

SEVENTY-EIGHTH DAY - MAY 13, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 13, 2021

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Blood who was excused; and Senators Bostar, Day, DeBoer, Geist, M. Hansen, Hunt, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 12, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Lutick, Chris
UPS - United Parcel Service
O'Keefe, Karen
Marijuana Policy Project

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

MOTION(S) - Return LB131A to Select File

Senator Stinner moved to return LB131A to Select File for the following specific amendment:

[AM1436](#)

(Amendments to Wayne amendments, AM1257)

1 1. On page 1, lines 2 and 7, strike "\$5,000,000" and insert
2 "\$4,000,000".

The Stinner motion to return prevailed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 131A. The Stinner specific amendment, [AM1436](#), found in this day's Journal, was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB274 to Select File

Senator Lowe moved to return LB274 to Select File for his specific amendment, [AM1071](#), found on page 1157.

The Lowe motion to return prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 274. The Lowe specific amendment, [AM1071](#), found on page 1157, was adopted with 41 ayes, 0 nays, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB544A to Select File

Senator J. Cavanaugh moved to return LB544A to Select File for the following Wayne specific amendment:

[AM777](#)

1 1. On page 2, after line 13 insert the following new paragraph:
2 "Total expenditures for permanent and temporary salaries and per
3 diems from funds appropriated in this section shall not exceed \$144,980
4 for FY2021-22 or \$198,120 for FY2022-23."

The J. Cavanaugh motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 544A. The Wayne specific amendment, [AM777](#), found in this day's Journal, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB108 to Select File

Senator McCollister moved to return LB108 to Select File for his specific amendment, [AM1421](#), found on page 1411.

PRESIDENT FOLEY PRESIDING

Senator McCollister requested a roll call vote, in reverse order, on the motion to return to Select File.

The McCollister motion to return prevailed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 108. The McCollister specific amendment, [AM1421](#), found on page 1411, was adopted with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

Senator McCollister requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Reengrossment with 27 ayes, 6 nays, 10 present and not voting, and 6 excused and not voting.

MOTION(S) - Return LB561 to Select File

Senator Lathrop moved to return LB561 to Select File for his specific amendment, [AM1427](#), found on page 1440.

The Lathrop motion to return prevailed with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 561. The Lathrop specific amendment, [AM1427](#), found on page 1440, was adopted with 31 ayes, 4 nays, 10 present and not

voting, and 4 excused and not voting.

Senator J. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

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

Voting in the negative, 3:

Brandt	McKinney	Pahls
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Present and not voting, 3:

Albrecht	Hunt	Vargas
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Excused and not voting, 4:

Blood	Bostar	DeBoer	Wayne
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Advanced to Enrollment and Review for Reengrossment with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 566. [ER85](#), found on page 1256, was adopted.

Senator McDonnell offered his amendment, [AM1345](#), found on page 1373.

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

Senator Groene offered the following amendment:

[AM1441](#)

(Amendments to E & R amendments, ER85)

1 1. On page 3, strike beginning with "subject" in line 14 through

2 line 25 and all amendments thereto and insert:

3 "subject to the following:

4 (a) Grant funding shall be distributed equally, or as close thereto

5 as possible, between the three congressional districts; and

6 (b) No one project shall receive more than one million dollars or

7 ten percent of the total funds available, whichever is greater."

Senator Groene moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 25 not voting.

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

Voting in the affirmative, 12:

Albrecht	Clements	Groene	Hughes
Brewer	Erdman	Halloran	Murman
Briese	Friesen	Hansen, B.	Slama

Voting in the negative, 19:

Aguilar	Hansen, M.	Kolterman	McKinney	Vargas
Dorn	Hilgers	Lathrop	Morfeld	Walz
Flood	Hilkemann	McCollister	Moser	Williams
Gragert	Hunt	McDonnell	Stinner	

Present and not voting, 14:

Arch	Cavanaugh, J.	DeBoer	Linehan	Sanders
Bostelman	Cavanaugh, M.	Geist	Lowe	Wishart
Brandt	Day	Lindstrom	Pansing Brooks	

Excused and not voting, 4:

Blood	Bostar	Pahls	Wayne
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The Groene amendment lost with 12 ayes, 19 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered the following amendment:

[AM1260](#)

(Amendments to E&R amendments, ER85)

- 1 1. On page 1, after line 26 insert the following new subdivision:
- 2 "(a) Does not discriminate on the basis of race, color, religion,
- 3 national origin, ancestry, citizenship status, gender, sexual
- 4 orientation, gender identity, or disability; and"; and in line 27 strike
- 5 "(a)" and insert "(b)(i)".
- 6 2. On page 2, line 5, strike "(b)" and insert "(ii)".

Senator Hunt moved for a call of the house. The motion prevailed with 13 ayes, 9 nays, and 23 not voting.

Senator Hunt requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 15:

Aguilar	Day	Hunt	McKinney	Vargas
Cavanaugh, J.	DeBoer	Lathrop	Morfeld	Walz
Cavanaugh, M.	Hansen, M.	McCollister	Pansing Brooks	Wishart

Voting in the negative, 27:

Albrecht	Clements	Gragert	Kolterman	Slama
Arch	Dorn	Groene	Lowe	Stinner
Bostelman	Erdman	Halloran	McDonnell	Williams
Brandt	Flood	Hansen, B.	Moser	
Brewer	Friesen	Hilgers	Murman	
Briese	Geist	Hughes	Sanders	

Present and not voting, 3:

Hilkemann Lindstrom Linehan

Excused and not voting, 4:

Blood Bostar Pahls Wayne

The Hunt amendment lost with 15 ayes, 27 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hunt requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 6 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 566A. Senator McDonnell offered his amendment, [AM1419](#), found on page 1413.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 428. [ER61](#), found on page 1016, was adopted.

Senator Arch offered the following amendment:

[AM1315](#)

(Amendments to Standing Committee amendments, AM566)

1 1. Strike section 1 and insert the following new section:
 2 Section 1. Section 43-427, Revised Statutes Cumulative Supplement,
 3 2020, is amended to read:
 4 43-427 (1) The Department of Health and Human Services shall develop
 5 a five-year operations plan for the youth rehabilitation and treatment

6 centers and submit such operations plans electronically to the Health and
7 Human Services Committee of the Legislature on or before March 15, 2021.
8 (2) The operations plan shall be developed with input from key
9 stakeholders and shall include, but not be limited to:
10 (a) A description of the population served at each youth
11 rehabilitation and treatment center;
12 (b) An organizational chart of supervisors and operations staff. The
13 operations plan shall not allow for administrative staff to have
14 oversight over more than one youth rehabilitation and treatment center
15 and shall not allow for clinical staff to have responsibility over more
16 than one youth rehabilitation and treatment center;
17 (c) Staff who shall be centralized offsite or managed onsite,
18 including facility and maintenance staff;
19 (d) A facility plan that considers taxpayer investments already made
20 in the facility and the community support and acceptance of the juveniles
21 in the community surrounding the youth rehabilitation and treatment
22 center;
23 (e) A description of each rehabilitation program offered at the
24 youth rehabilitation and treatment center;
25 (f) A description of each mental health treatment plan offered at
26 the youth rehabilitation and treatment center;
27 (g) A description of reentry and discharge planning;
28 (h) A staffing plan that ensures adequate staffing;
29 (i) An education plan developed in collaboration with the State
30 Department of Education;
31 (j) A capital improvements budget;
32 (k) An operating budget;
33 (l) A disaster recovery plan;
34 (m) A plan to segregate the juveniles by gender on separate
35 campuses;
36 (n) A parenting plan for juveniles placed in a youth rehabilitation
37 and treatment center who are parenting;
38 (o) A statement of the rights of juveniles placed at the youth
39 rehabilitation and treatment centers, including a right to privacy, and
40 the rights of parents or guardians;
41 (p) Quality and outcome measurements for tracking outcomes for
42 juveniles when they are discharged from the youth rehabilitation and
43 treatment center, including an exit survey of such juveniles;
44 (q) Key performance indicators to be included in the annual report
45 required under this section;
46 (r) A requirement for trauma-informed training provided to staff;
47 (s) Methods and procedures for investigations at the youth
48 rehabilitation and treatment center; and
49 (t) A grievance process for juveniles placed at the youth
50 rehabilitation and treatment centers.
51 (3) The department shall submit a report electronically to the Clerk
52 of the Legislature on or before December 15, 2021, and each December 15
53 thereafter regarding such operations plan and key performance indicators.
54 (4) In addition to the report required in subsection (3) of this
55 section, the department shall update the Health and Human Services
56 Committee of the Legislature on or before each March 15, June 15, and
57 September 15, regarding the elements of the operations plan described in
58 subdivisions (a), (d), (e), (f), and (m) of subsection (2) of this
59 section, of any substantial changes planned before the next report, and
60 of any substantial changes that have occurred to such facilities or
61 programs. Nothing in this subsection shall be construed to limit or
62 prevent the department from acting in accordance with sections 43-428 to
63 43-430 in the event of an emergency.
64 ~~(4) The department shall not establish a new youth rehabilitation~~
65 ~~and treatment center or establish or move a youth rehabilitation and~~

9 treatment center to a new or existing state or private facility until
 10 March 30, 2021, after the completion of the planning process required
 11 under this section. Youth committed to the Office of Juvenile Services
 12 and residing at a youth rehabilitation and treatment center may be moved
 13 to an existing state or private facility on a temporary basis in the
 14 event of an emergency, pursuant to the emergency plans created under
 15 section 43-428, and in compliance with the requirements and restrictions
 16 in sections 43-429 and 43-430.
 17 2. On page 6, line 25, strike "43-404" and insert "43-427".

The Arch amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

Pending.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 649A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 148. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to study the duties of education support professionals in Nebraska. The study may include, but is not limited to:

- (1) A review of the role education support professionals have in the operation of schools;
- (2) A review of the nine primary career classifications of education support professionals;
- (3) Available opportunities for professional growth for education support professionals; and
- (4) Whether a statutory definition of education support professional would contribute to improving education in Nebraska.

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

1. That the Education 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 149. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to study the potential for statewide early childhood autism spectrum disorder screening in a similar manner to the current statewide mandates on early childhood audiology and vision screenings.

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

- (1) A review of Nebraska's responsibilities under the Child Find mandate in the Individuals with Disabilities Education Act;
- (2) The significance of early identification of autism spectrum disorder;
- (3) Identification of the age at which children should first be screened for autism spectrum disorder; and
- (4) An examination of current strategies to increase early childhood autism spectrum disorder screening.

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

1. That the Education 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 150. Introduced by Walz, 15.

WHEREAS, all individuals possess the basic human right to the preservation of personal dignity; and

WHEREAS, all individuals deserve the investment of the state's resources to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, post-traumatic stress can result from any number of stressors including combat, interpersonal violence, severe impact collisions, natural disasters, and exposure to the suffering of others; and

WHEREAS, the diagnosis known as Post-Traumatic Stress Disorder was initially formulated in 1980 by the American Psychiatric Association to commonly describe and categorize the psychological aftermath of severe traumatic distress; and

WHEREAS, post-traumatic stress has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and association with the word "disorder" generates a stigma that perpetuates this misconception; and

WHEREAS, electro-magnetic imaging now shows that severe post-traumatic stress causes physical changes within the brain which are more accurately described as an injury than a disorder; and

WHEREAS, referring to post-traumatic stress as a disorder can disparage the injured and discourage them from seeking timely care for their behavioral health needs; and

WHEREAS, post-traumatic stress injury that is consistent with the description of post-traumatic stress disorder in section 309.81 criteria B through H of the Diagnostic Statistical Manual of Mental Disorders deserves equal compensation strictly matching that currently allowed under the law for post-traumatic stress disorder; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve our compassion and consideration and the brave men and women who received these wounds while risking their lives to protect our freedom, health, and welfare deserve special recognition of their bravery, commitment, devotion, and sacrifice; and

WHEREAS, timely access to appropriate treatment of post-traumatic stress injury can diminish complications and prevent suicide.

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

1. That the Legislature recognizes June 2021 as Post-Traumatic Stress Injury Awareness Month and June 27, 2021, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Division of Public Health of the Department of Health and Human Services and the Nebraska Department of Veterans' Affairs to continue working to educate victims of interpersonal violence, combat, life-threatening accidents, and natural disasters, their families, and the general public about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR135	Executive Board

(Signed) Dan Hughes, Chairperson
Executive Board

RECESS

At 12:02 p.m., on a motion by Senator M. Hansen, 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 Blood and Groene who were excused; and Senators Bostar, Briese, DeBoer, Dorn,

Flood, Geist, M. Hansen, McCollister, Morfeld, Pansing Brooks, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

SENATOR WILLIAMS PRESIDING

SELECT FILE

LEGISLATIVE BILL 428. Senator M. Cavanaugh offered the following amendment:

[AM1447](#)

(Amendments to Arch amendments, AM1315)

- 1 1. On page 3, strike beginning with "of" in line 2 through
- 2 "programs" in line 4 and insert "and shall provide ninety days' notice to
- 3 the Legislature prior to any substantial changes to such facilities or
- 4 programs under the jurisdiction of the Office of Juvenile Services".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Aguilar	Day	Lathrop	Morfeld
Brandt	DeBoer	Lindstrom	Pansing Brooks
Cavanaugh, J.	Hansen, M.	McCollister	Vargas
Cavanaugh, M.	Hunt	McKinney	Wishart

Voting in the negative, 25:

Albrecht	Dorn	Halloran	Linehan	Pahls
Arch	Erdman	Hansen, B.	Lowe	Sanders
Bostelman	Flood	Hilgers	McDonnell	Slama
Brewer	Friesen	Hilkemann	Moser	Stinner
Clements	Gragert	Hughes	Murman	Williams

Present and not voting, 1:

Kolterman

Excused and not voting, 7:

Blood	Briese	Groene	Wayne
Bostar	Geist	Walz	

The M. Cavanaugh amendment lost with 16 ayes, 25 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 428A. Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 151. Introduced by Murman, 38; Arch, 14; Blood, 3; Day, 49; Gragert, 40; Hansen, B., 16; Slama, 1; Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the Solemn Covenant of the States to Award Prizes for Curing Diseases compact should be adopted. The study shall include, but not be limited to, an examination of issues raised during consideration of LB418, which was introduced by Senator Murman and is pending in the Health and Human Services Committee. In order to carry out the purpose of this resolution, the committee shall consider, but not be limited to, the input of interested individuals, public officials, and such entities as the committee deems necessary or beneficial.

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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB8.

Senator Blood name added to LR128.

Senator Lowe name added to LR134.

VISITOR(S)

The Doctor of the Day was Dr. Amy Jespersen of Omaha.

ADJOURNMENT

At 1:32 p.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Tuesday, May 18, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

