

FORTY-SECOND DAY - MARCH 12, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 12, 2021

PRAYER

The prayer was offered by Senator Murman.

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.

SENATOR MCKINNEY PRESIDING

The roll was called and all members were present except Senators Erdman, Gragert, Hilkemann, Stinner, and Wishart who were excused; and Senators Bostar, Briese, Flood, B. Hansen, Hunt, Lathrop, McCollister, McDonnell, Pahls, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 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

Catalyst Public Affairs
Columbus Exposition and Racing
CP Strategies LLC
Scientific Games Corporation
Holt, Jared
Home Depot, The

ATTORNEY GENERAL'S OPINION

Opinion 21-002

SUBJECT: Whether LB 429 violates the separation of powers clause in Neb. Const. art. II, § 1, by prohibiting the Department of Health and Human Services from implementing any "substantial changes" to the facilities or programs under the jurisdiction of the Office of Juvenile Services "until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes."

REQUESTED BY: Senator John Arch
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office with respect to the constitutionality of LB 429, as amended by AM103. This legislation would amend Neb. Rev. Stat. § 43-404 (Cum. Supp. 2020), to prohibit the Department of Health and Human Services ("DHHS") from implementing any "substantial changes" to the facilities or programs of the youth rehabilitation and treatment centers ("YRTCs") "until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes." In your opinion request letter, you state that

[t]his provision was closely modeled on existing statute, Neb. Rev. Stat. § 68-912(4), which similarly prohibits certain Medicaid rules and regulations from becoming effective until there has been opportunity for Legislative consideration. I have had discussions with the Governor's Policy Research Office regarding this provision, and they have asked me to request your opinion on whether the Legislative consideration provision in LB 429, as amended by AM 103, violates the separation of powers clause in Article II, section 1 of the Nebraska Constitution.

You further indicate that the legislation is based on recommendations from the Youth Rehabilitation and Treatment Center Special Oversight Committee, and introduced by the Health and Human Services Committee, which hopes to prioritize LB 429 as part of a legislative package relating to YRTCs. Accordingly, you have requested our timely guidance on whether the proposed legislation violates the separation of powers clause. Our response to your opinion request is set out below.

PROPOSED LEGISLATION

As amended, LB 429 would add the following language to Neb. Rev. Stat. § 43-404 (Cum. Supp. 2020):

(2)(a) Prior to implementing any substantial changes to the facilities or programs under the jurisdiction of the Office of Juvenile Services, the Department of Health and Human Services shall notify the Legislature of such intended substantial changes. The notification shall be submitted electronically. The notification shall include a detailed summary of the proposed changes. No such substantial changes shall be implemented until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such proposed changes. Legislative consideration includes the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such facilities or programs.

(b) For purposes of this subsection, substantial changes are defined as:

(i) The establishment of a new youth rehabilitation and treatment center;

(ii) The relocation of a youth rehabilitation and treatment program to another state-operated or private facility;

(iii) The establishment of a youth rehabilitation and treatment program at another state-operated or private facility; or

(iv) The closure or termination of a youth rehabilitation and treatment center, program, or facility.

ANALYSIS

I. Separation of Powers Clause.

The Nebraska Constitution declares that

[t]he powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any

power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

Neb. Const. art. II, § 1(1). "The purpose of the clause is to establish the permanent framework of our system of government and to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." *State v. Phillips*, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). "The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." *State ex rel. Spire v. Conway*, 238 Neb. 766, 773, 472 N.W.2d 403, 408 (1991). "Our constitution, unlike the federal Constitution and those of several other states, contains an express separation of powers clause. So we have been less willing to find overlapping responsibilities among the three branches of government." *In re Nebraska Community Corr. Council*, 274 Neb. 225, 229, 738 N.W.2d 850, 854 (2007).

II. Neb. Rev. Stat. § 68-912(4) (2018).

The statutory provision used as the basis for LB 429—Neb. Rev. Stat. § 68-912(4) (2018)—is part of the Medical Assistance Act, Neb. Rev. Stat. §§ 68-901 to 68-9,100 (2018, Cum. Supp. 2020). This act "requires DHHS to 'administer the [Medicaid] program' and empowers it to 'adopt and promulgate rules and regulations.'" *J.S. v. Nebraska Dept. of Health and Human Services*, 306 Neb. 20, 28, 944 N.W.2d 266, 274 (2020).

Section 68-912(4) was enacted by the Legislature in 2006 as part of its ongoing Medicaid reform. 2006 Neb. Laws LB 1248, § 12. Specifically, subsection (4) states that

[e]xcept as otherwise provided in this subsection, proposed rules and regulations under this section relating to the establishment of premiums, copayments, or deductibles for eligible recipients or limits on the amount, duration, or scope of covered services for eligible recipients shall not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such rules and regulations. This subsection does not apply to rules and regulations that are (a) required by federal or state law, (b) related to a waiver in which recipient participation is voluntary, or (c) proposed due to a loss of federal matching funds relating to a particular covered service or eligibility category. Legislative consideration includes, but is not limited to, the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such rules and regulations.

"The principal objective of construing a statute is to determine and give effect to the legislative intent of the enactment." *Kuhn v. Wells Fargo Bank of Neb.*, 278 Neb. 428, 445, 771 N.W.2d 103, 118 (2009). "[T]o ascertain the intent of the Legislature, a court may examine the legislative history of the

act in question." *Goolsby v. Anderson*, 250 Neb. 306, 309, 549 N.W.2d 153, 156 (1996). Our review of the legislative history of LB 1248 indicated a general concern among many of the testifiers over the bill's shift in decision making from the Legislature to DHHS and the purported removal in the bill of legislative oversight and input. Senators Beutler and Chambers voiced concerns about ceding policymaking authority to the department during debate on general file. Senator Jensen, chair of the Health and Human Services Committee, subsequently offered an amendment that would become § 68-912(4). He described the amendment, in pertinent part, as follows:

[I]t only applies to the rules and regulations related to the establishment of premiums, copays, deductibles, or limits on the amount, duration, and scope of covered services. This is really the same as current law in Section 68-1019, subsection (4) and subsection (5). Under the amendment those rules and regulations could not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of those rules and regulations. Legislative consideration means introduction of a legislative bill, legislative resolution, or amendment to pending legislation. Certain rules and regulations are excluded The purpose is to guarantee that the Legislature has an opportunity to respond to pending rules and regulations that may propose a public policy with which the Legislature disagrees. It preserves the Legislature's policymaking prerogative, does not violate separate of powers, because it only provides for a reasonable delay in implementation of certain rules and regulations, with reasonable expectation, and is more flexible than current law.

Floor Debate on LB 1248, 99th Neb. Leg., 2nd Sess. 12938 (April 10, 2006) (Statement of Sen. Jensen) (emphasis added).

The obvious intent of § 68-912(4) is to impose a mandatory stay on proposed rules and regulations dealing with "premiums, copayments, or deductibles" or which seek to limit the covered services for eligible recipients. Certain exceptions enumerated in the statute apply. Under this provision, rules and regulations do not become effective until members of the Legislature have had an opportunity during the next legislative session to introduce a bill, resolution, or an amendment to pending legislation to address any purported issue. Under the plain language of the statute, the stay lasts until the end of the legislative session regardless of whether any legislation is pursued, or any introduced legislation is enacted.

Our research has disclosed no Nebraska cases that have construed § 68-912(4), nor are there previous opinions of this office which offer any guidance in this area. However, courts in other jurisdictions have considered the constitutionality of legislative provisions which attempt to interfere with executive rules and regulations. *E.g.*, *State ex rel. Barker v. Manchin*, 167 W. Va. 155, 279 S.E.2d 622 (1981) (Legislative rulemaking review committee with veto power over otherwise validly promulgated rules and

regulations found to violate the state's separation of powers clause.); *General Assembly of the State of New Jersey v. Byrne*, 90 N.J. 376, 378, 448 A.2d 438, 439 (1982) (Legislative veto provision violates separation of powers clause "by excessively interfering with the functions of the executive branch."); *State ex rel. Stephan v. Kansas House of Representatives*, 236 Kan. 45, 687 P.2d 622 (1984) (Provisions that allow the Legislature to reject, modify or revoke administrative rules and regulations by concurrent resolution violated separation of powers principles and constitutional presentment requirement.); *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769 (Alaska 1980) (Provisions authorizing legislature to annul regulations by concurrent resolution violated constitutional requirements for formal legislative action.). *But see Barker*, 167 W. Va. at 175, 279 S.E.2d at 634 ("This is not to say that we believe all legislative review of rule-making to be void. Legislative rule-making review has purpose and merit and may be beneficially exercised and employed when contained within its proper and constitutional sphere.").

"A statute is presumed to be constitutional, and all reasonable doubts will be resolved in favor of its constitutionality. . . . Even when a law is constitutionally suspect, a court will attempt to interpret it in a manner consistent with the Constitution." *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm.*, 251 Neb. 517, 520, 557 N.W.2d 684, 688 (1997). While we have serious concerns regarding § 68-912(4), particularly in regard to its deviation from the general rulemaking process in the Administrative Procedure Act,¹ we cannot say that it is clearly unconstitutional. Unlike the cases set out above, where courts held that vetoes of administrative rules by legislative committees or resolutions violated the separation of powers clause, the presentment clause, and constitutional requirements relating to formal legislative action, § 68-912(4) does not go that far. The provision *delays* the rulemaking process to allow members of the Legislature to enact legislation to remedy whatever policy shortcomings it has identified in the proposed rules and regulations. "[T]he Legislature exercises a power constitutionally committed to it by enacting statutes to declare what is the law and public policy." *State ex rel. Veskrna v. Steel*, 296 Neb. 581, 598, 894 N.W.2d 788, 800 (2017). "The Legislature may enact statutes to set forth the law, and it may authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, but the limitations of the power granted and the standards by which the granted powers are to be administered must be clearly and definitely stated in the authorizing act. Such standards may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available." *Davio v. Dept. of Health and Human Services*, 280 Neb. 263, 274, 786 N.W.2d 655, 665 (2010). It appears to us that so long as the Legislature passes a *bill* in accordance with constitutional requirements, any potential constitutional infirmities relating to § 68-912(4) are likely averted.

III. Constitutionality of § 68-912(4) Language in LB 429.

We will now address your specific question as to whether the proposal violates the separation of powers clause in art II, § 1. The proposal requires a mandatory stay whenever DHHS seeks to make "substantial changes" with respect to YRTCs, including establishing a new YRTC, establishing or relocating a YRTC program to another state-operated or private facility, or closing or terminating a YRTC, program or facility. The stay would give members of the Legislature an opportunity during the next legislative session to introduce a bill, resolution, or an amendment to pending legislation relating to the proposed changes.² As in § 68-912(4), the stay would last until the end of the session.

"The legislative authority of the state shall be vested in a Legislature consisting of one chamber." Neb. Const. art. III, § 1. "The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered." Neb. Const. art. IV, § 6. "Thus, the core power of the legislative branch is to declare policy through enacting legislation, and the core power of the executive branch is to carry out those legislative policies with a certain degree of executive discretion." *Opinion of the Justices*, 892 So. 2d 332, 335 (Ala. 2004).

We have found no Nebraska case or cases in other jurisdictions that serve as precedent for the situation raised in your request. However, in *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm.*, 251 Neb. 517, 557 N.W.2d 684 (1997), the Nebraska Supreme Court considered whether provisions in the Whistleblower Act violated art. II, § 1, by encroaching on the executive branch's duty to remove its employees. The court held that the act's requirement to follow the findings of the Ombudsman, a legislative employee, impermissibly encroached on the executive branch's duties and prerogatives. "In short, § 81-2707(1) places the legislative branch in a position to dictate to the executive branch how the latter will treat certain executive branch employees until an evidentiary hearing is held. Thus, the Legislature not only is empowered to declare what the law is, but, through § 81-2707(1), attempts to reserve to itself the power and authority to administer and enforce the law as well. This we determine is impermissible under the Nebraska Constitution." *Id.* at 532-533, 557 N.W.2d at 695.

Courts in other jurisdictions have addressed challenges where legislative action purports to encroach on the duties and prerogatives of the executive department. *E.g.*, *Opinion of the Justices*, 162 N.H. 160, 168, 27 A.3d 859, 867 (2011) ("The grant of power in Part II, Article 41, making the Governor the 'supreme executive magistrate,' is 'something more than a verbal adornment of the office.' . . . It 'implies such power as will secure an efficient execution of the laws.'"); *State Auditor v. Joint Committee on Legislative Research*, 956 S.W.2d 228, 233 (1997) ("The legislature 'may . . . attempt to control the executive branch by passing amendatory or supplemental legislation and presenting such legislation to the governor for signature or veto, or, by the power of appropriation.' But under our constitution, the legislature may not control, supervise or manage the

execution of a law except by the language contained in the law itself."); *Colorado General Assembly v. Owens*, 136 P.3d 262, 270 (Colo. 2006) ("While the legislature certainly maintains the power to appropriate and attach various purposes and conditions to an appropriation, it cannot interfere with the administration of the funds either explicitly or implicitly by using creative language and mechanisms in the long bill that would thwart the exercise of legitimate executive authority."); *In re Opinion of the Justices to the Governor*, 369 Mass. 990, 994, 341 N.E.2d 254, 257 (1976) ("Thus to entrust the executive power of expenditure to legislative officers is to violate [the separation of powers clause] by authorizing the legislative department to exercise executive powers."); *Chaffin v. Arkansas Game and Fish Comm.*, 296 Ark. 431, 444, 757 S.W.2d 950, 957 (1988) ("An unconstitutional encroachment may not always take the form of outright invasion. A subtle coercion exercised by a powerful branch of government can effectively tie the hands of a coordinate branch. The executive authority should be free, not only from blatant usurpation of its powers, but from paralyzing interference as well. The legislature cannot hold the executive branch hostage to its will. While it can and should hold hearings and investigate at length the performance of state agencies, it cannot intrude on the prerogatives of the executive branch of government."); *Fent v. Contingency Review Board*, 163 P.3d 512, 522 (Okla. 2007) ("The power over a bill, once enacted, stands transferred by operation of law to the executive branch for spending the funds in accordance with the legislative direction. The Legislature can exercise no supervision, either **directly or indirectly**, over the manner in which appropriated funds are to be used. . . . Any extra-constitutional method by which the Legislature extends its tentacles of control over an appropriation measure beyond the time when the measure stands transformed into enacted law offends the constitutional concept of separated powers and becomes a usurpation of power." (Emphasis in original.)).

This office has previously considered the propriety of legislation that purports to interfere with or exercise power properly belonging to the executive branch. In Opinion No. 22 (February 26, 1963) (1963-64 Rep. Att'y Gen. No. 22 at 37), we considered the constitutionality of legislation that would require state agencies to obtain legislative approval and authorization prior to any construction, building and land purchases or expenditures from the State Institutional and Military Department Building Fund, and obtain legislative consent for the acquisition of real property by the Game, Forestation and Parks Commission. Here, we stated that

[w]hile the Legislature has the power and authority to decide all of these matters **before** making any appropriation, or **before** granting any authority, yet if it seeks to retain control by inserting in its laws and bills the requirement that no action be taken or money spent until subsequent approval of the Legislature be granted, then it is in effect, both making the law and administering it, appropriating the money and spending it, and the constitutional system of separation of powers would be destroyed.

Id. at 38 (emphasis in original).

In Op. Att'y Gen. No. 53 (March 24, 1977) (1977-78 Rep. Att'y Gen. No. 53 at 77), we concluded that legislation that would require the Game and Parks Commission to obtain the approval of the Appropriations Committee for any planned expenditures from the Nebraska Outdoor Recreation Development Cash Fund was constitutionally suspect to the extent it gave the committee veto power over executive decisions. "If the construction suggested above were adopted, it would be an attempt to administer an executive function by a committee of the Legislature. . . . While the Legislature is fully authorized to limit executive choices by appropriate restrictions through enactment of statutes, once a statute is enacted or an appropriation made the Legislature has no further authority." *Id.* at 77.

In Op. Att'y Gen. No. 87114 (December 9, 1987), the Attorney General considered the propriety of a proposed plan for the disbursement of money from the Nebraska Energy Settlement Fund. The legislation required the governor to develop a plan in accordance with the court order awarding the funds, applicable federal guidelines, and legislative guidelines contained in the bill, and submit the plan to the Legislature. The Appropriations Committee was then required to hold a public hearing and consider appropriations based on the plan. No money could be disbursed or expended from the fund without a legislative appropriation and only when in compliance with the legislative guidelines.

We concluded that the proposed disbursement procedure violated art. II, § 1. "The Legislature is, in essence, requiring legislative approval before expenditure of the funds. The fact that the bill is written in terms of legislative approval for the appropriation does not alter the clear intent of the act requiring legislative approval for the expenditure. The Legislature is in effect attempting to both make the law and administer it; appropriate money, and spend it." *Id.* at 3.

In Op. Att'y Gen. No. 92054 (April 1, 1992), we considered proposed legislation that would require the state building administrator to submit a detailed report to the Executive Board analyzing the estimated costs to renovate an office building at the Norfolk Regional Center. The language required the Executive Board to determine whether the project should be completed in the event the estimated costs exceeded the appropriation provided in the bill. Relying on previous opinions of this office, we concluded that the proposed amendment was constitutionally suspect: "[The amendment] would appropriate money for renovation of the . . . [b]uilding. However, after the appropriation, the Executive Board . . . would still retain some control over completion of the project. In our view, this continued control impermissibly involves the Legislature in functions of the Executive branch of government. Any decision as to whether the renovation project should be completed if its costs overrun the appropriation should be left to the executive agency involved, since the determination if other funds are

available or if there are other means to complete the project is really an executive function." *Id.* at 3.

Finally, in Op. Att'y Gen. No. 20-004 (February 26, 2020), we considered proposed legislation that would require the Department of Economic Development director to obtain approval of the Executive Board to increase the base authority necessary to administer certain provisions of the ImagiNE Nebraska Act. We concluded there that "the continued presence and control of the Legislature in the administration of the Act constitutes an impermissible encroachment into executive power" in violation of art. II, § 1. *Id.* at 7.

The statute at issue in LB 429, Neb. Rev. Stat. § 43-404, currently provides, in pertinent part, that "[t]here is created within the Department of Health and Human Services the Office of Juvenile Services. The office shall have oversight and control of the youth rehabilitation and treatment centers. The Administrator of the Office of Juvenile Services . . . shall be responsible for the administration of the facilities and programs of the office." (Emphasis added.) We have carefully considered whether the language in your proposal, which imposes a mandatory stay on any "substantial changes" to be made to the YRTCs, programs or facilities through the conclusion of the earliest legislative session, constitutes a violation of the separation of powers clause. In light of the authorities cited above, we believe the proposal presents a serious question as to its constitutionality. If it is the Legislature's intent to set a comprehensive public policy for the YRTCs, it must do so in substantive law, and not create a scenario where the agency is prohibited from taking any significant action with respect to these facilities and programs, presumably even in emergency situations.

CONCLUSION

Based on the foregoing, we conclude a serious question exists as to whether LB 429, as amended, violates the separation of powers clause in Neb. Const. art. II, § 1.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-2655-29

¹Neb. Rev. Stat. §§ 84-901 to 84-920 (2014, Cum. Supp. 2020).

²By way of background, this office recently issued Op. Att'y Gen. No. 20-010 (September 18, 2020), in which we addressed several questions posed by Senator Howard and others relating to the extent of DHHS's control over facilities and programs under the jurisdiction of OJS, including the YRTCs. We concluded, among other things, that no legislative amendments to Neb. Rev. Stat. § 83-305 (2014) were necessary in order for DHHS to implement its "YRTC & Youth Facilities Initial Transition Plan"; and that the proposed transfer of the Juvenile Chemical Drug Program ("JCDP") to Whitehall could proceed as scheduled, but that DHHS was prohibited from establishing a new YRTC or establishing or moving a YRTC to a new or existing state or private facility until March 30, 2021, following the completion of the planning requirements in Neb. Rev. Stat. § 43-427 (Cum. Supp. 2020).

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 256. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 440. Placed on General File.

(Signed) Ben Hansen, Chairperson

Judiciary

LEGISLATIVE BILL 301. Placed on General File with amendment.

[AM632](#)

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

LEGISLATIVE BILL 307. Placed on General File with amendment.

[AM273](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 43-3102, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-3102 (1) In any court proceeding, any waiver of the right to
- 6 counsel by a juvenile shall be made in open court, shall be recorded, and
- 7 shall be confirmed in a writing signed by the juvenile.
- 8 (2) A court shall not accept a juvenile's waiver of the right to
- 9 counsel unless the waiver satisfies subsection (1) of this section and is
- 10 an affirmative waiver that is made intelligently, voluntarily, and
- 11 understandingly. In determining whether such waiver was made
- 12 intelligently, voluntarily, and understandingly, the court shall
- 13 consider, among other things: (a) The age, intelligence, and education of
- 14 the juvenile, (b) the juvenile's emotional stability, and (c) the
- 15 complexity of the proceedings.
- 16 (3) If the court accepts the juvenile's waiver of counsel, the court
- 17 order and any probation order shall affirmatively show that the juvenile
- 18 cannot be removed from the home or detained outside the home by the court
- 19 on the adjudicated petition. This shall apply:
- 20 (a) To any period between adjudication and disposition;

21 ~~(b) To any period of probation; or~~
 22 ~~(c) In response to an alleged violation of probation on the~~
 23 ~~adjudicated petition.~~
 24 ~~(4) On or before July 1, 2022, the Supreme Court shall provide, by~~
 25 ~~court rule, a process to ensure that juveniles are provided the~~
 26 ~~opportunity to consult with counsel to assist the juvenile in making the~~
 27 ~~decision to waive counsel.~~
 1 ~~(5) (3) The court shall ensure that a juvenile represented by an~~
 2 ~~attorney consults with his or her attorney before any waiver of counsel.~~
 3 ~~(6) (4) No parent, guardian, custodian, or other person may waive~~
 4 ~~the juvenile's right to counsel.~~
 5 ~~(7) (5) A juvenile's right to be represented by counsel may not be~~
 6 ~~waived in the following circumstances:~~
 7 ~~(a) If the juvenile is under the age of fourteen;~~
 8 ~~(b) For a detention hearing;~~
 9 ~~(c) For any dispositional hearing where out-of-home placement is~~
 10 ~~sought; or~~
 11 ~~(d) If there is a motion to transfer the juvenile from juvenile~~
 12 ~~court to county court or district court; or~~
 13 ~~(e) For any adjudication on a juvenile petition that may be used~~
 14 ~~later to enhance or sustain a criminal conviction in an adult proceeding.~~
 15 Sec. 2. Original section 43-3102, Reissue Revised Statutes of
 16 Nebraska, is repealed.

LEGISLATIVE BILL 357. Placed on General File with amendment.

AM54

1 1. On page 2, strike lines 2 through 8 and insert the following new
 2 subdivisions:
 3 "(a) Child means any child placed in a:
 4 (i) Foster family home;
 5 (ii) Child-care institution through a court proceeding under
 6 subdivision (3)(a) of section 43-247; or
 7 (iii) Youth rehabilitation and treatment center through a court
 8 proceeding under subdivision (1) or (2) of section 43-247;
 9 (b) Child-care institution has the same meaning as in 42 U.S.C.
 10 672(c), as such section existed on January 1, 2021, and includes a
 11 residential child-caring agency as defined in section 71-1926;
 12 (c) Department means the Department of Health and Human Services;
 13 and"; and in line 29 strike "to ensure".
 14 2. On page 3, strike beginning with "attorneys" in line 10 through
 15 the first comma in line 11; and strike lines 26 and 27 and insert the
 16 following new subdivision:
 17 "(i) As required by section 43-272, each child is appointed a
 18 guardian ad litem to advocate for the interests of such child or
 19 appointed legal counsel to protect the interests of such child."
 20 3. On page 4, line 5, after "child" insert "and a Youth Court
 21 Questionnaire, when applicable,"; and strike lines 8 and 9 and insert the
 22 following new subdivision:
 23 "(m) Each child is provided the information described in this
 24 section in such child's primary language and is provided information in
 25 such language as required by federal law;"
 26 4. On page 5, line 17, strike "the" and insert "a"; and in line 26,
 27 strike "a" and insert "the".
 1 5. On page 6, line 10, after "meetings" insert "or at home visits";
 2 strike beginning with "Each" in line 28 through the period in line 29;
 3 and in line 31 strike "when the caseworker provides such copy".
 4 6. On page 7, line 5, after "hearing" insert "at which the child is
 5 present".

LEGISLATIVE BILL 500. Placed on General File with amendment.[AM633](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 29-1301, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 29-1301 All criminal cases shall be tried in the county where the
 6 offense was committed, except as otherwise provided in section 25-412.03
 7 or sections 29-1301.01 to 29-1301.03 and section 2 of this act, or unless
 8 it shall appear to the court by affidavits that a fair and impartial
 9 trial cannot be had therein. In such case the court, upon motion of the
 10 defendant, shall transfer the proceeding to any other district or county
 11 in the state as determined by the court.
 12 Sec. 2. (1) If a person uses an electronic communication device to
 13 commit any element of an offense, such person may be tried in the county
 14 where the electronic communication was initiated or where the electronic
 15 communication was received.
 16 (2) For purposes of this section:
 17 (a) Electronic communication has the same meaning as in section
 18 28-1310; and
 19 (b) Electronic communication device has the same meaning as in
 20 section 28-833.
 21 Sec. 3. Original section 29-1301, Reissue Revised Statutes of
 22 Nebraska, is repealed.

LEGISLATIVE BILL 568. Placed on General File with amendment.[AM264](#)

1 1. On page 33, line 28, strike the new matter; and in line 29
 2 reinstate the stricken matter and after "dollars" insert "each fiscal
 3 year through fiscal year 2022-23 and eight million five hundred thousand
 4 dollars for fiscal year 2023-24 and each fiscal year thereafter".

(Signed) Steve Lathrop, Chairperson

Natural Resources

LEGISLATIVE BILL 336. Placed on General File with amendment.[AM380](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 37-438, Revised Statutes Cumulative Supplement,
 4 2020, is amended to read:
 5 37-438 (1) The commission shall devise annual, temporary, and
 6 disabled veteran permits.
 7 (2) The annual permit may be purchased by any person and shall be
 8 valid through December 31 in the year for which the permit is issued. The
 9 fee for the annual permit for a resident motor vehicle shall be not more
 10 than thirty-five dollars per permit. The fee for the annual permit for a
 11 nonresident motor vehicle shall ~~not be two times less than~~ the fee for a
 12 resident motor vehicle ~~or sixty and not more than sixty-five dollars,~~
 13 whichever is greater. The commission shall establish such fees by the
 14 adoption and promulgation of rules and regulations.
 15 (3) A temporary permit may be purchased by any person and shall be
 16 valid until noon of the day following the date of issue. The fee for the
 17 temporary permit for a resident motor vehicle shall be not more than
 18 seven dollars. The fee for the temporary permit for a nonresident motor
 19 vehicle shall be ~~two times the fee for a resident motor vehicle or not~~
 20 ~~more than~~ twelve dollars, whichever is greater. The commission shall

21 establish such fees by the adoption and promulgation of rules and
 22 regulations. The commission may issue temporary permits which are either
 23 valid for any area or valid for a single area.
 24 (4)(a) A veteran who is a resident of Nebraska shall, upon
 25 application and without payment of any fee, be issued one disabled
 26 veteran permit for a resident motor vehicle if the veteran:
 27 (i) Was discharged or separated with a characterization of honorable
 1 or general (under honorable conditions); and
 2 (ii)(A) Is rated by the United States Department of Veterans Affairs
 3 as fifty percent or more disabled as a result of service in the armed
 4 forces of the United States; or
 5 (B) Is receiving a pension from the United States Department of
 6 Veterans Affairs as a result of total and permanent disability, which
 7 disability was not incurred in the line of duty in the military service.
 8 (b) All disabled veteran permits issued pursuant to this subsection
 9 shall be perpetual and shall become void only upon termination of
 10 eligibility as provided in this subsection.
 11 (c) The commission may adopt and promulgate rules and regulations
 12 necessary to carry out this subsection.
 13 (5) The commission may offer permits or combinations of permits at
 14 temporarily reduced rates for specific events or during specified
 15 timeframes.
 16 Sec. 2. Original section 37-438, Revised Statutes Cumulative
 17 Supplement, 2020, is repealed.

LEGISLATIVE BILL 650. Placed on General File with amendment.

[AM548](#)

1 1. Insert the following new section:
 2 Sec. 25. If any section in this act or any part of any section is
 3 declared invalid or unconstitutional, the declaration shall not affect
 4 the validity or constitutionality of the remaining portions.
 5 2. On page 2, line 22, after "of" insert "storage facility" and
 6 strike "to be used within the storage facility".
 7 3. On page 3, line 6, after "commission" insert "under the Nebraska
 8 Geologic Storage of Carbon Dioxide Act".
 9 4. On page 5, line 23, after the semicolon insert "and"; strike
 10 lines 24 through 26; and in line 27 strike "(7)" and insert "(6)".
 11 5. On page 9, line 13, strike "or"; in line 18 strike the period and
 12 insert "; or"; and after line 18 insert the following new subdivision:
 13 "(3) Amend or alter any statute, rule, or regulation in effect on
 14 the effective date of this act which relates to the commission's
 15 authority to regulate operations to increase ultimate recovery from a
 16 pool as defined in section 57-903, including, but not limited to, the
 17 introduction of carbon dioxide into a pool.".
 18 6. On page 13, line 28, after "a" insert "storage".

(Signed) Bruce Bostelman, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 14. Placed on Select File with amendment.

[ER20](#)

1 1. On page 1, line 5, after the first semicolon insert "to change
 2 provisions of the Uniform Credentialing Act, the Audiology and Speech-
 3 Language Pathology Practice Act, and the Hearing Instrument Specialists
 4 Practice Act as prescribed;".

LEGISLATIVE BILL 400. Placed on Select File.

LEGISLATIVE BILL 389. Placed on Select File with amendment.

[ER19](#)

1 1. On page 3, line 12, after "U.S.C." insert "chapters".

LEGISLATIVE BILL 274. Placed on Select File with amendment.

[ER18](#)

1 1. On page 1, strike lines 2 through 6 and insert "sections 53-101,
2 53-103, 53-123, 53-123.04, 53-123.11, 53-123.14, 53-123.16, 53-124,
3 53-124.13, and 53-134, Revised Statutes Cumulative Supplement, 2020; to
4 define terms; to provide for a gallonage tax; to authorize ready-to-drink
5 cocktails as prescribed; to provide for a promotional farmers market
6 special designated license; to provide for a fee; to provide for a
7 permit; to provide powers and duties; to harmonize provisions; to repeal
8 the original sections; and to declare an emergency."

LEGISLATIVE BILL 368. Placed on Select File.

LEGISLATIVE BILL 387. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 63. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File.

LEGISLATIVE BILL 544. Placed on General File.

LEGISLATIVE BILL 599. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Lathrop - LB54

Judiciary - LB51

Judiciary - LB568

Clements - LB236

McCollister - LB108

Day - LB639

Briese - LB2

DeBoer - LB485

Wishart - LB474

Bostar - LB630

Natural Resources - LB399

Bostelman - LB338
 Transportation and Telecommunications - LB215
 Transportation and Telecommunications - LB522
 Friesen - LB454
 Pansing Brooks - LB307
 Revenue - LB432
 Revenue - LB595
 Executive Board - LR18CA
 Executive Board - LR25
 Vargas - LB241
 McKinney - LB451
 Legislature's Planning - LB132
 State Tribal Relations - LB185
 M. Cavanaugh - LR29

RESOLUTION(S)

LEGISLATIVE RESOLUTION 60. Introduced by Brewer, 43.

WHEREAS, the United States Army K9 Corps was formed on March 13, 1942; and

WHEREAS, military working dogs are a vital asset to the health and safety of United States military members; and

WHEREAS, military dogs serve bravely to protect the United States and its interests; and

WHEREAS, March 13 is nationally recognized as K9 Veterans Day.

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

1. That the Legislature thanks and recognizes the service of military working dogs.

2. That the Legislature recognizes March 13 as K9 Veterans Day.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Brandt - LB306
 McDonnell - LB298

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 5. Placed on General File.

LEGISLATIVE BILL 154. Placed on General File.

LEGISLATIVE BILL 200. Placed on General File.

LEGISLATIVE BILL 396. Placed on General File.

LEGISLATIVE BILL 641. Placed on General File.

(Signed) Lynne Walz, Chairperson

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 40. Placed on General File with amendment.

[AM575](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 24 of this act shall be known and may be
4 cited as the Nebraska Rural Projects Act.
5 Sec. 2. For purposes of the Nebraska Rural Projects Act, the
6 definitions found in sections 3 to 13 of this act shall be used.
7 Sec. 3. Applicant means a nonprofit economic development
8 corporation.
9 Sec. 4. Applicant resources means:
10 (1) Dollars donated to the applicant specifically for the project by
11 any combination of one or more of the following:
12 (a) An individual;
13 (b) An organization that is exempt from income tax under section
14 501(c) of the Internal Revenue Code; or
15 (c) Any nongovernmental organization; and
16 (2) Any direct or indirect funding for the project from any federal,
17 state, or local government, excluding any matching funds received
18 pursuant to the Nebraska Rural Projects Act.
19 Sec. 5. Date of application means the date that a completed
20 application is filed under the Nebraska Rural Projects Act.
21 Sec. 6. Director means the Director of Economic Development.
22 Sec. 7. Investment means the amount paid by the applicant for the
23 project. The term includes any applicant resources received by the
24 applicant for the project. The term does not include any matching funds
25 received by the applicant under the Nebraska Rural Projects Act.
26 Sec. 8. Matching funds means the funds provided by the State of
27 Nebraska pursuant to section 17 of this act.
1 Sec. 9. Project means expenses incurred or to be incurred at one
2 qualified location for site acquisition and preparation, utility
3 extensions, and rail spur construction for the development of a new
4 industrial rail access business park, including any such expenses
5 incurred to assist an initial tenant at such business park that conducts
6 business in the manufacturing, processing, distribution, or transloading
7 trades.
8 Sec. 10. Qualified location means a location within a county in
9 this state that has a population of less than one hundred thousand
10 inhabitants.
11 Sec. 11. Related entity means any entity which is a subsidiary or
12 affiliated entity of the applicant or which has, as one of its purposes
13 for existence, the financial support of the applicant.
14 Sec. 12. Transformational period means the period of time from the
15 date of application through the end of the tenth year after the year in
16 which the complete application was filed with the director.
17 Sec. 13. Year means the fiscal year of the State of Nebraska.
18 Sec. 14. (1) In order to be eligible to receive the matching funds
19 allowed in the Nebraska Rural Projects Act, the applicant shall file an
20 application with the director, on a form developed by the director,
21 requesting an agreement.
22 (2) The application shall:

23 (a) Identify the project, including the qualified location of such
24 project;
25 (b) State the estimated, projected amount of total new investment at
26 the project, including the estimated, projected amount of applicant
27 resources;
28 (c) State the E-Verify number or numbers that will be used by the
29 applicant for employees at the qualified location as provided by the
30 United States Citizenship and Immigration Services; and
31 (d) Contain a nonrefundable application fee of one thousand dollars.
1 The director shall collect all application fees and shall remit the fees
2 to the State Treasurer for credit to the Nebraska Rural Projects Fund.
3 (3) An application must be complete to establish the date of
4 application. An application shall be considered complete once it contains
5 the items listed in subsection (2) of this section.
6 (4) Once satisfied that the application is complete and that the
7 applicant is eligible to receive the matching funds allowed in the
8 Nebraska Rural Projects Act, the director shall approve the application.
9 (5) There shall be no new applications filed under this section
10 after June 30, 2023. Any complete application filed on or before June 30,
11 2023, shall be considered by the director and approved if the location
12 and applicant qualify for approval. Agreements may be executed with
13 regard to any complete application filed on or before June 30, 2023.
14 Sec. 15. (1) Within ninety days after approval of the application,
15 the director shall prepare and deliver a written agreement to the
16 applicant for the applicant's signature. The applicant and the director,
17 on behalf of the State of Nebraska, shall enter into such written
18 agreement. Under the agreement, the applicant shall agree to undertake
19 the project and report all investment at the project to the director
20 annually. The director, on behalf of the State of Nebraska, shall agree
21 to allow the applicant to receive the matching funds allowed in the
22 Nebraska Rural Projects Act, subject to appropriation of such funds by
23 the Legislature. The application, and all supporting documentation, to
24 the extent approved, shall be considered a part of the agreement. The
25 agreement shall state:
26 (a) The qualified location;
27 (b) The total amount of matching funds approved for the project;
28 (c) The type of documentation the applicant will need to document
29 its receipt of applicant resources and all other investment made under
30 the act;
31 (d) The date of application;
1 (e) A requirement that any access to the primary rail carrier, land
2 purchase option, or zoning approval needed to carry out the project will
3 be secured;
4 (f) A requirement that the applicant be and will stay registered for
5 the E-Verify Program provided by the United States Citizenship and
6 Immigration Services for the duration of the project;
7 (g) A requirement that the applicant provide any information needed
8 by the director to perform his or her responsibilities under the Nebraska
9 Rural Projects Act, in the manner specified by the director;
10 (h) A requirement that the applicant provide an annually updated
11 timetable showing the applicant resources donated and received and all
12 other investment at the project, in the manner specified by the director;
13 and
14 (i) A requirement that the applicant update the director annually,
15 with its timetable or in the manner specified by the director, on any
16 changes in plans or circumstances which it reasonably expects will affect
17 the applicant resources or any other investment for the project.
18 (2) Any failure by the applicant to timely provide the updates or
19 information required by the director or the act may result in the loss of
20 the right to receive matching funds or, at the discretion of the

21 director, result in the deferral of matching fund disbursements until
22 such updates and information have been provided to the director by the
23 applicant.
24 (3) The applicant shall provide documentation to the director
25 validating the receipt of applicant resources but is not required to
26 disclose the names of any private donors.
27 (4) An agreement under the Nebraska Rural Projects Act shall have a
28 duration of no more than ten years after the date of application,
29 consisting of up to the ten years of the transformational period, except
30 that such agreement shall remain effective until all matching fund
31 payments that are allowed under the act have been received.
1 Sec. 16. The following transactions or activities shall not create
2 investment under the Nebraska Rural Projects Act except as specifically
3 allowed by this section:
4 (1) The renegotiation of any private donor commitment in existence
5 before the date of application, except to the extent of additional
6 donation commitments;
7 (2) The purchase of any property which was previously owned by the
8 applicant or a related entity. The first purchase by either the applicant
9 or a related entity shall be treated as investment if the item was first
10 placed in service in the state after the date of application;
11 (3) The renegotiation of any agreement in existence on the date of
12 application which does not materially change any of the material terms of
13 the agreement shall be presumed to be a transaction entered into for the
14 purpose of facilitating benefits under the act and shall not be allowed
15 in the calculation of investment under the act; and
16 (4) Any purchase of property from a related entity, except that the
17 applicant will be considered to have made investment under the act to the
18 extent the related entity would have been considered to have made
19 investment on the purchase of the property if the related entity was
20 considered the applicant.
21 Sec. 17. (1) Subject to section 19 of this act, an applicant shall
22 be entitled to receive matching funds from the State of Nebraska as
23 follows:
24 (a) For any amount of investment up to two million five hundred
25 thousand dollars made by the applicant by the end of the transformational
26 period, the applicant shall be entitled to receive two dollars of
27 matching funds for each such dollar of investment; and
28 (b) For any amount of investment in excess of two million five
29 hundred thousand dollars made by the applicant by the end of the
30 transformational period, the applicant shall be entitled to receive five
31 dollars of matching funds for each such dollar of investment.
1 (2) Subject to section 19 of this act, the state shall pay the
2 available matching funds to the applicant on an annual basis.
3 Sec. 18. (1) The right to matching funds prescribed in section 17
4 of this act shall be established by filing the forms required by the
5 director. Such forms shall be filed by the applicant on an annual basis
6 and shall be used by the director to determine the amount of matching
7 funds to be paid to the applicant each year. The matching funds may only
8 be used by the applicant to pay for the project or to pay off debt
9 financing related to the project.
10 (2) Interest at the rate specified in section 45-104.02, as such
11 rate may from time to time be adjusted, shall be due by the applicant on
12 any repayment of matching funds required under the Nebraska Rural
13 Projects Act.
14 (3) All interpretations of the Nebraska Rural Projects Act shall be
15 made by the director.
16 (4) An audit of a project shall be made by the director to the
17 extent and in the manner determined by the director. The director may
18 recover any matching funds which were erroneously allowed by issuing a

19 repayment determination within the later of three years from the date the
20 matching funds were paid or three years after the end of the
21 transformational period.

22 (5) Any determination by the director that the applicant does not
23 qualify, that a location is not a qualified location, that a project does
24 not qualify, that investment does not qualify, or that matching funds
25 must be repaid may be protested by the applicant to the director within
26 sixty days after the mailing to the applicant of the written notice of
27 the proposed determination by the director. If the notice of proposed
28 determination is not protested in writing by the applicant within the
29 sixty-day period, the proposed determination is a final determination. If
30 the notice is protested, the director, after a formal hearing by the
31 director or by an independent hearing officer appointed by the director,
1 if requested by the applicant in such protest, shall issue a written
2 order resolving such protest.

3 Sec. 19. (1) The right to receive matching funds under the Nebraska
4 Rural Projects Act:

5 (a) Shall be subject to the limitations on matching funds provided
6 in subsections (2) through (4) of this section and any other limitations
7 provided in the act;

8 (b) Shall be subject to funds being appropriated by the Legislature;
9 and

10 (c) Shall not be transferable.

11 (2) No more than fifty million dollars of matching funds shall be
12 paid in total under the Nebraska Rural Projects Act.

13 (3) No more than thirty million dollars of matching funds shall be
14 paid for any one project.

15 (4) An applicant shall not receive more matching funds than the
16 amount of matching funds approved under the applicant's agreement.

17 (5) For any year in which more than one applicant qualifies for
18 matching funds, the applicant with the earlier date of application shall
19 receive the full amount of matching funds to which he or she is entitled
20 before any matching funds may be paid to the applicant with the later
21 date of application. If an applicant cannot be paid in full in any given
22 year, then the matching funds shall be paid in later years until fully
23 funded, subject to the limitations provided in this section.

24 (6) It is the intent of the Legislature that all matching funds owed
25 to applicants under agreements signed pursuant to the Nebraska Rural
26 Projects Act shall be paid by the state in full if the applicant has met
27 all requirements for such funds.

28 (7) It is further the intent of the Legislature to appropriate five
29 million dollars for fiscal year 2021-22 and five million dollars for
30 fiscal year 2022-23 to the Department of Economic Development for
31 purposes of carrying out the Nebraska Rural Projects Act.

1 Sec. 20. Any complete application shall be considered a valid
2 application on the date submitted for the purposes of the Nebraska Rural
3 Projects Act.

4 Sec. 21. (1) An applicant may sell all or any part of the project
5 authorized by the Nebraska Rural Projects Act or the land on which such
6 project is situated to a person who is seeking to establish a business at
7 the site of such project if the sale is approved by the director.

8 (2) The director shall approve a sale under this section if the
9 director finds that the sale furthers the goals of the project and the
10 Nebraska Rural Projects Act.

11 (3) Any sale under this section shall not affect any matching funds
12 already granted to the applicant and shall not disqualify the applicant
13 from receiving matching funds after the sale.

14 Sec. 22. (1) No later than October 1, 2022, and no later than
15 October 1 of each year thereafter, the director shall submit
16 electronically an annual report for the previous fiscal year to the

17 Legislature. The report shall be on a fiscal year, accrual basis that
 18 satisfies the requirements set by the Governmental Accounting Standards
 19 Board. The director shall, on or before December 15, 2022, and on or
 20 before December 15 of each year thereafter, appear at a joint hearing of
 21 the Appropriations Committee of the Legislature and the Revenue Committee
 22 of the Legislature and present the report. Any supplemental information
 23 requested by three or more committee members shall be presented within
 24 thirty days after the request.
 25 (2) The report shall state (a) the total amount of matching funds
 26 paid by the State of Nebraska, (b) the expected amount of matching funds
 27 still to be paid by the State of Nebraska, and (c) the total investment
 28 made by the applicants.
 29 (3) The report shall provide an explanation of the audit and review
 30 processes of the Department of Economic Development in approving and
 31 rejecting the provision of matching funds and in enforcing matching funds
 1 repayment.
 2 (4) No information shall be provided in the report or in
 3 supplemental information that is protected by state or federal
 4 confidentiality laws. The identity of private donors shall not be
 5 included in the report.
 6 Sec. 23. The director may adopt and promulgate all procedures and
 7 rules and regulations necessary to carry out the purposes of the Nebraska
 8 Rural Projects Act.
 9 Sec. 24. (1) The Nebraska Rural Projects Fund is hereby created.
 10 The fund shall receive money from application fees paid under the
 11 Nebraska Rural Projects Act and from appropriations from the Legislature,
 12 grants, private contributions, repayments of matching funds, and all
 13 other sources. Any money in the fund available for investment shall be
 14 invested by the state investment officer pursuant to the Nebraska Capital
 15 Expansion Act and the Nebraska State Funds Investment Act.
 16 (2) Distributions of matching funds shall only be made from the fund
 17 in amounts determined pursuant to subsection (1) of section 17 of this
 18 act.

(Signed) Lou Ann Linehan, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Health and Human Services - LB428
 Health and Human Services - LB376

ANNOUNCEMENT

Senator Albrecht announced the State-Tribal Relations Committee will hold an executive session Monday, March 15, 2021, at 10:30 a.m., in Room 2022.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Clements name added to LB188.

Senator Albrecht name added to LB236.
Senator Hunt name added to LB322.
Senator Flood name added to LB392.

ADJOURNMENT

At 10:06 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 10:00 a.m., Monday, March 15, 2021.

Patrick J. O'Donnell
Clerk of the Legislature