

SEVENTY-SEVENTH DAY - MAY 12, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 12, 2021

PRAYER

The prayer was offered by Senator Williams.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, B. Hansen, M. Hansen, Hunt, McCollister, Stinner, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1359, line 28, strike "was adopted" and insert "lost".
The Journal for the seventy-fifth day was approved as corrected.

The Journal for the seventy-sixth day was approved.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB64:

[AM1405](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator Friesen filed the following amendment to LB64:

[AM1406](#)

(Amendments to Final Reading copy)

1 1. Strike section 2.

GENERAL FILE

LEGISLATIVE BILL 474. Title read. Considered.

Committee [AM824](#), found on page 822, was offered.

Senator Slama offered the following motion:

[MO65](#)

Bracket until June 10, 2021.

SENATOR DEBOER PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 138. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine current and potential future remedies available for incarcerated persons who have property lost, stolen, or damaged during their confinement. Until recently, a tort claims process was available to incarcerated individuals for the purpose of providing a remedy to those in such a situation. However, a 2019 court case impacted this process because it recognized correctional staff as law enforcement officers covered by the exception to the waiver of sovereign immunity contained in subdivision (2) of section 81-8,219 of the Nebraska Revised Statutes. As a result, the tort claims process is only applicable to incarcerated individuals in extremely limited circumstances. Despite this ruling, correctional staff have continued to encourage incarcerated individuals to utilize the tort claims process notwithstanding the apparent futility of following this process in light of the court case.

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

1. That the Judiciary 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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 90. Placed on Final Reading.

LEGISLATIVE BILL 166. Placed on Final Reading.

LEGISLATIVE BILL 166A. Placed on Final Reading.

LEGISLATIVE BILL 209. Placed on Final Reading.

LEGISLATIVE BILL 296. Placed on Final Reading.

LEGISLATIVE BILL 313. Placed on Final Reading.

LEGISLATIVE BILL 407. Placed on Final Reading.

[ST20](#)

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

1. On page 4, line 31, "the" has been inserted after "In".

LEGISLATIVE BILL 521. Placed on Final Reading.

LEGISLATIVE BILL 540. Placed on Final Reading.

[ST24](#)

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

1. On page 5, lines 14 and 27, the comma has been struck and the stricken "or" has been reinstated; in lines 15 and 28 the comma has been struck; and in line 21 the commas have been struck and the stricken "or" has been reinstated.
2. On page 6, line 6, "who is" has been inserted after the first comma; and in line 25 "urges" has been struck, shown as stricken, and "urging" inserted.
3. On page 7, line 1, an underscored comma has been inserted after "amusement".

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to [LB64](#):

[AM1407](#) is available in the Bill Room.

Senator Hunt filed the following amendment to [LB496](#):

[AM1312](#)

(Amendments to E&R amendments, ER90)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 29-4101, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 29-4101 Sections 29-4101 to 29-4115.01 and section 9 of this act
- 5 shall be known and may be cited as the DNA Identification Information
- 6 Act.
- 7 Sec. 9. (1) On or before July 1, 2022, the Attorney General shall
- 8 contact each law enforcement agency in the state to determine the
- 9 inventory of backlogged sexual assault forensic evidence collection kits
- 10 held by each such agency.
- 11 (2) On or before July 30, 2022, the Attorney General shall issue a
- 12 report regarding the number of backlogged sexual assault forensic
- 13 evidence collection kits held by all law enforcement agencies in the
- 14 state. The report shall contain aggregate data only and shall not contain
- 15 any personal identifying information. The report shall be made publicly
- 16 available on the Attorney General's web site and shall be electronically
- 17 submitted to the Legislature.
- 18 (3) On or before July 1, 2023, and on or before each July 1
- 19 thereafter, the Attorney General shall contact each law enforcement
- 20 agency in the state to determine the percentage of backlogged sexual
- 21 assault forensic evidence collection kits held by all law enforcement
- 22 agencies in this state that have been fully processed.
- 23 (4) On or before July 30, 2023, and on or before each July 30
- 24 thereafter, the Attorney General shall issue a report regarding the
- 25 percentage determined under subsection (3) of this section. The report
- 26 shall contain aggregate data only and shall not contain any personal
- 1 identifying information. The report shall be made publicly available on

2 the Attorney General's web site and shall be electronically submitted to
 3 the Legislature.

4 (5) If the Attorney General determines that the percentage described
 5 in subsection (3) of this section is ninety percent or higher, the
 6 Attorney General shall issue and submit the next report required by
 7 subsection (4) of this section and shall thereafter discontinue the
 8 survey and reports under this section.

9 (6) Each law enforcement agency shall cooperate with the Attorney
 10 General in carrying out his or her duties under this section.

11 (7) For purposes of this section:

12 (a) Backlogged sexual assault forensic evidence collection kit means
 13 a sexual assault forensic evidence collection kit that:

14 (i) Is in the possession of a law enforcement agency as of January
 15 1, 2021; and

16 (ii) Has not been fully processed;

17 (b) Fully processed means a sexual assault forensic evidence
 18 collection kit:

19 (i) That has been appropriately tested;

20 (ii) For which reasonable efforts have been made to notify any
 21 reasonably identifiable victim of any test results; and

22 (iii) For which testing results have been uploaded to the
 23 appropriate state, local, and federal DNA data bases; and

24 (c) Implementation date means the January 1 next following the date
 25 on which the Attorney General determines that the percentage described in
 26 subsection (3) of this section is ninety percent or higher.

27 2. On page 7, line 8, strike "A" and insert "Beginning on the
 28 implementation date as defined in section 9 of this act, a".

29 3. On page 9, line 9, strike "and 10" and insert "8, 9, and 12"; and
 30 in line 14 after "sections" insert "29-4101,".

31 4. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB496A:

AM1397

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of
 2 "General Fund" and insert "Nebraska Capital Construction Fund".

Senator Hunt filed the following amendment to LB496A:

AM1398

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of
 2 "General Fund" and insert "Property Tax Credit Cash Fund".

Senator Hunt filed the following amendment to LB496A:

AM1399

1 1. On page 2, lines 2, 10, and 14, strike every occurrence of
 2 "General Fund" and insert "Nebraska Law Enforcement Training Center Cash
 3 Fund".

Senator Hunt filed the following amendment to LB496:

AM1409

(Amendments to E&R amendments, ER90)

1 1. On page 7, line 13, after the period insert "The law enforcement
 2 agency arresting or detaining such person shall be responsible for
 3 determining whether the person charged already has a DNA sample available
 4 for use in the State DNA Sample Bank. A sample shall not be obtained
 5 under this subsection until such agency definitively determines that an
 6 earlier sample is not available for use in the State DNA Sample Bank.".

Senator Hunt filed the following amendment to [LB496](#):

[AM1413](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 3, line 11, after the comma insert "~~from any person who~~
- 2 ~~holds himself or herself out as a religious leader, priest, clergyperson,~~
- 3 ~~or minister that works in a teaching, supervisory, or other position of~~
- 4 ~~authority over children and who interacts directly with such children."~~.
- 5 2. On page 6, line 2, strike "and" and show as stricken; in line 4
- 6 strike the period, show as stricken, and insert "; ~~and~~
- 7 ~~(5) Persons who hold themselves out as religious leaders, priests,~~
- 8 ~~clergypersons, or ministers that work in a teaching, supervisory, or~~
- 9 ~~other position of authority over children and interact directly with such~~
- 10 ~~children."~~.
- 11 3. On page 7, after line 28, insert the following new subsection:
- 12 "~~(4) On or before May 1, 2022, any person who holds himself or~~
- 13 ~~himself out as a religious leader, priest, clergyperson, or minister that~~
- 14 ~~works in a teaching, supervisory, or other position of authority over~~
- 15 ~~children and who interacts directly with such children and who does not~~
- 16 ~~have a DNA sample available for use in the State DNA Sample Bank shall,~~
- 17 ~~at his or her own expense, have a DNA sample collected by the sheriff."~~;
- 18 and in line 29 strike "(4)" and insert "(5)".
- 19 4. On page 8, line 1, strike "(5)" and insert "(6)"; and in line 16
- 20 after "(3)" insert "or (4)".

Senator Hunt filed the following amendment to [LB496](#):

[AM1411](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 7, line 4, strike "not be released", show as stricken,
- 2 and insert "have a DNA sample collected"; and strike beginning with
- 3 "unless" in line 6 through "collected" in line 7 and show as stricken.

Senator Hunt filed the following amendment to [LB496](#):

[AM1412](#)

(Amendments to E & R amendments, ER90)

- 1 1. On page 9, line 8, after the period insert "~~In all circumstances~~
- 2 ~~the costs for requesting, considering, and receiving such expungement~~
- 3 ~~pursuant to this section shall be assumed by the Nebraska State Patrol~~
- 4 ~~and a person so applying shall not be responsible or liable for any costs~~
- 5 ~~associated with a request for expungement."~~.

Senator Hunt filed the following amendment to [LB496](#):

[AM1414](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 9, after line 8 insert the following new subsection:
- 2 "~~(4) Any law enforcement officer with a record of allegations,~~
- 3 ~~investigations, or findings of misconduct related to the performance of~~
- 4 ~~his or her duties as a law enforcement officer shall not be eligible to~~
- 5 ~~enforce the provisions of this section."~~.

Senator Hunt filed the following amendment to [LB496](#):

[AM1410](#)

(Amendments to E&R amendments, ER90)

- 1 1. On page 6, strike beginning with the second comma in line 9
- 2 through the comma in line 10 and show as stricken.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Sanders name added to LR128.

RECESS

At 11:59 a.m., on a motion by Senator Hilgers, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Hilgers presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostar, Brandt, Briese, M. Cavanaugh, Day, DeBoer, Dorn, Geist, Groene, Halloran, Hilkemann, Lathrop, and McCollister who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB496:

[AM1408](#)

(Amendments to E & R amendments, ER90)

1 1. On page 7, line 13, after "process" insert "unless obtaining such
2 sample would be unsafe for the law enforcement officer collecting such
3 sample or any other person".

GENERAL FILE

LEGISLATIVE BILL 474. Senator Slama renewed her motion, [MO65](#), found in this day's Journal, to bracket until June 10, 2021.

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 139. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the financial health of individuals in Nebraska's workforce over one year into the COVID-19 pandemic.

This study shall include, but not be limited to, an evaluation of:

- (1) Wages across the state and across industries, including, but not limited to, tipped workers, minimum wage workers, and workers with disabilities;
- (2) Whether income earned by Nebraska workers is adequate to afford the cost of living in Nebraska for necessities, such as food and housing;
- (3) The standard benefits available to workers across the state and across industries, including, but not limited to, paid sick leave and paid safe leave, health insurance, and retirement benefits;
- (4) Whether the benefits available to Nebraska workers promotes health, wellness, and long-term financial stability into retirement; and
- (5) Job opportunities available to workers across the state and whether those opportunities align with the types of jobs and benefits that workers are seeking.

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

1. That the Business and Labor 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 140. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine Nebraska's unemployment insurance system. The Department of Labor reported that weekly initial unemployment insurance claims reached a record high in March 2020 and continued to be substantive throughout 2020 and into 2021. Many constituents have shared their stories of the difficulty they experienced applying for unemployment benefits, contacting the Department of Labor, and receiving their full unemployment benefits in a timely manner. While the pandemic was unprecedented, it is important that Nebraskans are able to access the benefits they have earned during an emergency.

This study shall include, but not be limited to, the following:

- (1) An examination of unemployment claim rates during the COVID-19 pandemic and through 2021;
- (2) An examination of the average wait time to receive unemployment benefits starting in March 2020 and continuing each month up to the present;
- (3) The lived experiences of those who applied for unemployment benefits and experienced trouble with receiving such benefits in a timely manner;
- (4) The accessibility to and issues faced by Nebraska's unemployment benefits program during the COVID-19 pandemic; and
- (5) Any potential improvement or changes to Nebraska's unemployment insurance system.

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

1. That the Business and Labor 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 141. Introduced by DeBoer, 10.

PURPOSE: The purpose of this interim study is to create a select interim committee of the Legislature, to be known as the School Finance Study Committee, to conduct an indepth study of the financing of the public elementary and secondary schools in the state. The committee shall consist of eleven members of the Legislature appointed by the Executive Board of the Legislative Council. Members shall include two members of the Education Committee of the Legislature, two members of the Appropriations Committee of the Legislature, two members of the Legislature's Planning Committee, two members of the Revenue Committee of the Legislature, and three at-large members of the Legislature. At least three members shall be appointed from each congressional district. The chairperson of the Education Committee of the Legislature shall be one of the members appointed from such committee and shall serve as the chairperson of the School Finance Study Committee.

The study shall include an examination of the following:

(1) Methods of financing public elementary and secondary schools, including methods used in other states, which would provide equitable educational opportunities across the state and offer alternatives to a heavy reliance on property tax;

(2) The option of using a measure of income as a component in the financing of public elementary and secondary schools;

(3) The option of using sales tax as a component in the financing of public elementary and secondary schools, including, but not limited to, an examination of the experience of any other states with such option;

(4) Financing issues as they relate to the quality and performance of public elementary and secondary schools;

(5) Funding methods for public prekindergarten services;

(6) Funding methods for college-readiness and career-readiness programs, including, but not limited to, programs of excellence, dual-enrollment courses, and career academies;

(7) The costs and resources necessary to meet the diverse and growing needs of students across the state, including, but not limited to, the needs of poverty students and limited English proficiency students;

(8) Methods used by other states to fund public elementary and secondary school infrastructure needs; and

(9) Other issues related to public elementary and secondary school finance as necessary and as determined by the chairperson of the committee.

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

1. That a select interim committee of the Legislature, to be known as the School Finance Study Committee, shall be designated as provided in this resolution 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.

COMMUNICATION

Received communication to Pete Ricketts, Governor, from Cheryl L. Johnson, Clerk of the U.S. House of Representatives, pursuant to 2a (b), of Title 2 of the United States Code, stating the number of Representatives to which our state is entitled in the United States House of Representatives in the 118th Congress and in each subsequent Congress until a new reapportionment takes effect. (Certificate attached)

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to [LB108](#):
[AM1421](#)

(Amendments to Final Reading copy)

1 1. On page 5, line 18, strike "Until" and insert "To the extent
2 federal funds are available to the Department of Labor for the SNAP Next
3 Step Program, until"; strike beginning with "referred" in line 22 through
4 "enrollment" in line 23 and insert "encouraged to participate"; in line
5 23 after "Program" insert "administered by the Department of Labor"; and
6 in line 25 after the period insert "It is the intent of the Legislature
7 that no General Funds be utilized by the Department of Labor for the
8 processes outlined in this subdivision (iii).".

Senator M. Cavanaugh filed the following amendment to [LB376A](#):
[AM1395](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$2,408,152 from the
4 General Fund for FY2021-22 and (2) \$4,816,303 from the General Fund for
5 FY2022-23 to the Department of Health and Human Services, for Program
6 424, to aid in carrying out the provisions of Legislative Bill 376, One
7 Hundred Seventh Legislature, First Session, 2021.
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.
11 There is included in the appropriation to this program for FY2021-22
12 \$1,827,500 General Funds for state aid, which shall only be used for such
13 purpose. There is included in the appropriation to this program for

14 FY2022-23 \$3,655,000 General Funds for state aid, which shall only be
 15 used for such purpose.
 16 Sec. 2. There is hereby appropriated (1) \$15,313 from the General
 17 Fund and \$3,212,499 from federal funds for FY2021-22 and (2) \$71,222 from
 18 the General Fund and \$6,424,998 from federal funds for FY2022-23 to the
 19 Department of Health and Human Services, for Program 33, to aid in
 20 carrying out the provisions of Legislative Bill 376, One Hundred Seventh
 21 Legislature, First Session, 2021.
 22 Total expenditures for permanent and temporary salaries and per
 23 diems from funds appropriated in this section shall not exceed \$769,701
 24 for FY2021-22 or \$1,539,402 for FY2022-23.
 25 Sec. 3. There is hereby appropriated (1) \$1,533,896 from the
 26 General Fund and \$2,033,304 from federal funds for FY2021-22 and (2)
 27 \$3,067,792 from the General Fund and \$4,066,608 from federal funds for
 1 FY2022-23 to the Department of Health and Human Services, for Program
 2 348, to aid in carrying out the provisions of Legislative Bill 376, One
 3 Hundred Seventh Legislature, First Session, 2021.
 4 No expenditures for permanent and temporary salaries and per diems
 5 for state employees shall be made from funds appropriated in this
 6 section.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 119 and 120 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 119 and 120.

GENERAL FILE

LEGISLATIVE BILL 474. Senator Slama renewed her motion, [MO65](#), found and considered in this day's Journal, to bracket until June 10, 2021.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Senator Slama moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Slama requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 16:

| | | | |
|-----------|----------|---------|---------|
| Albrecht | Briese | Geist | Lowe |
| Arch | Clements | Hilgers | Moser |
| Bostelman | Erdman | Hughes | Murman |
| Brewer | Friesen | Linehan | Sanders |

Voting in the negative, 27:

| | | | | |
|---------------|------------|-------------|----------------|---------|
| Aguilar | Day | Hunt | McKinney | Walz |
| Blood | DeBoer | Kolterman | Morfeld | Wayne |
| Bostar | Dorn | Lathrop | Pahls | Wishart |
| Brandt | Flood | Lindstrom | Pansing Brooks | |
| Cavanaugh, J. | Hansen, M. | McCollister | Stinner | |
| Cavanaugh, M. | Hilkemann | McDonnell | Vargas | |

Present and not voting, 5:

| | | | | |
|---------|----------|------------|-------|----------|
| Gragert | Halloran | Hansen, B. | Slama | Williams |
|---------|----------|------------|-------|----------|

Excused and not voting, 1:

Groene

The Slama motion to bracket failed with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Slama offered the following motion:

[MO66](#)

Reconsider the vote taken on MO65.

Pending.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [566A](#):

[AM1419](#)

1 1. On page 2, lines 1 and 13, strike "\$25,000,000" and insert
 2 "\$15,000,000"; strike beginning with the second "and" in line 2 through
 3 "funds" in line 3; and in line 11 strike "\$24,737,700" and insert
 4 "\$14,737,700" and strike "and \$75,000,000 Federal Funds".

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 256. Placed on Final Reading.
LEGISLATIVE BILL 317. Placed on Final Reading.
LEGISLATIVE BILL 317A. Placed on Final Reading.
LEGISLATIVE BILL 479. Placed on Final Reading.
LEGISLATIVE BILL 628. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 142. Introduced by Cavanaugh, M., 6.

PURPOSE: The purpose of this study is to determine whether legislation should be enacted to provide for additional supports and further address the issue of maternal depression in Nebraska. The study shall include, but not be limited to, an examination of:

- (1) The rate of depression among mothers in Nebraska;
- (2) The impact of maternal depression on babies, young children, and families;
- (3) The types of screening available for maternal depression;
- (4) The percentage and types of providers offering screening for maternal depression;
- (5) The availability of services for new mothers with a diagnosis of maternal depression; and
- (6) Private and public coverage options available for new mothers to maternal depression screening and necessary services.

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

1. That the Health and Human Services 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 143. Introduced by Stinner, 48.

PURPOSE: The purpose of this interim study is to examine the mental and behavioral health needs of Nebraskans, assess the current shortages of providers, services, and resources, and determine what is needed to ensure an adequate behavioral health service delivery system.

The issues addressed by this study shall include, but not be limited to:

- (1) The number and location of mental and behavioral health providers in Nebraska;
- (2) Areas of the state where there are specific shortages of mental and behavioral health providers or specific services;
- (3) What educational and residency programs are available to prepare mental and behavioral health providers;
- (4) Ways to recruit and keep mental and behavioral health providers in areas where there are provider and service shortages; and
- (5) The impact of telehealth availability.

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

1. That the Health and Human Services 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 144. Introduced by Hansen, B., 16.

WHEREAS, since 1962, May 15th has been recognized as National Peace Officers Memorial Day and the week in which it falls as National Police week; and

WHEREAS, outstanding individuals serve the State of Nebraska in law enforcement and preserve the rights and security for each Nebraskan; and

WHEREAS, members of Nebraska law enforcement benefit the people by protecting life and property, opposing violence and disorder, and defending the innocent; and

WHEREAS, it is imperative that all citizens realize the importance of law enforcement in our state and rest assured that there are individuals who take action to ensure our safety; and

WHEREAS, the freedoms enjoyed in the United States are unique and upheld by commitment of the individuals who secure them; and

WHEREAS, during the week of May 15th, the fallen officers of Nebraska who felt the weight of the responsibility to maintain our liberty through the upholding of the law will be remembered, along with their families, who now live with the memory of those who have paid the ultimate sacrifice; and

WHEREAS, more specifically, we remember and honor the officers who have fallen or we have lost in Nebraska including: Fort Calhan Police Department City Marshal Albert Suverkrubbe, whose end of watch was December 14, 1932; Cheyenne County Sheriff's Office Deputy Jailer Randy ZoeRay Haddix, whose end of watch was July 9, 2018; Nebraska State Trooper Jerry Louis Smith, Jr., whose end of watch was June 20, 2019; Lincoln Police Department Investigator L. Mario Herrera, whose end of watch was September 7, 2020; Washington County Sheriff's Office Sergeant Guy F. Pensyl, Sr., whose end of watch was August 10, 1996; Nebraska State Patrol Lieutenant Craig A. Loveless, whose end of watch was March 27, 2020 ; Omaha Airport Authority's Sergeant Rick Hillman, whose end of watch was April 12, 2021; and Blair Police Department's retired K-9 Duke, who died February 9, 2021.

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

1. That the Legislature recognizes May 15, 2021, as National Peace Officers Memorial Day and the week of May 15, 2021, as National Police Week.

2. That the Legislature thanks and appreciates Nebraska law enforcement officers past and present for their dedication and service to this state.

3. That copies of this resolution be sent to the families of Marshal Albert Suverkubbe, Deputy Jailer Randy ZoeRay Haddix, State Trooper Jerry Louis Smith, Jr., Investigator L. Mario Herrera, Sergeant Guy F. Pensyl, Sr., Lieutenant Craig A. Loveless, Sergeant Richard Hillman, and to K-9 Officer Travis Lyon.

Laid over.

LEGISLATIVE RESOLUTION 145. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the adequacy of current aged and disabled medicaid waiver assisted-living provider rates. Providers of assisted-living services serve an important function in meeting the home and community-based care needs of some of the most vulnerable Nebraskans due to age or disability. To continue providing access, the payment rates for these services must be sufficient to cover the cost of the care and services required by the participants in the aged and disabled medicaid waiver program.

The Department of Health and Human Services established the initial medicaid waiver assisted-living provider rates thirty years ago based on an informal process. No formal rate study has ever been performed and the only rate changes implemented have been the annual provider rate changes approved by the Legislature. It is critical for the Legislature, as well as the providers and consumers, to understand if there are medicaid beneficiaries who do not have access to services and whether it is a result of current provider payment rates. Reports of medicaid waiver program participants having difficulty accessing assisted-living services and specifically living memory care, especially in certain areas of the state, may indicate a concern with provider rate adequacy.

This study shall seek data currently gathered by the Division of Medicaid and Long-Term Care of the Department of Health and Human Services to examine the adequacy of current aged and disabled medicaid waiver assisted-living provider rates and any needed changes, including whether a formal rate study is needed.

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

1. That the Appropriations 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.

COMMITTEE REPORT(S)
Transportation and Telecommunications

The Transportation and Telecommunications 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.

John Selmer - Director - Nebraska Department of Transportation

Aye: 8. Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 474. Senator Slama renewed her motion, [MO66](#), found in this day's Journal, to reconsider the vote taken on MO65.

SPEAKER HILGERS PRESIDING

SENATOR HUGHES PRESIDING

SPEAKER HILGERS PRESIDING

Senator Wishart moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Senator Wishart offered the following motion:

[MO67](#)

Invoke cloture pursuant to Rule 7, Section 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

| | | | | |
|---------------|------------|-------------|----------------|---------|
| Aguilar | Day | Hansen, M. | McDonnell | Walz |
| Blood | DeBoer | Hilkemann | McKinney | Wayne |
| Bostar | Dorn | Hunt | Morfeld | Wishart |
| Brandt | Gragert | Kolterman | Pahls | |
| Brewer | Groene | Lathrop | Pansing Brooks | |
| Cavanaugh, J. | Halloran | Lindstrom | Stinner | |
| Cavanaugh, M. | Hansen, B. | McCollister | Vargas | |

Voting in the negative, 18:

| | | | | |
|-----------|----------|---------|---------|----------|
| Albrecht | Clements | Geist | Lowe | Slama |
| Arch | Erdman | Hilgers | Moser | Williams |
| Bostelman | Flood | Hughes | Murman | |
| Briese | Friesen | Linehan | Sanders | |

The Wishart motion to invoke cloture failed with 31 ayes, 18 nays, and 0 not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Flood filed the following amendment to LB474:
AM1364

(Amendments to Standing Committee amendments, AM824)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 1. Strike original sections 11, 24, and 43 and insert the following
- 3 new sections:
- 4 Sec. 11. Dispensary means the facility operated by the Nebraska
- 5 State Patrol pursuant to section 43 of this act that is permitted to
- 6 acquire, possess, or dispense cannabis, cannabis products, and cannabis
- 7 accessories pursuant to the Medicinal Cannabis Act.
- 8 Sec. 24. Qualifying medical condition means a current diagnosis of
- 9 any of the following conditions:
- 10 (1) Amyotrophic lateral sclerosis;
- 11 (2) Autism with frequent or severe self-injurious or aggressive
- 12 behavior;
- 13 (3) Cancer;
- 14 (4) Crohn's disease or ulcerative colitis;
- 15 (5) Epilepsy or epileptic seizures;
- 16 (6) Glaucoma;
- 17 (7) Hepatitis C that causes moderate to severe nausea or cachexia;
- 18 (8) Human immunodeficiency virus or acquired immune deficiency
- 19 syndrome;
- 20 (9) Huntington's disease;
- 21 (10) Parkinson's disease;
- 22 (11) Post-traumatic stress disorder that has failed all other
- 23 conventional treatments;
- 24 (12) Spinal cord injury or disease with residual neurological
- 25 deficits;
- 26 (13) Terminal illness with a probable life expectancy of under one
- 1 year;
- 2 (14) Tourette's syndrome;
- 3 (15) A serious medical condition, or the treatment of a serious
- 4 medical condition, that causes severe nausea or cachexia;
- 5 (16) Severe and persistent muscle spasms caused by multiple
- 6 sclerosis, spinal cord injury, or muscular dystrophy; or
- 7 (17) Severe or chronic pain lasting longer than six months that is
- 8 not adequately managed, in the opinion of a health care practitioner,
- 9 despite treatment attempts using (a) conventional medications other than
- 10 opioids or opiates or (b) physical interventions.
- 11 Sec. 43. (1) By November 1, 2022, the Nebraska State Patrol shall
- 12 establish a single dispensary for the state. The dispensary shall be
- 13 sited within five hundred feet of a county jail. The dispensary shall
- 14 begin supplying cannabis for medicinal use on or before May 1, 2023.
- 15 (2) The dispensary shall only dispense cannabis, cannabis products,

16 or cannabis accessories to a certified patient, a designated caregiver, a
17 nonresident patient, or a nonresident caregiver. Prior to dispensing any
18 cannabis, cannabis products, or cannabis accessories, the dispensary
19 shall verify that the person requesting such distribution is a certified
20 patient, a designated caregiver, a nonresident patient, or a nonresident
21 caregiver using verification procedures prescribed by the department.
22 (3) Prior to dispensing cannabis, cannabis products, or cannabis
23 accessories, the dispensary shall:
24 (a) On a purchaser's first visit, require the purchaser to provide a
25 full set of fingerprints which shall be submitted to the Federal Bureau
26 of Investigation for a national criminal history record information
27 check;
28 (b) Run a check for outstanding warrants for the purchaser, and, in
29 the case of a designated caregiver or nonresident caregiver, for the
30 certified patient or nonresident patient on whose behalf the cannabis,
31 cannabis products, or cannabis accessories are being purchased; and
1 (c) Run a check to determine if child support payments are owed by
2 the purchaser, and, in the case of a designated caregiver or nonresident
3 caregiver, by the certified patient or nonresident patient on whose
4 behalf the cannabis, cannabis products, or cannabis accessories are being
5 purchased.
6 (4) Prior to dispensing cannabis, cannabis products, or cannabis
7 accessories, the dispensary shall require the purchaser to display a
8 government-issued identification document and the following
9 documentation:
10 (a) For a certified patient, either:
11 (i) The certified patient's written certification or a copy of such
12 written certification; or
13 (ii) A valid registry verification;
14 (b) For a designated caregiver, either:
15 (i) Both (A) the certified patient's written certification or a copy
16 of such written certification and (B) a copy of any affidavit required by
17 section 8 or 10 of this act; or
18 (ii) A valid registry verification; or
19 (c) For a nonresident patient or nonresident caregiver, the
20 documentation required by section 16 or 17 of this act.
21 (5)(a) The dispensary shall contract with or employ at least one
22 pharmacist who is licensed under the Pharmacy Practice Act and who has
23 completed at least fifteen hours of continuing education course material
24 on the medicinal use of cannabis, which has been approved by the
25 Medicinal Cannabis Board. The pharmacist shall be available to patients
26 and dispensary staff, in person or by telemedicine, during business hours
27 to advise and educate patients and to consult about appropriate dosing.
28 (b) Dispensary staff shall notify certified patients, designated
29 caregivers, nonresident patients, and nonresident caregivers of the
30 availability of the pharmacist to provide a consultation at no additional
31 charge at each sale of cannabis.
1 (c) The continuing education courses for pharmacists shall include
2 information on drug interactions, dosages for various cannabis
3 preparations, counter-indications, and the risks and benefits of
4 cannabis. Each dispensary staff member who provides cannabis or cannabis
5 products to a certified patient, a designated caregiver, a nonresident
6 patient, or a nonresident caregiver shall complete a four-hour cannabis
7 education course approved by the Medicinal Cannabis Board prior to
8 providing cannabis to a certified patient, a designated caregiver, a
9 nonresident patient, or a nonresident caregiver.
10 (6) The dispensary shall provide a discount of at least ten percent
11 to each certified patient who has a financial hardship waiver. The
12 discount may be limited to an allowable amount of cannabis each thirty
13 days.

14 (7) The dispensary shall not conduct any cultivation, harvesting,
15 manufacturing, or processing of cannabis.
16 (8) The Nebraska State Patrol, in consultation with the department,
17 shall adopt and promulgate rules and regulations setting forth:
18 (a) Procedures for the oversight of the dispensary and procedures to
19 ensure accurate record keeping; and
20 (b) Procedures for the implementation of appropriate security
21 measures to deter and prevent the theft of cannabis and unauthorized
22 entrance into areas containing cannabis.
23 (9) The Nebraska State Patrol shall remit all payments received from
24 the operation of the dispensary to the State Treasurer for credit to the
25 Medicinal Cannabis Regulation Fund.
26 (10) The dispensary shall comply with the Medicinal Cannabis Act and
27 rules and regulations adopted and promulgated by the department under the
28 act.
29 2. On page 16, strike beginning with "who" in line 5 through the
30 second "a" in line 6 and insert "shall complete a minimum of eight hours
31 of"; in lines 7 and 8 strike "course" and insert "courses"; in line 8
1 strike "the eleventh" and insert "a"; strike beginning with "a" in line
2 11 through line 12 and insert "at least twenty-five patients,"; in line
3 18 strike "eleven or more"; and in line 19 strike "three" and insert
4 "eight".
5 3. On page 17, strike lines 21 and 22; in line 23 strike "(c)" and
6 insert "(b)"; and in line 25 strike "(d)" and insert "(c)".
7 4. On page 19, lines 15 and 20, strike "dispensaries" and insert
8 "the dispensary"; and strike beginning with "The" in line 30 through line
9 31.
10 5. On page 20, strike line 1; and in lines 24 and 29 strike
11 "dispensaries" and insert "the dispensary".
12 6. On page 21, line 19, strike "dispensaries" and insert "the
13 dispensary".
14 7. On page 25, line 27, strike "a" and insert "the".
15 8. On page 26, line 6, strike "dispensaries" and insert "the
16 dispensary"; in line 16, strike "a" and insert "the"; strike lines 17
17 through 20; in line 21 strike "(b)" and insert "(a)"; and in line 23
18 strike "(c)" and insert "(b)".
19 9. On page 27, line 4, strike "(d)" and insert "(c)"; in line 8,
20 strike "A" and insert "The"; in lines 11, 15, and 17, strike
21 "dispensary,"; and strike beginning with "If" in line 20 through line 31.
22 10. On page 28, strike line 1; in line 2 strike "(3)" and insert
23 "(2)"; in line 9 strike "(4)" and insert "(3)"; in line 14 strike "(5)"
24 and insert "(4)"; in line 17 strike "(6)" and insert "(5)"; in line 20
25 strike "(7)" and insert "(6)"; and in line 22 strike "(8)(a)" and insert
26 "(7)(a)".
27 11. On page 29, line 16, strike "(9)" and insert "(8)"; and in line
28 23 strike "(10)" and insert "(9)".
29 12. On page 30, line 31, strike "or" and insert an underscored
30 comma.
31 13. On page 31, line 2, after "program" insert ", or (c) as
1 necessary by the Nebraska State Patrol to operate the dispensary"; in
2 line 9 strike "and dispensary staff"; and in line 10 after the period
3 insert "This subsection does not apply to the Nebraska State Patrol's
4 operations of the dispensary."
5 14. On page 33, lines 28 and 30, strike "dispensary."
6 15. On page 35, line 6, strike "dispensaries" and insert "the
7 dispensary"; in line 15, strike "a"; in line 16 strike "dispensary or";
8 in line 17 strike "a dispensary"; in line 26 strike "a dispensary" and
9 insert "the dispensary".
10 16. On page 36, in lines 23 and 25, strike "dispensary,"; and strike
11 beginning with "(1)" in line 30 through line 31.

12 17. On page 37, strike line 1; in line 2 strike "(2)(a)" and insert
13 "(1)(a)"; in line 9 strike "(3)(a)" and insert "(2)(a)"; in line 18
14 strike "(4)" and insert "(3)"; in line 21 strike "(5)" and insert "(4)";
15 in line 25 strike "(3)(a)" and insert "(2)(a)"; in line 26 strike "(3)"
16 and insert "(2)"; strike beginning with "(e)" in line 27 through "(f)" in
17 line 28 and insert "and (e)"; and in line 29 strike "(6)" and insert
18 "(5)".
19 18. On page 38, line 2 strike "or fees" and insert "fees, and
20 payments to dispensaries".
21 19. On page 43, line 15, strike "dispensaries" and insert "the
22 dispensary".

Senator B. Hansen filed the following amendment to [LB474](#):
[AM1429](#) is available in the Bill Room.

Senator Lowe filed the following amendment to [LB474](#):
[FA48](#)
Strike the enacting clause.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 146. Introduced by Geist, 25.

WHEREAS, Elizabeth Funk is an eighth grader at Waverly Middle School and Taylor Root is a freshman at Waverly High School; and

WHEREAS, Elizabeth and Taylor are both members of the Big Red Elite Equestrian Club, coached by Kelsey Ebke, out of Cornerstone Stables in Hickman; and

WHEREAS, Elizabeth and Taylor each qualified for the 2021 Interscholastic Equestrian Association Nationals competition; and

WHEREAS, Elizabeth qualified individually after placing first in future intermediate horsemanship; and

WHEREAS, Taylor qualified after receiving first and third in the varsity intermediate reining category. Taylor will be competing along with her teammates, Caraline Higgins and Makenna Coe of Crete, as a team at nationals; and

WHEREAS, the 2021 Interscholastic Equestrian Association Nationals competition will take place June 28 through July 1, 2021, in Fort Worth, Texas.

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

1. That the Legislature congratulates Elizabeth Funk and Taylor Root on qualifying for the 2021 Interscholastic Equestrian Association Nationals competition and wishes them and their team the best of luck at the competition.

2. That copies of this resolution be sent to Elizabeth Funk and Taylor Root.

Laid over.

LEGISLATIVE RESOLUTION 147. Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this interim study is to examine the transfer of state-owned property to local political subdivisions. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the applicable laws, regulations, and policies regarding the sale or transfer of a state-owned right-of-way to a local political subdivision;

(2) A review of policies and exceptions regarding the sale or transfer of real property purchased by the state using federal funds;

(3) An examination of whether a transfer of real property from the state to a local political subdivision at a price below the market value would contribute to economic development and transportation system design; and

(4) Input from stakeholders, including, but not limited to, the Department of Transportation, economic development organizations, and local political subdivisions.

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

1. That the Transportation and Telecommunications 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.

EASE

The Legislature was at ease from 6:17 p.m. until 6:47 p.m.

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Senator Moser withdrew his amendments, [AM124](#) and [AM862](#), found on page 572 and 908.

Senator Moser offered his amendment, [AM1377](#), found on page 1386.

SENATOR WILLIAMS PRESIDING

The Moser amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB64](#):
[AM1431](#)

(Amendments to Final Reading copy)

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

2 Section 1. Section 77-2716, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 77-2716 (1) The following adjustments to federal adjusted gross
5 income or, for corporations and fiduciaries, federal taxable income shall
6 be made for interest or dividends received:

7 (a)(i) There shall be subtracted interest or dividends received by
8 the owner of obligations of the United States and its territories and
9 possessions or of any authority, commission, or instrumentality of the
10 United States to the extent includable in gross income for federal income
11 tax purposes but exempt from state income taxes under the laws of the
12 United States; and

13 (ii) There shall be subtracted interest received by the owner of
14 obligations of the State of Nebraska or its political subdivisions or
15 authorities which are Build America Bonds to the extent includable in
16 gross income for federal income tax purposes;

17 (b) There shall be subtracted that portion of the total dividends
18 and other income received from a regulated investment company which is
19 attributable to obligations described in subdivision (a) of this
20 subsection as reported to the recipient by the regulated investment
21 company;

22 (c) There shall be added interest or dividends received by the owner
23 of obligations of the District of Columbia, other states of the United
24 States, or their political subdivisions, authorities, commissions, or
25 instrumentalities to the extent excluded in the computation of gross
26 income for federal income tax purposes except that such interest or
1 dividends shall not be added if received by a corporation which is a
2 regulated investment company;

3 (d) There shall be added that portion of the total dividends and
4 other income received from a regulated investment company which is
5 attributable to obligations described in subdivision (c) of this
6 subsection and excluded for federal income tax purposes as reported to
7 the recipient by the regulated investment company; and

8 (e)(i) Any amount subtracted under this subsection shall be reduced
9 by any interest on indebtedness incurred to carry the obligations or
10 securities described in this subsection or the investment in the
11 regulated investment company and by any expenses incurred in the
12 production of interest or dividend income described in this subsection to
13 the extent that such expenses, including amortizable bond premiums, are
14 deductible in determining federal taxable income.

15 (ii) Any amount added under this subsection shall be reduced by any
16 expenses incurred in the production of such income to the extent
17 disallowed in the computation of federal taxable income.

18 (2) There shall be allowed a net operating loss derived from or
19 connected with Nebraska sources computed under rules and regulations
20 adopted and promulgated by the Tax Commissioner consistent, to the extent
21 possible under the Nebraska Revenue Act of 1967, with the laws of the
22 United States. For a resident individual, estate, or trust, the net
23 operating loss computed on the federal income tax return shall be
24 adjusted by the modifications contained in this section. For a
25 nonresident individual, estate, or trust or for a partial-year resident
26 individual, the net operating loss computed on the federal return shall
27 be adjusted by the modifications contained in this section and any
28 carryovers or carrybacks shall be limited to the portion of the loss

29 derived from or connected with Nebraska sources.

30 (3) There shall be subtracted from federal adjusted gross income for
31 all taxable years beginning on or after January 1, 1987, the amount of
1 any state income tax refund to the extent such refund was deducted under
2 the Internal Revenue Code, was not allowed in the computation of the tax
3 due under the Nebraska Revenue Act of 1967, and is included in federal
4 adjusted gross income.

5 (4) Federal adjusted gross income, or, for a fiduciary, federal
6 taxable income shall be modified to exclude the portion of the income or
7 loss received from a small business corporation with an election in
8 effect under subchapter S of the Internal Revenue Code or from a limited
9 liability company organized pursuant to the Nebraska Uniform Limited
10 Liability Company Act that is not derived from or connected with Nebraska
11 sources as determined in section 77-2734.01.

12 (5) There shall be subtracted from federal adjusted gross income or,
13 for corporations and fiduciaries, federal taxable income dividends
14 received or deemed to be received from corporations which are not subject
15 to the Internal Revenue Code.

16 (6) There shall be subtracted from federal taxable income a portion
17 of the income earned by a corporation subject to the Internal Revenue
18 Code of 1986 that is actually taxed by a foreign country or one of its
19 political subdivisions at a rate in excess of the maximum federal tax
20 rate for corporations. The taxpayer may make the computation for each
21 foreign country or for groups of foreign countries. The portion of the
22 taxes that may be deducted shall be computed in the following manner:

23 (a) The amount of federal taxable income from operations within a
24 foreign taxing jurisdiction shall be reduced by the amount of taxes
25 actually paid to the foreign jurisdiction that are not deductible solely
26 because the foreign tax credit was elected on the federal income tax
27 return;

28 (b) The amount of after-tax income shall be divided by one minus the
29 maximum tax rate for corporations in the Internal Revenue Code; and

30 (c) The result of the calculation in subdivision (b) of this
31 subsection shall be subtracted from the amount of federal taxable income
1 used in subdivision (a) of this subsection. The result of such
2 calculation, if greater than zero, shall be subtracted from federal
3 taxable income.

4 (7) Federal adjusted gross income shall be modified to exclude any
5 amount repaid by the taxpayer for which a reduction in federal tax is
6 allowed under section 1341(a)(5) of the Internal Revenue Code.

7 (8)(a) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be reduced, to the extent
9 included, by income from interest, earnings, and state contributions
10 received from the Nebraska educational savings plan trust created in
11 sections 85-1801 to 85-1817 and any account established under the
12 achieving a better life experience program as provided in sections
13 77-1401 to 77-1409.

14 (b) Federal adjusted gross income or, for corporations and
15 fiduciaries, federal taxable income shall be reduced by any contributions
16 as a participant in the Nebraska educational savings plan trust or
17 contributions to an account established under the achieving a better life
18 experience program made for the benefit of a beneficiary as provided in
19 sections 77-1401 to 77-1409, to the extent not deducted for federal
20 income tax purposes, but not to exceed five thousand dollars per married
21 filing separate return or ten thousand dollars for any other return. With
22 respect to a qualified rollover within the meaning of section 529 of the
23 Internal Revenue Code from another state's plan, any interest, earnings,
24 and state contributions received from the other state's educational
25 savings plan which is qualified under section 529 of the code shall
26 qualify for the reduction provided in this subdivision. For contributions

27 by a custodian of a custodial account including rollovers from another
28 custodial account, the reduction shall only apply to funds added to the
29 custodial account after January 1, 2014.

30 (c) For taxable years beginning or deemed to begin on or after
31 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
1 federal adjusted gross income shall be reduced, to the extent included in
2 the adjusted gross income of an individual, by the amount of any
3 contribution made by the individual's employer into an account under the
4 Nebraska educational savings plan trust owned by the individual, not to
5 exceed five thousand dollars per married filing separate return or ten
6 thousand dollars for any other return.

7 (d) Federal adjusted gross income or, for corporations and
8 fiduciaries, federal taxable income shall be increased by:

9 (i) The amount resulting from the cancellation of a participation
10 agreement refunded to the taxpayer as a participant in the Nebraska
11 educational savings plan trust to the extent previously deducted under
12 subdivision (8)(b) of this section; and

13 (ii) The amount of any withdrawals by the owner of an account
14 established under the achieving a better life experience program as
15 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
16 extent previously deducted under subdivision (8)(b) of this section.

17 (9)(a) For income tax returns filed after September 10, 2001, for
18 taxable years beginning or deemed to begin before January 1, 2006, under
19 the Internal Revenue Code of 1986, as amended, federal adjusted gross
20 income or, for corporations and fiduciaries, federal taxable income shall
21 be increased by eighty-five percent of any amount of any federal bonus
22 depreciation received under the federal Job Creation and Worker
23 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
24 under section 168(k) or section 1400L of the Internal Revenue Code of
25 1986, as amended, for assets placed in service after September 10, 2001,
26 and before December 31, 2005.

27 (b) For a partnership, limited liability company, cooperative,
28 including any cooperative exempt from income taxes under section 521 of
29 the Internal Revenue Code of 1986, as amended, limited cooperative
30 association, subchapter S corporation, or joint venture, the increase
31 shall be distributed to the partners, members, shareholders, patrons, or
1 beneficiaries in the same manner as income is distributed for use against
2 their income tax liabilities.

3 (c) For a corporation with a unitary business having activity both
4 inside and outside the state, the increase shall be apportioned to
5 Nebraska in the same manner as income is apportioned to the state by
6 section 77-2734.05.

7 (d) The amount of bonus depreciation added to federal adjusted gross
8 income or, for corporations and fiduciaries, federal taxable income by
9 this subsection shall be subtracted in a later taxable year. Twenty
10 percent of the total amount of bonus depreciation added back by this
11 subsection for tax years beginning or deemed to begin before January 1,
12 2003, under the Internal Revenue Code of 1986, as amended, may be
13 subtracted in the first taxable year beginning or deemed to begin on or
14 after January 1, 2005, under the Internal Revenue Code of 1986, as
15 amended, and twenty percent in each of the next four following taxable
16 years. Twenty percent of the total amount of bonus depreciation added
17 back by this subsection for tax years beginning or deemed to begin on or
18 after January 1, 2003, may be subtracted in the first taxable year
19 beginning or deemed to begin on or after January 1, 2006, under the
20 Internal Revenue Code of 1986, as amended, and twenty percent in each of
21 the next four following taxable years.

22 (10) For taxable years beginning or deemed to begin on or after
23 January 1, 2003, and before January 1, 2006, under the Internal Revenue
24 Code of 1986, as amended, federal adjusted gross income or, for

25 corporations and fiduciaries, federal taxable income shall be increased
26 by the amount of any capital investment that is expensed under section
27 179 of the Internal Revenue Code of 1986, as amended, that is in excess
28 of twenty-five thousand dollars that is allowed under the federal Jobs
29 and Growth Tax Act of 2003. Twenty percent of the total amount of
30 expensing added back by this subsection for tax years beginning or deemed
31 to begin on or after January 1, 2003, may be subtracted in the first
1 taxable year beginning or deemed to begin on or after January 1, 2006,
2 under the Internal Revenue Code of 1986, as amended, and twenty percent
3 in each of the next four following tax years.

4 (11)(a) For taxable years beginning or deemed to begin before
5 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
6 federal adjusted gross income shall be reduced by contributions, up to
7 two thousand dollars per married filing jointly return or one thousand
8 dollars for any other return, and any investment earnings made as a
9 participant in the Nebraska long-term care savings plan under the Long-
10 Term Care Savings Plan Act, to the extent not deducted for federal income
11 tax purposes.

12 (b) For taxable years beginning or deemed to begin before January 1,
13 2018, under the Internal Revenue Code of 1986, as amended, federal
14 adjusted gross income shall be increased by the withdrawals made as a
15 participant in the Nebraska long-term care savings plan under the act by
16 a person who is not a qualified individual or for any reason other than
17 transfer of funds to a spouse, long-term care expenses, long-term care
18 insurance premiums, or death of the participant, including withdrawals
19 made by reason of cancellation of the participation agreement, to the
20 extent previously deducted as a contribution or as investment earnings.

21 (12) There shall be added to federal adjusted gross income for
22 individuals, estates, and trusts any amount taken as a credit for
23 franchise tax paid by a financial institution under sections 77-3801 to
24 77-3807 as allowed by subsection (5) of section 77-2715.07.

25 (13)(a) For taxable years beginning or deemed to begin on or after
26 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
27 federal adjusted gross income shall be reduced by the amount received as
28 benefits under the federal Social Security Act which are included in the
29 federal adjusted gross income if:

30 (i) For taxpayers filing a married filing joint return, federal
31 adjusted gross income is fifty-eight thousand dollars or less; or

1 (ii) For taxpayers filing any other return, federal adjusted gross
2 income is forty-three thousand dollars or less.

3 (b) For taxable years beginning or deemed to begin on or after
4 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
5 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
6 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
7 individual income tax brackets under subsection (3) of section
8 77-2715.03.

9 (c) For taxable years beginning or deemed to begin on or after
10 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
11 taxpayer may claim the reduction to federal adjusted gross income allowed
12 under this subsection or the reduction to federal adjusted gross income
13 allowed under subsection (14) of this section, whichever provides the
14 greater reduction.

15 (14)(a) For taxable years beginning or deemed to begin on or after
16 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
17 federal adjusted gross income shall be reduced by a percentage of the
18 social security benefits that are received and included in federal
19 adjusted gross income. The pertinent percentage shall be:

20 (i) Five percent for taxable years beginning or deemed to begin on
21 or after January 1, 2021, and before January 1, 2022, under the Internal
22 Revenue Code of 1986, as amended;

23 (ii) Twenty percent for taxable years beginning or deemed to begin
24 on or after January 1, 2022, and before January 1, 2023, under the
25 Internal Revenue Code of 1986, as amended;
26 (iii) Thirty percent for taxable years beginning or deemed to begin
27 on or after January 1, 2023, and before January 1, 2024, under the
28 Internal Revenue Code of 1986, as amended;
29 (iv) Forty percent for taxable years beginning or deemed to begin on
30 or after January 1, 2024, and before January 1, 2025, under the Internal
31 Revenue Code of 1986, as amended;
1 (v) Fifty percent for taxable years beginning or deemed to begin on
2 or after January 1, 2025, and before January 1, 2026, under the Internal
3 Revenue Code of 1986, as amended;
4 (vi) Sixty percent for taxable years beginning or deemed to begin on
5 or after January 1, 2026, and before January 1, 2027, under the Internal
6 Revenue Code of 1986, as amended;
7 (vii) Seventy percent for taxable years beginning or deemed to begin
8 on or after January 1, 2027, and before January 1, 2028, under the
9 Internal Revenue Code of 1986, as amended;
10 (viii) Eighty percent for taxable years beginning or deemed to begin
11 on or after January 1, 2028, and before January 1, 2029, under the
12 Internal Revenue Code of 1986, as amended;
13 (ix) Ninety percent for taxable years beginning or deemed to begin
14 on or after January 1, 2029, and before January 1, 2030, under the
15 Internal Revenue Code of 1986, as amended; and
16 (x) One hundred percent for taxable years beginning or deemed to
17 begin on or after January 1, 2030, under the Internal Revenue Code of
18 1986, as amended.
19 (b) For purposes of this subsection, social security benefits means
20 benefits received under the federal Social Security Act.
21 (c) For taxable years beginning or deemed to begin on or after
22 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
23 taxpayer may claim the reduction to federal adjusted gross income allowed
24 under this subsection or the reduction to federal adjusted gross income
25 allowed under subsection (13) of this section, whichever provides the
26 greater reduction.
27 (d) It is the intent of the Legislature to:
28 (i) Monitor the projected fiscal impact to the state resulting from
29 the reductions to federal adjusted gross income allowed to taxpayers
30 under subdivisions (14)(a)(vi) to (x) of this section; and
31 (ii) Enact legislation to change subdivisions (14)(a)(vi) to (x) of
1 this section if the Legislature determines that such changes are
2 necessary to protect the fiscal soundness of the state.
3 (15)(a) (44)(a) For taxable years beginning or deemed to begin on or
4 after January 1, 2015, and before January 1, 2022, under the Internal
5 Revenue Code of 1986, as amended, an individual may make a one-time
6 election within two calendar years after the date of his or her
7 retirement from the military to exclude income received as a military
8 retirement benefit by the individual to the extent included in federal
9 adjusted gross income and as provided in this subdivision. The individual
10 may elect to exclude forty percent of his or her military retirement
11 benefit income for seven consecutive taxable years beginning with the
12 year in which the election is made or may elect to exclude fifteen
13 percent of his or her military retirement benefit income for all taxable
14 years beginning with the year in which he or she turns sixty-seven years
15 of age.
16 (b) For taxable years beginning or deemed to begin on or after
17 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an
18 individual may exclude fifty percent of the military retirement benefit
19 income received by such individual to the extent included in federal
20 adjusted gross income.

21 (c) For purposes of this subsection, military retirement benefit
 22 means retirement benefits that are periodic payments attributable to
 23 service in the uniformed services of the United States for personal
 24 services performed by an individual prior to his or her retirement.
 25 (16) (45) For taxable years beginning or deemed to begin on or after
 26 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
 27 federal adjusted gross income shall be reduced by the amount received as
 28 a Segal AmeriCorps Education Award, to the extent such amount is included
 29 in federal adjusted gross income.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 147A. Placed on Select File.

LEGISLATIVE BILL 432A. Placed on Select File.

LEGISLATIVE BILL 529A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Committee [AM401](#), found on page 837, was offered.

Speaker Hilgers requested to pass over LB542.

AMENDMENT(S) - Print in Journal

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

[AM1422](#)

(Amendments to Standing Committee amendments, AM495)

1 1. Insert the following new sections:
 2 Sec. 7. (1) Beginning with school year 2022-23, administrative,
 3 teaching, and other school personnel may utilize an emergency safety
 4 intervention as provided in subsection (3) of this section.
 5 (2) An emergency safety intervention shall be performed in a manner
 6 that is safe, proportionate, and appropriate to the severity of the
 7 behavior; the student's chronological and developmental age, size, sex,
 8 and physical, medical, and psychiatric condition, if known; and the
 9 student's personal history, including any history of physical or sexual
 10 abuse, if known. If possible, efforts to de-escalate the situation shall
 11 occur prior to an emergency safety intervention.
 12 (3) An emergency safety intervention does not include any physical
 13 action that is intended to cause bodily pain or to punish a student. An
 14 emergency safety intervention shall be used only:
 15 (a) To protect persons from harm or secure property if such action
 16 may protect a student, school personnel, or other person from imminent
 17 serious physical injury;
 18 (b) To ensure the safety of the student or others during an
 19 emergency safety situation;
 20 (c) Until the emergency safety situation has ceased and the
 21 student's safety and the safety of others can be ensured; and
 22 (d) With the least amount of force necessary to protect the student
 23 or others from imminent serious physical injury.

24 (4) Each school district shall adopt a policy regarding the use of
25 an emergency safety intervention pursuant to this section that adheres to
26 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400
1 et seq., and section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
2 794. Such policy shall include training requirements relating to the use
3 of an emergency safety intervention. The State Department of Education
4 shall provide a guidance document that school districts may consider when
5 adopting such policy.
6 (5) Following the use of an emergency safety intervention, school
7 personnel shall, as soon as practicable, contact the parent or guardian
8 of the student and notify such parent or guardian of the use of an
9 emergency safety intervention.
10 (6)(a) No administrative, teaching, or other school personnel shall
11 be subject to professional or administrative discipline for harm caused
12 by an act or omission by such administrative, teaching, or other school
13 personnel relating to the use of an emergency safety intervention
14 pursuant to this section unless the harm was caused by (i) gross
15 negligence, (ii) a conscious, flagrant indifference to the rights or
16 safety of the individual who was harmed, or (iii) willful, criminal, or
17 reckless misconduct, including misconduct (A) that constitutes a crime of
18 violence, as defined by 18 U.S.C. 16, as such section existed on January
19 1, 2021, (B) that involves a sexual offense listed in subdivision (1)(a)
20 (i) of section 29-4003, (C) for which the administrative, teaching, or
21 other school personnel has been found to have violated a federal or state
22 civil rights law, or (D) that occurred while the administrative,
23 teaching, or other school personnel was under the influence of alcoholic
24 liquor or drugs.
25 (b) Nothing in this section shall be construed to limit any defense
26 that may be available under any other provision of law, including, but
27 not limited to, any defense relating to self-protection or the protection
28 of others.
29 (7) For purposes of this section:
30 (a) Emergency safety intervention means physical intervention
31 intended to hold a student immobile or limit a student's movement, where
1 body contact is the only source of physical restraint, and where
2 immobilization is used to effectively gain control of a student in order
3 to protect such student or other individual from physical injury as an
4 immediate response to an emergency safety situation. Emergency safety
5 intervention does not include physical contact that (i) helps a student
6 respond or complete a task; (ii) assists a student without restricting
7 the student's movement; (iii) is needed to administer an authorized
8 health-related service or procedure; or (iv) is needed to physically
9 escort a student when the student does not resist or the student's
10 resistance is minimal;
11 (b) Emergency safety situation means a situation where immediate
12 intervention is needed to protect a student or other individual from
13 physical injury. Emergency safety situation does not mean a situation
14 where a student does not respond to a task or request and instead places
15 his or her head on a desk or hides under a desk or table; a student does
16 not respond to a staff person's request unless failing to respond would
17 result in physical injury to the student or other individual; or an
18 emergency incident has already occurred and no threat of physical injury
19 currently exists;
20 (c) Imminent serious physical injury means serious physical injury
21 to a student or others occurring currently or highly likely to occur in
22 the immediate future as the result of the student's behavior; and
23 (d) Serious physical injury means death, disfigurement, or
24 protracted loss or impairment of the function of a bodily member or organ
25 of a student or others.
26 Sec. 8. (1) For school year 2022-23 and each school year thereafter,

27 each school district shall create and adopt a classroom removal policy
 28 including training requirements. The State Department of Education shall
 29 provide a guidance document that school districts may consider when
 30 adopting such policy. Each classroom removal policy shall:
 31 (a) Describe when and how a teacher may request that a school
 1 administrator remove from a classroom a student that is engaged in
 2 disruptive behavior and when such student may be returned to the
 3 classroom;
 4 (b) Define appropriate behavioral interventions or supports that
 5 shall be implemented to aid a student's successful return to a classroom;
 6 and
 7 (c) Require the return to the classroom as soon as possible, when it
 8 is deemed safe and in the best interest of the student.
 9 (2) For purposes of this section, disruptive behavior means conduct
 10 of a student that is so unruly, disruptive, or abusive that it seriously
 11 interferes with a teacher's or school administrator's ability to
 12 communicate with the students in a classroom, with a student's ability to
 13 learn, or with the operation of a school or school-related activity.
 14 (3) Except as prohibited by the federal Individuals with
 15 Disabilities Education Act, 20 U.S.C. 1400 et seq., related federal
 16 regulations, or any applicable individualized education plan established
 17 pursuant to such federal act, or by section 504 of the Rehabilitation Act
 18 of 1973, 29 U.S.C. 794, related federal regulations, or any applicable
 19 plan established pursuant to such federal act, if a teacher has requested
 20 that a school administrator remove a student from a classroom in
 21 compliance with the school district's classroom removal policy, a school
 22 administrator shall temporarily remove such student from such classroom.
 23 (4) No school personnel shall be subject to administrative
 24 discipline for removing a student from a classroom or requesting such
 25 removal if such school personnel followed the school district's classroom
 26 removal policy.
 27 2. On page 8, line 21, strike the second "and"; in line 31 strike
 28 the period and insert "; and"; and after line 31 insert the following new
 29 subdivision:
 30 "(v) In addition to the preamble, training shall be provided on
 31 emergency safety intervention pursuant to section 7 of this act, on
 1 classroom removal pursuant to section 8 of this act, and on the school
 2 district's policies under such sections."
 3 3. On page 9, after line 17, insert the following new subdivision:
 4 "(b) A school district or an approved or accredited private,
 5 denominational, or parochial school may annually apply to the Educational
 6 Service Unit Coordinating Council for a grant, and the council shall
 7 award a grant not to exceed six thousand five hundred dollars for any
 8 school year, to directly provide the district's or school's own
 9 behavioral awareness and intervention training."; and in line 18 strike
 10 "(b)" and insert "(c)".
 11 4. On page 70, line 27, strike "35 to 59" and insert "37 to 61".
 12 5. Renumber the remaining sections and correct internal references
 13 accordingly.

GENERAL FILE

LEGISLATIVE BILL 236. Title read. Considered.

Committee [AM438](#), found on page 552, was offered.

Senator Brewer withdrew his amendment, [AM874](#), found on page 980, to the committee amendment.

Senator Brewer offered his amendment, [AM1388](#), found on page 1394, to the committee amendment.

The Brewer amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 131. [ER89](#), found on page 1299, was adopted.

Senator Flood offered his amendment, [AM1275](#), found on page 1328.

The Flood amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Wayne offered his amendment, [AM1303](#), found on page 1346.

The Wayne amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 131A. [ER88](#), found on page 1299, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 147. [ER91](#), found on page 1341, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 147A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 39. [ER68](#), found on page 1126, was adopted.

Senator McKinney offered the following amendment:

[AM1394](#)

(Amendments to Standing Committee amendments, AM582)

1 1. Insert the following new section:

2 Section 1. Section 13-2610, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 13-2610 (1) Upon the annual certification under section 13-2609, the

5 State Treasurer shall transfer after the audit the amount certified to
 6 the Convention Center Support Fund. The Convention Center Support Fund is
 7 created. Transfers may be made from the fund to the General Fund at the
 8 direction of the Legislature. Any money in the Convention Center Support
 9 Fund available for investment shall be invested by the state investment
 10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 11 State Funds Investment Act.

12 ~~(2)(a) (2)~~ It is the intent of the Legislature to appropriate from
 13 the fund to any political subdivision for which an application for state
 14 assistance under the Convention Center Facility Financing Assistance Act
 15 has been approved an amount not to exceed ~~(i) (a)~~ seventy percent of the
 16 state sales tax revenue collected by retailers and operators doing
 17 business at such facilities on sales at such facilities, state sales tax
 18 revenue collected on primary and secondary box office sales of admissions
 19 to such facilities, and state sales tax revenue collected by associated
 20 hotels, ~~(ii) (b)~~ seventy-five million dollars for any one approved
 21 project, or ~~(iii) (c)~~ the total cost of acquiring, constructing,
 22 improving, or equipping the eligible facility. State assistance shall not
 23 be used for an operating subsidy or other ancillary facility.

24 ~~(b) It is further the intent of the Legislature to appropriate from~~
 25 ~~the fund to any city of the metropolitan class for which an application~~
 26 ~~for state assistance under the Convention Center Facility Financing~~
 1 ~~Assistance Act has been approved an amount not to exceed the amount of~~
 2 ~~money transferred to the fund pursuant to subdivision (9)(a) of section~~
 3 ~~13-3108.~~

4 (3)(a) Ten percent of the ~~such~~ funds appropriated to a city of the
 5 metropolitan class under ~~subdivision (2)(a) subsection (2)~~ of this
 6 section ~~and all of the funds appropriated to a city of the metropolitan~~
 7 ~~class under subdivision (2)(b) of this section~~ shall be equally
 8 distributed to areas with a high concentration of poverty to (i) showcase
 9 important historical aspects of such areas or areas within close
 10 geographic proximity of the area with a high concentration of poverty or
 11 (ii) assist with the reduction of street and gang violence in such areas.
 12 (b) Each area with a high concentration of poverty that has been
 13 distributed funds under subdivision (3)(a) of this section shall
 14 establish a development fund and form a committee which shall identify
 15 and research potential projects to be completed in the area with a high
 16 concentration of poverty or in an area within close geographic proximity
 17 of such area if the project would have a significant or demonstrable
 18 impact on such area and make final determinations on the use of ~~the funds~~
 19 ~~state sales tax revenue~~ received for such projects.

20 (c) A committee formed under subdivision (3)(b) of this section
 21 shall include the following three members:

22 (i) The member of the city council whose district includes a
 23 majority of the census tracts which each contain a percentage of persons
 24 below the poverty line of greater than thirty percent, as determined by
 25 the most recent federal decennial census, within the area with a high
 26 concentration of poverty;
 27 (ii) The commissioner of the county whose district includes a
 28 majority of the census tracts which each contain a percentage of persons
 29 below the poverty line of greater than thirty percent, as determined by
 30 the most recent federal decennial census, within the area with a high
 31 concentration of poverty; and

1 (iii) A resident of the area with a high concentration of poverty,
 2 appointed by the other two members of the committee.

3 (d) A committee formed under subdivision (3)(b) of this section
 4 shall solicit project ideas from the public and shall hold a public
 5 hearing in the area with a high concentration of poverty. Notice of a
 6 proposed hearing shall be provided in accordance with the procedures for
 7 notice of a public hearing pursuant to section 18-2115.01. The committee

8 shall research potential projects and make the final determination
9 regarding the annual distribution of funding to such projects.

10 (e) For purposes of this subsection, an area with a high
11 concentration of poverty means an area within the corporate limits of a
12 city of the metropolitan class consisting of one or more contiguous
13 census tracts, as determined by the most recent federal decennial census,
14 which contain a percentage of persons below the poverty line of greater
15 than thirty percent, and all census tracts contiguous to such tract or
16 tracts, as determined by the most recent federal decennial census.

17 (4)(a) Ten percent of ~~the such~~ funds appropriated to a city of the
18 primary class under ~~subdivision (2)(a) subsection (2)~~ of this section
19 may, if the city determines by consent of the city council that such
20 funds are not currently needed for the purposes described in section
21 13-2604, be used as follows:

22 (i) For investment in the construction of qualified low-income
23 housing projects as defined in 26 U.S.C. 42, including qualified projects
24 receiving Nebraska affordable housing tax credits under the Affordable
25 Housing Tax Credit Act; or

26 (ii) If there are no such qualified low-income housing projects as
27 defined in 26 U.S.C. 42 being constructed or expected to be constructed
28 within the political subdivision, for investment in areas with a high
29 concentration of poverty to assist with low-income housing needs.

30 (b) For purposes of this subsection, an area with a high
31 concentration of poverty means an area within the corporate limits of a
1 city of the primary class consisting of one or more contiguous census
2 tracts, as determined by the most recent American Community Survey 5-Year
3 Estimate, which contain a percentage of persons below the poverty line of
4 greater than thirty percent, and all census tracts contiguous to such
5 tract or tracts, as determined by the most recent American Community
6 Survey 5-Year Estimate.

7 (5) State assistance to the political subdivision shall no longer be
8 available upon the retirement of the bonds issued to acquire, construct,
9 improve, or equip the facility or any subsequent bonds that refunded the
10 original issue or when state assistance reaches the amount determined
11 under ~~subdivision (2)(a) subsection (2)~~ of this section, whichever comes
12 first.

13 (6) The remaining thirty percent of state sales tax revenue
14 collected by retailers and operators doing business at such facilities on
15 sales at such facilities, state sales tax revenue collected on primary
16 and secondary box office sales of admissions to such facilities, and
17 state sales tax revenue collected by associated hotels, shall be
18 appropriated by the Legislature to the Civic and Community Center
19 Financing Fund. Upon the annual certification required pursuant to
20 section 13-2609 and following the transfer to the Convention Center
21 Support Fund required pursuant to subsection (1) of this section, the
22 State Treasurer shall transfer an amount equal to the remaining thirty
23 percent from the Convention Center Support Fund to the Civic and
24 Community Center Financing Fund.

25 (7) Any municipality that has applied for and received a grant of
26 assistance under the Civic and Community Center Financing Act may not
27 receive state assistance under the Convention Center Facility Financing
28 Assistance Act.

29 2. On page 10, line 12, after the comma insert "eighty-three percent
30 of"; and in line 13 after "Fund" insert "and seventeen percent of such
31 revenue shall be transferred to the Convention Center Support Fund".

1 3. On page 12, lines 19 and 23, strike "9" and insert "10".

2 4. Renumber the remaining sections and correct the repealer
3 accordingly.

The McKinney amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Lindstrom offered the following amendment:

AM1420

(Amendments to Standing Committee amendments, AM582)

- 1 1. On page 1, after line 20 insert the following new subdivisions:
- 2 "(4) Court means a rectangular hard surface primarily used indoors
- 3 for competitive sports, including, but not limited to, basketball,
- 4 volleyball, or tennis;
- 5 (5) Date that the project commenced means the date when a project
- 6 starts as specified by a contract, resolution, or formal public
- 7 announcement;
- 8 (6) Economic redevelopment area means an area in the State of
- 9 Nebraska in which:
- 10 (a) The average rate of unemployment in the area during the period
- 11 covered by the most recent federal decennial census or American Community
- 12 Survey 5-Year Estimate by the United States Bureau of the Census is at
- 13 least one hundred fifty percent of the average rate of unemployment in
- 14 the state during the same period; and
- 15 (b) The average poverty rate in the area is twenty percent or more
- 16 for the federal census tract in the area;"; and in line 21 strike "(4)"
- 17 and insert "(7)".
- 18 2. On page 2, line 9, strike "(5)" and insert "(8)"; in line 12
- 19 strike "(6)" and insert "(9)"; in line 19 strike "(7)" and insert "(10)";
- 20 in line 23 strike "(8)" and insert "(11)"; and in line 26 strike "(9)"
- 21 and insert "(12)".
- 22 3. On page 4, line 1, strike "(10)" and insert "(13)"; in line 2
- 23 strike "(11)" and insert "(14)"; and in line 28 strike "(12)" and insert
- 24 "(15)".
- 25 4. On page 5, line 3, strike "(13)" and insert "(16)"; in line 7
- 26 strike "(14)" and insert "(17)"; strike lines 15 through 18 and insert
- 1 the following new subdivision:
- 2 "(iii) Four separate sports venues if such facility is located (A)
- 3 in a city of the first class, city of the second class, or village, (B)
- 4 within a county but outside the corporate limits of any city or village,
- 5 (C) in an economic redevelopment area, or (D) in an opportunity zone
- 6 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law
- 7 115-97;"; in line 19 strike "(15)" and insert "(18)"; in line 26 after
- 8 "sports" insert ". If any such building contains more than one
- 9 multipurpose field, court, swimming pool, or other facility primarily
- 10 used for competitive sports, then each such multipurpose field, court,
- 11 swimming pool, or facility shall count as a separate sports venue"; and
- 12 in line 27 strike "(16)" and insert "(19)".
- 13 5. On page 7, line 8, strike "(11)(a)(ii)" and insert "(14)(a)(ii)".

The Lindstrom amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 39A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 84. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 682. [ER72](#), found on page 1164, was adopted.

Senator Linehan offered the following amendment:

[AM1433](#)

(Amendments to Standing Committee amendments, AM195)

1 1. Insert the following new section:

2 Sec. 12. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 396. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 396A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 18. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 185. [ER73](#), found on page 1177, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 388. [ER77](#), found on page 1177, was adopted.

Senator Wayne withdrew his amendment, [FA36](#), found on page 1167.

Senator Wayne moved for a call of the house. The motion prevailed with 20 ayes, 6 nays, and 23 not voting.

Senator Wayne offered his amendment, [AM1197](#), found on page 1219.

The Chair declared the call raised.

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his

amendment.

Voting in the affirmative, 17:

| | | | | |
|---------------|------------|-----------|----------------|---------|
| Aguilar | Day | Lathrop | Pansing Brooks | Wishart |
| Brandt | Flood | Linehan | Vargas | |
| Cavanaugh, J. | Hansen, M. | McDonnell | Walz | |
| Cavanaugh, M. | Hunt | McKinney | Wayne | |

Voting in the negative, 26:

| | | | | |
|-----------|---------|------------|-------------|----------|
| Albrecht | Dorn | Hansen, B. | Low | Stinner |
| Arch | Erdman | Hilgers | McCollister | Williams |
| Bostelman | Friesen | Hilkemann | Moser | |
| Brewer | Geist | Hughes | Murman | |
| Clements | Gragert | Kolterman | Sanders | |
| DeBoer | Groene | Lindstrom | Slama | |

Present and not voting, 3:

| | | |
|--------|----------|---------|
| Bostar | Halloran | Morfeld |
|--------|----------|---------|

Excused and not voting, 3:

| | | |
|-------|--------|-------|
| Blood | Briese | Pahls |
|-------|--------|-------|

The Wayne amendment lost with 17 ayes, 26 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 388A. [ER78](#), found on page 1225, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Brandt filed the following amendment to [LB241](#):

[AM1417](#)

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

2 insert the following new sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be

4 cited as the Meatpacking Employees COVID-19 Protection Act.

5 Sec. 2. For purposes of the Meatpacking Employees COVID-19

6 Protection Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) COVID-19 means the novel COVID-19 identified as SARS-CoV-2, the

9 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating

10 therefrom, and the health conditions or threats associated with the
11 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating
12 therefrom;

13 (3) COVID-19 test means a test capable of determining whether an
14 individual has COVID-19;

15 (4) Department means the Department of Labor;

16 (5) Employer or meatpacking operation means a business with more
17 than one hundred fifty workers which engages in slaughtering, butchering,
18 meat canning, meatpacking, meat manufacturing, poultry canning, poultry
19 packing, poultry manufacturing, pet food manufacturing, processing of
20 meatpacking products, or rendering. Employer or meatpacking operation
21 does not include grocery stores, delis, restaurants, butchers, or other
22 retail entities preparing meat products for immediate consumption;

23 (6) Face mask means an item of double-layered cloth or various other
24 materials with elastic bands or cloth ties to secure such mask over the
25 wearer's nose and mouth in an effort to contain or reduce the spread of
26 potentially infectious respiratory secretions at the source, that is, the
27 wearer's nose and mouth. A face mask is intended to reduce the spread of
1 COVID-19 from the wearer to others, whether or not the face mask protects
2 the wearer;

3 (7) Hand sanitizer means alcohol-based hand sanitizer that is at
4 least sixty percent alcohol;

5 (8) Meatpacking products includes livestock products and poultry
6 products as such terms are defined in section 54-1902;

7 (9) Meat processing worker or worker means any individual whom an
8 employer permits to work in a meatpacking operation, and also includes
9 independent contractors and individuals performing work for an employer
10 through a temporary service or staffing agency. An individual need not be
11 directly in contact with meatpacking products to be considered a worker;

12 (10) Negative test result means a COVID-19 test result which
13 indicates that a worker was not infected with COVID-19 at the time of
14 testing;

15 (11) Positive case count means the total number of positive COVID-19
16 test results; and

17 (12) Positive test result means a COVID-19 test result which
18 indicates that a worker was infected with COVID-19 at the time of
19 testing.

20 Sec. 3. Meatpacking operations shall comply with the protections
21 and requirements of section 4 of this act beginning on the effective date
22 of this act and shall maintain such compliance until June 30, 2022.

23 Sec. 4. (1) An employer shall provide all workers with face masks
24 and shall make face shields available free of charge. An employer shall
25 replace face masks daily and more often as necessary, such as when face
26 masks are damaged or soiled. Any individual present at a meatpacking
27 operation facility shall wear a face mask properly secured over the
28 individual's nose and mouth while in the facility.

29 (2) An employer shall provide all workers with the ability to
30 frequently and routinely sanitize their hands with either hand washing or
31 hand sanitizing stations. An employer shall provide gloves to any worker
1 upon request.

2 (3) An employer shall comply with standards for ventilation set
3 forth in the rules and regulations of the federal Occupational Safety and
4 Health Administration.

5 (4) Each time before an individual enters a meatpacking operation
6 facility, the employer shall screen such individual for COVID-19. Such
7 screening procedure shall include a temperature check with the result
8 disclosed to the individual and shall require completion of an oral or
9 written questionnaire including questions about possible COVID-19
10 symptoms and disclosure of known exposure to COVID-19.

11 (5)(a) For any worker who suspects that he or she may have been

12 exposed to COVID-19, an employer shall:

13 (i) Permit such worker to leave the meatpacking operation premises
14 in order to receive a COVID-19 test on paid work time and without
15 penalty; or

16 (ii) Provide a COVID-19 test on the premises on paid work time and
17 without penalty.

18 (b) A worker displaying or experiencing symptoms of COVID-19 who has
19 received a COVID-19 test shall be allowed to await test results while
20 quarantined away from the meatpacking operation on paid work time and
21 without penalty. An asymptomatic worker may return to work unless such
22 worker develops symptoms.

23 (c) An employer shall allow a worker who receives a positive test
24 result to quarantine away from the meatpacking operation with paid sick
25 leave and without penalty if such worker provides the employer with proof
26 of such positive test result within twenty-four hours after the worker
27 received such test result. Such paid sick leave shall not count against
28 other paid sick leave to which a worker is otherwise entitled under state
29 law or employer policy. An employer shall not require a worker to return
30 to work:

31 (i) While the worker is still showing symptoms of COVID-19; or

1 (ii) Within the quarantine period recommended by the Centers for
2 Disease Control and Prevention of the United States Department of Health
3 and Human Services.

4 (d) An employer shall allow a worker who receives a negative test
5 result to return to work upon receipt of such result if the worker
6 provides the employer with such proof of such negative test result within
7 twenty-four hours after the worker received such test result.

8 (e) An employer shall permit any worker to leave the meatpacking
9 operation premises in order to receive a COVID-19 vaccine on paid work
10 time and without penalty unless such vaccine is provided at the premises.

11 (6) An employer shall track, for each meatpacking operation facility
12 it operates, the total number of COVID-19-related deaths and the positive
13 case count known to the employer. Such tracking shall be done on a daily
14 basis and shall be disaggregated by race and ethnicity according to the
15 records held by the employer. The employer shall provide such data in a
16 monthly report to the department. Such data and report shall be submitted
17 in the form and manner prescribed by the commissioner.

18 (7) If a worker is confirmed to have contracted COVID-19, the
19 employer shall identify all workers who worked in the same work area and
20 on the same shift and notify all such workers of their possible exposure.
21 Such notification shall be given in writing, in person, or by telephone.
22 Such notification shall maintain the confidentiality of the infected
23 worker's identity as required by the federal Americans with Disabilities
24 Act of 1990, as amended, as such act existed on January 1, 2021.

25 (8) An employer shall disseminate all communications, notices, and
26 any published materials required by or regarding this section in English,
27 Spanish, and any identified language for which a filing is required by
28 subsection (1) of section 48-2210.

29 Sec. 5. (1) The department shall have the authority to administer
30 and enforce the Meatpacking Employees COVID-19 Protection Act under the
31 auspices of the meatpacking industry worker rights coordinator.

1 (2)(a) The department, including the coordinator, may conduct
2 unannounced workplace inspections of employers. The coordinator or the
3 coordinator's delegate has the authority to inspect employer records
4 related to compliance with the act and make remedial recommendations
5 during such inspection.

6 (b) No later than thirty days following a workplace inspection, the
7 coordinator or delegate shall file a final report of findings, including
8 any findings of violations of the Meatpacking Employees COVID-19
9 Protection Act, with the department and provide a copy to the employer

10 and its workers' collective-bargaining representative, if any. The report
 11 shall be considered a public record.

12 Sec. 6. (1) The commissioner shall issue a citation to an employer
 13 when an inspection reveals that the employer is in violation of the
 14 Meatpacking Employees COVID-19 Protection Act. Such citation shall
 15 additionally list with particularity the nature of each violation and
 16 prescribe required hazard abatement measures and a reasonable timeline
 17 for such compliance.

18 (2) When a citation is issued, the commissioner shall notify the
 19 employer of the proposed administrative penalty, if any, by certified
 20 mail or any other manner of delivery by which the United States Postal
 21 Service can verify delivery or by any method of service recognized under
 22 Chapter 25, article 5. The citation shall specify a deadline by which the
 23 employer must abate the violation. The deadline shall be set at the
 24 discretion of the commissioner but shall not be later than forty-five
 25 days after the date of issuance of the citation. The administrative
 26 penalty shall be not less than five thousand dollars in the case of a
 27 first violation and not less than fifty thousand dollars in the case of a
 28 second or subsequent violation. No employer shall be fined more than a
 29 total of one hundred fifty thousand dollars.

30 (3) An employer shall provide proof of abatement of the violation to
 31 the commissioner within seven days after any abatement deadline named in
 1 the citation. The commissioner shall assess an additional administrative
 2 penalty of five thousand dollars for failure to comply with this
 3 subsection for each unabated hazard.

4 (4) The employer shall have fifteen business days after the date of
 5 the citation or penalty to contest such citation or penalty. Notice of
 6 contest shall be filed with the commissioner who shall set a hearing in
 7 accordance with the Administrative Procedure Act.

8 Sec. 7. The department may adopt and promulgate rules and
 9 regulations as necessary to carry out the Meatpacking Employees COVID-19
 10 Protection Act.

11 Sec. 8. The department may suspend the requirements of subsection
 12 (1) or (4) of section 4 of this act if strict compliance with such
 13 provisions would conflict with or be more stringent than official
 14 guidance from the Centers for Disease Control and Prevention of the
 15 United States Department of Health and Human Services regarding COVID-19
 16 in employment settings that specifically relates to the use of face masks
 17 or COVID-19 health screenings.

18 Sec. 9. Since an emergency exists, this act takes effect when
 19 passed and approved according to law.

Senator Walz filed the following amendment to [LB528](#):
[AM1171](#)

(Amendments to Standing Committee amendments, AM556)

1 1. Strike section 55 and insert the following new section:

2 Sec. 55. Section 85-2009, Revised Statutes Cumulative Supplement,
 3 2020, is amended to read:

4 85-2009 (1) The Community College Gap Assistance Program Fund is
 5 created. The fund shall be under the direction of the committee and shall
 6 be administered by the Coordinating Commission for Postsecondary
 7 Education. The fund shall consist of money received pursuant to section
 8 9-812, any other money received by the state in the form of grants or
 9 gifts from nonfederal sources, such other amounts as may be transferred
 10 or otherwise accrue to the fund, and any investment income earned on the
 11 fund. The fund shall be used to carry out the community college gap
 12 assistance program provide aid or grants to the community colleges
 13 pursuant to the Community College Gap Assistance Program Act. Any money
 14 in the fund available for investment shall be invested by the state
 15 investment officer pursuant to the Nebraska Capital Expansion Act and the

16 Nebraska State Funds Investment Act.

17 ~~(2) The total of community college gap assistance awarded from the~~
 18 ~~Community College Gap Assistance Program Fund during any fiscal year~~
 19 ~~shall not exceed one million five hundred thousand dollars.~~

20 ~~(2) In addition to community college gap assistance awarded to~~
 21 ~~students, money (3) Money in the fund may also be used by the committee:~~

22 (a) To establish application and funding procedures; and
 23 (b) To assist other eligible institutions as specified in contracts
 24 entered into pursuant to subsection (4) of section 85-2010 in defraying
 25 the costs of direct staff support services, including, but not limited
 26 to, marketing, outreach, applications, interviews, and assessments
 1 related to the community college gap assistance program.

2 ~~(3) Each community college may use up to ten percent of any money~~
 3 ~~received from the fund to defray (b) To assist community colleges in~~
 4 ~~defraying the costs of direct staff support services, including, but not~~
 5 ~~limited to, marketing, outreach, applications, interviews, and~~
 6 ~~assessments as follows: (i) Up to twenty percent of any amount allocated~~
 7 ~~for such purposes to the two smallest community colleges; (ii) up to ten~~
 8 ~~percent of any such amount to the two largest community colleges; and~~
 9 ~~(iii) up to fifteen percent of any such amount to the remaining two~~
 10 ~~community colleges. For purposes of this subsection, community college~~
 11 ~~size shall be determined based on the most recent three-year rolling~~
 12 ~~average full-time equivalent enrollment.~~

13 2. On page 37, line 3, strike the first comma and insert "and"; and
 14 strike beginning with the second comma in line 3 through "section" in
 15 line 5.

16 3. On page 41, line 15, strike "and"; reinstate beginning with the
 17 stricken comma in line 15 through the stricken "funds" in line 16; and in
 18 line 16 after the reinstated "funds" insert "received prior to July 1,
 19 2022, from the Nebraska Education Improvement Fund".

Senator Walz filed the following amendment to [LB529A](#):

[AM1430](#)

1 1. Strike original section 9 and insert the following new section:
 2 Sec. 9. There is hereby appropriated (1) \$6,000,000 from the
 3 Department of Education Innovative Grant Fund for FY2021-22 and (2) \$0
 4 from the Department of Education Innovative Grant Fund for FY2022-23 to
 5 the State Department of Education, for Program 161, to aid in carrying
 6 out the provisions of Legislative Bill 529, One Hundred Seventh
 7 Legislature, First Session, 2021.
 8 There is included in the appropriation to this program for FY2021-22
 9 \$100,000 Cash Funds for operations. All remaining funds shall be used for
 10 state aid.
 11 Total expenditures for permanent and temporary salaries and per
 12 diems from funds appropriated in this section shall not exceed \$42,689
 13 for FY2021-22 or \$0 for FY2022-23.

Senator Lathrop filed the following amendment to [LB561](#):

[AM1427](#)

(Amendments to Second Final Reading copy)

1 1. On page 30, line 25, strike "Authorized" and insert "(a) Except
 2 as otherwise provided in subdivision (b) of this subdivision,
 3 authorized"; in line 28 strike the period and insert "; and" and before
 4 "Authorized" insert paragraphing and "(b)"; and in line 29 after
 5 "include" insert "an instate collegiate sporting event in which an
 6 instate collegiate or university team is a participant,".
 7 2. On page 31, line 12, after the third comma insert "a keno lottery
 8 conducted in accordance with the Nebraska County and City Lottery Act,".
 9 3. On page 37, line 11, after "person" insert "or at a wagering

10 kiosk"; strike lines 26 through 30; and in line 31 strike "(c)" and
 11 insert "(b)".
 12 4. On page 38, line 1, strike "(d)" and insert "(c)"; and in line 4
 13 strike "(e)" and insert "(d)".
 14 5. On page 40, line 31, after the third comma insert "a keno lottery
 15 conducted in accordance with the Nebraska County and City Lottery Act.".

Senator B. Hansen filed the following amendment to LB236:
AM1434 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 452. ER79, found on page 1223, was adopted.

Senator McKinney withdrew his amendment, AM1195, found on page 1189.

Senator McKinney offered the following amendment:

AM1253

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 Financial Literacy Act.
 5 Sec. 2. For purposes of the Financial Literacy Act, financial
 6 literacy includes, but is not limited to, knowledge and skills regarding
 7 budget and financial record keeping; banking; taxes; establishing,
 8 building, maintaining, and monitoring credit; debt; savings; risk
 9 management; insurance; and investment strategies.
 10 Sec. 3. Beginning with school year 2023-24, each school district,
 11 in consultation with the State Department of Education, shall include
 12 financial literacy instruction, as appropriate, in the instructional
 13 program of its elementary and middle schools and require each student to
 14 complete at least one five-credit high school course in personal finance
 15 or financial literacy prior to graduation.
 16 Sec. 4. (1) On or before December 31, 2024, and on or before
 17 December 31 of each year thereafter, in order to promote and support
 18 financial literacy education, each school district shall provide an
 19 annual financial literacy status report to its school board, including,
 20 but not limited to, student progress in financial literacy courses and
 21 other district determined measures of financial literacy progress from
 22 the previous school year.
 23 Sec. 5. Section 79-729, Reissue Revised Statutes of Nebraska, is
 24 amended to read:
 25 79-729 The Legislature recognizes the importance of assuring that
 26 all persons who graduate from Nebraska high schools possess certain
 27 minimum levels of knowledge, skills, and understanding. ~~Each Beginning in~~
 1 ~~school year 1987-88, each~~ high school student shall complete a minimum of
 2 two hundred high school credit hours prior to graduation. At least eighty
 3 percent of ~~the minimum such~~ credit hours shall be core curriculum courses
 4 prescribed by the State Board of Education. ~~Beginning in school year~~
 5 ~~2023-24, at least five of the minimum credit hours shall be a high school~~
 6 ~~course in personal finance or financial literacy.~~ The State Board of
 7 Education may establish recommended statewide graduation guidelines. This
 8 section does not apply to high school students whose individualized
 9 education ~~programs plans~~ prescribe a different course of instruction.
 10 This section does not prohibit the governing board of any high school
 11 from prescribing specific graduation guidelines as long as such
 12 guidelines do not conflict with this section. For purposes of this
 13 section, high school means grades nine through twelve and credit hour

14 shall be defined by appropriate rules and regulations of the State Board
 15 of Education but shall not be less than the amount of credit given for
 16 successful completion of a course which meets at least one period per
 17 week for at least one semester.

18 Sec. 6. Section 79-760.01, Revised Statutes Cumulative Supplement,
 19 2020, is amended to read:

20 79-760.01 (1) The State Board of Education shall adopt measurable
 21 academic content standards for at least the grade levels required for
 22 statewide assessment pursuant to section 79-760.03. The standards shall
 23 cover the subject areas of reading, writing, mathematics, science, and
 24 social studies.

25 (2) The board shall also adopt measurable academic content standards
 26 for financial literacy as part of the social studies standards.

27 (3) Academic content standards adopted or recommended pursuant
 28 to this section shall be sufficiently clear and measurable to be used for
 29 testing student performance with respect to mastery of the content
 30 described in the state standards.

31 (4) The State Board of Education shall develop a plan to review and
 1 update standards for each subject area every seven years. The state board
 2 plan shall include a review of commonly accepted standards adopted by
 3 school districts.

4 Sec. 7. Original section 79-729, Reissue Revised Statutes of
 5 Nebraska, and section 79-760.01, Revised Statutes Cumulative Supplement,
 6 2020, are repealed.

The McKinney amendment was adopted with 39 ayes, 0 nays, 7 present and
 not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 452A. Advanced to Enrollment and Review for
 Engrossment.

LEGISLATIVE BILL 103. Advanced to Enrollment and Review for
 Engrossment.

LEGISLATIVE BILL 336. [ER80](#), found on page 1225, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 406. [ER81](#), found on page 1229, was adopted.

Senator McDonnell offered his amendment, [AM1386](#), found on page 1400.

The McDonnell amendment was adopted with 34 ayes, 0 nays, 12 present
 and not voting, and 3 excused and not voting.

Senator Groene offered the following amendment:

[AM1424](#)

(Amendments to Standing Committee amendments, AM1092)

1 1. On page 3, line 1, after "be" insert "based on competitive bids

2 and".

The Groene amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 406A. Senator McDonnell offered the following amendment:

[AM1211](#)

1 1. On page 2, line 2, strike "126" and insert "122".

The McDonnell amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 26. Advanced to Enrollment and Review for Engrossment.

VISITOR(S)

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

ADJOURNMENT

At 9:40 p.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Thursday, May 13, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

