by the Executive Board of the Legislative Council
 24 who shall both serve as nonvoting, ex officio members, a member of the
 25 Public Service Commission who shall be selected by the chairperson of
 26 such commission, the chairperson of the Nebraska Information Technology
 27 Commission or his or her designee who shall act as chairperson of the
 28 task force, the Director of Economic Development or his or her designee,
 29 the Director of Agriculture or his or her designee, and the following
 30 members to be appointed by the Governor: A representative of the
 31 agribusiness community, a representative of the Nebraska business
 1 community, a representative of the regulated wireline telecommunications
 2 industry, a representative of the wireless telecommunications industry, a
 3 representative of the public power industry, a representative of health
 4 care providers, a representative of Nebraska postsecondary educational
 5 institutions, and a representative of rural schools offering kindergarten
 6 through grade twelve. The members appointed by the Governor shall serve
 7 for a term of two years and may be reappointed.

8 (2) The task force may appoint advisory groups to assist the task
 9 force in providing technical expertise and advice on any issue. The
 10 advisory groups may be composed of representatives of stakeholder groups
 11 which may include, but not necessarily be limited to, representatives
 12 from small and large wireline companies, wireless companies, public power
 13 districts, electric cooperative corporations, cable television companies,
 14 Internet service providers, low-income telecommunications and electric
 15 utility customers, health care providers, and representatives of
 16 educational sectors. No compensation or expense reimbursement shall be
 17 provided to any member of any advisory group appointed by the task force.

18 (3) The Nebraska Information Technology Commission shall provide
 19 staff assistance to the task force in consultation with staff from the
 20 Public Service Commission and other interested parties. The task force
 21 may hire consultants to assist in carrying out its duties. The task force
 22 shall review issues relating to availability, adoption, and affordability
 23 of broadband services in rural areas of Nebraska. In particular, the task
 24 force shall:

25 (a) Determine how Nebraska rural areas compare to neighboring states
 26 and the rest of the nation in average download and upload speeds and in
 27 subscription rates to higher speed tiers, when available;

28 (b) Examine the role of the Nebraska Telecommunications Universal
 29 Service Fund in bringing comparable and affordable broadband services to
 30 rural residents and any effect of the fund in deterring or delaying
 31 capital formation, broadband competition, and broadband deployment;

1 (c) Review the feasibility of alternative technologies and providers
 2 in accelerating access to faster and more reliable broadband service for
 3 rural residents;

4 (d) Examine alternatives for deployment of broadband services to
 5 areas that remain unserved or underserved, such as funding redirection
 6 ~~reverse auction~~ programs described in section 86-330, public-private
 7 partnerships, funding for competitive deployment, and other measures, and
 8 make recommendations to the Public Service Commission to encourage
 9 deployment in such areas;

10 (e) Recommend state policies to effectively utilize state universal
 11 service fund dollars to leverage federal universal service fund support
 12 and other federal funding;

13 (f) Make recommendations to the Governor and Legislature as to the
 14 most effective and efficient ways that federal broadband rural
 15 infrastructure funds received after July 1, 2018, should be expended if
 16 such funds become available; and

17 (g) Determine other issues that may be pertinent to the purpose of
 18 the task force.
 19 (4) Task force members shall serve on the task force without
 20 compensation but shall be entitled to receive reimbursement for expenses
 21 incurred for such service as provided in sections 81-1174 to 81-1177.
 22 (5) The task force shall meet at the call of the chairperson and
 23 shall present its findings in a report to the Executive Board of the
 24 Legislative Council no later than November 1, 2019, and by November 1
 25 every odd-numbered year thereafter. The report shall be submitted
 26 electronically.
 27 (6) For purposes of this section, broadband services means high-
 28 speed telecommunications capability at a minimum download speed of one
 29 hundred twenty-five megabits per second and a minimum upload speed of one
 30 hundred three megabits per second, and that enables users to originate
 31 and receive high-quality voice, data, and video telecommunications using
 1 any technology.
 2 (7) The changes made to this section by this legislative bill shall
 3 not be construed to affect, abrogate, or alter any commitments by the
 4 Public Service Commission made prior to the effective date of this act to
 5 provide ongoing high-cost support from the Nebraska Telecommunications
 6 Universal Service Fund for infrastructure capable of providing broadband
 7 service at a minimum download speed of twenty-five megabits per second
 8 and a minimum upload speed of three megabits per second.
 9 Sec. 8. Original section 86-103.01, Reissue Revised Statutes of
 10 Nebraska, and sections 86-316, 86-330, 86-577, 86-1101, and 86-1102,
 11 Revised Statutes Cumulative Supplement, 2020, are repealed.

Senator Wayne offered the following motion:

[MO16](#)

Recommit to the Transportation and Telecommunications Committee.

Senator Wayne withdrew his motion to recommit to committee.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 587A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 587, One Hundred Seventh Legislature, First Session, 2021.

AMENDMENT(S) - Print in Journal

Senator Geist filed the following amendment to [LB274](#):

[AM668](#)

(Amendments to Standing Committee amendments, AM427)

1 1. On page 4, after line 27, insert the following new subsection:
 2 "(6) A licensee intending to sell alcoholic liquor in the manner
 3 authorized under subsections (4) and (5) of this section shall provide
 4 notice of such intention to the commission during initial licensure or
 5 upon the licensee's annual renewal."

6 2. On page 6, line 19, after the period insert "A farm winery which
 7 sells alcoholic liquor authorized under a farm winery license not in its
 8 original package for consumption off the premises shall provide notice to
 9 the commission during a farm winery licensee's initial licensure or at
 10 the time of the annual renewal of such license regarding such sales.".

Senator Lowe filed the following amendment to LB274:

AM667

(Amendments to Standing Committee amendments, AM427)

1 1. Insert the following new section:
 2 Sec. 17. Section 53-178.01, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 53-178.01 (1) No licensee shall sell alcoholic liquor, including
 5 beer, to any person for consumption off the licensed premises while such
 6 person is in any manner within any motor vehicle except as provided in
 7 subsection (2) of this section.
 8 (2)(a) A business holding a Class B, Class C, Class D, Class L,
 9 Class Y, or Class Z license to sell alcoholic liquor at retail may sell
 10 alcoholic liquor authorized under such license to a person twenty-one
 11 years of age or older within a motor vehicle if (a) the alcoholic liquor
 12 is sold along with food, (b) the motor vehicle is in park, and (c) the
 13 alcoholic liquor is placed in the trunk of the motor vehicle or the area
 14 behind the last upright seat of such motor vehicle if the area is not
 15 normally occupied by the driver or a passenger and the motor vehicle is
 16 not equipped with a trunk.
 17 (b) A licensee which sells alcoholic liquor in the manner authorized
 18 under this section shall provide notice to the commission during initial
 19 licensure or at the time of the licensee's annual renewal regarding such
 20 sales.
 21 (3) This section shall not apply to sales to handicapped persons in
 22 a motor vehicle displaying a current handicapped license plate issued by
 23 the Department of Motor Vehicles.
 24 2. Renumber the remaining sections, correct internal references, and
 25 correct the repealer accordingly.

Senator Friesen filed the following amendment to LB338:

AM828

(Amendments to Standing Committee amendments, AM110)

1 1. In the Bostelman amendment, AM803:
 2 a. Strike section 5.
 3 b. On page 9, line 10, strike "86-577".
 4 c. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to LB338:

AM834

1 1. Insert the following new sections:
 2 Section 1. A municipality may provide broadband services or
 3 Internet services on a retail or wholesale basis. For purposes of this
 4 section, broadband services and Internet services have the same meaning
 5 as in section 86-593.
 6 Sec. 2. Section 86-594, Reissue Revised Statutes of Nebraska, is
 7 amended to read:
 8 86-594 (1) Except as provided in the Educational Service Units Act
 9 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501
 10 to 85-1542, ~~and 86-575,~~ and section 1 of this act, an agency or political
 11 subdivision of the state that is not a public power supplier shall not
 12 provide on a retail or wholesale basis any broadband services, Internet
 13 services, telecommunications services, or video services.

14 (2) The provisions of subsection (1) of this section shall not apply
 15 to services which an agency or political subdivision of the state was
 16 authorized to provide and was providing prior to January 1, 2005.
 17 Sec. 3. The Revisor of Statutes shall assign section 1 of this act
 18 to Chapter 18.
 19 2. Renumber the remaining sections and correct the repealer
 20 accordingly.

Senator Friesen filed the following amendment to LB338:
AM836

(Amendments to Standing Committee amendments, AM110)

1 1. In the Bostelman amendment, AM803:
 2 a. Strike sections 1, 2, 3, 5, 6, and 7 and insert the following new
 3 sections:
 4 Section 1. Section 86-316, Revised Statutes Cumulative Supplement,
 5 2020, is amended to read:
 6 86-316 Sections 86-316 to 86-329 and section 2 of this act shall be
 7 known and may be cited as the Nebraska Telecommunications Universal
 8 Service Fund Act.
 9 Sec. 2. Beginning on January 1, 2022, the Public Service Commission
 10 shall ensure that funds distributed from the Nebraska Telecommunications
 11 Universal Service Fund for construction of new broadband infrastructure
 12 shall go to projects that provide broadband service scalable to one
 13 hundred megabits per second or greater for downloading and one hundred
 14 megabits per second or greater for uploading.
 15 2. Renumber the remaining sections and correct the repealer
 16 accordingly.

Senator Morfeld filed the following amendment to LB501:
AM794

(Amendments to Standing Committee amendments, AM526)

1 1. On page 28, lines 4 and 5, strike the new matter and reinstate
 2 the stricken matter.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lathrop name added to LB108.
 Senator Pansing Brooks name added to LB354.

VISITOR(S)

The Doctor of the Day was Dr. Rob Rhodes of Lincoln.

ADJOURNMENT

At 3:57 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 2021.

Patrick J. O'Donnell
 Clerk of the Legislature

