

SIXTY-FOURTH DAY - APRIL 21, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 21, 2021

PRAYER

The prayer was offered by Senator Halloran.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Murman.

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 Bostar, B. Hansen, M. Hansen, Hunt, Morfeld, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to [LB572](#):
[AM875](#)

(Amendments to E&R amendments, ER29)

1 1. Insert the following new section:
2 Sec. 33. The Department of Agriculture shall conduct a study on the
3 inherent advantages and disadvantages of a voluntary brand inspection
4 program as compared to a mandatory brand inspection program. The study
5 shall include, but not be limited to, identifying a modernized system of
6 brand inspection that is a statewide solution, financially sustainable,
7 and which lowers costs for Nebraska cattle producers while maintaining
8 their access to a brand inspection program. The department shall
9 electronically report its findings and any recommendations to the
10 Agriculture Committee of the Legislature and the Appropriations Committee
11 of the Legislature no later than December 1, 2021.

12 2. On page 1, line 6, strike "and 31" and insert "31, and 33".
13 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 95 and 96 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 95 and 96.

GENERAL FILE

LEGISLATIVE BILL 2. Committee [AM638](#), found on page 671 and considered on page 1068, was renewed.

Senator Briese renewed his amendment, [AM868](#), found on page 874 and considered on page 1068, to the committee amendment.

Senator Briese withdrew his amendment.

Senator Briese offered the following amendment to the committee amendment:

[FA27](#)

Amend AM638

On page 3, line 5, strike "2023" and insert "2021".

On page 3, lines 7 through 9, strike from "For" to "percent." and insert "For tax year 2022, and each tax year thereafter, the minimum amount of relief granted under the act shall be three hundred thirteen million dollars.".

SENATOR SLAMA PRESIDING

SPEAKER HILGERS PRESIDING

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

The Briese amendment was adopted with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 669. Placed on Select File with amendment.

[ER63](#)

1 1. On page 1, line 1, after the semicolon insert "to amend section

2 85-502.01, Revised Statutes Cumulative Supplement, 2020;" and in line 2
3 after "Act" insert "; to change requirements for veterans and their
4 spouses and dependents to qualify as resident students; and to repeal the
5 original section".

LEGISLATIVE BILL 291. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 58. Placed on Final Reading.

LEGISLATIVE BILL 63. Placed on Final Reading.

LEGISLATIVE BILL 181. Placed on Final Reading.

LEGISLATIVE BILL 343. Placed on Final Reading.

LEGISLATIVE BILL 372. Placed on Final Reading.

LEGISLATIVE BILL 466. Placed on Final Reading.

[ST13](#)

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

1. On page 1, line 2, "residential" has been inserted after "when".

LEGISLATIVE BILL 616. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 496. Placed on General File with amendment.

[AM1054](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-4102, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 29-4102 The Legislature finds that DNA data banks are an important
6 tool in criminal investigations, in the exclusion of individuals who are
7 the subject of criminal investigations or prosecutions, in deterring and
8 detecting recidivist acts, and in locating and identifying missing
9 persons and human remains. Several states have enacted laws requiring
10 persons convicted of certain crimes to provide genetic samples for DNA
11 typing tests. Moreover, it is the policy of this state to assist federal,
12 state, and local criminal justice and law enforcement agencies in the
13 identification and detection of individuals in criminal investigations
14 and in locating and identifying missing persons and human remains. It is
15 in the best interest of this state to establish a State DNA Data Base for
16 DNA records and a State DNA Sample Bank as a repository for DNA samples
17 from individuals convicted of felony offenses and other specified
18 offenses, from individuals charged with crimes of violence or burglary,
19 and from individuals for purposes of assisting in locating and
20 identifying missing persons and human remains.
21 Sec. 2. Section 29-4103, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 29-4103 For purposes of the DNA Identification Information Act:
24 (1) Burglary means burglary with intent to commit a felony pursuant
25 to section 28-507;
26 (2) (†) Combined DNA Index System means the Federal Bureau of
27 Investigation's national DNA identification index system that allows the
1 storage and exchange of DNA records submitted by state and local forensic
2 DNA laboratories;
3 (3) Crime of violence means any of the following offenses when
4 charged as a felony:
5 (a) Arson in the first degree pursuant to section 28-502;
6 (b) Assault in the first degree pursuant to section 28-308;
7 (c) Assault in the second degree pursuant to section 28-309;
8 (d) Kidnapping pursuant to section 28-313;
9 (e) Manslaughter pursuant to section 28-305;
10 (f) Murder in the first degree pursuant to section 28-303;
11 (g) Murder in the second degree pursuant to section 28-304;
12 (h) Sexual assault in the first degree pursuant to section 28-319;
13 (i) Sexual assault of a child in the first degree pursuant to
14 section 28-319.01;
15 (j) Sexual assault in the second degree pursuant to section 28-320;
16 (k) Sexual assault of a child in the second or third degree pursuant
17 to section 28-320.01;
18 (l) Child enticement by means of an electronic communication device
19 pursuant to section 28-320.02;
20 (m) Sexual abuse of an inmate or parolee in the first degree
21 pursuant to section 28-322.02;
22 (n) Sexual abuse of an inmate or parolee in the second degree
23 pursuant to section 28-322.03;
24 (o) Sexual abuse of a protected individual pursuant to section
25 28-322.04;
26 (p) Robbery pursuant to section 28-324;
27 (q) Violation of the Homicide of the Unborn Child Act pursuant to
28 sections 28-388 through 28-393;
29 (r) Incest with a person who is under eighteen years of age pursuant
30 to section 28-703; or
31 (s) Any attempt or conspiracy to commit an offense listed in
1 subdivision (2)(a) through (r) of this section;
2 (4) (‡) DNA means deoxyribonucleic acid which is located in the
3 cells and provides an individual's personal genetic blueprint. DNA
4 encodes genetic information that is the basis of human heredity and
5 forensic identification;
6 (5) (‡) DNA record means the DNA identification information stored
7 in the State DNA Data Base or the Combined DNA Index System which is
8 derived from DNA typing test results;
9 (6) (4) DNA sample means a blood, tissue, or bodily fluid sample
10 provided by any person covered by the DNA Identification Information Act
11 for analysis or storage, or both;
12 (7) (‡) DNA typing tests means the laboratory procedures which
13 evaluate the characteristics of a DNA sample which are of value in
14 establishing the identity of an individual;
15 (8) (6) Law enforcement agency includes a police department, a town
16 marshal, a county sheriff, and the Nebraska State Patrol;
17 (9) (7) Other specified offense means misdemeanor stalking pursuant
18 to sections 28-311.02 to 28-311.05 or false imprisonment in the second
19 degree pursuant to section 28-315 or an attempt, conspiracy, or
20 solicitation to commit stalking pursuant to sections 28-311.02 to
21 28-311.05, false imprisonment in the first degree pursuant to section
22 28-314, false imprisonment in the second degree pursuant to section
23 28-315, knowing and intentional sexual abuse of a vulnerable adult or
24 senior adult pursuant to subdivision (1)(c) of section 28-386, or a

25 violation of the Sex Offender Registration Act pursuant to section
26 29-4011; and

27 ~~(10) (8)~~ Released means any release, parole, furlough, work release,
28 prerelease, or release in any other manner from a prison, a jail, or any
29 other detention facility or institution.

30 Sec. 3. Section 29-4104, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-4104 The State DNA Data Base is established. The Nebraska State
2 Patrol shall administer the State DNA Data Base and shall provide DNA
3 records to the Federal Bureau of Investigation for storage and
4 maintenance in the Combined DNA Index System. The patrol shall provide
5 for liaison with the Federal Bureau of Investigation and other law
6 enforcement agencies in regard to the state's participation in the
7 Combined DNA Index System. The State DNA Data Base shall store and
8 maintain DNA records related to:

9 (1) Forensic casework, including, but not limited to, forensic
10 casework relating to missing persons, relatives of missing persons, and
11 unidentified human remains;

12 (2) Convicted or charged offenders required to provide a DNA sample
13 under the DNA Identification Information Act;

14 (3) Anonymous DNA records used for research or quality control; and

15 (4) Missing persons, relatives of missing persons, and unidentified
16 human remains.

17 Sec. 4. Section 29-4106, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-4106 (1) A person who is convicted of a felony offense or other
20 specified offense on or after July 15, 2010, who does not have a DNA
21 sample available for use in the State DNA Sample Bank, shall, at his or
22 her own expense, have a DNA sample collected:

23 (a) Upon intake to a prison, jail, or other detention facility or
24 institution to which such person is sentenced. If the person is already
25 confined at the time of sentencing, the person shall have a DNA sample
26 collected immediately after the sentencing. Such DNA sample shall be
27 collected at the place of incarceration or confinement. Such person shall
28 not be released unless and until a DNA sample has been collected; or

29 (b) As a condition for any sentence which will not involve an intake
30 into a prison, jail, or other detention facility or institution. Such DNA
31 samples shall be collected as follows:

1 (i) In any county containing a city of the metropolitan class, a
2 person placed on probation or who received a penalty of a fine or time
3 served shall have such DNA sample collected by a probation officer at a
4 probation office. Such person shall not be released unless and until a
5 DNA sample has been collected; and

6 (ii) In all other counties, a person placed on probation shall have
7 such DNA sample collected by a probation officer at a probation office,
8 and a person not placed on probation who receives a penalty of a fine or
9 time served shall have such DNA sample collected by the county sheriff.
10 Such person shall not be released unless and until a DNA sample has been
11 collected.

12 (2) A person who has been convicted of a felony offense or other
13 specified offense before July 15, 2010, who does not have a DNA sample
14 available for use in the State DNA Sample Bank, and who is still serving
15 a term of confinement or probation for such felony offense or other
16 specified offense on July 15, 2010, shall not be released prior to the
17 expiration of his or her maximum term of confinement or revocation or
18 discharge from his or her probation unless and until a DNA sample has
19 been collected.

20 (3)(a) An adult who is charged with a crime of violence or burglary
21 on or after the operative date of this act, who does not have a DNA
22 sample available for use in the State DNA Sample Bank, shall have a DNA

23 sample collected by a law enforcement official at the receiving criminal
24 detention facility during the booking process. If the first appearance of
25 such person in court for the alleged crime of violence or burglary is not
26 due to arrest but by citation or summons, the court shall order
27 collection of a DNA sample.

28 (b) A DNA sample collected under this subsection shall not be tested
29 or placed in the State DNA Data Base until after a judicial determination
30 of probable cause on the crime of violence or burglary has been made or a
31 hearing to determine probable cause has been waived, unless requested or
1 consented to by the person whose DNA sample is to be collected. If the
2 charges for the crime of violence or burglary are determined to be
3 unsupported by probable cause, the DNA sample shall be immediately
4 destroyed and notice that the sample was destroyed shall be sent to the
5 person whose DNA sample was collected and counsel of record for such
6 person.

7 (4) (3) A person who is serving a term of probation and has a DNA
8 sample collected pursuant to this section shall pay all costs associated
9 with the collection of the DNA sample.

10 (5) (4) If the court waives the cost of taking a DNA sample for any
11 reason, a county jail or other county detention facility or institution
12 collecting the DNA sample shall not be held financially responsible for
13 the cost of the DNA sample kit.

14 Sec. 5. Section 29-4106.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 29-4106.01 (1) A person required to submit a DNA sample pursuant to
17 subsection (1) or (2) of section 29-4106 shall be given the choice of
18 having the sample collected by a blood draw or a buccal cell collection
19 kit. Any person who collects a DNA sample pursuant to section 29-4106
20 shall honor the choice of collection method made by the person providing
21 the DNA sample. If the person required to submit the DNA sample does not
22 indicate a preference as to the method of collection, either method may
23 be used to collect the sample.

24 (2) A person required to submit a DNA sample pursuant to subsection
25 (3) of section 29-4106 shall have the sample collected by buccal cell
26 collection kit.

27 Sec. 6. Section 29-4109, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-4109 (1) A person whose DNA record has been included in the
30 State DNA Data Base pursuant to the DNA Identification Information Act
31 may request expungement on the grounds that: the

1 (a) The conviction on which the authority for including such
2 person's DNA record was based has been reversed and the case dismissed;
3 or -

4 (b) The charge on which the authority for including such person's
5 DNA record was based has been dismissed.

6 (2) The Nebraska State Patrol shall purge all DNA records and
7 identifiable information in the data base pertaining to the person and
8 destroy all DNA samples from the person upon receipt of a written request
9 for expungement pursuant to this section and a certified copy of the
10 final court order reversing and dismissing the conviction or dismissing
11 the charge.

12 (3) Within ten calendar days of granting expungement, the Nebraska
13 State Patrol shall provide written notice of such expungement pursuant to
14 subsection (4) of section 29-4108, to any person to whom DNA records and
15 samples have been made available. The Nebraska State Patrol shall
16 establish procedures for providing notice of certification of expungement
17 to the person who was granted expungement.

18 Sec. 7. This act becomes operative on January 1, 2022.

19 Sec. 8. Original sections 29-4102, 29-4103, 29-4104, 29-4106,
20 29-4106.01, and 29-4109, Reissue Revised Statutes of Nebraska, are

21 repealed.

(Signed) Steve Lathrop, Chairperson

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB408:

[AM1031](#)

(Amendments to AM973)

1 1. On page 1, line 22, strike "and" and after "subdivision" insert
2 "and (d) any other increase in assessed value".

Senator Blood filed the following amendment to LB408:

[AM1030](#)

(Amendments to AM973)

1 1. On page 7, after line 17 insert the following new subsection:
2 "(7) The limit in subsection (1) of this section shall not apply to
3 that portion of a political subdivision's property tax request that will
4 be needed to pay for unfunded or underfunded mandates imposed upon the
5 political subdivision by the Legislature."; in line 18 strike "(7)" and
6 insert "(8)"; and in line 26 strike "(8)" and insert "(9)".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 99. Introduced by Walz, 15.

WHEREAS, many individuals with chronic mental illness, such as schizophrenia, bipolar disorder, and severe depression, or gastrointestinal disorders, including gastroparesis, nausea, and vomiting, require treatment with medications, including antipsychotic medications, that work as dopamine receptor blocking agents; and

WHEREAS, while ongoing treatment with these medications may be very helpful, and even lifesaving, for many people use of these medications may also lead to Tardive Dyskinesia; and

WHEREAS, Tardive Dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, torso, and extremities; and

WHEREAS, Tardive Dyskinesia may develop months, years, or decades after a person starts taking dopamine receptor blocking agents, even after they have discontinued use of those medications. Not everyone who takes a dopamine receptor blocking agent develops Tardive Dyskinesia, but if it develops the condition is often permanent; and

WHEREAS, according to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience Tardive Dyskinesia; and

WHEREAS, it is estimated that over 500,000 Americans suffer from Tardive Dyskinesia; and

WHEREAS, years of difficult and challenging research have resulted in the recent scientific advancements of two new treatments for Tardive Dyskinesia being approved by the federal Food and Drug Administration; and

WHEREAS, Tardive Dyskinesia is often unrecognized, and patients suffering from the illness are commonly misdiagnosed. Regular screening for Tardive Dyskinesia in patients taking a dopamine receptor blocking agent medication is recommended by the American Psychiatric Association; and

WHEREAS, a great way to help those who suffer from Tardive Dyskinesia is to raise awareness of Tardive Dyskinesia in the public and medical community.

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

1. That the Legislature recognizes the week of May 2-8, 2021, as Tardive Dyskinesia Awareness Week.

2. That the Legislature encourages each individual in Nebraska to become better informed about and aware of Tardive Dyskinesia.

Laid over.

LEGISLATIVE RESOLUTION 100. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101. Introduced by Williams, 36; Kolterman, 24; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study whether legislation should be enacted to provide for comprehensive regulation of pharmacy benefit managers. The study shall include an examination of issues raised during consideration of LB270 introduced by Senator Morfeld and LB375 introduced by Senator Kolterman, which are pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 2. Senator Groene offered the following amendment to the committee amendment:

[AM1063](#)

(Amendments to Standing Committee amendments, AM638)

- 1 1. Strike section 2.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 3 accordingly.

Pending.

RECESS

At 11:58 a.m., on a motion by Senator Linehan, 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 Senator Wayne who was excused; and Senators Arch, Bostar, M. Hansen, Hilkemann, Pansing Brooks, Stinner, and Vargas who were excused until they arrive.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

Randy L. Gard - Nebraska Ethanol Board

Aye: 8. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to [LB364](#):
[AM1051](#)

(Amendments to Standing Committee amendments, AM762)

1 1. On page 2, strike beginning with "complies" in line 27 through
 2 "2021" in line 28 and insert "does not discriminate on the basis of race,
 3 color, religion, national origin, ancestry, citizenship status, gender,
 4 sexual orientation, gender identity, disability, or special education
 5 status".

MESSAGE(S) FROM THE GOVERNOR

April 21, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83e, 92, 101e, 197, 371, 390, 400, 487, and 503 were received in my office on April 15, 2021.

These bills were signed and delivered to the Secretary of State on April 21, 2021.

Sincerely,
 (Signed) Pete Ricketts
 Governor

GENERAL FILE

LEGISLATIVE BILL 2. Senator Groene renewed his amendment, [AM1063](#), found in this day's Journal, to the committee amendment.

Senator M. Hansen offered the following motion:

[MO39](#)

Bracket bill until June 10, 2021.

SENATOR SLAMA PRESIDING

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

The M. Hansen motion to bracket failed with 6 ayes, 34 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Groene amendment was adopted with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

Committee [AM638](#), found on page 671 and considered on page 1068 and in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 3 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 39. Title read. Considered.

Committee [AM582](#), found on page 635, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

SPEAKER HILGERS PRESIDING

Senator Flood withdrew his amendment, [AM373](#), found on page 480.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 81. Placed on Final Reading.

LEGISLATIVE BILL 156. Placed on Final Reading.

[ST14](#)

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

1. In the E&R amendments, ER33, on page 1, line 6, "section 81-12,148" has been struck and "sections 81-12,148 and 81-12,150" inserted; and in line 11 "powers and" has been inserted after "provide".

2. In the Wayne amendment, AM737:

- a. On page 8, line 4, "appropriated" has been struck and "transferred" inserted; and
- b. On page 15, line 15, "section 81-12,148" has been struck and "sections 81-12,148 and 81-12,150" inserted.

LEGISLATIVE BILL 156A. Placed on Final Reading.

LEGISLATIVE BILL 451. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB408:
AM1064

(Amendments to Standing Committee amendments, AM371)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Sections 1 to 4 of this act shall be known and may be
 4 cited as the Property Tax Request Act.
 5 Sec. 2. For purposes of the Property Tax Request Act:
 6 (1) Approved bonds means bonds as defined in subdivision (1) of
 7 section 10-134 and approved according to law;
 8 (2) Political subdivision means any county, city, village, school
 9 district, learning community, natural resources district, educational
 10 service unit, or community college;
 11 (3) Property tax request means the total amount of property taxes
 12 requested to be raised for a political subdivision through the levy
 13 imposed pursuant to section 77-1601;
 14 (4) Real growth percentage means the percentage obtained by dividing
 15 (a) the political subdivision's real growth value by (b) the political
 16 subdivision's total real property valuation from the prior year; and
 17 (5) Real growth value means the increase in a political
 18 subdivision's real property valuation from the prior year to the current
 19 year due to (a) improvements to real property as a result of new
 20 construction and additions to existing buildings, (b) any other
 21 improvements to real property which increase the value of such property,
 22 and (c) annexation of property by the political subdivision.
 23 Sec. 3. Section 77-1601.02, Revised Statutes Cumulative Supplement,
 24 2020, is amended to read:
 25 77-1601.02 (1) If the annual assessment of property would result in
 26 an increase in the total property taxes levied by a political subdivision
 27 county, municipality, school district, learning community, sanitary and
 28 improvement district, natural resources district, educational service
 29 unit, or community college, as determined using the previous year's rate
 30 of levy, such political subdivision's property tax request for the
 31 current year shall be no more than its property tax request in the prior
 32 year, and the political subdivision's rate of levy for the current year
 33 shall be decreased accordingly when such rate is set by the county board
 34 of equalization pursuant to section 77-1601. The governing body of the
 35 political subdivision shall pass a resolution or ordinance to set the
 36 amount of its property tax request after holding the public hearing
 37 required in subsection (3) of this section. If the governing body of a
 38 political subdivision seeks to set its property tax request at an amount
 39 that exceeds its property tax request in the prior year, it may do so, to
 40 the extent allowed under section 4 of this act, after holding the public
 41 hearing required in subsection (3) of this section and by passing a
 42 resolution or ordinance that complies with subsection (4) of this
 43 section.
 44 (2) If the annual assessment of property would result in no change
 45 or a decrease in the total property taxes levied by a political
 46 subdivision county, municipality, school district, learning community,
 47 sanitary and improvement district, natural resources district,
 48 educational service unit, or community college, as determined using the
 49 previous year's rate of levy, such political subdivision's property tax
 50 request for the current year shall be no more than its property tax
 51 request in the prior year, and the political subdivision's rate of levy
 52 for the current year shall be adjusted accordingly when such rate is set
 53 by the county board of equalization pursuant to section 77-1601. The
 54 governing body of the political subdivision shall pass a resolution or

29 ordinance to set the amount of its property tax request after holding the
30 public hearing required in subsection (3) of this section. If the
31 governing body of a political subdivision seeks to set its property tax
1 request at an amount that exceeds its property tax request in the prior
2 year, it may do so, to the extent allowed under section 4 of this act,
3 after holding the public hearing required in subsection (3) of this
4 section and by passing a resolution or ordinance that complies with
5 subsection (4) of this section.

6 (3) The resolution or ordinance required under this section shall
7 only be passed after a special public hearing called for such purpose is
8 held and after notice is published in a newspaper of general circulation
9 in the area of the political subdivision at least four calendar days
10 prior to the hearing. For purposes of such notice, the four calendar days
11 shall include the day of publication but not the day of hearing. If the
12 political subdivision's total operating budget, not including reserves,
13 does not exceed ten thousand dollars per year or twenty thousand dollars
14 per biennial period, the notice may be posted at the governing body's
15 principal headquarters. The hearing notice shall contain the following
16 information: The certified taxable valuation under section 13-509 for the
17 prior year, the certified taxable valuation under section 13-509 for the
18 current year, and the percentage increase or decrease in such valuations
19 from the prior year to the current year; the dollar amount of the prior
20 year's tax request and the property tax rate that was necessary to fund
21 that tax request; the property tax rate that would be necessary to fund
22 last year's tax request if applied to the current year's valuation; the
23 proposed dollar amount of the tax request for the current year and the
24 property tax rate that will be necessary to fund that tax request; the
25 percentage increase or decrease in the property tax rate from the prior
26 year to the current year; and the percentage increase or decrease in the
27 total operating budget from the prior year to the current year.

28 (4) Any resolution or ordinance setting a political subdivision's
29 property tax request at an amount that exceeds the political
30 subdivision's property tax request in the prior year shall include, but
31 not be limited to, the following information:

1 (a) The name of the political subdivision;

2 (b) The amount of the property tax request;

3 (c) The following statements:

4 (i) The total assessed value of property differs from last year's

5 total assessed value by percent;

6 (ii) The tax rate which would levy the same amount of property taxes

7 as last year, when multiplied by the new total assessed value of

8 property, would be \$..... per \$100 of assessed value;

9 (iii) The (name of political subdivision) proposes to adopt a

10 property tax request that will cause its tax rate to be \$..... per \$100

11 of assessed value; and

12 (iv) Based on the proposed property tax request and changes in other

13 revenue, the total operating budget of (name of political subdivision)

14 will exceed last year's by percent; and

15 (d) The record vote of the governing body in passing such resolution

16 or ordinance.

17 (5) Any resolution or ordinance setting a property tax request under

18 this section shall be certified and forwarded to the county clerk on or

19 before October 13 of the year for which the tax request is to apply.

20 (6) Any levy which is not in compliance with the Property Tax

21 Request Act this section and section 77-1601 shall be construed as an

22 unauthorized levy under section 77-1606.

23 Sec. 4. (1) Except as otherwise provided in this section, a

24 political subdivision's property tax request for any year shall not

25 exceed its request authority. A political subdivision's request authority

26 for any year shall be equal to such political subdivision's property tax

27 request from the prior year increased by three percent. For purposes of
28 calculating request authority under this subsection, the following
29 amounts shall be excluded from the political subdivision's property tax
30 request from the prior year:
31 (a) Any amount approved by voters under subsection (3) of this
1 section that was included in the political subdivision's property tax
2 request in the prior year; and
3 (b) Any amount described in subsection (4) of this section that was
4 included in the political subdivision's property tax request in the prior
5 year.
6 (2) A political subdivision may, by majority vote of its governing
7 body, exceed the limit provided in subsection (1) of this section for no
8 more than two consecutive years, in which case the political
9 subdivision's property tax request shall be reduced in subsequent years
10 to ensure that the average annual increase in the political subdivision's
11 property tax requests over any three-year period does not exceed three
12 percent. For purposes of calculating the annual increases over such
13 three-year period, the amounts described in subdivisions (1)(a) and (b)
14 of this section shall be excluded from the political subdivision's
15 property tax request from the prior year. Such three-year period shall be
16 measured using the year in which the political subdivision exceeds such
17 limit as the first year of the period. If the political subdivision votes
18 to exceed the limit for two consecutive years, the three-year period
19 shall be measured twice using each of the two consecutive years as the
20 first year of the applicable three-year period.
21 (3) A political subdivision may exceed the limit provided in
22 subsection (1) of this section by an amount approved by a majority of
23 registered voters voting on the issue in a primary or general election
24 held in an even-numbered year or in a special election held during the
25 month of May or November in an odd-numbered year. The governing body of
26 the political subdivision shall call for the submission of the issue to
27 the voters by passing a resolution, by majority vote of the governing
28 body, calling for exceeding the limit and delivering a copy of the
29 resolution to the county clerk or election commissioner of every county
30 which contains all or part of the political subdivision. The resolution
31 shall include the amount which would be requested in excess of the limit
1 provided in subsection (1) of this section. Any resolution calling for
2 submission of the issue to the voters at a primary or general election
3 shall be filed with the county clerk or election commissioner no later
4 than March 1 for placement on the primary election ballot or September 1
5 for placement on the general election ballot. Any resolution calling for
6 submission of the issue to the voters at a special election shall be
7 filed with the county clerk or election commissioner no later than March
8 1 for a May special election or September 1 for a November special
9 election. Nothing in this section shall prevent a political subdivision
10 from holding a special election in any month authorized in the Election
11 Act due to the need to request funds as a result of a natural disaster.
12 The election shall be held pursuant to the Election Act. If a majority of
13 the votes cast upon the ballot question are in favor of allowing the
14 political subdivision to exceed the limit in subsection (1) of this
15 section, the political subdivision shall be authorized to do so. If a
16 majority of those voting on the ballot question do not vote to allow the
17 political subdivision to exceed such limit, the political subdivision
18 shall not be authorized to do so.
19 (4)(a) The limit in subsection (1) of this section shall not apply
20 to that portion of a political subdivision's property tax request that is
21 (i) budgeted for capital improvements to address fire or flood mitigation
22 or prevention, an environmental hazard, an accessibility barrier, or a
23 life safety code violation, (ii) pledged to retire approved bonds, (iii)
24 budgeted to pay for repairs to infrastructure damaged by a natural

25 disaster, or (iv) budgeted to pay for the portion of wages and benefits
26 mandated by an order of the Commission of Industrial Relations.
27 (b) For purposes of this subsection:
28 (i) Accessibility barrier means anything which impedes entry into,
29 exit from, or use of any building or facility by all people; and
30 (ii) Environmental hazard means any contamination of the air, water,
31 or land surface or subsurface caused by any substance adversely affecting
1 human health or safety if such substance has been declared hazardous by a
2 federal or state statute, rule, or regulation.
3 (5) A political subdivision may exceed the limit provided in
4 subsection (1) of this section by an amount equal to the political
5 subdivision's property tax request from the prior year multiplied by the
6 political subdivision's real growth percentage.
7 (6)(a) A school district may exceed the limit provided in subsection
8 (1) of this section by an amount equal to the reduction, if any, in the
9 school district's certified state aid amount from the prior school fiscal
10 year to the current school fiscal year resulting from an increase in real
11 property valuation, excluding any reduction in net option funding under
12 section 79-1009.
13 (b) For purposes of this subsection, certified state aid amount
14 means the amount of state aid certified pursuant to section 79-1022.
15 (7) A political subdivision may choose not to increase its property
16 tax request by the full amount allowed by the political subdivision's
17 request authority calculated under subsection (1) of this section. In
18 such cases, the political subdivision may carry forward one-half of the
19 unused request authority to future years as carryover request authority.
20 Such carryover request authority may then be used in later years to
21 increase the political subdivision's property tax request above the
22 amount calculated under subsection (1) of this section.
23 (8) The limit in subsection (1) of this section shall apply to
24 property tax requests set in 2022 through 2027. For property tax requests
25 set in 2028 and thereafter, such limit shall no longer apply.
26 Sec. 5. Section 13-506, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:
28 13-506 (1) Each governing body shall each year or biennial period
29 conduct a public hearing on its proposed budget statement. Such hearing
30 shall be held separately from any regularly scheduled meeting of the
31 governing body and shall not be limited by time. Notice of place and time
1 of such hearing, together with a summary of the proposed budget
2 statement, shall be published at least four calendar days prior to the
3 date set for hearing in a newspaper of general circulation within the
4 governing body's jurisdiction. For purposes of such notice, the four
5 calendar days shall include the day of publication but not the day of
6 hearing. When the total operating budget, not including reserves, does
7 not exceed ten thousand dollars per year or twenty thousand dollars per
8 biennial period, the proposed budget summary may be posted at the
9 governing body's principal headquarters. At such hearing, the governing
10 body shall make at least three copies of the proposed budget statement
11 available to the public and shall make a presentation outlining key
12 provisions of the proposed budget statement, including, but not limited
13 to, a comparison with the prior year's budget. For any political
14 subdivision that is subject to the Property Tax Request Act, the
15 presentation shall also include information showing that the political
16 subdivision is in compliance with the Property Tax Request Act. Any
17 member of the public desiring to speak on the proposed budget statement
18 shall be allowed to address the governing body at the hearing and shall
19 be given a reasonable amount of time to do so. After such hearing, the
20 proposed budget statement shall be adopted, or amended and adopted as
21 amended, and a written record shall be kept of such hearing. The amount
22 to be received from personal and real property taxation shall be

23 certified to the levying board after the proposed budget statement is
 24 adopted or is amended and adopted as amended. If the levying board
 25 represents more than one county, a member or a representative of the
 26 governing board shall, upon the written request of any represented
 27 county, appear and present its budget at the hearing of the requesting
 28 county. The certification of the amount to be received from personal and
 29 real property taxation shall specify separately (a) the amount to be
 30 applied to the payment of principal or interest on bonds issued by the
 31 governing body and (b) the amount to be received for all other purposes.

1 If the adopted budget statement reflects a change from that shown in the
 2 published proposed budget statement, a summary of such changes shall be
 3 published within twenty calendar days after its adoption in the manner
 4 provided in this section, but without provision for hearing, setting
 5 forth the items changed and the reasons for such changes.

6 (2) Upon approval by the governing body, the budget shall be filed
 7 with the auditor. The auditor may review the budget for errors in
 8 mathematics, improper accounting, and noncompliance with the Nebraska
 9 Budget Act or sections 13-518 to 13-522. If the auditor detects such
 10 errors, he or she shall immediately notify the governing body of such
 11 errors. The governing body shall correct any such error as provided in
 12 section 13-511. Warrants for the payment of expenditures provided in the
 13 budget adopted under this section shall be valid notwithstanding any
 14 errors or noncompliance for which the auditor has notified the governing
 15 body.

16 Sec. 6. Section 77-1601, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 77-1601 (1) The county board of equalization shall each year, on or
 19 before October 15, levy the necessary taxes for the current year if
 20 within the limit of the law. The levy shall include an amount for
 21 operation of all functions of county government and shall also include
 22 all levies necessary to fund tax requests certified under the Property
 23 Tax Request Act section 77-1601.02 that are authorized as provided in
 24 sections 77-3442 to 77-3444.

25 (2) On or before November 5, the county board of equalization upon
 26 its own motion may act to correct a clerical error which has resulted in
 27 the calculation of an incorrect levy by any political subdivision entity
 28 otherwise authorized to certify a tax request under the Property Tax
 29 Request Act section 77-1601.02. The county board of equalization shall
 30 hold a public hearing to determine what adjustment to the levy is proper,
 31 legal, or necessary. Notice shall be provided to the governing body of
 1 each political subdivision affected by the error. Notice of the hearing
 2 as required by section 84-1411 shall include the following: (a) The time
 3 and place of the hearing, (b) the dollar amount at issue, and (c) a
 4 statement setting forth the nature of the error.

5 (3) Upon the conclusion of the hearing, the county board of
 6 equalization shall issue a corrected levy if it determines that an error
 7 was made in the original levy which warrants correction. The county board
 8 of equalization shall then order (a) the county assessor, county clerk,
 9 and county treasurer to revise assessment books, unit valuation ledgers,
 10 tax statements, and any other tax records to reflect the correction made
 11 and (b) the recertification of the information provided to the Property
 12 Tax Administrator pursuant to section 77-1613.01.

13 Sec. 7. Section 77-1776, Reissue Revised Statutes of Nebraska, is
 14 amended to read:

15 77-1776 Any political subdivision which has received proceeds from a
 16 levy imposed on all taxable property within an entire county which is in
 17 excess of that requested by the political subdivision under the Property
 18 Tax Request Act section 77-1601.02 as a result of a clerical error or
 19 mistake shall, in the fiscal year following receipt, return the excess
 20 tax collections, net of the collection fee, to the county. By July 31 of

21 the fiscal year following the receipt of any excess tax collections, the
22 county treasurer shall certify to the political subdivision the amount to
23 be returned. Such excess tax collections shall be restricted funds in the
24 budget of the county that receives the funds under section 13-518.
25 Sec. 8. This act becomes operative on January 1, 2022.
26 Sec. 9. Original sections 77-1601 and 77-1776, Reissue Revised
27 Statutes of Nebraska, and sections 13-506 and 77-1601.02, Revised
28 Statutes Cumulative Supplement, 2020, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 102. Introduced by Wishart, 27; Blood, 3; Brandt, 32; Cavanaugh, J., 9; Cavanaugh, M., 6; DeBoer, 10; Hansen, M., 26; Hunt, 8; Lathrop, 12; McCollister, 20; McKinney, 11; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13.

WHEREAS, according to a warning published on November 5, 2019, about the effects of climate change, signed and supported by over eleven thousand scientists, the climate crisis "is more severe than anticipated, threatening natural ecosystems and the fate of humanity." Later in the statement, the scientists state that "climate chain reactions could cause significant disruptions to ecosystems, society, and economies, potentially making large areas of Earth uninhabitable", and that because of the climate crisis, humanity will face "untold suffering"; and

WHEREAS, the United States Environmental Protection Agency states that intense weather phenomena, including large storms and heat waves, are likely to occur more frequently because of the climate and ecological crisis. Major storms lead to a loss of property, and both storms and heat waves may lead to death; and

WHEREAS, the Fourth National Climate Assessment states that over time these heat waves increase drought and wildfire risks. Such heat waves and droughts have accelerated the depletion of water supplies, contributing to approximately ten billion dollars in losses to agriculture; and

WHEREAS, according to the Union of Concerned Scientists, many forests are catching fire during wildfire seasons due to changes in temperature, precipitation levels, and soil moisture resulting from global warming. Hotter temperatures in the spring and summer and the fact that snow is melting earlier in the spring are likely to cause longer wildfire seasons and cause wildfires to be more intense and burn for longer; and

WHEREAS, according to the National Centers for Environmental Information, which is part of the National Oceanic and Atmospheric Administration, there were eleven major wildfires between 2000 and 2017 in the United States of America. In that eighteen-year period, both the number of deaths and the financial damage caused by each wildfire dramatically increased. In the first wildfire of 2000, no one died, and the cost was 1.6 billion dollars. In the last wildfire of 2017, fifty-four people died, and the cost was 18.7 billion dollars; and

WHEREAS, due to warmer land temperatures in northern latitudes, more warm air is being pushed north, which is disrupting the polar vortex. Because of this, arctic air is sometimes pushed further south than normal,

causing cold snaps. In February of 2021, many Midwestern and Southern states experienced a cold snap with record low temperatures that led to millions of individuals losing electricity, millions of dollars in damages, and at least 58 deaths; and

WHEREAS, in analyzing the Great Plains, a 2014 report by the University of Nebraska Lincoln states, "The region frequently experiences a wide range of weather and climate hazards such as tornadoes, droughts, floods, and other severe weather events that result in significant economic losses and stresses to a fragile ecosystem. Climate change will further exacerbate those stresses and increase economic losses in the future.". The report also predicts that Nebraska will experience between thirteen and twenty-five more 100-degree days per year in coming years; and

WHEREAS, the Fourth National Climate Assessment also states that flooding might increase across the United States of America, including in areas where precipitation is expected to decrease. All flood types, including flash floods, urban flooding, river flooding, and coastal flooding, are, to different degrees, affected by the climate. Therefore, the risks from future floods are major; and

WHEREAS, according to the National Oceanic and Atmospheric Administration, sea levels are rising at a rate of about one-eighth of an inch per year. The two major causes of rising global sea levels are oceanic expansions due to the warming of oceans and increased melting of glaciers and ice sheets. The oceans are absorbing about ninety percent of the increased atmospheric heat that comes from human emissions. The National Oceanic and Atmospheric Administration goes on to state that "with continued ocean and atmospheric warming, sea levels will likely rise for many centuries at rates higher than that of the current century"; and

WHEREAS, higher sea levels cause deadly and destructive storm surges to push farther inland, which means there will be more nuisance flooding, which is estimated to be three hundred to nine hundred percent more frequent in United States coastal communities than it was fifty years ago. Nearly forty percent of the population of the United States lives in such coastal communities. According to the U.N. Atlas of the Oceans, eight out of the ten largest cities in the world are close to a coast; and

WHEREAS, according to a 2014 report published by the Intergovernmental Panel on Climate Change, animals have an increased risk of extinction because of the climate crisis; and

WHEREAS, a report by the University of Nebraska-Lincoln assessed that disruptions in the climate have decreased agricultural yields in Nebraska over the last forty years and are predicted to decrease agricultural yields significantly over the next twenty-five years; and

WHEREAS, the State of Nebraska has contributed to the climate crisis, but has done little to nothing to slow the effects.

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

1. That the Legislature acknowledges that we are in the middle of a climate and ecological crisis caused by humans.

2. That the Legislature has a moral obligation to take steps to combat the climate and ecological crisis.

Laid over.

LEGISLATIVE RESOLUTION 103. Introduced by Flood, 19.

WHEREAS, Carter Hattery, a member of Troop 124 of Norfolk, 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, Carter completed a renovation of the Gazebo at the Monastery for the Missionary Benedictine Sisters; and

WHEREAS, Carter, 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 Carter Hattery on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Carter Hattery.

Laid over.

LEGISLATIVE RESOLUTION 104. Introduced by Pahls, 31.

PURPOSE: The purpose of this study is to examine barriers related to early detection of colorectal cancer in Nebraska. This study shall include, but not be limited to:

- (1) Costs associated with screening and diagnostic testing;
- (2) Cost and consequences associated with a lack of screening and diagnostic testing;
- (3) Health insurance coverage in Nebraska that covers screening and diagnostic testing; and
- (4) Costs and consequences associated with requirements for insurance companies to provide health insurance coverage for screening and diagnostic testing.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR102 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 51. Title read. Considered.

Committee [AM745](#), found on page 822, was offered.

Senator Flood offered his amendment, [AM872](#), found on page 874, to the committee amendment.

Senator Hunt offered the following motion:

[MO40](#)

Bracket until May 1, 2021.

Senator Hunt withdrew her motion to bracket.

SENATOR HUGHES PRESIDING

The Flood amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 51A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to [LB271](#):
[AM1002](#)

(Amendments to E & R amendments, ER59)

- 1 1. On page 2, line 2, after "bail" insert "as ordered by a court";
- 2 and in line 18 strike "either" and strike "or".
- 3 2. On page 3, after line 13, insert the following new subsection:
- 4 "(6) Nothing in the 24/7 Sobriety Program Act shall be construed to
- 5 limit the ability of a court to utilize any form of technology to (a)
- 6 detect the use or presence of alcohol or drugs or (b) comply with other
- 7 forms of supervision deemed appropriate by the court.".
- 8 3. On page 27, line 27, strike "IV felony" and insert "III
- 9 misdemeanor".

Senator Walz filed the following amendment to [LB529](#):
[AM1055](#)

(Amendments to Standing Committee amendments, AM495)

- 1 1. Strike section 61 and insert the following new sections:
- 2 Sec. 21. Section 79-1248, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-1248 The powers and duties of the Educational Service Unit
- 5 Coordinating Council include, but are not limited to:
- 6 (1) Providing public access to lists of qualified distance education
- 7 courses;
- 8 (2) Collecting and providing school schedules for participating
- 9 educational entities;
- 10 (3) Facilitation of scheduling for qualified distance education
- 11 courses;
- 12 (4) Brokering of qualified distance education courses to be
- 13 purchased by educational entities;
- 14 (5) Assessment of distance education needs and evaluation of
- 15 distance education services;
- 16 (6) Compliance with technical standards as set forth by the Nebraska
- 17 Information Technology Commission and academic standards as set forth by
- 18 the State Department of Education related to distance education;
- 19 (7) Establishment of a system for scheduling courses brokered by the
- 20 council and for choosing receiving educational entities when the demand
- 21 for a course exceeds the capacity as determined by either the technology
- 22 available or the course provider;
- 23 (8) Administration of learning management systems, either through
- 24 the staff of the council or by delegation to an appropriate educational
- 25 entity, with the funding for such systems provided by participating
- 26 educational entities; ~~and~~
- 1 (9) Coordination with educational service units and postsecondary
- 2 educational institutions to provide assistance for instructional design
- 3 for both two-way interactive video distance education courses and the
- 4 offering of graduate credit courses in distance education; ~~-~~
- 5 (10) Coordination with educational service units and school
- 6 districts to provide assistance with compliance with the Behavioral
- 7 Awareness and Intervention Training and Teacher Support Act training
- 8 requirements and funding for such compliance; and
- 9 (11) Coordination with educational service units for the development
- 10 and administration of a teacher support system in compliance with the
- 11 Behavioral Awareness and Intervention Training and Teacher Support Act
- 12 and to provide funding for such system.
- 13 Sec. 62. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
- 14 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
- 15 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,

16 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, and 65 of this act become
 17 operative on July 1, 2021. The other sections of this act become
 18 operative on their effective date.
 19 Sec. 64. Original section 79-1054, Revised Statutes Cumulative
 20 Supplement, 2020, is repealed.
 21 2. On page 4, line 12, after "section" insert an underscored period;
 22 and strike line 13 and show as stricken.
 23 3. On page 5, line 3, strike "the fourth quarter of".
 24 4. On page 8, line 11, after "employees" insert "or specialists not
 25 employed by the school district".
 26 5. On page 9, line 20, after "considered" insert "special"; and in
 27 line 30 after "local" insert "behavioral health," and after "mental
 28 health" insert an underscored comma.
 29 6. On page 10, lines 13 and 14; page 11, lines 22 and 23; page 14,
 30 lines 19 and 20; page 51, lines 14 and 28, strike "and any money
 31 appropriated by the Legislature".
 1 7. On page 10, line 14, strike "transferred" and insert "used to
 2 provide funds"; and in line 15 strike "purposes" and insert "direct
 3 costs, and indirect costs, not to exceed five percent of each transfer
 4 pursuant to subdivisions (5)(b) and (7)(b) of section 9-812,".
 5 8. On page 16, line 18, strike "Education Innovation", show as
 6 stricken, and insert "Nebraska Education Improvement".
 7 9. On page 28, after line 5 insert the following new subsection:
 8 "(5) No new grants shall be awarded after the operative date of this
 9 section."; in line 6 strike "(5)", show as stricken, and insert "(6)"; in
 10 line 10 after the first period insert "The State Treasurer shall transfer
 11 any money in the fund on July 30, 2022, to the Expanded Learning
 12 Opportunity Grant Fund." and strike "fund", show as stricken, and insert
 13 "Department of Education Innovative Grant Fund".
 14 10. On page 34, line 30, after "due" insert "minus any allowable
 15 expenses pursuant to subsection (8) of section 9-812".
 16 11. On page 50, line 11, strike "29 to 32" and insert "30 to 33".
 17 12. On page 51, line 22, strike "34" and insert "35".
 18 13. On page 52, line 5, strike "35 to 48" and insert "36 to 49".
 19 14. On page 55, line 30, strike "45" and insert "46".
 20 15. On page 61, line 12, strike "45" and insert "46".
 21 16. On page 64, line 31, strike "40 or 44" and insert "41 or 45".
 22 17. On page 66, line 2, strike "49 to 59" and insert "50 to 60".
 23 18. On page 70, strike beginning with "any" in line 19 through "and"
 24 in line 20; in line 27 strike "35 to 59" and insert "36 to 60"; and in
 25 line 31 after "79-1201.01," insert "79-1248,".
 26 19. On page 71, line 3, strike "79-1054,".
 27 20. Renumber the remaining sections accordingly.

Senator Murman filed the following amendment to LB529:
AM990

(Amendments to Standing Committee amendments, AM495)

1 1. Strike section 6 and insert the following new sections:
 2 Sec. 6. (1) The Behavioral Training Cash Fund is created. The fund
 3 shall be administered by the State Department of Education and shall
 4 consist of money received pursuant to section 9-812 and any money
 5 appropriated by the Legislature.
 6 (2) For school fiscal year 2021-22, each school district shall
 7 qualify for behavioral training funding. For school fiscal year 2022-23
 8 and each school fiscal year thereafter, each school district in
 9 compliance with the behavioral awareness and intervention training
 10 requirements pursuant to section 4 of this act, as certified by the state
 11 school security director, shall be eligible for behavioral training
 12 funding.
 13 (3) Each qualified school district shall receive behavioral training

14 funding of six thousand dollars each school fiscal year from the
 15 Behavioral Training Cash Fund. Any money remaining in the fund after such
 16 behavioral training funding for any school fiscal year shall be disbursed
 17 as additional behavioral training funding on a per capita basis to each
 18 qualified school district based on the number of full-time equivalent
 19 teachers in each qualified school district. If there is not a sufficient
 20 amount of money in the fund for each qualified school district to receive
 21 six thousand dollars for any school fiscal year, such amount shall be
 22 reduced to the level where all qualified school districts receive an
 23 equal share of the money in the fund for such school fiscal year.
 24 (4) Behavioral training funding shall be distributed directly to
 25 school districts from the Behavioral Training Cash Fund in ten as nearly
 26 as possible equal payments in the same manner as and in conjunction with
 1 funds distributed pursuant to subsection (2) of section 79-1022. For
 2 purposes of the general fund budget of expenditures as defined in section
 3 79-1003, behavioral training funding received pursuant to this section
 4 shall be considered special grant funds.

5 (5) Any money in the Behavioral Training Cash Fund available for
 6 investment shall be invested by the state investment officer pursuant to
 7 the Nebraska Capital Expansion Act and the Nebraska State Funds
 8 Investment Act.

9 Sec. 7. Section 79-258, Revised Statutes Cumulative Supplement,
 10 2020, is amended to read:

11 79-258 Administrative and teaching personnel may take actions
 12 regarding student behavior, other than those specifically provided in the
 13 Student Discipline Act, which are reasonably necessary to aid the
 14 student, further school purposes, or prevent interference with the
 15 educational process. Such actions may include, but need not be limited
 16 to, reasonable physical contact, counseling of students, parent
 17 conferences, referral to restorative justice practices or services,
 18 rearrangement of schedules, requirements that a student remain in school
 19 after regular hours to do additional work, restriction of extracurricular
 20 activity, or requirements that a student receive counseling,
 21 psychological evaluation, or psychiatric evaluation upon the written
 22 consent of a parent or guardian to such counseling or evaluation.

23 Sec. 8. Section 79-259, Reissue Revised Statutes of Nebraska, is
 24 amended to read:

25 79-259 If a student is removed, suspended, expelled, or excluded
 26 from school or from any educational function pursuant to the Student
 27 Discipline Act, such absence from school shall not be deemed a violation
 28 on the part of any person under any compulsory school attendance
 29 statutes. Any suspension or expulsion under the act shall comply with the
 30 requirements of the Special Education Act and the requirements of the
 31 federal Individuals with Disabilities Education Act, 20 U.S.C. ~~1400~~ ~~1401~~
 1 et seq.

2 Sec. 9. Section 79-2,144, Revised Statutes Cumulative Supplement,
 3 2020, is amended to read:

4 79-2,144 The state school security director appointed pursuant to
 5 section 79-2,143 shall be responsible for providing leadership and
 6 support for safety and security for the public schools. Duties of the
 7 director include, but are not limited to:

8 (1) Collecting safety and security plans, required pursuant to rules
 9 and regulations of the State Department of Education relating to
 10 accreditation of schools, and other school security information from each
 11 school system in Nebraska. School districts shall provide the state
 12 school security director with the safety and security plans of the school
 13 district and any other security information requested by the director,
 14 but any plans or information submitted by a school district may be
 15 withheld by the department pursuant to subdivision (8) of section
 16 84-712.05;

17 (2) Recommending minimum standards for school security on or before
18 January 1, 2016, to the State Board of Education;

19 (3) Conducting an assessment of the security of each public school
20 building, which assessment shall be completed by August 31, 2019;

21 (4) Identifying deficiencies in school security based on the minimum
22 standards adopted by the State Board of Education and making
23 recommendations to school boards for remedying such deficiencies;

24 (5) Establishing security awareness and preparedness tools and
25 training programs for public school staff;

26 (6) Establishing research-based model instructional programs for
27 staff, students, and parents to address the underlying causes for violent
28 attacks on schools;

29 (7) Overseeing suicide awareness and prevention training in public
30 schools pursuant to section 79-2.146;

31 (8) Establishing tornado preparedness standards which shall include,
1 but not be limited to, ensuring that every school conducts at least two
2 tornado drills per year;

3 (9) Collecting behavioral awareness and intervention training plans
4 and certifying compliance or noncompliance with section 4 of this act to
5 the Commissioner of Education for each school district;

6 (10) (9) Responding to inquiries and requests for assistance
7 relating to school security from private, denominational, and parochial
8 schools; and

9 (11) (10) Recommending curricular and extracurricular materials to
10 assist school districts in preventing and responding to cyberbullying and
11 digital citizenship issues.

12 Sec. 10. (1) Administrative, teaching, and other school personnel
13 may utilize an emergency safety intervention to physically protect a
14 student, school personnel, or another person from imminent serious
15 physical injury.

16 (2) An emergency safety intervention must be performed in a manner
17 that is safe, proportionate, and appropriate to the severity of the
18 behavior: the student's chronological and developmental age, size, sex,
19 and physical, medical, and psychiatric condition, if known; and the
20 student's personal history, including any history of physical or sexual
21 abuse, if known. If possible, efforts to de-escalate the situation should
22 occur prior to an emergency safety intervention. An emergency safety
23 intervention does not include any physical action that is intended to
24 cause bodily pain or to punish a student. An emergency safety
25 intervention shall be used only:

26 (a) To protect persons from harm or secure property if such action
27 may protect a student, school personnel, or other person from imminent
28 serious physical injury;

29 (b) To ensure the safety of the student or others during an
30 emergency safety situation;

31 (c) Until the emergency safety situation has ceased and the
1 student's safety and the safety of others can be ensured; and

2 (d) With the least amount of force necessary to protect the student
3 or others from imminent serious physical injury.

4 (3) Each school district shall adopt a policy regarding the use of
5 an emergency safety intervention pursuant to this section. Such policy
6 shall include training requirements relating to the use of an emergency
7 safety intervention.

8 (4) Following the use of an emergency safety intervention, school
9 personnel shall, as soon as practicable, contact the parent or guardian
10 of the student and notify such parent or guardian of the use of an
11 emergency safety intervention.

12 (5)(a) No administrative, teaching, or other school personnel shall
13 be subject to professional or administrative discipline for harm caused
14 by an act or omission by such administrative, teaching, or other school

15 personnel relating to the use of an emergency safety intervention
 16 pursuant to this section unless the harm was caused by (i) gross
 17 negligence, (ii) a conscious, flagrant indifference to the rights or
 18 safety of the individual who was harmed, or (iii) willful, criminal, or
 19 reckless misconduct, including misconduct (A) that constitutes a crime of
 20 violence, as defined by 18 U.S.C. 16, as such section existed on January
 21 1, 2021, (B) that involves a sexual offense listed in subdivision (1)(a)
 22 (i) of section 29-4003, (C) for which the administrative, teaching, or
 23 other school personnel has been found to have violated a federal or state
 24 civil rights law, or (D) that occurred while the administrative,
 25 teaching, or other school personnel was under the influence of alcoholic
 26 liquor or drugs.
 27 (b) Nothing in this section shall be construed to limit any defense
 28 that may be available under any other provision of law, including, but
 29 not limited to, any defense relating to self-protection or the protection
 30 of others.
 31 (6) For purposes of this section:
 1 (a) Emergency safety intervention means the use of restraint as an
 2 immediate response to an emergency safety situation;
 3 (b) Emergency safety situation means a student's behavior poses a
 4 serious threat of imminent serious physical injury to the student or
 5 others if no emergency safety intervention occurs and the student has the
 6 immediate means or capability to cause such imminent serious physical
 7 injury;
 8 (c) Imminent serious physical injury means serious physical injury
 9 to a student or others occurring currently or highly likely to occur in
 10 the immediate future as the result of the student's behavior; and
 11 (d) Serious physical injury means death, disfigurement, or
 12 protracted loss or impairment of the function of a bodily member or organ
 13 of a student or others.
 14 Sec. 11. (1) For school year 2021-22 and each school year
 15 thereafter, each school district shall create and adopt a classroom
 16 removal policy. Each classroom removal policy shall:
 17 (a) Describe when and how a teacher may request that a school
 18 administrator remove a disruptive student from a classroom and when the
 19 student may be returned to the classroom;
 20 (b) Define appropriate behavioral interventions or supports that
 21 shall be implemented to aid a student's successful return to a classroom;
 22 and
 23 (c) Require the return to the classroom of a student who has been
 24 removed by the end of the same school day, if possible, when it is deemed
 25 safe and in the best interest of the student.
 26 (2) Except as prohibited by the federal Individuals with
 27 Disabilities Education Act, 20 U.S.C. 1400 et seq., related federal
 28 regulations, or any applicable individualized education plan established
 29 pursuant to such federal act, if a teacher has requested that a school
 30 administrator remove a disruptive student from a classroom in compliance
 31 with the school district's classroom removal policy, a school
 1 administrator shall temporarily remove such student from such classroom.
 2 (3) No school personnel shall be subject to administrative
 3 discipline or an involuntary classroom reassignment for removing a
 4 student from a classroom or requesting such removal if such school
 5 personnel followed the school district's classroom removal policy.
 6 2. On page 7, strike beginning with "(1)(a)" in line 30 through line
 7 31.
 8 3. On page 8, strike lines 1 through 3; in line 4 strike "(b)" and
 9 insert "(1)(a)"; in line 6 after "training" insert "that includes, but is
 10 not limited to, training for emergency safety intervention as defined in
 11 section 10 of this act"; in line 14 strike "(c)" and insert "(b)"; in
 12 line 21 strike the second "and"; after line 21 insert the following new

13 subdivisions:

- 14 "(iv) Emergency safety intervention;
 15 (v) Clear guidelines on removing students from and returning
 16 students to a classroom;
 17 (vi) Behavioral interventions and supports that will take place when
 18 a student has been removed from a classroom; and"; and in line 22 strike
 19 "(iv)" and insert "(vii)".
 20 4. On page 9, lines 3 and 4 and 8, strike "Educational Service Unit
 21 Coordinating Council" and insert "state school security director".
 22 5. On page 11, line 10, strike "refer a student to" and insert
 23 "inform a student eighteen years of age or older or a parent or guardian
 24 of any other student of".
 25 6. On page 70, line 27, strike "35 to 59" and insert "40 to 64".
 26 7. Renumber the remaining sections and correct internal references
 27 and the repealer accordingly.

Senator M. Hansen filed the following amendment to LB529:

[FA28](#)

Amend AM1055

On page 1, line 20, strike "demand" and insert "need".

Senator M. Hansen filed the following amendment to LB529:

[FA29](#)

Strike the enacting clause.

Senator Bostar filed the following amendment to LB408:

[AM987](#)

(Amendments to AM973)

- 1 1. On page 5, lines 11, 13, 15, 18, and 20, strike "three-year" and
 2 insert "five-year".

Senator Pansing Brooks filed the following amendment to LB408:

[AM1028](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 1, line 11, after "college" insert ". Political
 2 subdivision does not include any political subdivision in which at least
 3 one member of the governing body is a member of the lesbian, gay,
 4 bisexual, and transgender community".

Senator Morfeld filed the following amendment to LB408:

[AM618](#)

(Amendments to Standing Committee amendments, AM371)

- 1 1. On page 6, line 7, strike "one-half" and insert "one hundred
 2 percent".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 105. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the Retirement System for Nebraska Counties under the County Employees Retirement Act, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study

may also examine the Class V school employees retirement system established under the Class V School Employees Retirement Act.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 106. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out the provisions of section 13-2402 of the Nebraska Revised Statutes, which requires the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conduct a public hearing for the presentation of reports by political subdivisions with underfunded defined benefit plans.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB366.

ADJOURNMENT

At 5:17 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 9:00 a.m., Thursday, April 22, 2021.

Patrick J. O'Donnell
Clerk of the Legislature