

FIFTY-FOURTH DAY - APRIL 1, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 1, 2021

PRAYER

The prayer was offered by Senator Bostelman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

ROLL CALL

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

The roll was called and all members were present except Senators Hilkemann and Pansing Brooks who were excused; and Senators Hunt, Lathrop, McDonnell, McKinney, Stinner, Walz, and Wishart who were excused until they arrive.

SENATOR HUGHES PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 379. Placed on General File with amendment.
[AM392](#) is available in the Bill Room.

LEGISLATIVE BILL 381. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File with amendment.
[AM394](#) is available in the Bill Room.

LEGISLATIVE BILL 383. Placed on General File with amendment.
[AM395](#) is available in the Bill Room.

LEGISLATIVE BILL 384. Placed on General File with amendment. [AM396](#) is available in the Bill Room.

LEGISLATIVE BILL 385. Placed on General File with amendment. [AM705](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,
 4 2020, is amended to read:
 5 84-612 (1) There is hereby created within the state treasury a fund
 6 known as the Cash Reserve Fund which shall be under the direction of the
 7 State Treasurer. The fund shall only be used pursuant to this section.
 8 (2) The State Treasurer shall transfer funds from the Cash Reserve
 9 Fund to the General Fund upon certification by the Director of
 10 Administrative Services that the current cash balance in the General Fund
 11 is inadequate to meet current obligations. Such certification shall
 12 include the dollar amount to be transferred. Any transfers made pursuant
 13 to this subsection shall be reversed upon notification by the Director of
 14 Administrative Services that sufficient funds are available.
 15 (3) In addition to receiving transfers from other funds, the Cash
 16 Reserve Fund shall receive federal funds received by the State of
 17 Nebraska for undesignated general government purposes, federal revenue
 18 sharing, or general fiscal relief of the state.
 19 (4) ~~The State Treasurer, at the direction of the budget~~
 20 ~~administrator of the budget division of the Department of Administrative~~
 21 ~~Services, shall transfer not to exceed forty million seven hundred~~
 22 ~~fifteen thousand four hundred fifty nine dollars in total from the Cash~~
 23 ~~Reserve Fund to the Nebraska Capital Construction Fund between July 1,~~
 24 ~~2013, and June 30, 2018.~~
 25 (4) (5) The State Treasurer shall transfer ~~fifty-four million seven~~
 26 ~~hundred thousand dollars on or after July 1, 2019, but before June 15,~~
 27 ~~2021, the following amounts from the Cash Reserve Fund to the Nebraska~~
 1 Capital Construction Fund on such dates and in such amounts as directed
 2 by the budget administrator of the budget division of the Department of
 3 Administrative Services. :
 4 (a) ~~Seven million eight hundred four thousand two hundred ninety-two~~
 5 ~~dollars on or after June 15, 2016, but before June 30, 2016;~~
 6 (b) ~~Five million fifty-eight thousand four hundred five dollars on~~
 7 ~~or after July 1, 2018, but before June 30, 2019, on such dates and in~~
 8 ~~such amounts as directed by the budget administrator of the budget~~
 9 ~~division of the Department of Administrative Services;~~
 10 (c) ~~Fifteen million three hundred seventy-eight thousand three~~
 11 ~~hundred nine dollars on or after January 1, 2019, but before June 30,~~
 12 ~~2019, on such dates and in such amounts as directed by the budget~~
 13 ~~administrator of the budget division of the Department of Administrative~~
 14 ~~Services; and~~
 15 (d) ~~Fifty-four million seven hundred thousand dollars on or after~~
 16 ~~July 1, 2019, but before June 15, 2021, on such dates and in such amounts~~
 17 ~~as directed by the budget administrator of the budget division of the~~
 18 ~~Department of Administrative Services.~~
 19 (6) ~~The State Treasurer shall transfer seventy-five million two~~
 20 ~~hundred fifteen thousand three hundred thirteen dollars from the Cash~~
 21 ~~Reserve Fund to the Nebraska Capital Construction Fund on or before July~~
 22 ~~31, 2017, on such date as directed by the budget administrator of the~~
 23 ~~budget division of the Department of Administrative Services.~~
 24 (7) ~~The State Treasurer shall transfer thirty-one million dollars~~
 25 ~~from the Cash Reserve Fund to the General Fund after July 1, 2017, but~~
 26 ~~before July 15, 2017, on such date as directed by the budget~~

27 administrator of the budget division of the Department of Administrative
 28 Services.
 29 (8) The State Treasurer shall transfer thirty-one million dollars
 30 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
 31 before October 15, 2017, on such date as directed by the budget
 1 administrator of the budget division of the Department of Administrative
 2 Services.
 3 (9) The State Treasurer shall transfer thirty-one million dollars
 4 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
 5 before January 15, 2018, on such date as directed by the budget
 6 administrator of the budget division of the Department of Administrative
 7 Services.
 8 (10) The State Treasurer shall transfer thirty-two million dollars
 9 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
 10 before April 15, 2018, on such date as directed by the budget
 11 administrator of the budget division of the Department of Administrative
 12 Services.
 13 (11) The State Treasurer shall transfer one hundred million dollars
 14 from the Cash Reserve Fund to the General Fund on or before June 30,
 15 2018, on such dates and in such amounts as directed by the budget
 16 administrator of the budget division of the Department of Administrative
 17 Services.
 18 (12) The State Treasurer shall transfer forty-eight million dollars
 19 from the Cash Reserve Fund to the General Fund after March 1, 2019, but
 20 before March 15, 2019, on such date as directed by the budget
 21 administrator of the budget division of the Department of Administrative
 22 Services.
 23 (13) The State Treasurer shall transfer eighty-three million six
 24 hundred nineteen thousand six hundred dollars from the Cash Reserve Fund
 25 to the Governor's Emergency Cash Fund on or before June 30, 2020, on such
 26 dates and in such amounts as directed by the budget administrator of the
 27 budget division of the Department of Administrative Services.
 28 (5) (14) The State Treasurer shall transfer thirty million dollars
 29 from the Cash Reserve Fund to the General Fund after November 15, 2020,
 30 but before December 31, 2020, on such date as directed by the budget
 31 administrator of the budget division of the Department of Administrative
 1 Services. Except for the transfer authorized in this subsection, no funds
 2 shall be transferred from the Cash Reserve Fund to fulfill the
 3 obligations created under the Nebraska Property Tax Incentive Act unless
 4 the balance in the Cash Reserve Fund after such transfer will be at least
 5 equal to five hundred million dollars.
 6 (6) The State Treasurer shall transfer fifty million dollars from
 7 the Cash Reserve Fund to the United States Space Command Headquarters
 8 Assistance Fund on or before June 30, 2023, but not before July 1, 2022,
 9 on such dates and in such amounts as directed by the budget administrator
 10 of the budget division of the Department of Administrative Services. The
 11 transfer in this subsection shall not occur unless the State of Nebraska
 12 is selected as the site of the United States Space Command headquarters.
 13 Sec. 2. Original section 84-612, Revised Statutes Cumulative
 14 Supplement, 2020, is repealed.
 15 Sec. 3. Since an emergency exists, this act takes effect when
 16 passed and approved according to law.

LEGISLATIVE BILL 380. Placed on General File with amendment.
[AM393](#) is available in the Bill Room.

(Signed) John Stinner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 108A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 108, One Hundred Seventh Legislature, First Session, 2021.

LEGISLATIVE BILL 442A. Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 442, One Hundred Seventh Legislature, First Session, 2021.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 31, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Husch Blackwell Strategies
OpenSky Policy Institute
Luedtke, Joselyn
Zulkoski Weber LLC
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Apple Inc.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB2:

[FA15](#)

Amend AM638

On page 1, line 12, after "for" insert "any".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 37.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1253, 81-538, and 81-551, Reissue Revised Statutes of Nebraska, and

sections 81-503.01, 81-505.01, and 81-5,167, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to certain rules and regulations and fees; to eliminate provisions relating to standpipe requirements for hotels and apartments and certain definitions; to change qualifications of the state boiler inspector; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-534, 81-5,136, and 81-5,137, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Briese	Friesen	Hughes	Moser
Albrecht	Cavanaugh, J.	Geist	Hunt	Murman
Arch	Clements	Gragert	Kolterman	Pahls
Blood	Day	Groene	Lindstrom	Sanders
Bostar	DeBoer	Halloran	Linehan	Slama
Bostelman	Dorn	Hansen, B.	Lowe	Vargas
Brandt	Erdman	Hansen, M.	McCollister	Wayne
Brewer	Flood	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER HILGERS PRESIDING

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to offenses relating to property; to eliminate locksmith registration requirements; to eliminate a penalty relating to failure by a locksmith to register; and to outright repeal sections 28-1402, 28-1403, 28-1404, and 28-1405, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Cavanaugh, J.	Friesen	Hughes	Moser
Albrecht	Cavanaugh, M.	Geist	Hunt	Murman
Arch	Clements	Gragert	Kolterman	Pahls
Blood	Day	Groene	Lindstrom	Sanders
Bostar	DeBoer	Halloran	Linehan	Slama
Bostelman	Dorn	Hansen, B.	Lowe	Vargas
Brandt	Erdman	Hansen, M.	McCollister	Wayne
Brewer	Flood	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Briese

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 351.

A BILL FOR AN ACT relating to the Step Up to Quality Child Care Act; to amend section 71-1958, Reissue Revised Statutes of Nebraska; to change provisions relating to quality scale ratings as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cavanaugh, J.	Geist	Kolterman	Sanders
Albrecht	Cavanaugh, M.	Gragert	Lindstrom	Slama
Arch	Clements	Groene	Linehan	Vargas
Blood	Day	Halloran	Lowe	Wayne
Bostar	DeBoer	Hansen, B.	McCollister	Williams
Bostelman	Dorn	Hansen, M.	Morfeld	
Brandt	Erdman	Hilgers	Moser	
Brewer	Flood	Hughes	Murman	
Briese	Friesen	Hunt	Pahls	

Voting in the negative, 0.

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lathrop	McKinney	Stinner	Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 401.

A BILL FOR AN ACT relating to state institutions; to amend sections 83-305 and 83-363, Reissue Revised Statutes of Nebraska; to eliminate designation of the Hastings Regional Center as a state hospital for the mentally ill; to redefine a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Briese	Flood	Hilgers	Moser
Albrecht	Cavanaugh, J.	Friesen	Hughes	Murman
Arch	Cavanaugh, M.	Geist	Hunt	Pahls
Blood	Clements	Gragert	Kolterman	Sanders
Bostar	Day	Groene	Lindstrom	Slama
Bostelman	DeBoer	Halloran	Linehan	Vargas
Brandt	Dorn	Hansen, B.	McCollister	Wayne
Brewer	Erdman	Hansen, M.	Morfeld	Williams

Voting in the negative, 0.

Excused and not voting, 9:

Hilkemann	Lowe	McKinney	Stinner	Wishart
Lathrop	McDonnell	Pansing Brooks	Walz	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 476.

A BILL FOR AN ACT relating to the Stroke System of Care Act; to amend sections 71-4201 and 81-664, Reissue Revised Statutes of Nebraska; to provide for a quality improvement plan, registry, and data oversight process; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Briese	Flood	Hughes	Moser
Albrecht	Cavanaugh, J.	Friesen	Hunt	Murman
Arch	Cavanaugh, M.	Geist	Kolterman	Pahls
Blood	Clements	Gragert	Lathrop	Sanders
Bostar	Day	Groene	Lindstrom	Slama
Bostelman	DeBoer	Hansen, B.	Linchan	Vargas
Brandt	Dorn	Hansen, M.	McCollister	Wayne
Brewer	Erdman	Hilgers	Morfeld	Williams

Voting in the negative, 0.

Present and not voting, 1:

Halloran

Excused and not voting, 8:

Hilkemann	McDonnell	Pansing Brooks	Walz
Lowe	McKinney	Stinner	Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 533.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1201, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for public assistance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cavanaugh, J.	Geist	Kolterman	Sanders
Albrecht	Cavanaugh, M.	Gragert	Lathrop	Slama
Arch	Clements	Groene	Lindstrom	Vargas
Blood	Day	Halloran	Linchan	Wayne
Bostar	DeBoer	Hansen, B.	McCollister	Williams
Bostelman	Dorn	Hansen, M.	Morfeld	
Brandt	Erdman	Hilgers	Moser	
Brewer	Flood	Hughes	Murman	
Briese	Friesen	Hunt	Pahls	

Voting in the negative, 0.

Excused and not voting, 8:

Hilkemann McDonnell Pansing Brooks Walz
Lowe McKinney Stinner Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB503 to Select File

Senator Flood moved to return LB503 to Select File for his specific amendment, [AM733](#), found on page 743.

The Flood motion to return prevailed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 503. The Flood specific amendment, [AM733](#), found on page 743, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 37, 169, 351, 401, 476, and 533.

MOTION(S) - Return LB106 to Select File

Senator B. Hansen moved to return LB106 to Select File for his specific amendment, [AM586](#), found on page 668.

PRESIDENT FOLEY PRESIDING

The B. Hansen motion to return failed with 16 ayes, 18 nays, 10 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 106. With Emergency Clause.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Revised Statutes Cumulative Supplement, 2020; to add a certified abstract fee and provide for the distribution of fee revenue; to authorize the building, implementation, and maintenance of a new operator's license services system for issuing operators' licenses and

state identification cards; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Aguilar	Briese	Geist	Lathrop	Stinner
Albrecht	Cavanaugh, M.	Gragert	Lindstrom	Vargas
Arch	Clements	Halloran	McCollister	Williams
Blood	Day	Hansen, B.	McDonnell	Wishart
Bostar	DeBoer	Hilgers	Morfeld	
Bostelman	Dorn	Hughes	Moser	
Brandt	Flood	Hunt	Pahls	
Brewer	Friesen	Kolterman	Sanders	

Voting in the negative, 4:

Erdman	Hansen, M.	McKinney	Wayne
--------	------------	----------	-------

Present and not voting, 4:

Cavanaugh, J.	Groene	Linehan	Slama
---------------	--------	---------	-------

Excused and not voting, 5:

Hilkemann	Lowe	Murman	Pansing Brooks	Walz
-----------	------	--------	----------------	------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 106A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Aguilar	Briese	Friesen	Kolterman	Sanders
Albrecht	Cavanaugh, J.	Geist	Lathrop	Slama
Arch	Cavanaugh, M.	Gragert	Lindstrom	Stinner
Blood	Clements	Halloran	McCollister	Vargas
Bostar	Day	Hansen, B.	McDonnell	Williams
Bostelman	DeBoer	Hilgers	Morfeld	Wishart
Brandt	Dorn	Hughes	Moser	
Brewer	Flood	Hunt	Pahls	

Voting in the negative, 0.

Present and not voting, 6:

Erdman	Hansen, M.	McKinney
Groene	Linehan	Wayne

Excused and not voting, 5:

Hilkemann	Lowe	Murman	Pansing Brooks	Walz
-----------	------	--------	----------------	------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION(S) - Return LB22 to Select File

Senator Wayne moved to return LB22 to Select File for his specific amendment, [AM716](#), found on page 750.

Senator Wayne withdrew his motion to return.

WITHDRAW - Amendment to LB22

Senator Wayne withdrew his amendment, [AM715](#), found on page 750, to LB22.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB22 with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 22. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Protection in Annuity

Transactions Act; to amend sections 44-8102, 44-8103, 44-8105, 44-8106, 44-8107, 44-8108, and 44-8109, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to the purpose of the act; to limit liability; to change applicability of the act; to authorize rules and regulations; to provide, change, and eliminate definitions; to change producer and insurer obligations, supervision, prohibited practices, and record keeping; to provide for safe harbor requirements; to change the powers of the Director of Insurance; to change penalties and training requirements; to provide for applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Cavanaugh, J.	Gragert	Lathrop	Sanders
Albrecht	Clements	Groene	Lindstrom	Stinner
Arch	Day	Halloran	Linehan	Vargas
Blood	DeBoer	Hansen, B.	McCollister	Wayne
Bostar	Dorn	Hansen, M.	McDonnell	Williams
Bostelman	Erdman	Hilgers	McKinney	Wishart
Brandt	Flood	Hughes	Morfeld	
Brewer	Friesen	Hunt	Moser	
Briese	Geist	Kolterman	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Slama

Excused and not voting, 5:

Hilkemann Lowe Murman Pansing Brooks Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 106, 106A, and 22.

GENERAL FILE

LEGISLATIVE BILL 501. Title read. Considered.

Committee [AM526](#), found on page 572, was offered.

Senator Flood offered his amendment, [AM671](#), found on page 677, to the committee amendment.

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

Senator Morfeld offered his amendment, [AM794](#), found on page 819, to the committee amendment.

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

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

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

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 650. Placed on Select File with amendment.

[ER44](#)

- 1 1. On page 1, line 2, strike "and"; and in line 3 after "penalties"
- 2 insert "; and to provide severability".
- 3 2. On page 11, line 26, strike the underscored semicolon and insert
- 4 an underscored period.

LEGISLATIVE BILL 650A. Placed on Select File.

LEGISLATIVE BILL 338. Placed on Select File with amendment.

[ER43](#)

- 1 1. On page 1, strike lines 2 through 7 and insert "section 86-135,
- 2 Reissue Revised Statutes of Nebraska, and sections 86-103, 86-316,
- 3 86-330, and 86-1102, Revised Statutes Cumulative Supplement, 2020; to
- 4 redefine a term under the Nebraska Telecommunications Regulation Act; to
- 5 provide powers and duties to the Public Service Commission relating to
- 6 broadband infrastructure and speed testing under the Nebraska
- 7 Telecommunications Universal Service Fund Act; to change provisions
- 8 relating to the withholding of funding from the Nebraska
- 9 Telecommunications Universal Service Fund and provide for rural-based
- 10 plans as prescribed; to change a duty of the Rural Broadband Task Force;
- 11 to state intent relating to broadband service; to harmonize provisions;
- 12 to repeal the original sections; and to outright repeal section
- 13 86-103.01, Reissue Revised Statutes of Nebraska."

(Signed) Terrell McKinney, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 19A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 19, One Hundred Seventh Legislature, First Session, 2021.

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to LB92:
AM835

1 1. Strike original section 2 and insert the following new section:
2 Sec. 2. Section 85-607, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 85-607 No publicly funded college or university in this state shall
5 prohibit the admission of any student, or discriminate against any
6 student with regard to determinations of residency status or scholarship
7 eligibility, on the basis that such student was educated in a any school
8 which elects to meet the requirements of subsections (2) through (6) of
9 section 79-1601 if the student is qualified for admission as shown by
10 testing results.

Senator McDonnell filed the following amendment to LB406:
AM848

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The Legislature finds and declares as follows:
4 (1) The future vibrancy of the people, communities, and businesses
5 of Nebraska depends on reliable sources of water;
6 (2) While it is in the state's best interest to retain control over
7 its water supplies, much of the state's water is currently used outside
8 of the state;
9 (3) Well-planned flood control is critical to the future of the
10 people, communities, and businesses of Nebraska;
11 (4) The state's water resources provide economic benefit to the
12 people, communities, and businesses of Nebraska by helping to attract
13 visitors from other states and boost local economies;
14 (5) Nebraska has tremendous water resources across the state,
15 including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the
16 Platte River, the Republican River, and the Missouri River. The state's
17 lakes and rivers help Nebraskans enjoy the water resources in our state
18 and make Nebraska an even more attractive place to live and raise a
19 family; and
20 (6) In light of the disruption from the COVID-19 coronavirus
21 pandemic and the trend toward a remote workforce around the country,
22 people around the country are rethinking where they want to work, live,
23 and raise a family. As people consider where to live, access to
24 sustainable water resources and outdoor recreational opportunities will
25 be important considerations in making Nebraska a competitive choice for
26 the future.
27 Sec. 2. (1) The Statewide Tourism and Recreational Water Access and
1 Resource Sustainability Special Committee of the Legislature is hereby
2 established as a special legislative committee to exercise the powers and

3 perform the duties provided in this section. The committee shall consist
4 of the Speaker of the Legislature, who shall serve as chairperson of the
5 committee, and six members of the Legislature appointed by the Executive
6 Board of the Legislative Council, with two members appointed from each
7 congressional district.

8 (2) The Executive Board of the Legislative Council shall provide
9 staff as required by the committee from existing legislative staff. In
10 addition, the committee may hire additional staff, make expenditures for
11 travel, and enter into contracts for consulting, engineering, and
12 development studies. The contracts shall be approved by the executive
13 board upon the recommendation of a majority of the members of the
14 committee. It is the intent of the Legislature to appropriate two million
15 dollars for fiscal year 2021-22 to carry out the purposes of this
16 section.

17 (3)(a) Studies shall be conducted on:

18 (i) The need to protect public and private property, enhance
19 economic development, and promote private investment and the creation of
20 jobs along the Platte River and its tributaries from Columbus, Nebraska,
21 to Plattsmouth, Nebraska;

22 (ii) The need to provide for public safety, public infrastructure,
23 land-use planning, and economic development in the Lake McConaughy region
24 of Keith County, Nebraska; and

25 (iii) The socioeconomic conditions, recreational and tourism
26 opportunities, and public investment necessary to enhance economic
27 development and to catalyze private investment in the region in Knox
28 County, Nebraska, that lies north of State Highway 12 and extends to the
29 South Dakota border and includes Lewis and Clark Lake and Niobrara State
30 Park.

31 (b) The studies for Lake McConaughy in Keith County and Lewis and
1 Clark Lake and Niobrara State Park in Knox County shall evaluate the
2 outcomes and the economic benefits of proposed development and
3 improvements to residents, the local region, and state tourism.

4 (4) The committee shall hold hearings and request and receive
5 reports from state, county, and city agencies regarding matters
6 pertaining to its studies. The committee may hold one or more closed
7 sessions for the receipt of confidential information if at least one-half
8 of the members of the committee vote in open session to hold a closed
9 session. The committee may appoint a subcommittee for the purpose of
10 receiving public input as it relates to protection from flooding along
11 the Platte River from Columbus, Nebraska, to Plattsmouth, Nebraska.

12 (5) Any studies conducted by the committee shall be completed on or
13 before December 31, 2021. The committee shall seek input from the
14 Statewide Water Resources Infrastructure Task Force regarding its study
15 of the Platte River region described in subsection (2) of section 3 of
16 this act.

17 Sec. 3. (1) The Statewide Water Resources Infrastructure Task Force
18 is created. The task force shall consist of the following members: (a)
19 Four directors or general managers of natural resources districts, each
20 from the board of directors or offices of four natural resources
21 districts with boundaries that include river basins along the lower
22 Platte River, (b) the dean of the College of Engineering at the
23 University of Nebraska-Lincoln or the dean's designee, (c) the mayor of a
24 city of the primary class, (d) the mayor of a city of the second class,
25 (e) three representatives from a city or village located adjacent to the
26 lower Platte River, (f) one member of a metropolitan utilities district
27 board, and (g) the Director of Natural Resources as a nonvoting, ex
28 officio member. The Director of Natural Resources shall appoint the
29 members listed in subdivisions (a) and (c) through (f) of this
30 subsection. The task force shall select a chairperson from the members of
31 the task force and may hire consultants with funds appropriated by the

1 Legislature. The task force shall convene within forty-five days after
 2 the effective date of this act at the call of the chairperson of the task
 3 force. Task force members shall receive no compensation for their service
 4 on the task force other than reimbursement for expenses incurred in
 5 carrying out their duties as provided in sections 81-1174 to 81-1177.
 6 (2) The task force shall study three to five potential flood-control
 7 infrastructure projects along the river basin of the lower Platte River
 8 selected as provided in subsection (3) of this section. For purposes of
 9 this section, the lower Platte River or lower Platte River basin is that
 10 corridor of the lower Platte River from Columbus, Nebraska, to
 11 Plattsmouth, Nebraska, as identified by the Department of Natural
 12 Resources. For each project, the task force shall gather information as
 13 required by subsections (4) through (6) of this section and gather the
 14 following data and information to compile an analysis:
 15 (a) Hydrology and water supply;
 16 (b) Topography of the project area;
 17 (c) Geotechnical information;
 18 (d) Existing infrastructure that may be impacted;
 19 (e) Existing and future recreation and economic needs of the project
 20 area;
 21 (f) Existing and expected economic data of the project area;
 22 (g) Existing and expected demographic data of the project area;
 23 (h) Environmental data of flood sites and regional environmental
 24 data;
 25 (i) Future land-use master plans;
 26 (j) Existing and planned transportation infrastructure; and
 27 (k) Land ownership data.
 28 (3)(a) The task force shall (i) identify potential project locations
 29 and project size based on existing constraints, (ii) develop threshold
 30 criteria for project size to be of adequate scale to serve regional, or
 31 at a minimum, subregional populations, with appropriate amenities, and
 1 (iii) establish criteria for regional and subregional projects.
 2 (b) The task force shall consider the following factors in
 3 determining which projects to study:
 4 (i) Location, including the proximity to urban areas and centers of
 5 economic development;
 6 (ii) Size, including the opportunities to serve regional or
 7 subregional populations;
 8 (iii) Water supply and land availability, including minimum water
 9 supplies required to sustain and support a water-based project in
 10 addition to sediment storage for reservoir sustainability and contiguous
 11 land areas for a project;
 12 (iv) Infrastructure considerations, including public and private
 13 infrastructure that present opportunities or pose constraints and the
 14 degree of such opportunities or constraints;
 15 (v) Socioeconomic considerations, including socioeconomic factors
 16 that are opportunities or constraints;
 17 (vi) Environmental considerations, including environmental resources
 18 that may be augmented, or possibly impacted, and that may influence
 19 siting;
 20 (vii) Public acceptance, including the general likelihood of public
 21 acceptance of a project in a proposed area; and
 22 (viii) Property protections.
 23 (c) No potential intervention for a project may harm or relocate any
 24 city of the second class, and protecting private property shall be
 25 prioritized.
 26 (4) The task force shall define project elements to maximize project
 27 benefits within the physical constraints of a project, including concept-
 28 level definition of project features sufficient to estimate costs and
 29 benefits and anticipated water-based project benefits that could include

30 flood control, water supply, water quality, and hydropower benefits. An
 31 event-based hydrologic model shall be developed and used in conjunction
 1 with existing hydrologic models to define flood-risk-reduction benefits.
 2 A long-term hydrologic model shall be used to determine firm yield of a
 3 potential site for assessing pool viability, water supply, water quality,
 4 and hydropower benefits. The definition of project features shall include
 5 type and size of project infrastructure, property acquisition, existing
 6 infrastructure impacts, recreation amenities, relocations if applicable
 7 or required, and an estimate of costs.
 8 (5) The task force shall also perform an economic analysis to assess
 9 project economic benefits, including:
 10 (a) Flood-risk reduction;
 11 (b) Water supply;
 12 (c) Hydropower;
 13 (d) Increased flat water recreational opportunities near the major
 14 population centers of Nebraska;
 15 (e) Enhanced tourism in Nebraska from surrounding areas,
 16 capitalizing on and complementing existing state recreational facilities
 17 in eastern Nebraska;
 18 (f) Direct and indirect regional economic benefits associated with
 19 development of major recreational opportunities in eastern Nebraska;
 20 (g) Population and workforce retention; and
 21 (h) Any other relevant benefits.
 22 (6) The task force shall also perform an environmental analysis to
 23 identify environmental constraints, impacts, and challenges to project
 24 development, including a general socioeconomic and natural resource
 25 assessment and evaluation of potential project-related effects. Such
 26 assessment and evaluation shall be performed in the context of a federal
 27 National Environmental Policy Act evaluation and evaluate typical social
 28 and natural resource categories, identify federal, state, and local
 29 regulatory authorizations that would be required, and evaluate the
 30 complexity of obtaining any regulatory authorizations.
 31 (7) The task force shall report its findings to the Clerk of the
 1 Legislature no later than December 31, 2021. The report shall be
 2 submitted electronically.
 3 Sec. 4. Since an emergency exists, this act takes effect when
 4 passed and approved according to law.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 2021, at 10:30 a.m. were the following: LBs 37, 169, 351, 401, 476, and 533.

Presented to the Governor on April 1, 2021, at 11:30 a.m. were the following: LBs 106e, 106Ae, and 22.

(Signed) Dallas Mehling
 Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 81. Introduced by Arch, 14.

WHEREAS, Doug Lewis has been a member of the Papillion La Vista Community Schools team since 1982, and has served as the Assistant Superintendent for Business Services for the past thirteen years; and

WHEREAS, Doug always represents the Papillion La Vista Community Schools with integrity, honesty, and purpose and has advocated for school safety and student well-being before the Nebraska Legislature; and

WHEREAS, Doug is currently the president of the boards of trustees for the All Lines Interlocal Cooperative Aggregate Pool and the Nebraska Joint Utility Management Program and is a former chairperson of the Nebraska Council of School Administrators and of the Nebraska Association of School Officials; and

WHEREAS, Doug is retiring after a thirty-nine-year career in public education.

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

1. That the Legislature recognizes Doug Lewis for his service to Papillion La Vista Community Schools and the State of Nebraska and congratulates him on his retirement from public education.

2. That a copy of this resolution be sent to Doug Lewis.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Linehan name added to LB283.

Senator McCollister name added to LB644.

VISITOR(S)

The Doctor of the Day was Dr. Christi Keim of Lincoln.

ADJOURNMENT

At 11:36 a.m., on a motion by Senator McKinney, the Legislature adjourned until 10:00 a.m., Tuesday, April 6, 2021.

Patrick J. O'Donnell
Clerk of the Legislature