

FIFTY-EIGHTH DAY - APRIL 9, 2021

LEGISLATIVE JOURNAL

ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 9, 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 Senators Bostar, B. Hansen, M. Hansen, Hilgers, Linehan, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 920, line 17, strike "return" and insert "adjourn".
The Journal for the fifty-seventh day was approved as corrected.

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 April 8, 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

Lato, Kari
Bristol Myers Squibb Co. (Withdrawn 04/07/2021)

SELECT FILE

LEGISLATIVE BILL 322A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 383. Title read. Considered.

Committee [AM395](#), found on page 851, was offered.

Senator Stinner offered his amendment, [AM911](#), found on page 919, to the committee amendment.

Pending.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Pamela E. Lancaster - Public Employees Retirement Board

Aye: 6. Clements, Kolterman, Lindstrom, McDonnell, Slama, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Thomas E. Zimmerman - Public Employees Retirement Board

Aye: 6. Clements, Kolterman, Lindstrom, McDonnell, Slama, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Tuesday, April 20, 2021 12:00 p.m.
AM848 to LB406

(Signed) Bruce Bostelman, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 40. Placed on Final Reading.

LEGISLATIVE BILL 40A. Placed on Final Reading.

LEGISLATIVE BILL 83. Placed on Final Reading.

[ST7](#)

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

1. In the E&R amendments, ER23, on page 20, line 5, "31-727.02," has been inserted after the first comma.
2. On page 1, line 1, "virtual conferencing" has been struck and "public meetings" inserted; in line 2 "31-727.02," has been inserted after the first comma; in line 5 "to change certain notice of meeting provisions for sanitary and improvement districts;" has been inserted after the last semicolon; and in line 6 "; to prohibit invalidation of public meetings held pursuant to a Governor's Executive Order as prescribed" has been inserted after "Act".

LEGISLATIVE BILL 92. Placed on Final Reading.

[ST8](#)

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

1. On page 1, line 6, "to prohibit discrimination as prescribed;" has been inserted after the semicolon.

LEGISLATIVE BILL 197. Placed on Final Reading.

LEGISLATIVE BILL 322. Placed on Final Reading.

LEGISLATIVE BILL 322A. Placed on Final Reading.

LEGISLATIVE BILL 324. Placed on Final Reading.

LEGISLATIVE BILL 324A. Placed on Final Reading.

LEGISLATIVE BILL 371. Placed on Final Reading.

LEGISLATIVE BILL 390. Placed on Final Reading.

LEGISLATIVE BILL 487. Placed on Final Reading.

LEGISLATIVE BILL 544. Placed on Final Reading.

LEGISLATIVE BILL 544A. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File with amendment.

[ER52](#)

1 1. In the Standing Committee amendments, AM392:

2 a. On page 4, line 16, after "2,000,000" insert an underscored
3 comma; and

4 b. On page 37, line 10, strike "96" and insert "106".

5 2. On page 1, line 2, strike "96" and insert "106".

LEGISLATIVE BILL 381. Placed on Select File.

LEGISLATIVE BILL 382. Placed on Select File.

LEGISLATIVE BILL 384. Placed on Select File with amendment.

[ER49](#)

1 1. On page 1, strike beginning with "61-222" in line 1 through line
2 4 and insert "71-812, 72-729.01, 85-420, 85-426, and 86-594, Reissue
3 Revised Statutes of Nebraska, and sections 9-1,101, 58-706, 61-222,
4 71-7611, 81-1220, 82-331, 85-419, 85-421, 85-422, 85-423, 85-424, 85-425,
5 86-324, and 86-1103, Revised Statutes Cumulative Supplement, 2020; to
6 appropriate funds and provide and change uses and transfers of funds; to
7 change and provide definitions; to change and eliminate provisions
8 relating to deferred maintenance; to change provisions relating to the
9 University of Nebraska Facilities Program and the State College
10 Facilities Program; to rename programs; to create a fund; to repeal the
11 original sections; to outright repeal sections 85-412, 85-413, 85-414,
12 85-415, 85-416, 85-417, and 85-418, Reissue Revised Statutes of Nebraska;
13 and to declare an emergency."

LEGISLATIVE BILL 385. Placed on Select File with amendment.

[ER50](#)

1 1. On page 1, strike beginning with "authorize" in line 2 through
2 "intent" in line 3 and insert "provide a transfer to the United States
3 Space Command Headquarters Assistance Fund as prescribed".

(Signed) Terrell McKinney, Chairperson

GENERAL FILE

LEGISLATIVE BILL 383. Senator M. Cavanaugh offered the following motion:

[MO21](#)

Bracket until May 4, 2021.

SPEAKER HILGERS PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO22](#)

Bracket until May 5, 2021.

SENATOR WILLIAMS PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Pending.

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to [LB338](#):

[AM913](#)

(Amendments to AM845)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. The Legislature declares that it is in the public interest
 3 for the state, cities of all classes, villages, and counties to expend
 4 federal funds received for the creation and expansion of high-speed
 5 broadband services throughout the state. Any political subdivision that
 6 directly receives federal funds used for broadband service enhancement
 7 purposes shall ensure that the construction of any new infrastructure to
 8 provide broadband service is scalable to one hundred megabits per second
 9 or greater for downloading and one hundred megabits per second or greater
 10 for uploading. Such federal funds shall not be used to serve locations
 11 currently capable of receiving broadband service at a minimum download
 12 speed of one hundred megabits per second and a minimum upload speed of
 13 twenty megabits per second that enables users to originate and receive
 14 high-quality voice, data, graphics, and video communications using any
 15 technology. Any broadband infrastructure built with federal funds is
 16 subject to section 86-594.
 17 2. On page 2, line 15, after the period insert: "This section shall
 18 not apply to any disbursements from the Nebraska Telecommunications
 19 Universal Service Fund wireless infrastructure grant program, the purpose
 20 of which is to improve wireless telecommunications service coverage
 21 through grants for the construction of wireless telecommunications
 22 service facilities.".

Senator Wayne filed the following amendment to [LB156](#):
[AM918](#)

(Amendments to AM737)

1 1. Insert the following new section:
 2 Sec. 18. Section 81-12,150, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 81-12,150 The Department of Economic Development ~~may~~ shall adopt and
 5 promulgate rules and regulations to carry out the Site and Building
 6 Development Act, including rules and regulations relating to providing
 7 financial assistance to any inland port authority created under the
 8 Municipal Inland Port Authority Act.
 9 2. On page 5, line 18, after the second comma insert "the department
 10 shall evaluate the proposed inland port authority to determine whether
 11 the proposal meets the criteria in subsection (1), (2), or (3) of this
 12 section, whichever is applicable. Upon a determination that the proposed
 13 inland port authority sufficiently meets such criteria,"; in line 22
 14 after "authority" insert "sufficiently meets such criteria and"; and in
 15 line 23 after the second occurrence of "authority" insert "does not
 16 sufficiently meet such criteria or".
 17 3. On page 7, line 19, after the comma insert "and construct
 18 buildings and other structures".
 19 4. On page 8, line 19, strike "and"; in line 22 strike the period
 20 and insert "and"; and after line 22 insert the following subdivision:
 21 "(p) Charge fees as required for the administration and operation of
 22 the inland port authority.".
 23 5. On page 9, line 6, after "facilities" insert ", buildings, and
 24 infrastructure"; in line 8 after the period insert "An inland port
 25 authority may pledge any revenue derived from the sale or lease of
 26 property of such authority to the payment of such revenue bonds,"; and in
 1 line 18 after "state" insert ", except for assessments under the Nebraska
 2 Workers' Compensation Act and any combined tax due or payments in lieu of
 3 contributions as required under the Employment Security Law".
 4 6. On page 11, line 31, after "county" insert ", as applicable".
 5 7. On page 12, line 14, strike "appropriations from", show as
 6 stricken, and insert "transfers by"; and in line 23 after "and" insert
 7 "five million dollars from the General Fund to the Site and Building
 8 Development Fund for".
 9 8. Renumber the remaining sections and correct the repealer
 10 accordingly.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 260. Placed on Select File.**LEGISLATIVE BILL 451.** Placed on Select File with amendment.[ER53](#)

1 1. On page 1, line 5, strike "to harmonize provisions;".

LEGISLATIVE BILL 423A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE**LEGISLATIVE BILL 383.** Senator M. Cavanaugh offered the following motion:[MO23](#)

Bracket until May 6, 2021.

Senator M. Cavanaugh withdrew her motion to bracket.

The Stinner amendment, [AM911](#), found on page 919 and considered in this day's Journal, was renewed.

The Stinner amendment was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Senator Wayne offered the following amendment to the committee amendment:

[FA21](#)

Amend AM395

Insert a new section. Agency 15. Program 358 General Fund FY 21-22 : 3,260,000 FY 22-23 : 3,160,000 Program Total FY 21-22 : 3,260,000 FY 22-23 : 3,160,000.

These funds shall be used for programs and grants for individuals residing in community work release and treatment centers.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bostar	Day	Hunt	Pahls	Wayne
Cavanaugh, J.	DeBoer	McKinney	Pansing Brooks	
Cavanaugh, M.	Hansen, M.	Morfeld	Walz	

Voting in the negative, 8:

Clements	Flood	Hilkemann	Lowe
Erdman	Halloran	Kolterman	Slama

Present and not voting, 23:

Aguilar	Brewer	Gragert	McCollister	Vargas
Arch	Briese	Hansen, B.	McDonnell	Williams
Blood	Dorn	Hilgers	Moser	Wishart
Bostelman	Friesen	Hughes	Sanders	
Brandt	Geist	Lathrop	Stinner	

Excused and not voting, 5:

Albrecht	Groene	Lindstrom	Linehan	Murman
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The Wayne amendment lost with 13 ayes, 8 nays, 23 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered his amendment, [FA18](#), found on page 919, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 7:

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

Voting in the negative, 27:

Aguilar	DeBoer	Gragert	Lathrop	Slama
Arch	Dorn	Halloran	Lowe	Stinner
Bostelman	Erdman	Hansen, B.	McCollister	Williams
Brandt	Flood	Hilkemann	McDonnell	
Brewer	Friesen	Hughes	Moser	
Clements	Geist	Kolterman	Sanders	

Present and not voting, 9:

Bostar	Day	McKinney	Pansing Brooks	Wishart
Briese	Hilgers	Morfeld	Walz	

Excused and not voting, 6:

Albrecht Lindstrom Murman
Groene Linehan Pahls

The Wayne amendment lost with 7 ayes, 27 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

[FA19](#)

Amend AM911

On page 2, line 7 and 8, strike 14,917,000 in FY 2021-2022 and insert 14,917,000 to FY 2022-2023.

Senator Wayne withdrew his amendment.

Committee [AM395](#), found on page 851 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 666. Title read. Considered.

Committee [AM906](#), found on page 905, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 386. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 386A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to [LB338](#):

[AM928](#)

(Amendments to AM845)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. The Legislature declares that it is in the public interest
3 for the state, cities of all classes, villages, and counties to expend
4 federal funds received for the creation and expansion of high-speed
5 broadband services throughout the state. Any political subdivision that
6 directly receives federal funds used for broadband service enhancement
7 purposes shall ensure that the construction of any new infrastructure to
8 provide broadband service is scalable to one hundred megabits per second
9 or greater for downloading and one hundred megabits per second or greater
10 for uploading. Such federal funds shall not be used to serve locations
11 currently capable of receiving broadband service at a minimum download
12 speed of one hundred megabits per second and a minimum upload speed of
13 twenty megabits per second that enables users to originate and receive
14 high-quality voice, data, graphics, and video communications using any
15 technology. Any broadband infrastructure built with federal funds is
16 subject to section 86-594.
17 2. On page 2, line 15, after the period insert: "This section shall
18 not apply to any disbursements from any Nebraska Telecommunications
19 Universal Service Fund wireless infrastructure grant program, the purpose
20 of which is to improve wireless telecommunications service coverage
21 through grants for the construction of wireless telecommunications
22 service facilities."

Senator Wayne filed the following amendment to LB383:

[FA20](#)

Amend AM395, as amended

On page 2, lines 7 and 8 strike 14,917,000 and strike lines 9-13 and insert 5,000,000 in fy 2022-2023 on lines 7 and 8.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator DeBoer name added to LB51.

ADJOURNMENT

At 5:07 p.m., on a motion by Senator Flood, the Legislature adjourned until 10:00 a.m., Monday, April 12, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

