

**FORTY-FIFTH DAY - MARCH 17, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 17, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator J. Cavanaugh.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lindstrom and Vargas who was excused; and Senators Bostar, M. Cavanaugh, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORT(S)****Revenue**

**LEGISLATIVE BILL 2.** Placed on General File with amendment.

**AM638**

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 77-201 (1) Except as provided in subsections (2) through (4) of this  
6 section, all real property in this state, not expressly exempt therefrom,  
7 shall be subject to taxation and shall be valued at its actual value.  
8 (2) Agricultural land and horticultural land as defined in section  
9 77-1359 shall constitute a separate and distinct class of property for  
10 purposes of property taxation, shall be subject to taxation, unless  
11 expressly exempt from taxation, and shall be valued at seventy-five

12 percent of its actual value, except that for school district taxes levied  
 13 to pay the principal and interest on bonds that are issued on or after  
 14 the operative date of this act, such land shall be valued at fifty  
 15 percent of its actual value.

16 (3) Agricultural land and horticultural land actively devoted to  
 17 agricultural or horticultural purposes which has value for purposes other  
 18 than agricultural or horticultural uses and which meets the  
 19 qualifications for special valuation under section 77-1344 shall  
 20 constitute a separate and distinct class of property for purposes of  
 21 property taxation, shall be subject to taxation, and shall be valued for  
 22 taxation at seventy-five percent of its special valuation value as  
 23 defined in section 77-1343, except that for school district taxes levied  
 24 to pay the principal and interest on bonds that are issued on or after  
 25 the operative date of this act, such land shall be valued at fifty  
 26 percent of its special valuation as defined in section 77-1343.

27 (4) Historically significant real property which meets the  
 1 qualifications for historic rehabilitation valuation under sections  
 2 77-1385 to 77-1394 shall be valued for taxation as provided in such  
 3 sections.

4 (5) Tangible personal property, not including motor vehicles,  
 5 trailers, and semitrailers registered for operation on the highways of  
 6 this state, shall constitute a separate and distinct class of property  
 7 for purposes of property taxation, shall be subject to taxation, unless  
 8 expressly exempt from taxation, and shall be valued at its net book  
 9 value. Tangible personal property transferred as a gift or devise or as  
 10 part of a transaction which is not a purchase shall be subject to  
 11 taxation based upon the date the property was acquired by the previous  
 12 owner and at the previous owner's Nebraska adjusted basis. Tangible  
 13 personal property acquired as replacement property for converted property  
 14 shall be subject to taxation based upon the date the converted property  
 15 was acquired and at the Nebraska adjusted basis of the converted property  
 16 unless insurance proceeds are payable by reason of the conversion. For  
 17 purposes of this subsection, (a) converted property means tangible  
 18 personal property which is compulsorily or involuntarily converted as a  
 19 result of its destruction in whole or in part, theft, seizure,  
 20 requisition, or condemnation, or the threat or imminence thereof, and no  
 21 gain or loss is recognized for federal or state income tax purposes by  
 22 the holder of the property as a result of the conversion and (b)  
 23 replacement property means tangible personal property acquired within two  
 24 years after the close of the calendar year in which tangible personal  
 25 property was converted and which is, except for date of construction or  
 26 manufacture, substantially the same as the converted property.  
 27 Sec. 2. Section 77-4212, Revised Statutes Cumulative Supplement,  
 28 2020, is amended to read:

29 77-4212 (1) For tax year 2007, the amount of relief granted under  
 30 the Property Tax Credit Act shall be one hundred five million dollars.  
 31 For tax year 2008, the amount of relief granted under the act shall be  
 1 one hundred fifteen million dollars. It is the intent of the Legislature  
 2 to fund the Property Tax Credit Act for tax years after tax year 2008  
 3 using available revenue. For tax year 2017, the amount of relief granted  
 4 under the act shall be two hundred twenty-four million dollars. For tax  
 5 years year 2020 through 2023 and each tax year thereafter, the minimum  
 6 amount of relief granted under the act shall be two hundred seventy-five  
 7 million dollars. For tax year 2024 and each tax year thereafter, the  
 8 minimum amount of relief granted under the act shall be the minimum  
 9 amount from the prior tax year increased by three percent. If money is  
 10 transferred or credited to the Property Tax Credit Cash Fund pursuant to  
 11 any other state law, such amount shall be added to the minimum amount  
 12 required under this subsection when determining the total amount of  
 13 relief granted under the act. The relief shall be in the form of a

14 property tax credit which appears on the property tax statement.  
15 (2)(a) For tax years prior to tax year 2017, to determine the amount  
16 of the property tax credit, the county treasurer shall multiply the  
17 amount disbursed to the county under subdivision (4)(a) of this section  
18 by the ratio of the real property valuation of the parcel to the total  
19 real property valuation in the county. The amount determined shall be the  
20 property tax credit for the property.  
21 (b) Beginning with tax year 2017, to determine the amount of the  
22 property tax credit, the county treasurer shall multiply the amount  
23 disbursed to the county under subdivision (4)(b) of this section by the  
24 ratio of the credit allocation valuation of the parcel to the total  
25 credit allocation valuation in the county. The amount determined shall be  
26 the property tax credit for the property.  
27 (3) If the real property owner qualifies for a homestead exemption  
28 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
29 the relief provided in the act to the extent of any remaining liability  
30 after calculation of the relief provided by the homestead exemption. If  
31 the credit results in a property tax liability on the homestead that is  
1 less than zero, the amount of the credit which cannot be used by the  
2 taxpayer shall be returned to the State Treasurer by July 1 of the year  
3 the amount disbursed to the county was disbursed. The State Treasurer  
4 shall immediately credit any funds returned under this subsection to the  
5 Property Tax Credit Cash Fund. Upon the return of any funds under this  
6 subsection, the county treasurer shall electronically file a report with  
7 the Property Tax Administrator, on a form prescribed by the Tax  
8 Commissioner, indicating the amount of funds distributed to each taxing  
9 unit in the county in the year the funds were returned, any collection  
10 fee retained by the county in such year, and the amount of unused credits  
11 returned.  
12 (4)(a) For tax years prior to tax year 2017, the amount disbursed to  
13 each county shall be equal to the amount available for disbursement  
14 determined under subsection (1) of this section multiplied by the ratio  
15 of the real property valuation in the county to the real property  
16 valuation in the state. By September 15, the Property Tax Administrator  
17 shall determine the amount to be disbursed under this subdivision to each  
18 county and certify such amounts to the State Treasurer and to each  
19 county. The disbursements to the counties shall occur in two equal  
20 payments, the first on or before January 31 and the second on or before  
21 April 1. After retaining one percent of the receipts for costs, the  
22 county treasurer shall allocate the remaining receipts to each taxing  
23 unit levying taxes on taxable property in the tax district in which the  
24 real property is located in the same proportion that the levy of such  
25 taxing unit bears to the total levy on taxable property of all the taxing  
26 units in the tax district in which the real property is located.  
27 (b) Beginning with tax year 2017, the amount disbursed to each  
28 county shall be equal to the amount available for disbursement determined  
29 under subsection (1) of this section multiplied by the ratio of the  
30 credit allocation valuation in the county to the credit allocation  
31 valuation in the state. By September 15, the Property Tax Administrator  
1 shall determine the amount to be disbursed under this subdivision to each  
2 county and certify such amounts to the State Treasurer and to each  
3 county. The disbursements to the counties shall occur in two equal  
4 payments, the first on or before January 31 and the second on or before  
5 April 1. After retaining one percent of the receipts for costs, the  
6 county treasurer shall allocate the remaining receipts to each taxing  
7 unit based on its share of the credits granted to all taxpayers in the  
8 taxing unit.  
9 (5) For purposes of this section, credit allocation valuation means  
10 the taxable value for all real property except agricultural land and  
11 horticultural land, one hundred twenty percent of taxable value for

12 agricultural land and horticultural land that is not subject to special  
 13 valuation, and one hundred twenty percent of taxable value for  
 14 agricultural land and horticultural land that is subject to special  
 15 valuation.  
 16 (6) The State Treasurer shall transfer from the General Fund to the  
 17 Property Tax Credit Cash Fund one hundred five million dollars by August  
 18 1, 2007, and one hundred fifteen million dollars by August 1, 2008.  
 19 (7) The Legislature shall have the power to transfer funds from the  
 20 Property Tax Credit Cash Fund to the General Fund.  
 21 Sec. 3. Section 77-5023, Reissue Revised Statutes of Nebraska, is  
 22 amended to read:  
 23 77-5023 (1) Pursuant to section 77-5022, the commission shall have  
 24 the power to increase or decrease the value of a class or subclass of  
 25 real property in any county or taxing authority or of real property  
 26 valued by the state so that all classes or subclasses of real property in  
 27 all counties fall within an acceptable range.  
 28 (2) An acceptable range is the percentage of variation from a  
 29 standard for valuation as measured by an established indicator of central  
 30 tendency of assessment. Acceptable ranges are: (a) For agricultural land  
 31 and horticultural land as defined in section 77-1359, sixty-nine to  
 1 seventy-five percent of actual value, except that for school district  
 2 taxes levied to pay the principal and interest on bonds that are issued  
 3 on or after the operative date of this act, the acceptable range is  
 4 forty-four to fifty percent of actual value; (b) for lands receiving  
 5 special valuation, sixty-nine to seventy-five percent of special  
 6 valuation as defined in section 77-1343, except that for school district  
 7 taxes levied to pay the principal and interest on bonds that are issued  
 8 on or after the operative date of this act, the acceptable range is  
 9 forty-four to fifty percent of special valuation as defined in section  
 10 77-1343; and (c) for all other real property, ninety-two to one hundred  
 11 percent of actual value.  
 12 (3) Any increase or decrease shall cause the level of value  
 13 determined by the commission to be at the midpoint of the applicable  
 14 acceptable range.  
 15 (4) Any decrease or increase to a subclass of property shall also  
 16 cause the level of value determined by the commission for the class from  
 17 which the subclass is drawn to be within the applicable acceptable range.  
 18 (5) Whether or not the level of value determined by the commission  
 19 falls within an acceptable range or at the midpoint of an acceptable  
 20 range may be determined to a reasonable degree of certainty relying upon  
 21 generally accepted mass appraisal techniques.  
 22 Sec. 4. This act becomes operative on January 1, 2022.  
 23 Sec. 5. Original sections 77-201 and 77-5023, Reissue Revised  
 24 Statutes of Nebraska, and section 77-4212, Revised Statutes Cumulative  
 25 Supplement, 2020, are repealed.

(Signed) Lou Ann Linehan, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 16.** Placed on General File with amendment.  
[AM666](#) is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 64.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Paul Garcia wrestled for the Scottsbluff High School wrestling team coached by Dustin Stodola; and

WHEREAS, Paul won the Class B, 126-pound state championship match during the 2021 Nebraska State Wrestling Tournament; and

WHEREAS, Paul has become the 34th wrestler in Nebraska's history and the 2nd Scottsbluff Bearcat to win four state championships in a row; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youths of our state.

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

1. That the Legislature congratulates Paul Garcia on winning the 126-pound division at the 2021 Class B State Wrestling Championship.
2. That copies of this resolution be sent to Scottsbluff High School and Paul Garcia.

Laid over.

**LEGISLATIVE RESOLUTION 65.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, senior Paul Ruff wrestled for the Gering High School wrestling team as coached by Jarred Berger; and

WHEREAS, Paul earned 2nd place for the Class B, 126-pound state championship match during the 2021 Nebraska State Wrestling Tournament; and

WHEREAS, Paul has shown exceptional skills through his accomplishments in the field of wrestling and serves as a source of inspiration for other deaf or hard of hearing students; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youths of our state.

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

1. That the Legislature congratulates Paul Ruff on earning 2nd place in the 126-pound division at the 2021 Class B State Wrestling Championship.
2. That copies of this resolution be sent to Gering High School and Paul Ruff.

Laid over.

**LEGISLATIVE RESOLUTION 66.** Introduced by Stinner, 48.

WHEREAS, the 2021 Nebraska School Activities Association State Wrestling Championships were held from February 17th to February 20th at the CHI Health Center in Omaha; and

WHEREAS, the Gering High School Wrestling Team earned the 2021 Class B Team State Wrestling Championships; and

WHEREAS, the Gering Bulldogs, led by Coach Jarred Berger, captured the first wrestling team title for Gering High School in over 24 years; and

WHEREAS, the Bulldogs won the team title even without having an individual state champion, showcasing the dedication and commitment of each member to the team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Coach Jarred Berger and the Gering Bulldogs on winning the 2021 Class B Team Wrestling Championship.
2. That copies of this resolution be sent to the Gering High School Wrestling Team and Coach Jarred Berger.

Laid over.

**LEGISLATIVE RESOLUTION 67.** Introduced by Hilkemann, 4.

WHEREAS, there are families adversely affected by problem gambling in this state; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, awareness of the signs and symptoms is the key to recognizing problem gambling; and

WHEREAS, providing education to the residents of Nebraska about the dangers of problem gambling is needed to promote the prevention of problem gambling in the future.

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

1. That the Legislature recognizes March of 2021 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Hughes filed the following amendment to LB507:  
[AM365](#)

(Amendments to Standing Committee amendments, AM256)

- 1 1. On page 6, line 31, strike "(1)".
- 2 2. On page 7, line 4, strike "fund" and insert "Water Sustainability
- 3 Fund"; strike beginning with "fund" in line 5 through "of" in line 6,
- 4 show the old matter as stricken, and insert "Water Sustainability Fund to
- 5 the Department of Natural Resources Cash Fund and as a one-time transfer
- 6 to the General Fund as described in"; in line 7 strike "(2)" and strike
- 7 "fund", show as stricken, and insert "Water Sustainability Fund"; in line
- 8 17 strike "(3)"; strike beginning with "It" in line 21 through line 24
- 9 and show as stricken; in line 25 strike "(4)"; and in line 30 strike
- 10 "(5)".
- 11 3. On page 8, line 4, strike "(6)".

**ANNOUNCEMENT(S)**

Speaker priority bill/resolution designations are as follows:  
LBs 9, 81, 84, 92, 143, 152, 154, 197, 247, 271, 283, 336, 366, 396, 406,  
411, 423, 452, 497, 500, 501, 527, 583, 664, and 682.

**AMENDMENT(S) - Print in Journal**

Senator Flood filed the following amendment to LB501:  
[AM671](#)

(Amendments to Standing Committee amendments, AM526)

- 1 1. On page 37, line 12, strike "or"; and after line 12 insert the
- 2 following new subdivision:
- 3 "(2) an easement or right-of-way held by a public power and
- 4 irrigation district, irrigation district, reclamation district, or canal
- 5 company; or"; and in line 13 strike "(2)" and insert "(3)".

**GENERAL FILE**

**LEGISLATIVE BILL 561.** Title read. Considered.

Committee [AM426](#), found on page 545, was offered.

Senator Lowe requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM639](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Sec. 27. Section 9-601, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 9-601 Sections 9-601 to 9-653 and section 31 of this act shall be
- 6 known and may be cited as the Nebraska County and City Lottery Act.

7 Sec. 28. Section 9-607, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 9-607 (1) Lottery shall mean a gambling scheme in which:

10 (a) The players pay or agree to pay something of value for an  
11 opportunity to win;

12 (b) Winning opportunities are represented by tickets;

13 (c) Winners are solely determined by one of the following two  
14 methods:

15 (i) By a random drawing of tickets differentiated by sequential  
16 enumeration from a receptacle by hand whereby each ticket has an equal  
17 chance of being chosen in the drawing; or

18 (ii) By use of a game known as keno in which a player selects up to  
19 twenty numbers from a total of eighty numbers on a paper or electronic  
20 ticket and a computer, other electronic selection device, or electrically  
21 operated blower machine which is not player-activated randomly selects up  
22 to twenty numbers from the same pool of eighty numbers and the winning  
23 players are determined by the correct matching of the numbers on the  
24 paper or electronic ticket selected by the players with the numbers  
25 randomly selected by the computer, other electronic selection device, or  
26 electrically operated blower machine, except that (A) no keno game shall  
27 permit or require player activation of lottery equipment and (B) the  
1 random selection of numbers by the computer, other electronic selection  
2 device, or electrically operated blower machine shall not occur within  
3 five minutes of the completion of the previous selection of random  
4 numbers; and

5 (d) The holders of the winning ~~paper~~ tickets are to receive cash or  
6 prizes redeemable for cash. Selection of a winner or winners shall be  
7 predicated solely on chance.

8 (2) Lottery shall not include:

9 (a) Any gambling scheme which uses any mechanical gaming device,  
10 computer gaming device, electronic gaming device, or video gaming device  
11 which has the capability of awarding something of value, free games  
12 redeemable for something of value, or tickets or stubs redeemable for  
13 something of value;

14 (b) Any activity authorized or regulated under the Nebraska Bingo  
15 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
16 Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery  
17 Act, section 9-701, or Chapter 2, article 12; or

18 (c) Any activity prohibited under Chapter 28, article 11.

19 (3) Notwithstanding the requirement in subdivision (1)(c)(ii) of  
20 this section that a player select up to twenty numbers, a player may  
21 select more than twenty numbers on a paper ticket when a top or bottom,  
22 left or right, edge, or way ticket is played. For a top or bottom ticket,  
23 the player shall select all numbers from one through forty or all numbers  
24 from forty-one through eighty. For a left or right ticket, the player  
25 shall select all numbers ending in one through five or all numbers ending  
26 in six through zero. For an edge ticket, the player shall select all of  
27 the numbers comprising the outside edge of the ticket. For a way ticket,  
28 the player shall select a combination of groups of numbers in multiple  
29 ways on a single ticket.

30 (4) A county, city, or village conducting a keno lottery shall  
31 designate the method of winning number selection to be used in the  
1 lottery and submit such designation in writing to the department prior to  
2 conducting a keno lottery. Only those methods of winning number selection  
3 described in subdivision (1)(c)(ii) of this section shall be permitted,  
4 and the method of winning number selection initially utilized may only be  
5 changed once during that business day as set forth in the designation. A  
6 county, city, or village shall not change the method or methods of  
7 winning number selection filed with the department or allow it to be  
8 changed once such initial designation has been made unless (a) otherwise

9 authorized in writing by the department based upon a written request from  
10 the county, city, or village or (b) an emergency arises in which case a  
11 ball draw method of number selection would be switched to a number  
12 selection by a random number generator. An emergency situation shall be  
13 reported by the county, city, or village to the department within twenty-  
14 four hours of its occurrence.

15 Sec. 29. Section 9-646.01, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 9-646.01 No person or licensee, or any employee or agent thereof,  
18 accepting wagers on a lottery conducted pursuant to the Nebraska County  
19 and City Lottery Act shall extend credit from the gross proceeds of a  
20 lottery to participants in the lottery for the purchase of lottery  
21 tickets. No person shall purchase or be allowed to purchase any lottery  
22 ticket or make or be allowed to make any wager pursuant to the act unless  
23 he or she pays for such ticket or wager with cash, coins, a debit card,  
24 or a direct link to an account with a financial institution in the name  
25 of the player. For purposes of this section, cash shall mean United  
26 States currency having the same face value as the price of the ticket or  
27 wager. A credit card shall not be accepted for payment for any wager on  
28 keno.

29 Sec. 30. Section 9-651, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 9-651 Each county, city, or village conducting a lottery shall have  
1 its name clearly printed on each paper ticket used in the lottery. No  
2 such ticket shall be sold unless the name is printed thereon. Any  
3 electronic ticket shall be clearly associated with the county, city, or  
4 village conducting the lottery during the purchase of the ticket, or if  
5 an electronic ticket is represented by a printable image, the name of the  
6 county, city, or village conducting the lottery shall be clearly visible  
7 on the printable image.

8 Sec. 31. (1) Any purchase of a ticket for a keno game shall be made  
9 in person at the location of the lottery operator or a licensed sales  
10 outlet location.

11 (2) The lottery operator shall file with the department the address  
12 of each location where electronic tickets are sold. The lottery operator  
13 shall use reasonable safeguards approved by the department to ensure that  
14 electronic tickets are only accessible to individuals nineteen years of  
15 age or older.

16 (3) The lottery operator shall submit controls, for approval by the  
17 department, that include the following at the location of the lottery  
18 operator or any associated licensed sales outlet location at which  
19 electronic tickets are sold:

20 (a) Any specific procedure and any technology partner to fulfill any  
21 requirement set forth by the department;

22 (b) Any location detection procedure to reasonably detect and  
23 dynamically monitor the location of a player attempting to purchase a  
24 ticket for a keno game. A player outside the permitted boundary shall be  
25 rejected, and the player shall be notified. The permitted boundary must  
26 be established such that access is not regularly available outside the  
27 property on which the ticket for a keno game is purchased;

28 (c) Any other specific control as designated by the department;

29 (d) A process to easily and prominently display and impose any  
30 limitation for parameters relating to the purchase of a ticket for a keno  
31 game; and

1 (e) An easy and obvious method for a player to make a complaint and  
2 to enable the player to notify the department if such complaint has not  
3 been or cannot be addressed by the lottery operator.

4 Sec. 52. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.

The second committee amendment is as follows:

AM640

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 32. Section 1, Initiative Law 2020, No. 430, is amended to  
 4 read:  
 5 Section 1. Sections 1 to 6 of this act ~~and sections 36 to 45 of this~~  
 6 ~~act shall be known and may be cited as the Nebraska Racetrack Gaming Act.~~  
 7 Sec. 33. Section 3, Initiative Law 2020, No. 430, is amended to  
 8 read:  
 9 Sec. 3. For purposes of the Nebraska Racetrack Gaming Act:  
 10 (1) Authorized gaming operator means a person or entity licensed  
 11 pursuant to the act to operate games of chance within a licensed  
 12 racetrack enclosure;  
 13 (2) Authorized gaming operator license means a license to operate  
 14 games of chance as an authorized gaming operator at a licensed racetrack  
 15 enclosure;  
 16 (3) Authorized sporting event means a professional sporting event, a  
 17 collegiate sporting event, an international sporting event, a  
 18 professional motor race event, a professional sports draft, an individual  
 19 sports award, an electronic sport, or a simulated game. Authorized  
 20 sporting event does not include a parimutuel wager, a fantasy sports  
 21 contest, a minor league sporting event, any athletic event or competition  
 22 of an interscholastic sport, or any sporting event in which a person  
 23 under eighteen years of age is a participant;  
 24 (4) Collegiate sporting event means an athletic event or competition  
 25 of an intercollegiate sport played at the collegiate level for which  
 26 eligibility requirements for participation by a student athlete are  
 27 established by a national association for the promotion or regulation of  
 1 collegiate athletics;  
 2 (5) Commission means the State Racing and Gaming Commission;  
 3 (6) Designated sports wagering area means an area, as approved by  
 4 the commission, in which sports wagering is conducted;  
 5 (7) ~~(3)~~ Game of chance means any game which has the elements of  
 6 chance, prize, and consideration, including any wager on a slot machine,  
 7 table game, counter game, or card game, ~~or sports wagering.~~ Game of  
 8 chance does not include any game the operation of which is prohibited at  
 9 a casino by federal law;  
 10 ~~(8)~~ (4) Gaming device means an electronic, mechanical, or other  
 11 device which plays a game of chance when activated by a player using  
 12 currency, a token, or other item of value;  
 13 (9) International sporting event means an international team or  
 14 individual sporting event governed by an international sports federation  
 15 or sports governing body, including sporting events governed by the  
 16 International Olympic Committee and the International Federation of  
 17 Association Football;  
 18 ~~(10)~~ ~~(5)~~ Licensed racetrack enclosure means premises at which  
 19 licensed live horseracing is conducted in accordance with the  
 20 Constitution of Nebraska and applicable Nebraska law;  
 21 ~~(11)~~ (6) Limited gaming device means an electronic gaming device  
 22 which (a) offers games of chance, (b) does not dispense currency, tokens,  
 23 or other items of value, and (c) does not have a cash winnings hopper,  
 24 mechanical or simulated spinning reel, or side handle; ~~and~~  
 25 ~~(12)~~ (7) Racing license means a license issued for a licensed  
 26 racetrack enclosure by the commission; ~~and State Racing Commission.~~  
 27 (13) Sports wagering means the acceptance of wagers on an authorized  
 28 sporting event by any system of wagering as authorized by the commission.  
 29 Sports wagering does not include (a) placing a wager on the performance  
 30 or nonperformance of any individual athlete participating in a single  
 31 game or match of a collegiate sporting event in which a collegiate team

1 from this state is participating or (b) placing a wager on the  
 2 performance of athletes in an individual international sporting event in  
 3 which any participant in the international sporting event is under  
 4 eighteen years of age.

5 Sec. 39. (1) The commission may permit an authorized gaming  
 6 operator to conduct sports wagering. Any sports wager shall be placed in  
 7 person in the designated sports wagering area at the licensed racetrack  
 8 enclosure.

9 (2) A floor plan identifying the designated sports wagering area,  
 10 including the location of any wagering kiosks, shall be filed with the  
 11 commission for review and approval. Modification to a previously approved  
 12 plan must be submitted for approval at least ten days prior to  
 13 implementation. The area shall not be accessible to persons under twenty-  
 14 one years of age and shall have a sign posted to restrict access.  
 15 Exceptions to this subsection must be approved in writing by the  
 16 commission.

17 (3) The authorized gaming operator shall submit controls for  
 18 approval by the commission, that include the following for operating the  
 19 designated sports wagering area:

20 (a) Specific procedures and technology partners to fulfill the  
 21 requirements set forth by the commission;

22 (b) Location detection procedures to reasonably detect and  
 23 dynamically monitor the location of a player attempting to place any  
 24 wager. A player outside the permitted boundary shall be rejected, and the  
 25 player shall be notified. The confidence radius shall be entirely located  
 26 within the permitted boundary of the licensed racetrack enclosure;

27 (c) Other specific controls as designated by the commission;

28 (d) A process to easily and prominently impose limitations or  
 29 notification for wagering parameters, including, but not limited to,  
 30 deposits and wagers; and

31 (e) An easy and obvious method for a player to make a complaint and  
 1 to enable the player to notify the commission if such complaint has not  
 2 been or cannot be addressed by the sports wagering operator.

3 Sec. 46. Section 2, Initiative Law 2020, No. 431, is amended to  
 4 read:

5 Sec. 2. For purposes of this act and section 47 of this act:

6 (1) Authorized gaming operator means a person or entity licensed  
 7 pursuant to the Nebraska Racetrack Gaming Act to operate games of chance  
 8 within a licensed racetrack enclosure;

9 (2) Designated sports wagering area means an area, as designated by  
 10 the gaming commission, in which sports wagering is conducted;

11 (3) ~~(2)~~ Dollar amount collected means the total dollar amount  
 12 wagered by players of games of chance less the total dollar amount  
 13 returned to such players as prizes;

14 (4) ~~(3)~~ Game of chance means any game which has the elements of  
 15 chance, prize, and consideration, including any wager on a slot machine,  
 16 table game, counter game, or card game, or sports wagering. Game of  
 17 chance does not include any game the operation of which is prohibited at  
 18 a casino by federal law;

19 (5) ~~(4)~~ Gaming commission means the State Racing and Nebraska Gaming  
 20 Commission established pursuant to the Nebraska Racetrack Gaming Act;

21 (6) ~~(5)~~ Gross gaming revenue means the dollar amount collected by an  
 22 authorized gaming operator from operation of all games of chance within a  
 23 licensed racetrack enclosure as computed pursuant to applicable statutes,  
 24 rules, and regulations less the total of (a) all federal taxes, other

25 than income taxes, imposed on the operation of such games of chance and  
 26 (b) the amount provided to players by an authorized gaming operator as

27 promotional gaming credits, but only to the extent such promotional  
 28 gaming credits are redeemed by players to play one or more games of  
 29 chance being operated by the authorized gaming operator;

30 (7) (6) Licensed racetrack enclosure means a premises at which  
 31 licensed live horseracing is conducted in accordance with the  
 1 Constitution of Nebraska and applicable Nebraska law; ~~and~~  
 2 (8) (7) Promotional gaming credit means a credit, token, or other  
 3 item of value provided by an authorized gaming operator to a player for  
 4 the purpose of enabling the player to play a game of chance; ~~and~~ -  
 5 (9) Sports wagering has the same meaning as in section 3, Initiative  
 6 Law 2020, No. 430.  
 7 Sec. 52. Since an emergency exists, this act takes effect when  
 8 passed and approved according to law.

The third committee amendment is as follows:  
[AM641](#) is available in the Bill Room.

The first committee amendment, [AM639](#), found in this day's Journal, was offered.

### SENATOR HUGHES PRESIDING

### SPEAKER HILGERS PRESIDING

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

Senator Flood moved for a call of the house. The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

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

Voting in the affirmative, 30:

Aguilar	Cavanaugh, J.	Friesen	Kolterman	Morfeld
Arch	Cavanaugh, M.	Geist	Lathrop	Pahls
Blood	Day	Gragert	Linehan	Sanders
Bostar	DeBoer	Hansen, M.	McCollister	Stinner
Brandt	Dorn	Hilkemann	McDonnell	Walz
Briese	Flood	Hughes	McKinney	Williams

Voting in the negative, 16:

Albrecht	Erdman	Hilgers	Murman
Bostelman	Groene	Hunt	Pansing Brooks
Brewer	Halloran	Lowe	Slama
Clements	Hansen, B.	Moser	Wayne

Excused and not voting, 3:

Lindstrom      Vargas      Wishart

The motion to cease debate prevailed with 30 ayes, 16 nays, and 3 excused and not voting.

The first committee amendment was adopted with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second committee amendment, [AM640](#), found in this day's Journal, was offered.

### **SPEAKER HILGERS PRESIDING**

Pending.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 57 and 58 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 57 and 58.

### **AMENDMENT(S) - Print in Journal**

Senator Flood filed the following amendment to [LB255](#):

#### [AM680](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 5 of this act shall be known and may be  
 4 cited as the In the Line of Duty Compensation Act.  
 5 Sec. 2. For purposes of the In the Line of Duty Compensation Act:  
 6 (1) Firefighter means a member of a paid or volunteer fire  
 7 department in Nebraska, including a member of a rescue squad associated  
 8 with a paid or volunteer fire department in Nebraska;  
 9 (2)(a) Killed in the line of duty means losing one's life as a  
 10 result of an injury or illness arising on or after the operative date of  
 11 this act in connection with the active performance of duties as a public  
 12 safety officer if the death occurs within three years from the date the  
 13 injury was received or illness was diagnosed and if that injury or  
 14 illness arose from violence or other accidental cause.  
 15 (b) Killed in the line of duty excludes death resulting from the  
 16 willful misconduct or intoxication of the public safety officer;  
 17 (3) Law enforcement officer means any member of the Nebraska State  
 18 Patrol, any county or deputy sheriff, or any member of the police force  
 19 of any city or village;  
 20 (4) Public safety officer means:  
 21 (a) A firefighter;  
 22 (b) A law enforcement officer;  
 23 (c) A member of an emergency medical services ambulance squad  
 24 operated by a political subdivision or by a private, nonprofit ambulance  
 25 service, but excluding any employee of a private, for-profit ambulance  
 26 service; or  
 27 (d) A correctional officer employed by a jail or by the Department  
 1 of Correctional Services;

2 (5) Risk Manager means the Risk Manager appointed under section  
3 81-8,239.01; and  
4 (6) State Claims Board means the board created under section  
5 81-8,220.  
6 Sec. 3. (1) If a public safety officer is killed in the line of  
7 duty, compensation shall be paid as provided in the In the Line of Duty  
8 Compensation Act to recognize the ultimate sacrifice made by such public  
9 safety officer.  
10 (2) The amount of compensation to be paid under the act shall be as  
11 follows:  
12 (a) For deaths occurring during calendar year 2022, the amount of  
13 such compensation shall be fifty thousand dollars; and  
14 (b) For deaths occurring in calendar year 2023 and each calendar  
15 year thereafter, the amount of such compensation shall be equal to the  
16 compensation amount from the previous calendar year increased by the  
17 percentage increase, if any, in the Consumer Price Index for All Urban  
18 Consumers, as published by the United States Department of Labor, Bureau  
19 of Labor Statistics, for the twelve months ending on June 30 of such  
20 previous calendar year.  
21 (3) The person entitled to receive such compensation shall be  
22 determined as follows:  
23 (a) If the public safety officer designated a person to receive the  
24 compensation in accordance with subsection (4) of this section, the  
25 compensation shall be paid to the designated person; or  
26 (b) If no person is designated by the public safety officer or if  
27 the designated person is not alive at the death of the public safety  
28 officer, the compensation shall be paid in accordance with the laws of  
29 this state regarding intestate succession.  
30 (4) The Risk Manager shall prescribe a form that may be used by a  
31 public safety officer to designate a person to receive the compensation.  
1 The public safety officer shall file such form with his or her employer  
2 or, if he or she is a volunteer, with the entity for which the volunteer  
3 service is provided.  
4 (5) Amounts paid under the In the Line of Duty Compensation Act  
5 shall not be considered:  
6 (a) Compensation under the County Employees Retirement Act, the  
7 Judges Retirement Act, the Nebraska State Patrol Retirement Act, the  
8 School Employees Retirement Act, the State Employees Retirement Act, or  
9 any other retirement plan administered by the Public Employees Retirement  
10 Board and shall not be eligible for deferral under any deferred  
11 compensation plan administered by the Public Employees Retirement Board;  
12 or  
13 (b) Regular pay or salary under the Police Officers Retirement Act  
14 or sections 16-1020 to 16-1042.  
15 (6) An employer of the public safety officer shall not have any  
16 right of subrogation under section 48-118 with respect to compensation  
17 paid under the In the Line of Duty Compensation Act.  
18 Sec. 4. (1) To receive compensation under the In the Line of Duty  
19 Compensation Act, a claim for the compensation must be filed with the  
20 Risk Manager within one year after the date of death of the public safety  
21 officer who was killed in the line of duty. Such claim shall be on a form  
22 prescribed by the Risk Manager and shall include:  
23 (a) The name, address, and title or position of the public safety  
24 officer who was killed in the line of duty;  
25 (b) A copy of the form filed in accordance with subsection (4) of  
26 section 3 of this act, if any. If no such form has been filed, the claim  
27 shall include the name and address of the person or persons to whom  
28 compensation is payable under subdivision (3)(b) of section 3 of this  
29 act;  
30 (c) A sworn statement providing a full factual account of the

31 circumstances resulting in or the course of events causing the death of  
1 the public safety officer; and  
2 (d) Such other information as the Risk Manager reasonably requires.  
3 (2) The Risk Manager shall send written notice to all claimants  
4 within two weeks after the initiation of a claim indicating whether or  
5 not the claim is complete. For purposes of this subsection, a claim is  
6 complete if a claimant has submitted to the Risk Manager all documents  
7 and information required under subsection (1) of this section. If a claim  
8 is incomplete, the Risk Manager shall include in the written notice a  
9 list of the documents or information which the claimant must submit in  
10 order for the claim to be complete. If a claim is complete, the State  
11 Claims Board shall make an investigation of the claim in the manner  
12 provided in the State Miscellaneous Claims Act. Upon completion of such  
13 investigation, and no later than forty-five days after receipt of a  
14 complete claim, the State Claims Board shall approve or deny such claim  
15 in accordance with section 81-8,300 and the Risk Manager shall send  
16 written notice to the claimant stating whether the claim has been  
17 approved or denied. If a claim is denied, the notice shall include the  
18 reason or reasons for the denial. If a claimant is dissatisfied with a  
19 denial, he or she may file an application for review with the Risk  
20 Manager in accordance with subsection (2) of section 81-8,300. If a claim  
21 is approved, compensation shall be paid to the claimants entitled to such  
22 compensation in accordance with subsection (3) of section 81-8,300.  
23 Sec. 5. The State Claims Board may adopt and promulgate rules and  
24 regulations to carry out the In the Line of Duty Compensation Act.  
25 Sec. 6. Section 81-8,297, Reissue Revised Statutes of Nebraska, is  
26 amended to read:  
27 81-8,297 The State Claims Board shall have the power and authority  
28 to receive, investigate, and otherwise carry out its duties with regard  
29 to (1) all claims under the State Miscellaneous Claims Act, (2) all  
30 claims under sections 25-1802 to 25-1807, (3) all claims under the State  
31 Contract Claims Act, (4) all claims under the In the Line of Duty  
1 Compensation Act, (5) all requests on behalf of any department, board, or  
2 commission of the state for waiver or cancellation of money or charges  
3 when necessary for fiscal or accounting procedures, and (6) ~~(5)~~ all  
4 claims filed under section 66-1531. All such claims or requests and  
5 supporting documents shall be filed with the Risk Manager and shall be  
6 designated by number, name of claimant as requester, and short title.  
7 Nothing in this section shall be construed to be a waiver of the  
8 sovereign immunity of the state beyond what is otherwise provided by law.  
9 The board shall adopt and promulgate such rules and regulations as  
10 are necessary to carry out the powers granted in this section. The  
11 Attorney General shall be the legal advisor to the board for purposes of  
12 this section and may authorize the assistant attorney general in charge  
13 of the Claims Division to perform any of his or her duties under this  
14 section.  
15 Sec. 7. Section 81-8,299, Reissue Revised Statutes of Nebraska, is  
16 amended to read:  
17 81-8,299 The State Claims Board shall, for the purposes contemplated  
18 by the State Contract Claims Act, the State Miscellaneous Claims Act, the  
19 In the Line of Duty Compensation Act, and sections 25-1802 to 25-1807 and  
20 66-1531, have the right, power, and duty to (1) administer oaths, (2)  
21 compel the attendance of witnesses and the production of books, papers,  
22 and documents and issue subpoenas for such purposes, and (3) punish the  
23 disobedience of such a subpoena or subpoenas, the refusal of a witness to  
24 be sworn or testify, or the failure to produce books, papers, and  
25 documents, as required by such subpoena or subpoenas so issued, as  
26 contempt, in the same manner as are officers who are authorized to take  
27 depositions.  
28 Sec. 8. Section 81-8,300.01, Reissue Revised Statutes of Nebraska,

29 is amended to read:

30 81-8,300.01 Claims described in subdivision (4) of section 81-8,297  
 31 shall be forever barred unless the claim is filed with the Risk Manager  
 1 within the time period prescribed in section 4 of this act. Claims  
 2 described in subdivisions (5) (4) and (6) (5) of section 81-8,297 and  
 3 claims relating to expiration of state warrants shall have no time bar to  
 4 recovery. Except as provided in section 25-213, all other claims  
 5 permitted under the State Miscellaneous Claims Act shall be forever  
 6 barred unless the claim is filed with the Risk Manager within two years  
 7 after the time the claim accrued.

8 Sec. 9. Section 81-8,301, Reissue Revised Statutes of Nebraska, is  
 9 amended to read:

10 81-8,301 Any award made under the State Contract Claims Act, the  
 11 State Miscellaneous Claims Act, the In the Line of Duty Compensation Act,  
 12 or section 25-1806 or 66-1531 and accepted by the claimant shall be final  
 13 and conclusive on all officers of the State of Nebraska except when  
 14 procured by means of fraud. The acceptance by the claimant of such award  
 15 shall be final and conclusive on the claimant and shall constitute a  
 16 complete release by the claimant of any claim against the state and  
 17 against the employee of the state whose act or omission gave rise to the  
 18 claim by reason of the same subject matter.

19 Sec. 10. This act becomes operative on January 1, 2022.

20 Sec. 11. Original sections 81-8,297, 81-8,299, 81-8,300.01, and  
 21 81-8,301, Reissue Revised Statutes of Nebraska, are repealed.

Senator Kolterman filed the following amendment to LB250:

AM414

(Amendments to Standing Committee amendments, AM232)

1 1. On page 29, strike lines 27 and 28 and insert the following new  
 2 subdivision:  
 3 "(g) The fee for interior design registration shall not exceed the  
 4 amount set by the board pursuant to this subdivision. The board shall  
 5 annually set such fee in an amount sufficient to establish and maintain  
 6 the interior design registry."

Senator J. Cavanaugh filed the following amendment to LB320:

AM676

(Amendments to Standing Committee amendments, AM450)

1 1. On page 3, strike lines 13 and 14 and insert the following new  
 2 subdivision:  
 3 "(11) Qualified third party means an organization that (a) is a  
 4 nonprofit organization organized under section 501(c)(3) of the Internal  
 5 Revenue Code or a federally recognized Indian tribe whose governmental  
 6 body is within the borders of Nebraska and (b) has an affiliation  
 7 agreement with the Department of Health and Human Services to provide  
 8 services to victims of domestic violence and sexual assault under the  
 9 Protection from Domestic Abuse Act."  
 10 2. On page 9, line 20, after "granted" insert "except by agreement  
 11 or"; and in line 21 after the underscored period insert "For any  
 12 subsequent continuance extending the initial trial date into the next  
 13 periodic rental period, the court may require a tenant to deposit with  
 14 the clerk of the court such rental payments as accrue during the pendency  
 15 of the suit."

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE RESOLUTION 29.** Reported to the Legislature for further consideration with the following amendment:

[AM595](#)

1 1. Strike the original provisions and insert the following new  
2 provisions:

3 WHEREAS, Saint Francis Ministries was awarded a five-year, 197-  
4 million-dollar child welfare contract to serve abused and neglected  
5 children in the eastern service area of Douglas and Sarpy counties as  
6 designated pursuant to section 81-3116 by the Department of Health and  
7 Human Services; and

8 WHEREAS, under that contract Saint Francis Ministries has  
9 responsibility for approximately 2,500 children who are wards of the  
10 State of Nebraska or are in Nebraska families who are in need of services  
11 to keep their children safe and healthy; and

12 WHEREAS, Saint Francis Ministries has been accused in the State of  
13 Kansas of gross mismanagement of funds; and

14 WHEREAS, Saint Francis Ministries has estimated a 27-million-dollar  
15 operating loss for the first year of the contract with the Department of  
16 Health and Human Services and may be at risk of bankruptcy.

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

19 1. That the Legislature hereby calls for the Executive Board of the  
20 Legislative Council to appoint a special committee of the Legislature to  
21 be known as the Eastern Service Area Child Welfare Contract Special  
22 Investigative and Oversight Committee of the Legislature. The committee  
23 shall consist of nine members of the Legislature. Members shall include  
24 two members of the Health and Human Services Committee of the  
25 Legislature, two members of the Appropriations Committee of the  
26 Legislature, two members of the Judiciary Committee of the Legislature,  
27 two members of the Government, Military and Veterans Affairs Committee of  
1 the Legislature, and one at-large member of the Legislature. The at-large  
2 member shall be a resident of the eastern service area. The Eastern  
3 Service Area Child Welfare Contract Special Investigative and Oversight  
4 Committee shall elect a chairperson and vice-chairperson from the  
5 membership of the committee. The executive board may provide the  
6 committee with a legal counsel, committee clerk, and other staff as  
7 required by the committee from existing legislative staff. The executive  
8 board may authorize the committee to hire outside legal counsel,  
9 consultants, and investigators as required by the committee. The  
10 committee may hold hearings and issue subpoenas to compel the attendance  
11 of witnesses and the production of any papers, books, accounts,  
12 documents, and testimony.

13 2. The Eastern Service Area Child Welfare Contract Special  
14 Investigative and Oversight Committee of the Legislature is hereby  
15 authorized to study the Department of Administrative Services and  
16 Department of Health and Human Services with respect to the award,  
17 implementation, and oversight of the child welfare contract. The  
18 committee is also hereby authorized to study the circumstances  
19 surrounding the creation and submission of the bid by Saint Francis  
20 Ministries including, but not limited to, the actions of Saint Francis  
21 Ministries and the communications of its employees and agents. The scope  
22 of this authorization expressly includes the communications of former  
23 employees or agents of Saint Francis Ministries. The committee shall  
24 utilize existing studies, reports, and legislation developed to address  
25 the current conditions. The committee shall not be limited to such  
26 studies, reports, or legislation. The committee shall investigate

27 placement and quality of care received by the children served by the  
 28 eastern service area through the contract services agreement with Saint  
 29 Francis Ministries.  
 30 3. The committee shall issue a report with its findings and  
 31 recommendations to the Legislature no later than December 15, 2021.

(Signed) Dan Hughes, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 83.** Placed on Select File with amendment.  
[ER23](#) is available in the Bill Room.

**LEGISLATIVE BILL 371.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 68.** Introduced by Wayne, 13.

WHEREAS, the American Public Gas Association began recognizing  
 March 18 as Natural Gas Utility Workers' Day in 2016; and

WHEREAS, the date was chosen to remember the tragic New London,  
 Texas school incident that occurred on March 18, 1937, which led to the  
 widespread odorization of natural gas and an increased emphasis on safety  
 among natural gas workers; and

WHEREAS, safety is a vital aspect of natural gas distribution, and the  
 employees of distribution companies endeavor to make natural gas delivery  
 as safe as possible; and

WHEREAS, natural gas utility workers are essential responders during  
 storms and other catastrophic events, working to make the scene safe for  
 other public safety heroes; and

WHEREAS, on Natural Gas Utility Workers' Day and throughout the year,  
 we recognize the vital services these workers provide to the State of  
 Nebraska.

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

1. That the Legislature recognizes March 18, 2021, as Natural Gas Utility  
 Workers' Day.

2. That a copy of this resolution be sent to Black Hills Energy,  
 Metropolitan Utilities District, NorthWestern Energy, the Nebraska  
 Municipal Power Pool, and the League of Nebraska Municipalities.

Laid over.

**LEGISLATIVE RESOLUTION 69.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to receive reports and public input under the Municipal Density and Missing Middle Housing Act, which requires that cities of the metropolitan class, cities of the primary class, and cities of the first class with a population of at least twenty thousand inhabitants submit a report to the Urban Affairs Committee every two years detailing the city's efforts to address the availability of and incentives for affordable housing through its zoning codes, ordinances, and regulations. The committee shall conduct one or more public hearings for the presentation of reports by cities which are required to submit reports under section 19-5504.

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

1. That the Urban Affairs 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 Slama name added to LB84.

Senator McCollister name added to LB320.

Senator Hansen, B. name added to LB376.

Senator Brewer name added to LB452.

Senator Blood name added to LB661.

Senator Hansen, M. name added to LR29.

**WITHDRAW - Cointroducer(s)**

Senator Walz name withdrawn from LB241.

**RECESS**

At 12:03 p.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Lindstrom, Sanders, and Vargas who were excused; and Senators Brewer, Geist, B. Hansen, Hilkemann, Hunt, Morfeld, and Pansing Brooks who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 561.** The second committee amendment, [AM640](#), found in this day's Journal, was renewed.

The second committee amendment was adopted with 31 ayes, 10 nays, 3 present and not voting, and 5 excused and not voting.

The third committee amendment, [AM641](#), found in this day's Journal, was offered.

The third committee amendment was adopted with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 5 nays, 4 present and not voting, and 3 excused and not voting.

**MESSAGE(S) FROM THE GOVERNOR**

March 17, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1e, 4, 21, 23e, 25e, 44, 77, 149, 159, 174, 248, 253e, 363e, 373, and 532 were received in my office on March 11, 2021.

These bills were signed and delivered to the Secretary of State on March 17, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**  
Transportation and Telecommunications

**LEGISLATIVE BILL 338.** Placed on General File with amendment.

AM110

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 86-330, Revised Statutes Cumulative Supplement,  
3 2020, is amended to read:  
4 86-330 (1) Based on consumer complaints or upon its own motion, the  
5 Public Service Commission may open a docket to consider the  
6 implementation and operation of a ~~funding redirection reverse auction~~  
7 program that awards funding to broadband Internet service providers to  
8 support high-speed Internet infrastructure deployment projects in  
9 unserved or underserved exchanges within the State of Nebraska. The  
10 commission may, in its discretion, withhold funding from the Nebraska  
11 Telecommunications Universal Service Fund to any telecommunications  
12 company that has not served, to the commission's satisfaction, those  
13 areas with service that meets the criteria for successful investment of  
14 funding from the Nebraska Telecommunications Universal Service Fund.  
15 (2) The commission shall adopt and promulgate rules and regulations  
16 that establish standards governing the withholding of funding from the  
17 Nebraska Telecommunications Universal Service Fund from any recipient,  
18 including the provision of notice and the right to a hearing prior to the  
19 issuance of an order withdrawing such funding. If the commission  
20 withdraws funding from the Nebraska Telecommunications Universal Service  
21 Fund from any telecommunications company, the commission may redirect the  
22 withdrawn funding through a reverse auction or rural-based plan to  
23 another eligible telecommunications company use the funding that is  
24 withdrawn to implement and operate a reverse auction program, except that  
25 any funding that is withdrawn shall be utilized in the exchange area for  
26 which the funding was originally granted. The commission shall have wide  
27 discretion in the design, implementation, and operation of a funding  
1 redirection reverse auction program but may use as a guide the reverse  
2 auction program designed by the Federal Communications Commission in its  
3 Connect America Fund Phase II Auction process.  
4 (3)(a) In redirecting funding that has been withheld from an  
5 eligible telecommunications company, the commission may consider rural-  
6 based plans. To qualify for commission consideration, a rural-based plan  
7 shall include an eligible telecommunications company.  
8 (b) The commission shall consider rural-based plans based on the  
9 following scoring criteria:  
10 (i) The history of the participating eligible telecommunications  
11 company in providing quality and affordable telecommunications and  
12 broadband services in rural areas;  
13 (ii) The capability of the eligible telecommunications company to  
14 use the proposed technology to provide broadband services to every  
15 location in the exchange area on a reasonably comparable basis;  
16 (iii) The support of local businesses, hospitals, schools, colleges,  
17 agricultural producers, and residents;  
18 (iv) Other sources of funding;  
19 (v) Partnerships and other cooperative arrangements with local  
20 public power providers;  
21 (vi) Partnerships and other cooperative arrangements with local  
22 wireless Internet service providers; and  
23 (vii) Cooperation by the incumbent local exchange carrier from which  
24 funding has been withheld.  
25 (c) In entering an order redirecting funding, the commission shall  
26 establish a timeline for deployment that includes periodic milestones for  
27 ensuring timely deployment and shall require the eligible

28 telecommunications company to file reports sufficient to assess  
 29 compliance with deployment milestones.  
 30 (d) The commission shall adopt and promulgate rules and regulations  
 31 to carry out this subsection.  
 1 (4) For purposes of this section, rural-based plan means a proposal  
 2 for redirecting funding as described in this section which is made by  
 3 rural residential and business users of telecommunications and broadband  
 4 services in high-cost areas of the exchange.

**LEGISLATIVE BILL 498.** Placed on General File with amendment.

[AM363](#)

1 1. Strike original section 1 and insert the following new section:  
 2 Section 1. (1) The Public Service Commission shall implement a  
 3 broadband service testing and mapping program designed to provide  
 4 information on broadband availability and broadband speeds received by  
 5 telecommunications service subscribers in Nebraska. The commission may  
 6 contract with third-party contractors to test, validate, and map  
 7 broadband service availability and speeds for purposes of the program.  
 8 (2) The broadband service testing and mapping program shall utilize  
 9 independent computing devices that are first-in-line to the  
 10 telecommunications service provider connection, independent of all other  
 11 subscriber-premise personal equipment used for measuring broadband  
 12 speeds, which can test and validate broadband service availability and  
 13 speeds at the telecommunications service subscriber's premises, with the  
 14 subscriber's prior consent.  
 15 (3) The Public Service Commission shall utilize the broadband  
 16 service testing and mapping program to provide validation information in  
 17 a public broadband map, and may share such map with the Federal  
 18 Communications Commission for any purpose the Public Service Commission  
 19 deems necessary. The data collected and map developed shall be made  
 20 available to the public on the Public Service Commission's web site.  
 21 (4) Nothing in this section shall be construed to restrict the  
 22 Public Service Commission from using other methods deemed appropriate by  
 23 the commission in conducting speed testing and developing maps.

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Clements renewed his amendment, [AM654](#), found on page 667.

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

Senator Morfeld moved for a call of the house. The motion prevailed with 23 ayes, 9 nays, and 17 not voting.

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

Voting in the affirmative, 25:

Blood	DeBoer	Hilkemann	McDonnell	Stinner
Bostar	Dorn	Hunt	McKinney	Walz
Cavanaugh, J.	Flood	Kolterman	Morfeld	Wayne
Cavanaugh, M.	Hansen, M.	Lathrop	Pansing Brooks	Williams
Day	Hilgers	McCollister	Slama	Wishart

Voting in the negative, 17:

Aguilar	Brewer	Geist	Linehan	Pahls
Albrecht	Clements	Gragert	Lowe	
Arch	Erdman	Groene	Moser	
Bostelman	Friesen	Halloran	Murman	

Excused and not voting, 7:

Brandt	Hansen, B.	Lindstrom	Vargas
Briese	Hughes	Sanders	

The motion to cease debate prevailed with 25 ayes, 17 nays, and 7 excused and not voting.

The Clements amendment lost with 15 ayes, 26 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Halloran offered the following amendment:

[AM690](#)

1 1. On page 4, strike lines 10 through 16 and insert the following  
 2 new subdivision:  
 3 "(2)(a) Pursuant to the Constitution of the United States and the  
 4 Constitution of Nebraska and subject to subsection (3) of this section, a  
 5 school district shall protect a student journalist's right to participate  
 6 in the school's freedom of the press in school-sponsored media. Such  
 7 right shall be limited only by constitutionally allowable infringements  
 8 of speech or by editorial oversight of the press by the school district.  
 9 A school district may choose to designate some or all of its school-  
 10 sponsored media as public forums. In the case of media so designated, the  
 11 scope of permitted infringements and editorial oversight shall be  
 12 determined in accordance with case law regarding public forums generally.  
 13 For media not so designated, the case law applicable to school-sponsored  
 14 media shall apply."

**SPEAKER HILGERS PRESIDING**

**SENATOR DORN PRESIDING**

**SPEAKER HILGERS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 50.** Placed on General File.

(Signed) Tom Brewer, Chairperson

Business and Labor

**LEGISLATIVE BILL 241.** Placed on General File.

**LEGISLATIVE BILL 258.** Placed on General File.

**LEGISLATIVE BILL 451.** Placed on General File with amendment.

[AM550](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 48-1102, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:  
5 48-1102 For purposes of the Nebraska Fair Employment Practice Act,  
6 unless the context otherwise requires:  
7 (1) Person shall include one or more individuals, labor unions,  
8 partnerships, limited liability companies, associations, corporations,  
9 legal representatives, mutual companies, joint-stock companies, trusts,  
10 unincorporated organizations, trustees, trustees in bankruptcy, or  
11 receivers;  
12 (2) Employer shall mean a person engaged in an industry who has  
13 fifteen or more employees for each working day in each of twenty or more  
14 calendar weeks in the current or preceding calendar year, any agent of  
15 such a person, and any party whose business is financed in whole or in  
16 part under the Nebraska Investment Finance Authority Act regardless of  
17 the number of employees and shall include the State of Nebraska,  
18 governmental agencies, and political subdivisions, but such term shall  
19 not include (a) the United States, a corporation wholly owned by the  
20 government of the United States, or an Indian tribe or (b) a bona fide  
21 private membership club, other than a labor organization, which is exempt  
22 from taxation under section 501(c) of the Internal Revenue Code;  
23 (3) Labor organization shall mean any organization which exists  
24 wholly or in part for one or more of the following purposes: Collective  
25 bargaining; dealing with employers concerning grievances, terms, or  
26 conditions of employment; or mutual aid or protection in relation to  
27 employment;  
1 (4) Employment agency shall mean any person regularly undertaking  
2 with or without compensation to procure employees for an employer or to  
3 procure for employees opportunities to work for an employer and shall  
4 include an agent of such a person but shall not include an agency of the  
5 United States, except that such term shall include the United States  
6 Employment Service and the system of state and local employment services  
7 receiving federal assistance;  
8 (5) Covered entity shall mean an employer, an employment agency, a  
9 labor organization, or a joint labor-management committee;  
10 (6) Privileges of employment shall mean terms and conditions of any  
11 employer-employee relationship, opportunities for advancement of  
12 employees, and plant conveniences;  
13 (7) Employee shall mean an individual employed by an employer;  
14 (8) Commission shall mean the Equal Opportunity Commission;  
15 (9) Disability shall mean (a) a physical or mental impairment that  
16 substantially limits one or more of the major life activities of such

17 individual, (b) a record of such an impairment, or (c) being regarded as  
18 having such an impairment. Disability shall not include homosexuality,  
19 bisexuality, transvestism, transsexualism, pedophilia, exhibitionism,  
20 voyeurism, gender-identity disorders not resulting in physical  
21 impairments, other sexual behavior disorders, problem gambling,  
22 kleptomania, pyromania, or psychoactive substance use disorders resulting  
23 from current illegal use of drugs;

24 (10)(a) Qualified individual with a disability shall mean an  
25 individual with a disability who, with or without reasonable  
26 accommodation, can perform the essential functions of the employment  
27 position that such individual holds or desires. Consideration shall be  
28 given to the employer's judgment as to what functions of a job are  
29 essential, and if an employer has prepared a written description before  
30 advertising or interviewing applicants for the job, this description  
31 shall be considered evidence of the essential functions of the job;

1 (b) Qualified individual with a disability shall not include any  
2 employee or applicant who is currently engaged in the illegal use of  
3 drugs when the covered entity acts on the basis of such use; and  
4 (c) Nothing in this subdivision shall be construed to exclude as a  
5 qualified individual with a disability an individual who:

6 (i) Has successfully completed a supervised drug rehabilitation  
7 program or otherwise been rehabilitated successfully and is no longer  
8 engaging in the illegal use of drugs;

9 (ii) Is participating in a supervised rehabilitation program and is  
10 no longer engaging in such use; or  
11 (iii) Is erroneously regarded as engaging in such use but is not  
12 engaging in such use;

13 (11) Reasonable accommodation, with respect to disability, shall  
14 include making existing facilities used by employees readily accessible  
15 to and usable by individuals with disabilities, job restructuring, part-  
16 time or modified work schedules, reassignment to a vacant position,  
17 acquisition or modification of equipment or devices, appropriate  
18 adjustment or modification of examinations, training manuals, or  
19 policies, the provision of qualified readers or interpreters, and other  
20 similar accommodations for individuals with disabilities. Reasonable  
21 accommodation, with respect to pregnancy, childbirth, or related medical  
22 conditions, shall include acquisition of equipment for sitting, more  
23 frequent or longer breaks, periodic rest, assistance with manual labor,  
24 job restructuring, light-duty assignments, modified work schedules,  
25 temporary transfers to less strenuous or hazardous work, time off to  
26 recover from childbirth, or break time and appropriate facilities for  
27 breast-feeding or expressing breast milk. Reasonable accommodation shall  
28 not include accommodations which the covered entity can demonstrate  
29 require significant difficulty or expense thereby posing an undue  
30 hardship upon the covered entity. Factors to be considered in determining  
31 whether an accommodation would pose an undue hardship shall include:

1 (a) The nature and the cost of the accommodation needed under the  
2 Nebraska Fair Employment Practice Act;

3 (b) The overall financial resources of the facility or facilities  
4 involved in the provision of the reasonable accommodation, the number of  
5 persons employed at such facility, the effect on expenses and resources,  
6 or the impact otherwise of such accommodation upon the operation of the  
7 facility;

8 (c) The overall financial resources of the covered entity, the  
9 overall size of the business of a covered entity with respect to the  
10 number of its employees, and the number, type, and location of its  
11 facilities; and

12 (d) The type of operation or operations of the covered entity,  
13 including the composition, structure, and functions of the work force of  
14 such entity, and the geographic separateness and administrative or fiscal

15 relationship of the facility or facilities in question to the covered  
16 entity;

17 (12) Marital status shall mean the status of a person whether  
18 married or single;

19 (13) Because of sex or on the basis of sex shall include, but not be  
20 limited to, because of or on the basis of pregnancy, childbirth, or  
21 related medical conditions;

22 (14) Harass because of sex shall include making unwelcome sexual  
23 advances, requesting sexual favors, and engaging in other verbal or  
24 physical conduct of a sexual nature if (a) submission to such conduct is  
25 made either explicitly or implicitly a term or condition of an  
26 individual's employment, (b) submission to or rejection of such conduct  
27 by an individual is used as the basis for employment decisions affecting  
28 such individual, or (c) such conduct has the purpose or effect of  
29 unreasonably interfering with an individual's work performance or  
30 creating an intimidating, hostile, or offensive working environment;

31 (15) Unlawful under federal law or the laws of this state shall mean  
1 acting contrary to or in defiance of the law or disobeying or  
2 disregarding the law;

3 (16) Drug shall mean a controlled substance as defined in section  
4 28-401;

5 (17) Illegal use of drugs shall mean the use of drugs, the  
6 possession or distribution of which is unlawful under the Uniform  
7 Controlled Substances Act, but shall not include the use of a drug taken  
8 under supervision by a licensed health care professional or any other use  
9 authorized by the Uniform Controlled Substances Act or other provisions  
10 of state law; ~~and~~

11 (18) Individual who is pregnant, who has given birth, or who has a  
12 related medical condition shall mean an individual with a known  
13 limitation who, with or without reasonable accommodation, can perform the  
14 essential functions of the employment position that such individual  
15 holds, desires, or may be temporarily assigned to. Consideration shall be  
16 given to the employer's judgment as to what functions of a job are  
17 essential, and if an employer has prepared a written description before  
18 advertising or interviewing applicants for the job, this description  
19 shall be considered evidence of the essential functions of the job; -

20 (19) Race is inclusive of characteristics such as skin color, hair  
21 texture, and protective hairstyles; and

22 (20) Protective hairstyles includes braids, locks, and twists.

23 Sec. 2. Section 48-1108, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 48-1108 Notwithstanding any other provision of the Nebraska Fair  
26 Employment Practice Act:

27 (1) It shall not be an unlawful employment practice for an employer  
28 to hire and employ employees, for an employment agency to classify or  
29 refer for employment any individual, for a labor organization to classify  
30 its membership or to classify or refer for employment any individual, or  
31 for an employer, labor organization, or joint labor-management committee  
1 controlling apprenticeship or other training or retraining programs to  
2 admit or employ any individual in any such program on the basis of  
3 religion, sex, disability, marital status, or national origin in those  
4 certain instances when religion, sex, disability, marital status, or  
5 national origin is a bona fide occupational qualification reasonably  
6 necessary to the normal operation of that particular business or  
7 enterprise; ~~and~~

8 (2) It shall not be an unlawful employment practice for a school,  
9 college, university, or other educational institution or institution of  
10 learning to hire and employ employees of a particular religion if such  
11 school, college, university, or other educational institution or  
12 institution of learning is, in whole or in substantial part, owned,

13 supported, controlled, or managed by a particular religion or by a  
 14 particular religious corporation, association, or society or if the  
 15 curriculum of such school, college, university, or other educational  
 16 institution of learning is directed toward the propagation of a  
 17 particular religion; -  
 18 (3) It shall not be an unlawful employment practice for an employer  
 19 to enact any bona fide health and safety standard that regulates  
 20 characteristics associated with race if the employer demonstrates that:  
 21 (a) Without the implementation of such standard, it is reasonably  
 22 certain that the health and safety of the applicant, employee, or other  
 23 materially connected person will be impaired;  
 24 (b) The standard is adopted for non-discriminatory reasons;  
 25 (c) The standard is applied equally; and  
 26 (d) The employer has engaged in good faith efforts to reasonably  
 27 accommodate the applicant or employee; and  
 28 (4) It shall not be an unlawful employment practice for the Nebraska  
 29 State Patrol, a county sheriff, a city or village police department, or  
 30 any other law enforcement agency in this state or the Nebraska National  
 31 Guard to impose its own dress and grooming standards.  
 1 Sec. 3. Original section 48-1108, Reissue Revised Statutes of  
 2 Nebraska, and section 48-1102, Revised Statutes Cumulative Supplement,  
 3 2020, are repealed.

**LEGISLATIVE BILL 598.** Placed on General File with amendment.

[AM549](#)

- 1 1. Strike original section 5.
- 2 2. On page 2, line 1, strike "6" and insert "5".
- 3 3. Renumber the remaining sections accordingly.

(Signed) Ben Hansen, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Albrecht filed the following amendment to [LB88](#):

[AM660](#)

- 1 1. On page 4, line 19, strike "sports, and advertising" and insert
- 2 "and sports".

#### **ANNOUNCEMENT**

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Tuesday, March 23, 2021, at 12:00 p.m., in Room 1524.

#### **VISITOR(S)**

The Doctor of the Day was Dr. Russ Bowen of Omaha.

**ADJOURNMENT**

At 5:14 p.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature