

SIXTY-NINTH DAY - APRIL 28, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 28, 2021

PRAYER

The prayer was offered by Senator Blood.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lathrop.

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, Day, B. Hansen, Hilgers, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1100, line 14, strike "Mike Hilgers" and insert "Dan Hughes".

Page 1170, line 25, strike "Mike Hilgers" and insert "Dan Hughes".

The Journal for the sixty-fifth day was approved as corrected.

The Journal for the sixty-eighth day was approved as corrected.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 111. Introduced by Hughes, 44; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28;

Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Trooper Tom Grove joined the Nebraska State Patrol in September 1990; and

WHEREAS, Trooper Grove spent eleven years as a SWAT operator; and

WHEREAS, Trooper Grove spent a majority of his career in the traffic services division in the Omaha area; and

WHEREAS, Trooper Grove has spent the last several years of his service at the Nebraska State Capitol providing armed security for the Nebraska Supreme Court, Nebraska Court of Appeals, and the Nebraska Legislature; and

WHEREAS, Trooper Grove has used his knowledge and expertise to provide instruction in a variety of areas, including pursuit, emergency vehicle operations, and citizen response in active shooter situations; and

WHEREAS, Trooper Tom Grove will retire on April 30, 2021, after over thirty years of service to the Nebraska State Patrol.

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

1. That the Legislature thanks Trooper Tom Grove for his service to the State of Nebraska and the Legislature and congratulates him on his retirement.

2. That a copy of this resolution be sent to Trooper Tom Grove.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 98, 99, and 103 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 98, 99, and 103.

GENERAL FILE

LEGISLATIVE BILL 247A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 411A. Title read. Considered.

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

LEGISLATIVE BILL 428A. Title read. Considered.

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

LEGISLATIVE BILL 364. Title read. Considered.

Committee [AM762](#), found on page 766, was offered.

Senator Hunt offered her amendment, [AM1051](#), found on page 1080, to the committee amendment.

Senator Wayne offered the following motion:

[MO51](#)

Bracket until May 1, 2021.

Senator Wayne withdrew his motion to bracket.

SPEAKER HILGERS PRESIDING

Senator M. Cavanaugh offered the following motion:

[MO52](#)

Recommit to the Revenue Committee.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 112. Introduced by Lowe, 37; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Carrie Eighmey, a native of Edgar, attended Sandy Creek High School before moving on to both play and coach basketball at Hastings College; and

WHEREAS, Carrie became the head coach of the University of Nebraska at Kearney (UNK) women's basketball team in March 2015; and

WHEREAS, since Carrie has taken over the program, the UNK women's basketball team has amassed 113 wins, finished in the top eight in the Mid-America Intercollegiate Athletics Association every year, and won 49 of the last 59 games; and

WHEREAS, under Carrie's leadership the UNK women's basketball program is back to being nationally and regionally ranked and finished this year ranked ninth in the Women's Basketball Coaches Association Top 25 poll; and

WHEREAS, Carrie has an overall head coaching record of 181-92; and

WHEREAS, Carrie Eighmey was selected as the 2020-2021 National Collegiate Athletic Association Division II World Exposure Women's College Basketball Head Coach of the Year.

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

1. That the Legislature congratulates Carrie Eighmey on her coaching achievements and her selection as National Collegiate Athletic Association Division II World Exposure Women's College Basketball Head Coach of the Year.

2. That a copy of this resolution be sent to Carrie Eighmey.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 247A. Placed on Select File.

LEGISLATIVE BILL 411A. Placed on Select File.

LEGISLATIVE BILL 428A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hansen, M. name added to LB131.

Senator Hansen, M. name added to LB392.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostar, DeBoer, Hunt, and Morfeld who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 364. Senator Pahls offered the following motion:

[MO53](#)

Bracket until May 5, 2021.

Senator Pahls withdrew his motion to bracket.

Senator M. Cavanaugh renewed her amendment, [MO52](#), found in this day's Journal, to recommit to committee.

Senator M. Cavanaugh offered the following motion:

[MO54](#)

Bracket until May 4, 2021.

PRESIDENT FOLEY PRESIDING

SPEAKER HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 432. Placed on Select File with amendment.

[ER76](#) is available in the Bill Room.

LEGISLATIVE BILL 595. Placed on Select File with amendment.

[ER75](#) is available in the Bill Room.

LEGISLATIVE BILL 18. Placed on Select File.

LEGISLATIVE BILL 185. Placed on Select File with amendment.

[ER73](#)

1 1. In the Standing Committee amendments, on page 1, line 7, strike

2 "[of 1975](#)".

LEGISLATIVE BILL 630. Placed on Select File.

LEGISLATIVE BILL 630A. Placed on Select File.

LEGISLATIVE BILL 388. Placed on Select File with amendment.

[ER77](#)

1 1. On page 1, line 2, after "Act" insert "; to create a fund; and to

2 declare an emergency".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 57. Placed on Final Reading.
LEGISLATIVE BILL 261. Placed on Final Reading.
LEGISLATIVE BILL 275. Placed on Final Reading.
LEGISLATIVE BILL 275A. Placed on Final Reading.
LEGISLATIVE BILL 291. Placed on Final Reading.
LEGISLATIVE BILL 355. Placed on Final Reading.
LEGISLATIVE BILL 669. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 113. Introduced by McKinney, 11; Wayne, 13.

WHEREAS, Second Chance Month has been observed in April in the United States since 2017 in an effort to raise awareness of the collateral consequences of criminal, and especially felony, convictions and to seek solutions; and

WHEREAS, the criminal justice system in the United States should provide individuals an opportunity for redemption and rehabilitation; and

WHEREAS, each year over 600,000 individuals return to their communities from state and federal prison; and

WHEREAS, transitioning back into society from incarceration can be challenging for individuals who were formerly incarcerated, their families, and their communities and many individuals face legal and practical barriers to reentry; and

WHEREAS, it is important to remove barriers to reentry for individuals with criminal convictions and provide second chance opportunities in employment, housing, education, civic engagement, and access to mental health and addiction treatment; and

WHEREAS, a commitment to second chance opportunities with a focus on prevention, reentry, and social support, can help reduce recidivism, making communities stronger and safer and ensuring that the United States is a land of opportunity for all people.

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

1. That the Legislature recognizes April as Second Chance Month.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 364. Senator M. Cavanaugh renewed her amendment, [MO54](#), found in this day's Journal, to bracket.

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

Senator Flood moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Flood requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

Aguilar	DeBoer	Halloran	Linehan	Slama
Albrecht	Dorn	Hansen, B.	McCollister	Stinner
Arch	Erdman	Hilgers	McDonnell	Vargas
Bostelman	Flood	Hughes	Moser	Wayne
Brewer	Geist	Kolterman	Murman	Williams
Briese	Gragert	Lathrop	Pansing Brooks	
Clements	Groene	Lindstrom	Sanders	

Voting in the negative, 10:

Blood	Brandt	Cavanaugh, M.	Hansen, M.	Hunt
Bostar	Cavanaugh, J.	Day	Hilkemann	Pahls

Present and not voting, 4:

Friesen	McKinney	Walz	Wishart
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Excused and not voting, 2:

Lowe	Morfeld
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The motion to cease debate prevailed with 33 ayes, 10 nays, 4 present and not voting, and 2 excused and not voting.

The M. Cavanaugh motion to bracket failed with 7 ayes, 34 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh renewed her motion, [MO52](#), found and considered in this day's Journal, to recommit to committee.

SENATOR WILLIAMS PRESIDING

Senator Linehan offered the following motion:

[MO55](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Linehan moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Senator Linehan requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 29:

Aguilar	Clements	Groene	Lindstrom	Sanders
Albrecht	Dorn	Halloran	Linehan	Slama
Arch	Erdman	Hansen, B.	Lowe	Stinner
Bostelman	Flood	Hilgers	McDonnell	Vargas
Brewer	Geist	Hughes	Moser	Wayne
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 18:

Blood	Cavanaugh, M.	Hansen, M.	McCollister	Williams
Bostar	Day	Hilkemann	McKinney	Wishart
Brandt	DeBoer	Hunt	Morfeld	
Cavanaugh, J.	Friesen	Lathrop	Pahls	

Present and not voting, 2:

Pansing Brooks Walz

The Linehan motion to invoke cloture failed with 29 ayes, 18 nays, and 2 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services 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.

Joel R. Bessmer - State Board of Health
 Donald Ostdiek - State Board of Health
 David J. Reese - State Board of Health

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.
 Present and not voting: 1. Cavanaugh, M.

(Signed) John Arch, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 628. Placed on General File with amendment.

AM1185

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 38-1124, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 38-1124 (1) The department, with the recommendation of the board,
6 shall issue a faculty license to any person who meets the requirements of
7 subsection (3) or (4) of this section. A faculty licensee may practice
8 dentistry ~~only~~ as a faculty member at an accredited school or college of
9 dentistry in the State of Nebraska. ~~A faculty licensee and may also teach~~
10 dentistry, conduct research, and participate in an institutionally
11 administered faculty practice ~~only at such accredited school or college~~
12 ~~of dentistry~~. A faculty licensee eligible for licensure under subsection
13 (4) of this section shall limit ~~his or her~~ practice under such license to
14 the clinical disciplines ~~discipline~~ in which the licensee ~~he or she~~ has
15 received ~~postgraduate~~ education at an accredited school or college of
16 dentistry ~~or, with the approval of the board, the clinical disciplines in~~
17 ~~which the licensee has practiced under a license, including a faculty~~
18 ~~license or teaching permit, to practice dentistry within the past three~~
19 ~~years in another jurisdiction.~~
20 (2) Any person who desires a faculty license shall make a written
21 application to the department. The application shall include information
22 regarding the applicant's professional qualifications, experience, and
23 licensure. The application shall be accompanied by a copy of the
24 applicant's dental degree, any other degrees or certificates for
25 postgraduate education of the applicant, the required fee, and
26 certification from the dean of an accredited school or college of
27 dentistry in the State of Nebraska at which the applicant has a contract
1 to be employed as a full-time faculty member.
2 (3) An individual who graduated from an accredited school or college
3 of dentistry shall be eligible for a faculty license if the individual he
4 ~~or she~~:
5 (a) Has or had a license, including a faculty license or teaching
6 permit, to practice dentistry within the past three five years in another
7 jurisdiction some other state in the United States or a Canadian
8 province; and
9 (b) ~~Has a contract to be employed as a full-time faculty member at~~
10 ~~an accredited school or college of dentistry in the State of Nebraska;~~
11 (b) ~~(c)~~ Passes a jurisprudence examination administered by the
12 board; ~~and~~
13 (d) ~~Agrees to demonstrate continuing clinical competency as a~~
14 ~~condition of licensure if required by the board.~~
15 (4) An individual who graduated from a nonaccredited school or
16 college of dentistry shall be eligible for a faculty license if the
17 ~~individual he or she~~:
18 (a)(i) Has or had a license, including a faculty license or teaching
19 permit, to practice dentistry within the past three years in another
20 jurisdiction;
21 (ii) ~~(a)~~ Has completed at least two years of postgraduate education
22 at an accredited school or college of dentistry recognized by the
23 national commission and received a certificate or degree from such school
24 or college of dentistry; or
25 (iii) Has additional education in dentistry at an accredited school
26 or college of dentistry that is determined by the board to be equivalent
27 to a program recognized by the national commission, including, but not

28 ~~limited to, a postgraduate certificate or degree in operative dentistry;~~
 29 ~~(b) Has a contract to be employed as a full-time faculty member at~~
 30 ~~an accredited school or college of dentistry in the State of Nebraska;~~
 31 ~~(b) (e) Passes a jurisprudence examination administered by the~~
 1 ~~board; and~~
 2 ~~(d) Agrees to demonstrate continuing clinical competency as a~~
 3 ~~condition of licensure if required by the board; and~~
 4 ~~(c) (e) Has passed at least one of the following:~~
 5 ~~(i) Part I and Part II of the National Board Dental Examinations~~
 6 ~~administered by the joint commission; or its equivalent~~
 7 ~~(ii) The Integrated National Board Dental Examination administered~~
 8 ~~by the joint commission;~~
 9 ~~(iii) A specialty board examination recognized by the national~~
 10 ~~commission;~~
 11 ~~(iv) An examination administered by the National Dental Examining~~
 12 ~~Board of Canada; or~~
 13 ~~(v) An equivalent examination as determined by the Board of~~
 14 ~~Dentistry.~~
 15 (5) A faculty license shall expire at the same time and be subject
 16 to the same renewal requirements as a regular dental license, except that
 17 such license shall remain valid and may only be renewed if the faculty
 18 licensee completes continuing education as required by the rules and
 19 regulations adopted and promulgated under the Dentistry Practice Act and
 20 demonstrates continued employment at an accredited school or college of
 21 dentistry in the State of Nebraska. ;
 22 (6) In order for an applicant to qualify for a faculty license
 23 pursuant to subdivision (4)(a)(iii) of this section, the applicant shall
 24 present, for review and approval by the board, a portfolio which
 25 includes, but is not limited to, academic achievements, credentials and
 26 certifications, letters of recommendation, and a list of publications.
 27 (7) For purposes of this section:
 28 (a) Another jurisdiction means some other state in the United
 29 States, a territory or jurisdiction of the United States, or a Canadian
 30 province;
 31 (b) Joint commission means the American Dental Association Joint
 1 Commission on National Dental Examinations; and
 2 (c) National commission means the National Commission on Recognition
 3 of Dental Specialties and Certifying Boards.
 4 (a) The faculty licensee remains employed as a full-time faculty
 5 member of an accredited school or college of dentistry in the State of
 6 Nebraska; and
 7 (b) The faculty licensee demonstrates continuing clinical competency
 8 if required by the board.
 9 Sec. 2. Original section 38-1124, Reissue Revised Statutes of
 10 Nebraska, is repealed.
 11 Sec. 3. Since an emergency exists, this act takes effect when passed
 12 and approved according to law.

(Signed) John Arch, Chairperson

AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to LB132:
[AM1175](#)

(Amendments to Standing Committee amendments, AM555)

1 1. On page 1, line 4, strike "twenty-one" and insert "twenty-two";
 2 in line 8 strike "Three" and insert "Four"; in line 9 after the comma
 3 insert "with at least" and strike "with" and insert "and"; in line 10
 4 after "with" insert "at least"; in line 11 strike "and" and insert an

5 underscored comma; and in line 12 after "Legislature" insert ", and one
6 being a member of the Legislature's Planning Committee".

Senator Hilgers filed the following amendment to LB406:

FA38

Amend AM1092.

On page 2, line 12, strike the first "and" and insert "And" with a capital "A".

On page 2, line 13, after the word "sustainability" insert the word "(STAR WARS)" in all capital letters.

Senator DeBoer filed the following amendment to LB485:

AM1187

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 68-1206 (1) The Department of Health and Human Services shall
6 administer the program of social services in this state. The department
7 may contract with other social agencies for the purchase of social
8 services at rates not to exceed those prevailing in the state or the cost
9 at which the department could provide those services. The statutory
10 maximum payments for the separate program of aid to dependent children
11 shall apply only to public assistance grants and shall not apply to
12 payments for social services.

13 ~~(2)(a)~~ As part of the provision of social services authorized by
14 section 68-1202, the department shall participate in the federal child
15 care assistance program under 42 U.S.C. ~~9857 et seq.~~ 648, as such
16 ~~sections section~~ existed on January 1, ~~2021~~ 2013, and provide child care
17 assistance to families with incomes up to ~~(i) one hundred eighty-five~~
18 ~~twenty-five~~ percent of the federal poverty level ~~prior to October 1,~~
19 ~~2023, or (ii) for FY2013-14 and one hundred thirty percent of the federal~~
20 ~~poverty level on and after October 1, 2023 for FY2014-15 and each fiscal~~
21 ~~year thereafter.~~

22 ~~(b) (2)~~ As part of the provision of social services authorized by
23 this section and section 68-1202, the department shall participate in the
24 federal Child Care Subsidy program. A child care provider seeking to
25 participate in the federal Child Care Subsidy program shall comply with
26 the criminal history record information check requirements of the Child
27 Care Licensing Act. In determining ongoing eligibility for this program,
1 ten percent of a household's gross earned income shall be disregarded
2 after twelve continuous months on the program and at each subsequent
3 redetermination. In determining ongoing eligibility, if a family's income
4 exceeds ~~one hundred eighty-five percent of the federal poverty level~~
5 ~~prior to October 1, 2023, or one hundred thirty percent of the federal~~
6 ~~poverty level on and after October 1, 2023,~~ the family shall receive
7 transitional child care assistance through the remainder of the family's
8 eligibility period or until the family's income exceeds eighty-five
9 percent of the state median income for a family of the same size as
10 reported by the United States Bureau of the Census, whichever occurs
11 first. When the family's eligibility period ends, the family shall
12 continue to be eligible for transitional child care assistance if the
13 family's income is below ~~two hundred percent of the federal poverty level~~
14 ~~prior to October 1, 2023, or one hundred eighty-five percent of the~~
15 ~~federal poverty level on and after October 1, 2023.~~ The family shall
16 receive transitional child care assistance through the remainder of the
17 transitional eligibility period or until the family's income exceeds
18 eighty-five percent of the state median income for a family of the same
19 size as reported by the United States Bureau of the Census, whichever
20 occurs first. The amount of such child care assistance shall be based on

21 a cost-shared plan between the recipient family and the state and shall
22 be based on a sliding-scale methodology. A recipient family may be
23 required to contribute a percentage of such family's gross income for
24 child care that is no more than the cost-sharing rates in the
25 transitional child care assistance program as of January 1, 2015, for
26 those no longer eligible for cash assistance as provided in section
27 68-1724. ~~Initial program eligibility standards shall not be impacted by~~
28 ~~the provisions of this subsection.~~

29 (c) For the period beginning July 1, 2021, through September 30,
30 2023, funds provided to the State of Nebraska pursuant to the Child Care
31 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such
1 act and sections existed on March 24, 2021, shall be used to pay the
2 costs to the state resulting from the income eligibility changes made in
3 subdivisions (2)(a) and (b) of this section by this legislative bill. If
4 the available amount of such funds is insufficient to pay such costs,
5 then funds provided to the state for the Temporary Assistance for Needy
6 Families program established in 42 U.S.C. 601 et seq. may also be used.
7 No General Funds shall be used to pay the costs to the state resulting
8 from the income eligibility changes made in subdivisions (2)(a) and (b)
9 of this section by this legislative bill for the period beginning July 1,
10 2021, through September 30, 2023.

11 (d) The Department of Health and Human Services shall collaborate
12 with a private nonprofit organization with expertise in early childhood
13 care and education for an independent evaluation of the income
14 eligibility changes made in subdivisions (2)(a) and (b) of this section
15 by this legislative bill, if private funding is made available for such
16 purpose. The evaluation shall be completed by December 15, 2023, and
17 shall be submitted electronically to the department and to the Health and
18 Human Services Committee of the Legislature.

19 (3) In determining the rate or rates to be paid by the department
20 for child care as defined in section 43-2605, the department shall adopt
21 a fixed-rate schedule for the state or a fixed-rate schedule for an area
22 of the state applicable to each child care program category of provider
23 as defined in section 71-1910 which may claim reimbursement for services
24 provided by the federal Child Care Subsidy program, except that the
25 department shall not pay a rate higher than that charged by an individual
26 provider to that provider's private clients. The schedule may provide
27 separate rates for care for infants, for children with special needs,
28 including disabilities or technological dependence, or for other
29 individual categories of children. The schedule may also provide tiered
30 rates based upon a quality scale rating of step three or higher under the
31 Step Up to Quality Child Care Act. The schedule shall be effective on
1 October 1 of every year and shall be revised annually by the department.
2 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 68-1724 (1) Cash assistance shall be provided for a period or
5 periods of time not to exceed a total of sixty months for recipient
6 families with children subject to the following:

7 (a) If the state fails to meet the specific terms of the self-
8 sufficiency contract developed under section 68-1719, the sixty-month
9 time limit established in this section shall be extended;

10 (b) The sixty-month time period for cash assistance shall begin
11 within the first month of eligibility;

12 (c) When no longer eligible to receive cash assistance, assistance
13 shall be available to reimburse work-related child care expenses even if
14 the recipient family has not achieved economic self-sufficiency. The
15 amount of such assistance shall be based on a cost-shared plan between
16 the recipient family and the state which shall provide assistance up to
17 two hundred percent of the federal poverty level prior to October 1,
18 2023, or one hundred eighty-five percent of the federal poverty level on

19 and after October 1, 2023. A recipient family may be required to
20 contribute up to twenty percent of such family's gross income for child
21 care. It is the intent of the Legislature that transitional health care
22 coverage be made available on a sliding-scale basis to individuals and
23 families with incomes up to one hundred eighty-five percent of the
24 federal poverty level if other health care coverage is not available; and
25 (d) The self-sufficiency contract shall be revised and cash
26 assistance extended when there is no job available for adult members of
27 the recipient family. It is the intent of the Legislature that available
28 job shall mean a job which results in an income of at least equal to the
29 amount of cash assistance that would have been available if receiving
30 assistance minus unearned income available to the recipient family.
31 The department shall develop policy guidelines to allow for cash
1 assistance to persons who have received the maximum cash assistance
2 provided by this section and who face extreme hardship without additional
3 assistance. For purposes of this section, extreme hardship means a
4 recipient family does not have adequate cash resources to meet the costs
5 of the basic needs of food, clothing, and housing without continuing
6 assistance or the child or children are at risk of losing care by and
7 residence with their parent or parents.
8 (2) Cash assistance conditions under the Welfare Reform Act shall be
9 as follows:
10 (a) Adults in recipient families shall mean individuals at least
11 nineteen years of age living with and related to a child eighteen years
12 of age or younger and shall include parents, siblings, uncles, aunts,
13 cousins, or grandparents, whether the relationship is biological,
14 adoptive, or step;
15 (b) The payment standard shall be based upon family size;
16 (c) The adults in the recipient family shall ensure that the minor
17 children regularly attend school. Education is a valuable personal
18 resource. The cash assistance provided to the recipient family may be
19 reduced when the parent or parents have failed to take reasonable action
20 to encourage the minor children of the recipient family ages sixteen and
21 under to regularly attend school. No reduction of assistance shall be
22 such as may result in extreme hardship. It is the intent of the
23 Legislature that a process be developed to insure communication between
24 the case manager, the parent or parents, and the school to address issues
25 relating to school attendance;
26 (d) Two-parent families which would otherwise be eligible under
27 section 43-504 or a federally approved waiver shall receive cash
28 assistance under this section;
29 (e) For minor parents, the assistance payment shall be based on the
30 minor parent's income. If the minor parent lives with at least one
31 parent, the family's income shall be considered in determining
1 eligibility and cash assistance payment levels for the minor parent. If
2 the minor parent lives independently, support shall be pursued from the
3 parents of the minor parent. If the absent parent of the minor's child is
4 a minor, support from his or her parents shall be pursued. Support from
5 parents as allowed under this subdivision shall not be pursued when the
6 family income is less than three hundred percent of the federal poverty
7 guidelines; and
8 (f) For adults who are not biological or adoptive parents or
9 stepparents of the child or children in the family, if assistance is
10 requested for the entire family, including the adults, a self-sufficiency
11 contract shall be entered into as provided in section 68-1719. If
12 assistance is requested for only the child or children in such a family,
13 such children shall be eligible after consideration of the family's
14 income and if (i) the family cooperates in pursuing child support and
15 (ii) the minor children of the family regularly attend school.
16 Sec. 3. This act becomes operative on July 1, 2021.

17 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes
18 Cumulative Supplement, 2020, are repealed.
19 Sec. 5. Since an emergency exists, this act takes effect when
20 passed and approved according to law.

Senator Morfeld filed the following amendment to [LB364](#):
[AM1145](#)

(Amendments to Standing Committee amendments, AM762)

1 1. Strike section 12 and insert the following new section:
2 Sec. 12. Any qualified school that admits and enrolls students who
3 receive education scholarships shall comply with the requirements that
4 apply to school districts under the Nebraska Budget Act.

EASE

The Legislature was at ease from 6:55 p.m. until 7:30 p.m.

GENERAL FILE

LEGISLATIVE BILL 452. Title read. Considered.

Committee [AM636](#), found on page 661, was adopted with 42 ayes, 0 nays,
and 7 present and not voting.

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

LEGISLATIVE BILL 452A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8
present and not voting.

LEGISLATIVE BILL 306. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 15 present
and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 644. [ER54](#), found on page 933, was adopted.

Senator B. Hansen asked unanimous consent to withdraw his amendment,
[AM1073](#), found on page 1106, and replace it with his substitute amendment,
[AM1019](#), found on page 1115. No objections. So ordered.

Senator Hilkemann asked unanimous consent to withdraw his amendment,
[AM1056](#), found on page 1106, and replace it with his substitute amendment,
[AM1114](#), found on page 1119, to the B. Hansen substitute amendment. No
objections. So ordered.

The Hilkemann amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator J. Cavanaugh withdrew his amendment, [AM1111](#), found on page 1115, to [AM1073](#).

Senator J. Cavanaugh offered his amendment, [AM1115](#), found on page 1170, to the B. Hansen substitute amendment.

The J. Cavanaugh amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The B. Hansen amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 273. [ER39](#), found on page 821, was adopted.

Senator Lowe offered his amendment, [AM1003](#), found on page 1061.

The Lowe amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SENATOR HUGHES PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 307. Senator Geist offered her amendment, [AM1108](#), found on page 1129.

Senator Hilgers offered the following amendment to the Geist amendment:

[FA39](#)

Amend AM1108

On Page 4, line 2, strike "are" and insert "has consulted with counsel, and if not, is".

Line 3, strike "to assist" and insert "prior to".

Lines 3 - 4 strike "in making the" through "counsel" and insert "exercising their right to waive their right to counsel".

The Hilgers amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The Geist amendment, as amended, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Senator Groene withdrew his amendment, [AM1161](#), found on page 1168.

Senator Lathrop offered his amendment, [AM1081](#), found on page 1169.

The Lathrop amendment was adopted with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 108. [ER60](#), found on page 1016, was adopted.

Senator McCollister offered his amendment, [AM1082](#), found on page 1168.

The McCollister amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Senator Arch offered the following amendment:

[AM1196](#)

1 1. On page 4, after line 28 insert the following new subdivision:
 2 "(iii) Until September 30, 2023, any recipient of Supplemental
 3 Nutrition Assistance Program benefits whose household income is between
 4 one hundred thirty-one and one hundred sixty-five percent of the federal
 5 Office of Management and Budget income poverty guidelines and who is not
 6 exempt from work participation requirements shall be referred to the
 7 Department of Labor for enrollment in the SNAP Next Step Program if the
 8 recipient is eligible to participate in the program and the program's
 9 services are available in the county in which such household is located.
 10 For purposes of this section, SNAP Next Step Program means a partnership
 11 program between the Department of Health and Human Services and the
 12 Department of Labor to assist under-employed and unemployed recipients of
 13 Supplemental Nutrition Assistance Program benefits in finding self-
 14 sufficient employment."; and in line 29 strike "(iii)" and insert "(iv)".
 15 2. On page 5, line 5, strike "(iv)" and insert "(v)".

The Arch amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 108A. Senator McCollister offered the following amendment:

[AM1174](#)

1 1. Strike original section 1 and insert the following new sections:
 2 Section 1. There is hereby appropriated (1) \$49,153 from federal
 3 funds for FY2020-21, (2) \$457,176 from federal funds for FY2021-22, and
 4 (3) \$443,339 from federal funds for FY2022-23 to the Department of Health
 5 and Human Services, for Program 33, to aid in carrying out the provisions
 6 of Legislative Bill 108, One Hundred Seventh Legislature, First Session,
 7 2021.
 8 Total expenditures for permanent and temporary salaries and per
 9 diems from funds appropriated in this section shall not exceed \$18,495
 10 for FY2020-21, \$294,986 for FY2021-22, or \$296,573 for FY2022-23.
 11 Sec. 2. Since an emergency exists, this act takes effect when passed
 12 and approved according to law.

The McCollister amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 485. [ER65](#), found on page 1113, was adopted.

Senator DeBoer offered her amendment, [AM1187](#), found in this day's Journal.

The DeBoer amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 2. [ER66](#), found on page 1113, was adopted.

Senator Briese offered his amendment, [AM1165](#), found on page 1168.

The Briese amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 406A. Introduced by McDonnell, 5; Aguilar, 35; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; Morfeld, 46; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator McKinney filed the following amendment to [LB452](#):
[AM1195](#)

(Amendments to Standing Committee amendments, AM636)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. Beginning with school year 2022-23, each school district and
- 3 each private, denominational, and parochial school, shall, in
- 4 consultation with the State Department of Education, incorporate
- 5 financial literacy instruction into the instructional program for grades
- 6 kindergarten through eight and shall require each student to complete at
- 7 least one half-credit high school course in personal finance or financial

8 literacy prior to graduation unless otherwise provided in an
9 individualized education program for a student receiving special
10 education services.
11 2. On page 2, strike beginning with "The" in line 1 through the
12 period in line 8.

MOTION(S) - Print in Journal

Senator Slama filed the following motion to LB486:

MO57

Indefinitely postpone.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lindstrom name added to LB406.
Senator Lindstrom name added to LR109.

VISITOR(S)

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 9:52 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, April 29, 2021.

Patrick J. O'Donnell
Clerk of the Legislature