

FIFTY-SEVENTH DAY - APRIL 8, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 2021

PRAYER

The prayer was offered by Senator Erdman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Gragert.

ROLL CALL

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

The roll was called and all members were present except Senators Bostar, Brewer, J. Cavanaugh, M. Cavanaugh, Day, DeBoer, B. Hansen, Hilgers, Hunt, McKinney, Pahls, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 666. Placed on General File with amendment.

AM906

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The following sums of money, or so much thereof as may
4 be required, are hereby appropriated from the General Fund or from other
5 funds as indicated in the state treasury, not otherwise appropriated, for
6 the payment of claims arising out of miscellaneous items of indebtedness
7 owing by the State of Nebraska.
8 \$318,140.37 for Miscellaneous Claim Number 2021-20829, against the
9 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
10 Street, Lincoln, NE 68508-1266, out of the General Fund.

11 \$101,143.68 for Miscellaneous Claim CI 18-2161, against the State of
 12 Nebraska, pay to Joy Shiffermiller and Razak Aljanabi, Shiffermiller Law
 13 Office, P.C., L.L.O., Attn: Joy Shiffermiller, 1002 G Street, Lincoln, NE
 14 68508, out of the General Fund.
 15 The claims included in this section shall be paid through Program
 16 536 in Agency 65.

17 For informational purposes only, the appropriations contained in
 18 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20	<u>GENERAL FUND</u>	<u>\$419,284.05</u>
21	<u>CASH FUND</u>	<u>\$-0-</u>
22	<u>REVOLVING FUND</u>	<u>\$-0-</u>
23	<u>TOTAL</u>	<u>\$419,284.05</u>

24 Sec. 2. The following sums of money, or so much thereof as may be
 25 required, are hereby appropriated from the General Fund or from other
 26 funds as indicated in the state treasury, not otherwise appropriated, for
 27 the payment of workers' compensation claims which have been settled by
 1 the Attorney General in the Nebraska Workers' Compensation Court or in
 2 which court judgments have been entered and which require the approval of
 3 the Legislature for payment.

4 \$115,000.00 for a workers' compensation claim, pay to Christa
 5 Binstock Israel and Natalie Sieber, Atwood, Holsten, Brown, Deaver and
 6 Spier Law Firm, PC, LLO, 575 Fallbrook Blvd., Ste. 206, Lincoln, NE
 7 68512, out of the Workers' Compensation Claims Revolving Fund.
 8 \$150,000.00 for a workers' compensation claim, pay to Jeanene Gieser
 9 and Roger Moore, Rehm, Bennett, Moore and Rehm, P.C., L.L.O., 3701 Union
 10 Drive, Suite 200, Lincoln, NE 68516, out of the Workers' Compensation
 11 Claims Revolving Fund.

12 \$26,617.00 for a workers' compensation claim, pay to Richard Meidell
 13 and James W. Ellison, Ellison, Kovarik and Turman Law Firm, P.C., L.L.O.,
 14 1715 11th Street, P.O. Box 340, Gering, NE 69341-0340, out of the
 15 Workers' Compensation Claims Revolving Fund.

16 The claims included in this section shall be paid through Program
 17 593 in Agency 65.

18 For informational purposes only, the appropriations contained in
 19 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20	<u>GENERAL FUND</u>	<u>\$-0-</u>
21	<u>CASH FUND</u>	<u>\$-0-</u>
22	<u>REVOLVING FUND</u>	<u>\$291,617.00</u>
23	<u>TOTAL</u>	<u>\$291,617.00</u>

25 Sec. 3. The following sums of money, or so much thereof as may be
 26 required, are hereby appropriated from the General Fund or from other
 27 funds as indicated in the state treasury, not otherwise appropriated, for
 28 the payment of tort claims which have been settled by the State Claims
 29 Board and approved by the district court, which have been settled by the
 30 Attorney General in the district court, or in which court judgments have
 1 been entered and which require the approval of the Legislature for
 2 payment.

3 \$70,000 for Tort Claim Number 2019-18480, against the State of
 4 Nebraska, pay to Annette Marking and Tessendorf and Tessendorf, PC, P.O.
 5 Box 925, Columbus, NE 68602-0925, out of the State Insurance Fund.

6 \$18,717.50 for Tort Claim Number 2021-20511, against the State of
 7 Nebraska, pay to Rita Perez and Knowles Law Firm, LLP, 11404 W. Dodge
 8 Rd., Suite 450, Omaha, NE 68154, out of the State Insurance Fund.

9 The claims included in this section shall be paid through Program
 10 594 in Agency 65.

11 For informational purposes only, the appropriations contained in
 12 this section and fund source:

	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
13		

14	<u>GENERAL FUND</u>	<u>\$-0-</u>
15	<u>CASH FUND</u>	<u>\$-0-</u>
16	<u>REVOLVING FUND</u>	<u>\$88,717.50</u>
17	<u>TOTAL</u>	<u>\$88,717.50</u>

18 Sec. 4. The Director of Administrative Services is hereby
 19 authorized and directed to draw his or her warrants upon the funds in the
 20 state treasury enumerated in this act, in favor of the several
 21 beneficiaries named in this act for the amount set opposite their
 22 respective names, upon the presentation of proper vouchers therefor. The
 23 several amounts appropriated in this act shall be in full payment of any
 24 and all claims, rights, causes of action, damages, and demands of every
 25 character and kind owing by or against the State of Nebraska, its
 26 officers, agents, and employees, and their successors and assigns with
 27 respect to each of the beneficiaries respectively in whose favor the
 28 appropriations are made. The director shall not deliver any warrant for
 29 any items appropriated in this act until a receipt and release in full,
 30 releasing the State of Nebraska, its officers, employees, and agents, and
 1 their successors and assigns, has been filed by each of the beneficiaries
 2 respectively. Upon presentation of the warrants, the State Treasurer is
 3 hereby directed to pay the same out of money in the General Fund or out
 4 of money in other funds indicated in this act not otherwise appropriated.
 5 Sec. 5. The following requests were filed by state agencies seeking
 6 permission to write off certain accounts. The State Claims Board reviewed
 7 and approved the following requests:
 8 \$2,982.24 for Request Number 2021-20733, made by the Board of
 9 Educational Lands and Funds,
 10 \$25.46 for Request Number 2021-20734, made by the Legislative
 11 Council,
 12 \$23,325.75 for Request Number 2021-20735, made by the Department of
 13 Correctional Services,
 14 \$115.00 for Request Number 2021-20736, made by the Supreme Court,
 15 \$306.70 for Request Number 2021-20737, made by the Commission for
 16 the Deaf and Hard of Hearing,
 17 \$783,188.12 for Request Number 2021-20738, made by the Department of
 18 Health and Human Services,
 19 \$10,347.76 for Request Number 2021-20740, made by the Department of
 20 Veterans' Affairs,
 21 \$86,827.45 for Request Number 2021-20745, made by the Department of
 22 Labor,
 23 \$4,758.79 for Request Number 2021-20746, made by the Game and Parks
 24 Commission,
 25 \$18,350.50 for Request Number 2021-20747, made by the State Fire
 26 Marshal,
 27 \$172,318.19 for Request Number 2021-20748, made by the State
 28 Treasurer,
 29 \$637,508.42 for Request Number 2021-20749, made by the Department of
 30 Labor,
 31 \$37,056.74 for Request Number 2021-20806, made by the Department of
 1 Environment and Energy,
 2 \$25.00 for Request Number 2021-20807, made by the Department of
 3 Insurance,
 4 \$2,067.95 for Request Number 2021-20809, made by the Nebraska Public
 5 Employees Retirement Systems,
 6 \$202,748.22 for Request Number 2021-20851, made by the Department of
 7 Transportation.
 8 Sec. 6. Since an emergency exists, this act takes effect when
 9 passed and approved according to law.

LEGISLATIVE BILL 665. Indefinitely postponed.

(Signed) Ben Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 81. Placed on Select File with amendment.

[ER48](#)

1 1. On page 11, line 28, after the second comma insert "for".

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Moser filed the following amendment to [LB579](#):

[AM862](#)

1 1. Insert the following new section:

2 Sec. 4. Section 39-2703, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 39-2703 (1) The State Highway Capital Improvement Fund is created.

5 The fund shall consist of money credited to the fund pursuant to section

6 77-27,132, federal reimbursements for surface transportation projects,

7 and any other money as determined by the Legislature. The State Treasurer

8 shall transfer seventy million dollars from the General Fund to the State

9 Highway Capital Improvement Fund on or after July 1, 2021, but before

10 July 15, 2021, in such amounts as directed by the budget administrator of

11 the budget division of the Department of Administrative Services.

12 (2) The department may create or direct the creation of accounts

13 within the State Highway Capital Improvement Fund ~~fund~~ as the department

14 determines to be appropriate and useful in administering the fund.

15 Transfers may be made from the State Highway Capital Improvement Fund to

16 the General Fund at the direction of the Legislature through June 30,

17 2023. The State Treasurer shall transfer seventy million dollars from the

18 State Highway Capital Improvement Fund to the General Fund between July

19 1, 2021, and June 30, 2023, on such dates and in such amounts as directed

20 by the budget administrator of the budget division of the Department of

21 Administrative Services.

22 (3) Any money in the State Highway Capital Improvement Fund ~~fund~~

23 available for investment shall be invested by the state investment

24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

25 State Funds Investment Act. Investment earnings from investment of money

26 in the fund shall be credited to the fund.

27 2. On page 4, line 8, strike "Heartland Expressway" and insert

1 "expressway system"; and in line 11 strike "and" and after "letting"

2 insert ", and required funding for project completion".

3 3. Renumber the remaining section and correct the repealer

4 accordingly.

GENERAL FILE

LEGISLATIVE BILL 322A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 379. Title read. Considered.

Committee [AM392](#), found on page 851, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

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

LEGISLATIVE BILL 382. Title read. Considered.

Committee [AM394](#), found on page 851, was adopted with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

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

LEGISLATIVE BILL 384. Title read. Considered.

Committee [AM396](#), found on page 852, was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 excused and not voting.

LEGISLATIVE BILL 385. Title read. Considered.

Committee [AM705](#), found on page 852, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 380. Title read. Considered.

Committee [AM393](#), found on page 853, was offered.

Senator M. Cavanaugh offered her amendment, [AM896](#), found on page 903, to the committee amendment.

SENATOR HUGHES PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 322A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 87. Introduced by Briese, 41.

WHEREAS, Chuck Cone was the inaugural director of the Loup Basin Public Health Department and has been the director of the Loup Basin Public Health Department since September 2002; and

WHEREAS, Chuck always represents the nine counties within the Loup Basin Public Health Department with integrity, honesty, and a great sense of humor, and advocates for the best interests of public health before the Nebraska Legislature; and

WHEREAS, Chuck Cone has generously collaborated with fellow local health directors for the benefit of the statewide local public health system, including as a founding member of the Nebraska Association of Local Health Directors and as an integral voice within Friends of Public Health Nebraska; and

WHEREAS, Chuck is retiring on April 9th, 2021, as the director of Loup Basin Public Health Department.

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

1. That the Legislature recognizes Chuck Cone for his service to the Loup Basin Public Health District and the State of Nebraska and congratulates him on his retirement from public health.
2. That a copy of this resolution be sent to Chuck Cone.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Flood name added to LB306.

Senator McCollister name added to LR85.

RECESS

At 11:59 a.m., on a motion by Senator Moser, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostelman, Hilgers, and Pansing Brooks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR85	Judiciary

(Signed) Dan Hughes, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 380. Senator M. Cavanaugh renewed her amendment, [AM896](#), found on page 903 and considered in this day's Journal.

Senator M. Cavanaugh withdrew her amendment.

Senator Flood offered the following amendment to the committee amendment:

[AM891](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 102, line 8, strike both occurrences of "1,005,346" and
2 insert "1,905,346"; strike line 11 and insert "PROGRAM TOTAL 2,469,296
3 2,476,146"; in lines 13 and 15 strike "\$1,005,346" and insert
4 "\$1,905,346"; and in lines 18 and 19 strike "\$100,000" and insert
5 "\$1,000,000".

SPEAKER HILGERS PRESIDING

Senator Flood moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Senator Flood requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 28:

Aguilar	Day	Groene	Linehan	Pansing Brooks
Bostar	DeBoer	Halloran	Lowe	Sanders
Brandt	Flood	Hansen, M.	McCollister	Walz
Briese	Friesen	Hunt	McKinney	Wayne
Cavanaugh, J.	Geist	Lathrop	Morfeld	
Cavanaugh, M.	Gragert	Lindstrom	Moser	

Voting in the negative, 12:

Albrecht	Clements	Hilgers	Slama
Bostelman	Dorn	Hilkemann	Stinner
Brewer	Erdman	Murman	Williams

Present and not voting, 9:

Arch	Hansen, B.	Kolterman	Pahls	Wishart
Blood	Hughes	McDonnell	Vargas	

The Flood amendment was adopted with 28 ayes, 12 nays, and 9 present and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB247:

AM740

- 1 1. On page 2, line 16, strike "wireless device" and insert
- 2 "telecommunications services, wireless device services, and Internet
- 3 protocol-enabled".
- 4 2. On page 3, line 14, strike "and"; and in line 16 after "district"
- 5 insert ", and (vii) telecommunications industry representatives".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 88. Introduced by Pansing Brooks, 28.

WHEREAS, Ethan Cotter, a senior in the Lincoln Public Schools Science Focus Program and member of Troop 54 of Lincoln, has completed the requirements for the rank of Eagle Scout in Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, for his Eagle Scout service project, Ethan collaborated with the American Legion to identify veterans buried without a veteran designation in Stromsburg Cemetery and then procured and placed appropriate markings at those gravesites to designate the wars in which those veterans fought; and

WHEREAS, Ethan, through hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ethan Cotter on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ethan Cotter.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Pansing Brooks, 28.

WHEREAS, Caden Connelly, a junior in the International Baccalaureate Program at Lincoln High School and member of Troop 54 of Lincoln, has completed the requirements for the rank of Eagle Scout in Scouts BSA; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young people have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, for his Eagle Scout service project, Caden planned and planted a pollinator garden in a local park to combat the loss of habitat for pollinators in Nebraska; and

WHEREAS, Caden, through hard work and perseverance has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Caden Connelly on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Caden Connelly.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 380. Senator M. Cavanaugh offered the following motion:

[MO19](#)

Bracket until May 4, 2021.

SENATOR WILLIAMS PRESIDING

SPEAKER HILGERS PRESIDING

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

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

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 4:

Cavanaugh, M. Hunt Pansing Brooks Wayne

Excused and not voting, 1:

Groene

The M. Cavanaugh motion to bracket failed with 0 ayes, 44 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO20](#)

Reconsider the vote on MO19.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 39:

Aguilar	Clements	Hansen, B.	Linehan	Sanders
Arch	Day	Hansen, M.	Lowe	Slama
Blood	DeBoer	Hilgers	McCollister	Stinner
Bostar	Dorn	Hilkemann	McDonnell	Vargas
Bostelman	Flood	Hughes	McKinney	Walz
Brandt	Friesen	Kolterman	Morfeld	Williams
Brewer	Geist	Lathrop	Moser	Wishart
Briese	Gragert	Lindstrom	Murman	

Present and not voting, 5:

Cavanaugh, J. Cavanaugh, M. Hunt Pansing Brooks Wayne

Excused and not voting, 5:

Albrecht Erdman Groene Halloran Pahls

The M. Cavanaugh motion to reconsider failed with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Flood offered the following amendment to the committee amendment:

[AM890](#)

(Amendments to Standing Committee amendments, AM393)

1 1. On page 71, line 28, strike "253,235,630" and insert
 2 "252,490,894".
 3 2. On page 72, line 3, strike "277,926,659" and insert
 4 "277,181,923".
 5 3. On page 73, after line 1 insert the following new paragraph:
 6 "It is the intent of the Legislature that the Department of
 7 Correctional Services contract for services related to electronic health
 8 records."

Senator Flood withdrew his amendment.

Committee [AM393](#), found on page 853 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 20 not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

Excused and not voting, 5:

Albrecht Erdman Groene Halloran Pahls

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

The Chair declared the call raised.

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

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 274. Placed on Final Reading.

ST6

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

1. In the E&R amendments, ER18, on page 1, line 1, "53-103.22 and 53-178.01, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "sections"; in line 4 "and redefine" has been inserted after "define"; and in line 7 "to authorize alcohol sales to persons within a motor vehicle as prescribed;" has been inserted after "duties;"
2. In the Lowe amendment, AM667, section 17 has been renumbered as section 18.
3. In the Standing Committee amendments, AM427:
 - a. On page 1, line 5, the new matter has been struck and "and sections 3, 4, 6, 7, 13, and 14" inserted;
 - b. On page 6, line 31; page 7, line 21; page 8, line 12; page 10, line 16; and page 15, line 8, "12" has been struck and "13" inserted;
 - c. On page 8, line 26; page 10, line 12; page 15, line 9; and page 19, line 1, "13" has been struck and "14" inserted; and

d. On page 19, line 4, "53-103.22 and 53-178.01, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "sections".

LEGISLATIVE BILL 274A. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 209. Placed on General File with amendment.

AM880

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-1401, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:
5 48-1401 (1)(a) (†) Any county, municipality, or other political
6 subdivision, instrumentality, or agency of the State of Nebraska, except
7 any agency subject to sections 84-1504 to 84-1506 or section 85-106,
8 85-320, or 85-606.01, may enter into an agreement to defer a portion of
9 any individual's compensation derived from such county, municipality, or
10 other political subdivision, instrumentality, or agency to a future
11 period in time pursuant to section 457 of the Internal Revenue Code. Such
12 plan of deferred compensation may provide for the deferral of an
13 individual's compensation on either a pretax basis or an after-tax Roth
14 contribution basis under a qualified Roth contribution program pursuant
15 to section 402A of the Internal Revenue Code. Such deferred compensation
16 shall be voluntary and shall be available to all regular employees
17 and elected officials except as otherwise provided in this section.
18 (b) This section shall not authorize an entity excepted from this
19 section pursuant to subdivision (1)(a) of this section to modify a plan
20 of deferred compensation or establish a separate plan of deferred
21 compensation. This section shall not require either the Public Employees
22 Retirement Board or the Nebraska Public Employees Retirement Systems to
23 modify a plan of deferred compensation established pursuant to sections
24 84-1504 to 84-1506 to allow for after-tax Roth contributions pursuant to
25 a qualified Roth contributions program under section 402A of the Internal
26 Revenue Code.
27 (2) All The compensation to be deferred under this section may never
1 exceed the total compensation to be received by the individual from the
2 employer or exceed the limits established by the Internal Revenue Code
3 for such a plan.
4 (3) All compensation deferred under the plan, all property and
5 rights purchased with the deferred compensation, and all investment
6 income attributable to the deferred compensation, property, or rights
7 shall be held in trust for the exclusive benefit of participants and
8 their beneficiaries by the county, municipality, or other political
9 subdivision, instrumentality, or agency until such time as payments are
10 made under the terms of the deferred compensation plan.
11 (4) The county, municipality, or other political subdivision,
12 instrumentality, or agency shall designate its treasurer or an equivalent
13 official, including the State Treasurer, to be the custodian of the funds
14 and securities of the deferred compensation plan.
15 (5) The county, municipality, or other political subdivision,
16 instrumentality, or agency may invest the compensation to be deferred
17 under an agreement in or with: (a) Annuities; (b) mutual funds; (c)
18 banks; (d) savings and loan associations; (e) trust companies qualified
19 to act as fiduciaries in this state; (f) an organization established for

20 the purpose of administering public employee deferred compensation
21 retirement plans and authorized to do business in the State of Nebraska;
22 or (g) investment advisers as defined in the federal Investment Advisers
23 Act of 1940.

24 (6) The deferred compensation program authorized under this section
25 shall exist and serve in addition to, and shall not be a part of, any
26 existing retirement or pension system provided for state, county,
27 municipal, or other political subdivision, instrumentality, or agency
28 employees, or any other benefit program.

29 (7) Any compensation deferred under such a deferred compensation
30 plan including an individual's compensation deferred on either a pretax
31 basis or an after-tax Roth contribution basis under a qualified Roth
1 contribution program pursuant to section 402A of the Internal Revenue
2 Code, shall continue to be included as regular compensation for the
3 purpose of computing the retirement, pension, or social security
4 contributions made or benefits earned by any employee.

5 (8)(a) ~~(8)~~ Any sum so deferred on a pretax basis shall not be
6 included in the computation of any federal or state taxes withheld on
7 behalf of any such individual at the time of deferral.

8 (b) Any sum so deferred on an after-tax Roth contribution basis
9 pursuant to a qualified Roth contribution program under section 402A of
10 the Internal Revenue Code shall be included in the computation of any
11 federal or state taxes withheld on behalf of any such individual at the
12 time of deferral.

13 (9) The state, county, municipality, or other political subdivision,
14 instrumentality, or agency shall not be responsible for any investment
15 results entered into by the individual in the deferred compensation
16 agreement.

17 (10) All compensation deferred under the plan including compensation
18 deferred on either a pretax basis or an after-tax Roth contribution basis
19 under a qualified Roth contribution program pursuant to section 402A of
20 the Internal Revenue Code, all property and rights purchased with the
21 deferred compensation, and all investment income attributable to the
22 deferred compensation, property, or rights shall not be subject to
23 garnishment, attachment, levy, the operation of bankruptcy or insolvency
24 laws, or any other process of law whatsoever and shall not be assignable.

25 (11) Nothing contained in this section shall in any way limit,
26 restrict, alter, amend, invalidate, or nullify any deferred compensation
27 plan previously instituted by any county, municipality, or other
28 political subdivision, instrumentality, or agency of the State of
29 Nebraska, and any such plan is hereby authorized and approved.

30 (12) If a county has not established a deferred compensation plan
31 pursuant to this section, each individual may require that the county
1 enter into an agreement with the individual to defer a portion of such
2 individual's compensation and place it under the management and
3 supervision of the state deferred compensation plan created pursuant to
4 sections 84-1504 to 84-1506. If such an agreement is made, the county
5 shall designate the State Treasurer as custodian of such deferred
6 compensation funds and such deferred compensation funds shall become a
7 part of the trust administered by the Public Employees Retirement Board
8 or the Nebraska Public Employees Retirement Systems pursuant to sections
9 84-1504 to 84-1506. Nothing in this subsection shall require a plan of
10 deferred compensation that is administered by the Public Employees
11 Retirement Board or the Nebraska Public Employees Retirement Systems
12 pursuant to sections 84-1504 to 84-1506 to provide for the ability of an
13 individual to defer compensation on an after-tax Roth contribution basis
14 pursuant to a qualified Roth contribution program under section 402A of
15 the Internal Revenue Code.

16 (13) For purposes of this section, individual means (a) any person
17 designated by the county, municipality, or other political subdivision,

18 instrumentality, or agency of the State of Nebraska, except any agency
 19 subject to sections 84-1504 to 84-1506 or section 85-106, 85-320, or
 20 85-606.01, as a permanent part-time or full-time employee of the county,
 21 municipality, or other political subdivision, instrumentality, or agency
 22 and (b) a person under contract providing services to the county,
 23 municipality, or other political subdivision, instrumentality, or agency
 24 of the State of Nebraska, except any agency subject to sections 84-1504
 25 to 84-1506 or section 85-106, 85-320, or 85-606.01, and who has entered
 26 into a contract with such county, municipality, political subdivision,
 27 instrumentality, or agency to have compensation deferred prior to August
 28 28, 1999.
 29 Sec. 2. Original section 48-1401, Revised Statutes Cumulative
 30 Supplement, 2020, is repealed.

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB383:
[AM911](#) is available in the Bill Room.

Senator Wayne filed the following amendment to LB383:
[FA18](#)

Amend AM911

Strike Agency No. 46 page 2, lines 2 through 17.

EXECUTIVE BOARD REPORT

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Youth Rehabilitation and Treatment Special Oversight Committee (LR 25)

Senator Ben Hansen

Senator Patty Pansing Brooks

Senator Tony Vargas

Senator Lynne Walz

*Pursuant to the resolution also included on the committee are: Senator Arch (chair HHS), Senator Lathrop (chair Judiciary), Senator Lowe, Senator Halloran, and Senator Wishart.

Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature (LR 29)

Senator John Arch

Senator Robert Clements

Senator Suzanne Geist

Senator Matt Hansen

Senator Mark Kolterman

Senator Terrell McKinney

Senator Dave Murman

Senator Rita Sanders

Senator Justin Wayne

(Signed) Dan Hughes, Chairperson
Legislative Council, Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

- Senator Hansen, M. name added to LB247.
- Senator Aguilar name added to LB306.
- Senator Hansen, M. name added to LB307.
- Senator Hansen, M. name added to LB322.
- Senator Hansen, B. name added to LB388.
- Senator Linehan name added to LR85.

VISITOR(S)

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

MOTION - Adjournment

Senator B. Hansen moved to adjourn until 9:00 a.m., Friday, April 9, 2021.

Senator Wayne requested a record vote on the motion to adjourn.

Voting in the affirmative, 38:

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

Voting in the negative, 4:

Cavanaugh, M.	Lowe	McKinney	Wayne
---------------	------	----------	-------

Present and not voting, 2:

Walz	Wishart
------	---------

Excused and not voting, 5:

Albrecht	Erdman	Groene	Halloran	Pahls
----------	--------	--------	----------	-------

The B. Hansen motion to adjourn prevailed with 38 ayes, 4 nays, 2 present and not voting, and 5 excused and not voting, and at 6:52 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 9, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

