

FIFTY-THIRD DAY - MARCH 31, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 2021

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Halloran.

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 Senator Hughes who was excused; and Senators Bostar, Briese, M. Hansen, Pansing Brooks, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

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

LEGISLATIVE BILL 273. Placed on Select File with amendment.

[ER39](#)

1 1. On page 1, line 3, strike "43-407" and insert "43-403, 43-407,
2 43-408"; and strike lines 5 and 6 and insert "change provisions relating
3 to youth rehabilitation and treatment centers; to authorize an emergency
4 change of placement to another youth rehabilitation".

LEGISLATIVE BILL 639. Placed on Select File with amendment.

[ER37](#)

1 1. On page 2, line 1, strike "8" and insert "7".
2 2. On page 3, line 5, strike "and".

LEGISLATIVE BILL 154. Placed on Select File with amendment.

[ER38](#)

- 1 1. On page 2, line 19, after "the" insert "state"; and in line 24
- 2 after "The" insert "state".

LEGISLATIVE BILL 143. Placed on Select File with amendment.

[ER41](#)

- 1 1. On page 1, line 3, strike "to a school district".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 51. Placed on General File with amendment.

[AM745](#) is available in the Bill Room.

LEGISLATIVE BILL 474. Placed on General File with amendment.

[AM824](#)

- 1 1. Strike section 24 and insert the following new section:
- 2 Sec. 24. Qualifying medical condition means a current diagnosis of
- 3 any of the following conditions:
- 4 (1) Amyotrophic lateral sclerosis;
- 5 (2) Autism with frequent or severe self-injurious or aggressive
- 6 behavior;
- 7 (3) Cancer;
- 8 (4) Crohn's disease or ulcerative colitis;
- 9 (5) Epilepsy or epileptic seizures;
- 10 (6) Glaucoma;
- 11 (7) Hepatitis C that causes moderate to severe nausea or cachexia;
- 12 (8) Human immunodeficiency virus or acquired immune deficiency
- 13 syndrome;
- 14 (9) Huntington's disease;
- 15 (10) Parkinson's disease;
- 16 (11) Post-traumatic stress disorder that has failed all other
- 17 conventional treatments;
- 18 (12) Spinal cord injury or disease with residual neurological
- 19 deficits;
- 20 (13) Terminal illness with a probable life expectancy of under one
- 21 year;
- 22 (14) Tourette's syndrome;
- 23 (15) A serious medical condition, or the treatment of a serious
- 24 medical condition, that causes severe nausea or cachexia;
- 25 (16) Severe and persistent muscle spasms caused by multiple
- 26 sclerosis, spinal cord injury, or muscular dystrophy; or
- 27 (17) Severe or chronic pain lasting longer than six months that is
- 1 not adequately managed, in the opinion of a health care practitioner,
- 2 despite treatment attempts using (a) conventional medications other than
- 3 opioids or opiates or (b) physical interventions.
- 4 2. On page 16, strike beginning with "who" in line 5 through the
- 5 second "a" in line 6 and insert "shall complete a minimum of eight hours
- 6 of"; in lines 7 and 8 strike "course" and insert "courses"; in line 8
- 7 strike "the eleventh" and insert "a"; strike beginning with "a" in line
- 8 11 through line 12 and insert "at least twenty-five patients,"; in line
- 9 18 strike "eleven or more"; and in line 19 strike "three" and insert
- 10 "eight".

LEGISLATIVE BILL 525. Placed on General File with amendment.

AM602

1 1. On page 2, line 18, after the semicolon insert "and"; strike
 2 lines 19 through 21 and insert the following new subdivisions:
 3 "(g)(i) Transitional housing facility means a building that houses
 4 five or more residents, except as provided in subdivision (1)(g)(ii) of
 5 this section.
 6 (ii) Transitional housing facility does not include a:
 7 (A) Substance abuse treatment center as defined in section 44-772;
 8 or
 9 (B) Building that houses more than fifteen residents and that is
 10 operated by a provider that is a nonprofit organization."; in line 24
 11 strike "zoning and"; in line 30 after "housing" insert "facility"; and in
 12 line 31 strike "the transitional housing" and insert "such facility".
 13 2. On page 3, strike lines 5 through 9 and insert the following new
 14 subsection:
 15 "(3) A community supervision agency or its employees, agents, or
 16 designees may, if such agency has jurisdiction over a resident of a
 17 transitional housing facility or is paying for the housing of a resident
 18 of such facility, enter and inspect such facility with twenty-four hours'
 19 prior notice in order to ensure that such facility is in compliance with
 20 occupancy standards."

(Signed) Steve Lathrop, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 80. Introduced by Clements, 2.

WHEREAS, the Weeping Water Public School girls' basketball team won the 2021 Class D-1 Girls State Basketball Championship; and

WHEREAS, the Weeping Water Indians ended the season with a 24 and 5 record after a victory over the Pleasanton Public Schools Bulldogs in the championship game by a score of 40 to 39; and

WHEREAS, senior all-state guard, Grace Cave, scored the game-winning basket; and

WHEREAS, this is the first girls' state basketball title for Weeping Water Public School; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature recognizes and congratulates the Weeping Water Public School girls' basketball team and its coaches for winning the 2021 Class D-1 Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Weeping Water Public School girls' basketball team.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Department of Natural Resources
Thomas E. Riley - Director

Voting in the affirmative, 33:

Aguilar	Clements	Halloran	Linehan	Sanders
Albrecht	Day	Hansen, B.	McCollister	Slama
Arch	Dorn	Hilgers	McDonnell	Stinner
Bostelman	Erdman	Hilkemann	Morfeld	Vargas
Brandt	Flood	Kolterman	Moser	Walz
Brewer	Geist	Lathrop	Murman	
Cavanaugh, J.	Gragert	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 10:

Blood	DeBoer	Groene	Lowe	Wayne
Cavanaugh, M.	Friesen	Hunt	McKinney	Williams

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 459:

Nebraska Power Review Board
Charles Hutchison
Gregory Eugene Moen

Voting in the affirmative, 39:

Aguilar	Clements	Groene	Lindstrom	Pahls
Albrecht	Day	Halloran	Linehan	Sanders
Arch	Dorn	Hansen, B.	Lowe	Slama
Blood	Erdman	Hilgers	McCollister	Stinner
Bostelman	Flood	Hilkemann	McDonnell	Vargas
Brandt	Friesen	Hunt	Morfeld	Walz
Brewer	Geist	Kolterman	Moser	Williams
Cavanaugh, J.	Gragert	Lathrop	Murman	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. DeBoer McKinney Wayne

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission
Stanley A. Clouse
Bradley B. Dunbar
Thomas L. Knutson
Scott Smathers

Senator Erdman requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission
Stanley A. Clouse
Bradley B. Dunbar
Thomas L. Knutson

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Geist	Lowe	Stinner
Albrecht	Clements	Gragert	McDonnell	Vargas
Arch	Day	Groene	Moser	Walz
Blood	DeBoer	Halloran	Murman	Wayne
Bostelman	Dorn	Hilkemann	Pahls	Williams
Brandt	Erdman	Lindstrom	Sanders	
Brewer	Friesen	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	Hansen, B.	Hunt	Lathrop	McKinney
Flood	Hilgers	Kolterman	McCollister	Morfeld

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 463:

Nebraska Natural Resources Commission
Scott Smathers

Voting in the affirmative, 30:

Aguilar	Cavanaugh, J.	Groene	McCollister	Slama
Albrecht	DeBoer	Hansen, B.	McDonnell	Stinner
Arch	Flood	Hilkemann	Morfeld	Vargas
Bostelman	Friesen	Kolterman	Moser	Walz
Brandt	Geist	Lindstrom	Pahls	Wayne
Brewer	Gragert	Linehan	Sanders	Williams

Voting in the negative, 4:

Clements	Dorn	Erdman	Halloran
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Present and not voting, 9:

Blood	Day	Hunt	Lowe	Murman
Cavanaugh, M.	Hilgers	Lathrop	McKinney	

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 464:

Nebraska Natural Resources Commission
 Joseph L. Citta Jr.
 Timothy E. Krause
 Rick Kubat
 LeRoy W. Sievers

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Gragert	McDonnell	Stinner
Albrecht	Clements	Groene	Morfeld	Vargas
Arch	DeBoer	Hansen, B.	Moser	Walz
Blood	Dorn	Kolterman	Murman	Wayne
Bostelman	Erdman	Lindstrom	Pahls	Williams
Brandt	Friesen	Linehan	Sanders	
Brewer	Geist	McCollister	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	Flood	Hilgers	Hunt	Lowe
Day	Halloran	Hilkemann	Lathrop	McKinney

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 546:

Board of Educational Lands and Funds
 Duane L. Kime

Voting in the affirmative, 32:

Aguilar	Cavanaugh, J.	Groene	McCollister	Stinner
Albrecht	Clements	Hansen, B.	McDonnell	Vargas
Arch	DeBoer	Hilkemann	Moser	Walz
Blood	Dorn	Kolterman	Murman	Williams
Bostelman	Friesen	Lathrop	Pahls	
Brandt	Geist	Lindstrom	Sanders	
Brewer	Gragert	Linehan	Slama	

Voting in the negative, 0.

Present and not voting, 11:

Cavanaugh, M.	Flood	Hunt	Morfeld
Day	Halloran	Lowe	Wayne
Erdman	Hilgers	McKinney	

Excused and not voting, 6:

Bostar	Hansen, M.	Pansing Brooks
Briese	Hughes	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 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 537:

State Board of Health
Mark R. Patefield

Voting in the affirmative, 29:

Aguilar	Clements	Hansen, B.	Lowe	Pahls
Albrecht	Dorn	Hilgers	McCollister	Slama
Arch	Geist	Hilkemann	McDonnell	Stinner
Bostelman	Gragert	Kolterman	Morfeld	Walz
Brandt	Groene	Lindstrom	Moser	Williams
Brewer	Halloran	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Flood	Lathrop	Wayne
Cavanaugh, J.	DeBoer	Friesen	McKinney	
Cavanaugh, M.	Erdman	Hunt	Vargas	

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 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 537:

State Board of Health
Timothy A. Tesmer

Voting in the affirmative, 30:

Aguilar	Brewer	Gragert	Kolterman	Murman
Albrecht	Clements	Groene	Linehan	Pahls
Arch	DeBoer	Halloran	Lowe	Slama
Blood	Dorn	Hansen, B.	McCollister	Stinner
Bostelman	Friesen	Hilgers	Morfeld	Walz
Brandt	Geist	Hilkemann	Moser	Williams

Voting in the negative, 0.

Present and not voting, 12:

Cavanaugh, J.	Erdman	Lathrop	McKinney
Cavanaugh, M.	Flood	Lindstrom	Vargas
Day	Hunt	McDonnell	Wayne

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 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 537:

State Board of Health
Russell Crotty

Voting in the affirmative, 28:

Aguilar	Clements	Halloran	Lowe	Slama
Albrecht	Dorn	Hansen, B.	McCollister	Stinner
Arch	Friesen	Hilgers	McDonnell	Walz
Bostelman	Geist	Hilkemann	Morfeld	Williams
Brandt	Gragert	Kolterman	Moser	
Brewer	Groene	Linehan	Murman	

Voting in the negative, 0.

Present and not voting, 14:

Blood	Day	Flood	Lindstrom	Vargas
Cavanaugh, J.	DeBoer	Hunt	McKinney	Wayne
Cavanaugh, M.	Erdman	Lathrop	Pahls	

Excused and not voting, 7:

Bostar	Hansen, M.	Pansing Brooks	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 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 537:

State Board of Health
Michael Kotopka

Voting in the affirmative, 29:

Aguilar	Clements	Halloran	McCollister	Pansing Brooks
Albrecht	Dorn	Hansen, B.	McDonnell	Slama
Arch	Friesen	Hilgers	Morfeld	Stinner
Bostelman	Geist	Kolterman	Moser	Walz
Brandt	Gragert	Linehan	Murman	Williams
Brewer	Groene	Lowe	Pahls	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Flood	Lathrop	Wayne
Cavanaugh, J.	DeBoer	Hilkemann	McKinney	
Cavanaugh, M.	Erdman	Hunt	Vargas	

Excused and not voting, 7:

Bostar	Hansen, M.	Lindstrom	Wishart
Briese	Hughes	Sanders	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 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 537:

State Board of Health
Dan Vehle

Voting in the affirmative, 27:

Aguilar	Erdman	Hilkemann	Moser	Wayne
Albrecht	Geist	Kolterman	Pansing Brooks	Williams
Arch	Groene	Lowe	Slama	Wishart
Bostelman	Halloran	McCollister	Stinner	
Clements	Hansen, B.	McDonnell	Vargas	
Dorn	Hilgers	Morfeld	Walz	

Voting in the negative, 0.

Present and not voting, 15:

Blood	Cavanaugh, M.	Flood	Hunt	McKinney
Brewer	Day	Friesen	Lathrop	Murman
Cavanaugh, J.	DeBoer	Gragert	Linchan	Pahls

Excused and not voting, 7:

Bostar	Briese	Hughes	Sanders
Brandt	Hansen, M.	Lindstrom	

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 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 537:

Division of Developmental Disabilities - Health and Human Services
Anthony (Tony) R. Green - Director

Voting in the affirmative, 29:

Aguilar	DeBoer	Hansen, B.	Lowe	Stinner
Albrecht	Dorn	Hilgers	McCollister	Vargas
Arch	Erdman	Hilkemann	McDonnell	Walz
Bostelman	Geist	Hunt	Morfeld	Wayne
Cavanaugh, M.	Groene	Kolterman	Moser	Williams
Clements	Halloran	Lathrop	Slama	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Day	Gragert	Murman	Wishart
Brewer	Flood	Linehan	Pahls	
Cavanaugh, J.	Friesen	McKinney	Pansing Brooks	

Excused and not voting, 7:

Bostar	Briese	Hughes	Sanders
Brandt	Hansen, M.	Lindstrom	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 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 538:

Division of Medicaid and Long Term Care - Department of Health and Human Services
Kevin Bagley - Director

Voting in the affirmative, 34:

Aguilar	Clements	Groene	McDonnell	Stinner
Albrecht	Day	Halloran	Morfeld	Vargas
Arch	DeBoer	Hansen, B.	Moser	Walz
Bostelman	Dorn	Hilkemann	Murman	Wayne
Brewer	Erdman	Hunt	Pansing Brooks	Williams
Briese	Geist	Linehan	Sanders	Wishart
Cavanaugh, M.	Gragert	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Blood	Flood	Hilgers	Lathrop	McKinney
Cavanaugh, J.	Friesen	Kolterman	McCollister	Pahls

Excused and not voting, 5:

Bostar Brandt Hansen, M. Hughes Lindstrom

The appointment was confirmed with 34 ayes, 0 nays, 10 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 546:

State Board of Health
Robert (Bud) Synhorst

SPEAKER HILGERS PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Geist moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the confirmation report.

Senator M. Cavanaugh offered the following motion:
Recommit the confirmation report of Robert Synhorst to the Health and Human Services Committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 70A. Placed on Select File.
LEGISLATIVE BILL 156A. Placed on Select File.
LEGISLATIVE BILL 320A. Placed on Select File.
LEGISLATIVE BILL 9. Placed on Select File.

LEGISLATIVE BILL 152. Placed on Select File with amendment.

[ER40](#)

1 1. On page 1, line 4, strike "update references to" and insert
2 "adopt certain provisions of".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 18. Placed on General File.

LEGISLATIVE RESOLUTION 11CA. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Slama filed the following amendment to LB152:

[AM840](#)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Briese, Lathrop, McCollister, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB100:

[AM817](#)

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 68-901 Sections 68-901 to 68-9,100 and section 2 of this act shall
- 6 be known and may be cited as the Medical Assistance Act.
- 7 Sec. 2. (1) For purposes of this section, multiple procedure
- 8 payment reduction policy means a policy used in the federal medicare
- 9 program under Title XVIII of the federal Social Security Act for
- 10 outpatient rehabilitation service codes where full payment is made for
- 11 the unit or procedure with the highest rate and subsequent units and
- 12 procedures are paid at a reduction of the published rates when more than
- 13 one unit procedure is provided to the same patient on the same day.
- 14 (2) A multiple procedure payment reduction policy shall not be
- 15 implemented under the Medical Assistance Act as it applies to therapy
- 16 services provided by physical therapy, occupational therapy, or speech-
- 17 language pathology.
- 18 Sec. 3. Original section 68-901, Revised Statutes Cumulative
- 19 Supplement, 2020, is repealed.
- 20 2. On page 1, strike beginning with "public" in line 1 through line
- 21 8 and insert "the Medical Assistance Act; to amend section 68-901,
- 22 Revised Statutes Cumulative Supplement, 2020; to provide for limits on
- 23 provider contracts pertaining to the utilization of certain billing

24 practices; to harmonize provisions; and to repeal the original section."

Senator Brewer filed the following amendment to [LB235](#):
[AM799](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 54-1901, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 54-1901 Sections 54-1901 to 54-1915 and section 2 of this act may be
6 cited as the Nebraska Meat and Poultry Inspection Law.
7 Sec. 2. (1) It is the intent of the Legislature to appropriate one
8 million dollars each fiscal year from the General Fund for fiscal years
9 2022-23 and 2023-24 to the department for purposes of a pilot program for
10 establishing a cooperative state inspection program under 21 U.S.C. 661,
11 and 21 U.S.C. 454, as such sections existed on January 1, 2021. The
12 unexpended and unobligated balance of the funds appropriated for the
13 pilot program shall lapse to the General Fund at the end of each fiscal
14 year.
15 (2) For purposes of the pilot program, the administrator shall be a
16 licensed veterinarian employed by the department. The department shall
17 provide staff support for the administrator. The administrator shall
18 provide for certification of inspectors for the pilot program, including
19 a program of instruction, an examination, and fees. In order to be
20 eligible to be certified as an inspector for the pilot program, an
21 individual shall be a licensed veterinarian who has experience with large
22 animals.
23 (3) Up to ten licensed establishments may participate in the pilot
24 program. A licensed establishment which chooses to participate in the
25 pilot program shall contract with one or more certified inspectors for
26 inspections under the pilot program. A certified inspector contracting
27 with a licensed establishment shall not be considered an employee,
1 official, or agent of the department.
2 (4) The department may adopt and promulgate rules and regulations
3 for the pilot program.
4 Sec. 3. Original section 54-1901, Reissue Revised Statutes of
5 Nebraska, is repealed.

Senator Brewer filed the following amendment to [LB409](#):
[AM381](#)

1 1. On page 5, line 9, strike "2023" and insert "2022".
2 2. On page 6, lines 11 and 12, strike "2022" and insert "2021".

MOTION(S) - Confirmation Report(s)

Senator Arch renewed his motion to adopt the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 546 and considered in this day's Journal:

State Board of Health
Robert (Bud) Synhorst

Senator M. Cavanaugh renewed her motion, found in this day's Journal, to recommit the confirmation report of Robert Synhorst to the Health and Human Services Committee.

PRESIDENT FOLEY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 3:

Cavanaugh, J. Hansen, M. Hunt

Voting in the negative, 34:

Aguilar	Clements	Geist	Hughes	Murman
Albrecht	Day	Gragert	Kolterman	Pahls
Arch	DeBoer	Groene	Lindstrom	Sanders
Bostelman	Dorn	Halloran	Linehan	Slama
Brandt	Erdman	Hansen, B.	Lowe	Stinner
Brewer	Flood	Hilgers	McDonnell	Williams
Briese	Friesen	Hilkemann	Moser	

Present and not voting, 8:

Blood	Lathrop	Morfeld	Walz
Cavanaugh, M.	McKinney	Vargas	Wishart

Excused and not voting, 4:

Bostar McCollister Pansing Brooks Wayne

The M. Cavanaugh motion to recommit to committee failed with 3 ayes, 34 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:
Reconsider the vote just taken to recommit.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 16 ayes, 17 nays, and 16 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 35 nays, 7 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 7 nays, and 24 not voting.

Senator Hunt requested a roll call vote on the confirmation report.

Voting in the affirmative, 37:

Aguilar	Day	Groene	Linehan	Slama
Albrecht	DeBoer	Halloran	Lowe	Stinner
Arch	Dorn	Hansen, B.	McDonnell	Walz
Bostelman	Erdman	Hilgers	Morfeld	Williams
Brandt	Flood	Hilkemann	Moser	Wishart
Brewer	Friesen	Hughes	Murman	
Briese	Geist	Kolterman	Pahls	
Clements	Gragert	Lindstrom	Sanders	

Voting in the negative, 7:

Blood	Cavanaugh, M.	Hunt	Wayne
Cavanaugh, J.	Hansen, M.	McKinney	

Present and not voting, 3:

Lathrop	Pansing Brooks	Vargas
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Excused and not voting, 2:

Bostar	McCollister
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The appointment was confirmed with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Revenue

LEGISLATIVE BILL 542. Placed on General File with amendment.

[AM401](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The Legislature finds that safe and modern highway
4 infrastructure is of great importance to Nebraska's residents,
5 agricultural economy, business economy, and future economic growth.
6 Furthermore, the Legislature finds that it is in the interest of Nebraska
7 taxpayers to leverage historically low interest rates to offset the
8 challenges that construction inflation and uncertain federal highway
9 funding pose to adequately financing the state's infrastructure needs. It
10 is the intent of the Legislature to conservatively utilize bond financing
11 by issuing bonds, not to exceed four hundred fifty million dollars in
12 principal and thirty million dollars in annual debt service for a period
13 of not more than nineteen years, in order to accelerate completion of the
14 highway construction projects identified and to be identified for funding
15 under the Build Nebraska Act.
16 Sec. 2. Upon the recommendation of the Department of Transportation

17 and the commission, the commission acting for and on behalf of the state
18 may issue from time to time bonds under the Nebraska Highway Bond Act in
19 such principal amounts as determined by the commission for the purpose of
20 accelerating completion of the highway construction projects identified
21 and to be identified for funding under the Build Nebraska Act. The
22 principal amounts, interest rates, maturities, redemption provisions,
23 sale prices, and other terms of the bonds so authorized to be issued
24 shall be in accordance with terms or conditions established by the
25 commission. No bonds shall be issued after June 30, 2027, except for
26 refunding bonds issued in accordance with the Nebraska Highway Bond Act.
27 The proceeds from the sale of any bonds issued, net of costs of issuance,
1 capitalized interest, and necessary or appropriate reserve funds, shall
2 be deposited in the State Highway Capital Improvement Fund for use
3 pursuant to the Build Nebraska Act. The commission is hereby granted all
4 powers necessary or convenient to carry out the purposes and exercise the
5 powers granted by the Nebraska Highway Bond Act. Bonds shall be paid off
6 by June 30, 2040.

7 Sec. 3. The bonds issued pursuant to section 2 of this act shall be
8 special obligations of the state payable solely and only from the State
9 Highway Capital Improvement Fund and any other funds specifically pledged
10 by the commission for such purpose, and neither the members of the
11 commission nor any person executing the bonds shall be liable thereon.
12 Such bonds shall not be a general obligation or debt of the state, and
13 they shall contain on the face thereof a statement to such effect. Such
14 bonds are declared to be issued for an essential public and governmental
15 purpose and, together with interest thereon and income therefrom, shall
16 be exempt from state income taxes.

17 Sec. 4. Section 39-2205, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 39-2205 Bonds may be issued under the Nebraska Highway Bond Act only
20 to the extent that the annual aggregate principal and interest
21 requirements, in the calendar year in which such bonds are issued and in
22 each calendar year thereafter until the scheduled maturity of such bonds,
23 on such bonds and on all other bonds theretofore issued and to be
24 outstanding and unpaid upon the issuance of such bonds shall not exceed
25 the amount which is equal to fifty percent of the money deposited in the
26 fund, the State Highway Capital Improvement Fund, or the bond fund, as
27 the case may be, from which such bonds shall be paid during the calendar
28 year preceding the issuance of the bonds proposed to be issued. This
29 section shall not apply to the first issuance of each series of bonds
30 authorized by the Legislature.

31 If short-term bonds are issued in anticipation of the issuance of
1 long-term refunding bonds and such short-term bonds are secured by
2 insurance or a letter of credit or similar guarantee issued by a
3 financial institution rated by a national rating agency in one of the two
4 highest categories of bond ratings, then, for the purposes of the
5 Nebraska Highway Bond Act, when determining the amount of short-term
6 bonds that may be issued and the amount of taxes, fees, or other money to
7 be deposited in any fund for the payment of bonds issued under the act,
8 the annual aggregate principal and interest payments on the short-term
9 bonds shall be deemed to be such payments thereon, except that the final
10 principal payment shall not be that specified in the short-term bonds but
11 shall be the principal and all interest payments required to reimburse
12 the issuer of the insurance policy or letter of credit or similar
13 guarantee pursuant to the reimbursement agreement between the commission
14 and such issuer.

15 Sec. 5. Section 39-2209, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-2209 Any resolution or resolutions of the commission authorizing
18 any bonds or any issue thereof may contain provisions, consistent with

19 the Nebraska Highway Bond Act and not in derogation or limitation of such
20 act, which shall be a part of the contract with the holders thereof, as
21 to:

22 (1) Pledging all or any part of the money in the fund, the State
23 Highway Capital Improvement Fund, or the ~~or~~ bond fund, as the case may
24 be, to secure the payment of the bonds, subject to such agreements with
25 the bondholders as may then prevail;

26 (2) The use and disposition of money in the fund, the State Highway
27 Capital Improvement Fund, or the ~~or~~ bond fund;

28 (3) The setting aside of reserves, sinking funds, or arbitrage
29 rebate funds and the funding, regulation, and disposition thereof;

30 (4) Limitations on the purpose to which the proceeds from the sale
31 of bonds may be applied;

1 (5) Limitations on the issuance of additional bonds and on the
2 retirement of outstanding or other bonds pursuant to the Nebraska Highway
3 Bond Act;

4 (6) The procedure by which the terms of any agreement with
5 bondholders may be amended or abrogated, the amount of bonds the holders
6 of which must consent thereto, and the manner in which such consent may
7 be given;

8 (7) Vesting in a bank or trust company as paying agent such rights,
9 powers, and duties as the commission may determine, vesting in a trustee
10 appointed by the bondholders pursuant to the Nebraska Highway Bond Act
11 such rights, powers, and duties as the commission may determine, and
12 limiting or abrogating the right of the bondholders to appoint a trustee
13 under such act or limiting the rights, powers, and duties of such
14 trustee;

15 (8) Providing for a municipal bond insurance policy, surety bond,
16 letter of credit, or other credit support facility or liquidity facility;
17 and

18 (9) Any other matters, of like or different character, which in any
19 way affect the security or protection of the bonds.

20 Sec. 6. Section 39-2211, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-2211 In addition to the powers conferred upon the commission to
23 secure the bonds in the Nebraska Highway Bond Act, the commission shall
24 have power in connection with the issuance of bonds to enter into such
25 agreements, consistent with the act and not in derogation or limitation
26 of the act, as it may deem necessary, convenient, or desirable concerning
27 the use or disposition of the money in the fund, the State Highway
28 Capital Improvement Fund, or the ~~or~~ bond fund including the pledging or
29 creation of any security interest in such money and the doing of or
30 refraining from doing any act which the commission would have the right
31 to do to secure the bonds in the absence of such agreements. The
1 commission shall have the power to enter into amendments of any such
2 agreements, consistent with the Nebraska Highway Bond Act and not in
3 derogation or limitation of the act, within the powers granted to the
4 commission by the act and to perform such agreements. The provisions of
5 any such agreements may be made a part of the contract with the holders
6 of the bonds.

7 Sec. 7. Section 39-2212, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 39-2212 Any pledge or security instrument made by the commission
10 shall be valid and binding from the time when the pledge or security
11 instrument is made. The money in the fund, the State Highway Capital
12 Improvement Fund, or the ~~or~~ bond fund so pledged and entrusted shall
13 immediately be subject to the lien of such pledge or security instrument
14 upon the deposit thereof in the fund without any physical delivery
15 thereof or further act. The lien of any such pledge or security
16 instrument shall be valid and binding as against all parties having

17 subsequently arising claims of any kind in tort, contract, or otherwise,
18 irrespective of whether such parties have notice thereof. Neither the
19 resolution nor any security instrument or other instrument by which a
20 pledge or other security is created need be recorded or filed and the
21 commission shall not be required to comply with any of the provisions of
22 the Uniform Commercial Code.

23 Sec. 8. Section 39-2213, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 39-2213 The bonds shall be special obligations of the state payable
26 solely and only from the fund, the State Highway Capital Improvement
27 Fund, or the or bond fund, as the case may be, and neither the members of
28 the commission nor any person executing the bonds shall be liable
29 thereon. Such bonds shall not be a general obligation debt of this state
30 and they shall contain on the face thereof a statement to such effect.

31 Sec. 9. Section 39-2216, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 39-2216 The Legislature hereby irrevocably pledges and agrees with
3 the holders of the bonds issued under the Nebraska Highway Bond Act that
4 so long as such bonds remain outstanding and unpaid it shall not repeal,
5 diminish, or apply to any other purposes the motor vehicle fuel taxes,
6 diesel fuel taxes, compressed fuel taxes, and alternative fuel fees
7 related to highway use, motor vehicle registration fees, sales and use
8 taxes, and such other highway-user taxes which may be imposed by state
9 law and allocated to the fund, the State Highway Capital Improvement
10 Fund, or the or bond fund, as the case may be, if to do so would result
11 in fifty percent of the amount deposited in the fund, the State Highway
12 Capital Improvement Fund, or the or bond fund in each year being less
13 than the amount equal to the maximum annual principal and interest
14 requirements of such bonds.

15 Sec. 10. Section 39-2222, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 39-2222 Sections 39-2201 to 39-2226 and sections 1 to 3 of this act
18 shall be known and may be cited as the Nebraska Highway Bond Act.

19 Sec. 11. Section 39-2223, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2223 (1) Under the authority granted by Article XIII, section 1,
22 of the Constitution of Nebraska, the Legislature hereby authorizes the
23 issuance of bonds in the principal amount of twenty million dollars in
24 1969 and in the principal amount of twenty million dollars on or before
25 June 30, 1977, with the proceeds thereof to be used for the construction
26 of highways in this state, the Legislature expressly finding that the
27 need for such construction requires such action. Such bonds shall in all
28 respects comply with the provisions of Article XIII, section 1, of the
29 Constitution of Nebraska.

30 (2) Under the authority granted by Article XIII, section 1, of the
31 Constitution of Nebraska, the Legislature hereby authorizes after July 1,
1 1988, the issuance of bonds in a principal amount to be determined by the
2 commission, not to exceed fifty million dollars. The outstanding
3 principal amount of such bonds may exceed such limit if and to the extent
4 that the commission determines that the issuance of advance refunding
5 bonds under section 39-2226 in a principal amount greater than the bonds
6 to be refunded would reduce the aggregate bond principal and interest
7 requirements payable from the bond fund. The proceeds of such issues
8 shall be used exclusively (a) for the construction, resurfacing,
9 reconstruction, rehabilitation, and restoration of highways in this
10 state, the Legislature expressly finding that the need for such
11 construction and reconstruction work and the vital importance of the
12 highway system to the welfare and safety of all Nebraskans requires such
13 action, or (b) to eliminate or alleviate cash-flow problems resulting
14 from the receipt of federal funds. Such bonds shall in all respects

15 comply with the provisions of Article XIII, section 1, of the
16 Constitution of Nebraska.

17 (3) Under the authority granted by Article XIII, section 1, of the
18 Constitution of Nebraska, the Legislature hereby authorizes after July 1,
19 2021, in addition to the authority granted in subsections (1) and (2) of
20 this section, the issuance of bonds in one or more series in an aggregate
21 principal amount to be determined by the commission, not to exceed four
22 hundred fifty million dollars. The outstanding principal amount of such
23 bonds may exceed such limit if and to the extent that the commission
24 determines that the issuance of advance refunding bonds under section
25 39-2226 in a principal amount greater than the bonds to be refunded would
26 reduce the aggregate bond principal and interest requirements payable
27 from the State Highway Capital Improvement Fund. The proceeds of such
28 issues shall be used exclusively for purposes of the Build Nebraska Act,
29 the Legislature expressly finding that the need for such construction and
30 reconstruction work and the vital importance of the highway system to the
31 welfare and safety of all Nebraskans requires such action. Such bonds
1 shall in all respects comply with the provisions of Article XIII, section
2 1, of the Constitution of Nebraska.

3 Sec. 12. Section 39-2224, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 39-2224 (1) The proceeds of the sale of bonds authorized by
6 subsection (1) of section 39-2223 are hereby appropriated to the Highway
7 Cash Fund of the Department of Transportation, for the biennium ending
8 June 30, 1977, for expenditure for the construction of highways.
9 (2) The proceeds of the sale of bonds authorized by subsection (2)
10 of section 39-2223 are hereby appropriated to the Highway Cash Fund of
11 the Department of Transportation for expenditure for highway
12 construction, resurfacing, reconstruction, rehabilitation, and
13 restoration and for the elimination or alleviation of cash-flow problems
14 resulting from the receipt of federal funds.

15 (3) The proceeds of the sale of bonds authorized by subsection (3)
16 of section 39-2223 are hereby appropriated to the State Highway Capital
17 Improvement Fund of the Department of Transportation for use pursuant to
18 the Build Nebraska Act.

19 Sec. 13. Section 39-2703, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2703 (1) The State Highway Capital Improvement Fund is created.
22 The fund shall consist of money credited to the fund pursuant to section
23 77-27,132, proceeds of bonds issued pursuant to subsection (3) of section
24 39-2223, and any other money as determined by the Legislature.
25 (2) The department may create or direct the creation of accounts
26 within the fund as the department determines to be appropriate and useful
27 in administering the fund.
28 (3) Any money in the fund available for investment shall be invested
29 by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act. Investment
31 earnings from investment of money in the fund shall be credited to the
1 fund.

2 Sec. 14. Section 39-2704, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2704 (1) The money credited to the fund pursuant to section
5 77-27,132 shall be used for repayment of bonds issued pursuant to
6 subsection (3) of section 39-2223. If any of the money credited to the
7 fund pursuant to section 77-27,132 remains after repayment of such bonds,
8 such money shall be used as follows:

9 (a) ~~(1)~~ At least twenty-five percent of the money credited to the
10 fund pursuant to section 77-27,132 each fiscal year shall be used, as
11 determined by the department, for construction of the expressway system
12 and federally designated high priority corridors; and

13 (b) (2) The remaining money credited to the fund pursuant to section
 14 77-27,132 each fiscal year shall be used to pay for surface
 15 transportation projects of the highest priority as determined by the
 16 department.
 17 (2) The proceeds of bonds issued pursuant to subsection (3) of
 18 section 39-2223 which are credited to the fund shall be used as follows:
 19 (a) At least seventy-five percent of the proceeds from such bonds
 20 shall be used, as determined by the department, for construction of the
 21 expressway system and federally designated high priority corridors; and
 22 (b) The remaining proceeds shall be used to pay for surface
 23 transportation projects of the highest priority as determined by the
 24 department.
 25 Sec. 15. Original sections 39-2205, 39-2209, 39-2211, 39-2212,
 26 39-2213, 39-2216, 39-2222, 39-2223, 39-2703, and 39-2704, Reissue Revised
 27 Statutes of Nebraska, and section 39-2224, Revised Statutes Cumulative
 28 Supplement, 2020, are repealed.
 29 Sec. 16. Since an emergency exists, this act takes effect when
 30 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 583. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File with amendment.

[ER42](#)

1 1. On page 1, strike beginning with "crimes" in line 1 through line
 2 8 and insert "criminal procedure; to amend section 29-1301, Reissue
 3 Revised Statutes of Nebraska; to provide venue for prosecution of
 4 offenses committed using an electronic communication device; to define
 5 terms; to harmonize provisions; and to repeal the original section."

LEGISLATIVE BILL 411. Placed on Select File.

LEGISLATIVE BILL 247. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

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

[AM415](#)

(Amendments to Standing Committee amendments, AM232)

1 1. On page 34, lines 9, 11, and 12, strike the new matter and
 2 reinstate the stricken matter.

GENERAL FILE

LEGISLATIVE BILL 338. Committee [AM110](#), found on page 691 and
 considered on page 813, was renewed.

Senator Bostelman withdrew his amendment, [AM803](#), found on page 813.

Senator Friesen withdrew his amendment, [AM828](#), found on page 818.

Senator Wayne withdrew his amendment, [AM834](#), found on page 818.

Senator Friesen withdrew his amendment, [AM836](#), found on page 819.

Senator Bostelman offered the following amendment:

[AM845](#)

(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, Revised Statutes Cumulative Supplement,
- 5 2020, is amended to read:
- 6 86-103 For purposes of the Nebraska Telecommunications Regulation
- 7 Act, unless the context otherwise requires, the definitions found in
- 8 sections ~~86-104 86-103.04~~ to 86-121.01 apply.
- 9 Sec. 2. Section 86-135, Reissue Revised Statutes of Nebraska, is
- 10 amended to read:
- 11 86-135 (1) For purposes of sections 86-135 to 86-138, advanced
- 12 telecommunications capability service means high-speed, broadband service
- 13 at a minimum download speed of one hundred megabits per second and a
- 14 minimum upload speed of twenty megabits per second provided by a local
- 15 exchange carrier that enables users to originate and receive high-quality
- 16 voice, data, graphics, and video communications using any technology.
- 17 (2) (1) Any person may file an application with the commission to
- 18 obtain advanced telecommunications capability service furnished by a
- 19 telecommunications company in the local exchange area adjacent to the
- 20 local exchange area in which the applicant resides.
- 21 (3) (2) The commission shall serve upon each telecommunications
- 22 company directly affected a copy of the application and notice of the
- 23 hearing at least thirty days prior to the hearing on the application,
- 24 which shall be held if all of the telecommunications companies involved
- 25 do not consent to the application.
- 26 (4) (3) If an application for the revision of an exchange service
- 1 area includes more than one customer in a particular exchange, the
- 2 commission shall consider the circumstances of each customer and the
- 3 impact to the obligations of any affected telecommunications company
- 4 which has not consented to the application.
- 5 Sec. 3. Section 86-316, Revised Statutes Cumulative Supplement,
- 6 2020, is amended to read:
- 7 86-316 Sections 86-316 to 86-329 and sections 4 and 5 of this act
- 8 shall be known and may be cited as the Nebraska Telecommunications
- 9 Universal Service Fund Act.
- 10 Sec. 4. Beginning on January 1, 2022, the commission shall ensure
- 11 that funds distributed from the Nebraska Telecommunications Universal
- 12 Service Fund for construction of new broadband infrastructure shall go to
- 13 projects that provide broadband service scalable to one hundred megabits
- 14 per second or greater for downloading and one hundred megabits per second
- 15 or greater for uploading.
- 16 Sec. 5. Any recipient of ongoing high-cost support from the
- 17 Nebraska Telecommunications Universal Service Fund shall agree to submit
- 18 to speed tests as determined by the commission. Upon the commission's
- 19 request, such recipient shall conduct the speed tests and submit the
- 20 results to the commission. The speed tests shall be conducted for one
- 21 week using a random sample of locations of consumers who subscribe to
- 22 services provided over infrastructure for which ongoing high-cost support
- 23 is received.
- 24 Sec. 6. Section 86-330, Revised Statutes Cumulative Supplement,

25 2020, is amended to read:

26 86-330 (1) Based on consumer complaints or upon its own motion, the
 27 Public Service Commission may open a docket to consider the
 28 implementation and operation of a ~~funding redirection reverse auction~~
 29 program that awards funding to broadband Internet service providers to
 30 support high-speed Internet infrastructure deployment projects in
 31 unserved or underserved exchanges within the State of Nebraska. The
 1 commission may, in its discretion, withhold funding from the Nebraska
 2 Telecommunications Universal Service Fund to any telecommunications
 3 company that has not served, to the commission's satisfaction, those
 4 areas with service that meets the criteria for successful investment of
 5 funding from the Nebraska Telecommunications Universal Service Fund.
 6 (2) The commission shall adopt and promulgate rules and regulations
 7 that establish standards governing the withholding of funding from the
 8 Nebraska Telecommunications Universal Service Fund from any recipient,
 9 including the provision of notice and the right to a hearing prior to the
 10 issuance of an order withdrawing such funding. If the commission
 11 withdraws funding from the Nebraska Telecommunications Universal Service
 12 Fund from any telecommunications company, the commission may ~~redirect the~~
 13 ~~withdrawn funding through a reverse auction or rural-based plan to~~
 14 ~~another eligible telecommunications company use the funding that is~~
 15 ~~withdrawn to implement and operate a reverse auction program~~, except that
 16 any funding that is withdrawn shall be utilized in the exchange area for
 17 which the funding was originally granted. The commission shall have wide
 18 discretion in the design, implementation, and operation of a funding
 19 redirection reverse auction program but may use as a guide the reverse
 20 auction program designed by the Federal Communications Commission in its
 21 Connect America Fund Phase II Auction process.
 22 (3)(a) In redirecting funding that has been withheld from an
 23 eligible telecommunications company, the commission may consider rural-
 24 based plans. To qualify for commission consideration, a rural-based plan
 25 shall include an eligible telecommunications company.
 26 (b) The commission shall consider rural-based plans based on the
 27 following scoring criteria:
 28 (i) The history of the participating eligible telecommunications
 29 company in providing quality and affordable telecommunications and
 30 broadband services in rural areas;
 31 (ii) The capability of the eligible telecommunications company to
 1 use the proposed technology to provide broadband services to every
 2 location in the exchange area on a reasonably comparable basis;
 3 (iii) The support of local businesses, hospitals, schools, colleges,
 4 agricultural producers, and residents;
 5 (iv) Other sources of funding;
 6 (v) Partnerships and other cooperative arrangements with local
 7 public power providers;
 8 (vi) Partnerships and other cooperative arrangements with local
 9 wireless Internet service providers; and
 10 (vii) Cooperation by the incumbent local exchange carrier from which
 11 funding has been withheld.
 12 (c) In entering an order redirecting funding, the commission shall
 13 establish a timeline for deployment that includes periodic milestones for
 14 ensuring timely deployment and shall require the eligible
 15 telecommunications company to file reports sufficient to assess
 16 compliance with deployment milestones.
 17 (d) The commission shall adopt and promulgate rules and regulations
 18 to carry out this subsection.
 19 (4) Funding support shall not be withheld from an eligible
 20 telecommunications company for infrastructure found by the commission to
 21 be capable of reliably providing broadband service at a minimum download
 22 speed of one hundred megabits per second and a minimum upload speed of

23 twenty megabits per second that enables users to originate and receive
24 high-quality voice, data, graphics, and video communications using any
25 technology.

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

30 Sec. 7. Section 86-1102, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

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

20 (2) The task force may appoint advisory groups to assist the task
21 force in providing technical expertise and advice on any issue. The
22 advisory groups may be composed of representatives of stakeholder groups
23 which may include, but not necessarily be limited to, representatives
24 from small and large wireline companies, wireless companies, public power
25 districts, electric cooperative corporations, cable television companies,
26 Internet service providers, low-income telecommunications and electric
27 utility customers, health care providers, and representatives of
28 educational sectors. No compensation or expense reimbursement shall be
29 provided to any member of any advisory group appointed by the task force.

30 (3) The Nebraska Information Technology Commission shall provide
31 staff assistance to the task force in consultation with staff from the
1 Public Service Commission and other interested parties. The task force
2 may hire consultants to assist in carrying out its duties. The task force
3 shall review issues relating to availability, adoption, and affordability
4 of broadband services in rural areas of Nebraska. In particular, the task
5 force shall:

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

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

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

16 (d) Examine alternatives for deployment of broadband services to
17 areas that remain unserved or underserved, such as funding redirection
18 ~~reverse-auction~~ programs described in section 86-330, public-private
19 partnerships, funding for competitive deployment, and other measures, and
20 make recommendations to the Public Service Commission to encourage

21 deployment in such areas;
 22 (e) Recommend state policies to effectively utilize state universal
 23 service fund dollars to leverage federal universal service fund support
 24 and other federal funding;
 25 (f) Make recommendations to the Governor and Legislature as to the
 26 most effective and efficient ways that federal broadband rural
 27 infrastructure funds received after July 1, 2018, should be expended if
 28 such funds become available; and
 29 (g) Determine other issues that may be pertinent to the purpose of
 30 the task force.
 31 (4) Task force members shall serve on the task force without
 1 compensation but shall be entitled to receive reimbursement for expenses
 2 incurred for such service as provided in sections 81-1174 to 81-1177.
 3 (5) The task force shall meet at the call of the chairperson and
 4 shall present its findings in a report to the Executive Board of the
 5 Legislative Council no later than November 1, 2019, and by November 1
 6 every odd-numbered year thereafter. The report shall be submitted
 7 electronically.
 8 (6) For purposes of this section, broadband services means high-
 9 speed telecommunications capability at a minimum download speed of
 10 twenty-five megabits per second and a minimum upload speed of three
 11 megabits per second, and that enables users to originate and receive
 12 high-quality voice, data, and video telecommunications using any
 13 technology.
 14 Sec. 8. The Legislature declares that it is in the public interest
 15 for the state, cities of all classes, villages, and counties to expend
 16 federal funds received for the creation and expansion of high-speed
 17 broadband services throughout the state. Except as provided in section
 18 86-594, any political subdivision that directly receives federal funds
 19 used for broadband service enhancement purposes shall construct any new
 20 infrastructure to provide broadband service scalable to one hundred
 21 megabits per second or greater for downloading and one hundred megabits
 22 per second or greater for uploading.
 23 Sec. 9. Original section 86-135, Reissue Revised Statutes of
 24 Nebraska, and sections 86-103, 86-316, 86-330, and 86-1102, Revised
 25 Statutes Cumulative Supplement, 2020, are repealed.
 26 Sec. 10. The following section is outright repealed: Section
 27 86-103.01, Reissue Revised Statutes of Nebraska.

The Bostelman amendment was adopted with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

Senator Wayne reoffered his amendment, [AM834](#), found on page 818, and withdrawn in this day's Journal.

Senator Wayne withdrew his amendment.

The committee amendment, AM110, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 400. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 274. [ER18](#), found on page 623, was adopted.

Senator Geist offered her amendment, [AM668](#), found on page 817.

The Geist amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Lowe offered his amendment, [AM667](#), found on page 818.

SPEAKER HILGERS PRESIDING

The Lowe amendment was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Senator Hilkemann offered his amendment, [AM646](#), found on page 648.

Pending.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to [LB154](#):

[AM841](#)

1 1. On page 2, line 30, strike "contact" and insert "intervention".

Senator Lowe filed the following amendment to [LB274A](#):

[AM818](#)

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

Senator Arch filed the following amendment to [LB428](#):

[AM810](#)

(Amendments to Standing Committee amendments, AM566)

1 1. On page 4, line 31, strike "15" and insert "1".

MOTION(S) - Print in Journal

Senator Halloran filed the following motion to [LR14](#):

[MO17](#)

Place on General File pursuant to Rule 3, Section 20(b).

MESSAGE(S) FROM THE GOVERNOR

March 31, 2021

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 35, 66e, 93, 94, 113e, 113Ae, 148e, 163, 177, 337, 368, 369, and 509 were received in my office on March 25, 2021.

These bills were signed and delivered to the Secretary of State on March 31, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

March 31, 2021

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 297 and 389 were received in my office on March 25, 2021.

These bills were signed and delivered to the Secretary of State on March 31, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brandt name added to LB366.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

