

FIFTY-SIXTH DAY - APRIL 7, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 2021

PRAYER

The prayer was offered by Senator Clements.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hughes.

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 Bostar, DeBoer, B. Hansen, M. Hansen, Hunt, Linehan, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 869, line 22, after Reading insert "Second".
The Journal for the fifty-fifth day was approved as corrected.

GENERAL FILE

LEGISLATIVE BILL 423A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 17. Title read. Considered.

Committee AM461, found on page 554, was offered.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

AM884

(Amendments to Standing Committee amendments, AM461)

- 1 1. On page 10, line 23, after the last comma insert "and"; and
- 2 strike beginning with "ten" in line 24 through the last comma in line 26.

SENATOR HUGHES PRESIDING

Senator J. Cavanaugh withdrew his amendment.

Senator Wayne offered the following amendment to the committee amendment:

AM900

(Amendments to Standing Committee amendments, AM461)

- 1 1. Insert the following new section:
2 Sec. 2. Section 24-702, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 24-702 (1) There is hereby created in the state treasury a fund to
5 be known as the Nebraska Retirement Fund for Judges which shall be
6 administered by the board and to which shall be credited all money
7 appropriated or transferred by law thereto. The fund is hereby
8 appropriated and made available to the board for the uses and purposes
9 prescribed by the provisions of the Judges Retirement Act.
10 (2) The employer contribution to the fund shall consist of the
11 amounts remitted pursuant to subsection (3) of section 24-703.
12 (3) The Nebraska Judges Retirement Act Expense Fund is created. The
13 fund shall be credited with money from the retirement system assets and
14 income sufficient to pay the pro rata share of administrative expenses
15 incurred as directed by the board for the proper administration of the
16 Judges Retirement Act and necessary in connection with the administration
17 and operation of the retirement system.
18 (4) On July 1, 2021, or as soon thereafter as administratively
19 possible, the State Treasurer shall transfer three million dollars from
20 the General Fund to the Nebraska Retirement Fund for Judges.
21 2. On page 10, lines 22 through 26, strike the new matter.
22 3. Rerumber the remaining sections and correct the repealer
23 accordingly.

Senator Wayne withdrew his amendment.

Senator Kolterman moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Kolterman requested a roll call vote on the committee amendment.

Voting in the affirmative, 38:

Albrecht	Dorn	Hansen, B.	Lowe	Sanders
Arch	Erdman	Hansen, M.	McCollister	Slama
Bostar	Flood	Hilkemann	McDonnell	Stinner
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Williams
Brewer	Gragert	Lathrop	Murman	Wishart
Clements	Groene	Lindstrom	Pahls	
DeBoer	Halloran	Linehan	Pansing Brooks	

Voting in the negative, 2:

McKinney Wayne

Present and not voting, 7:

Aguilar	Cavanaugh, J.	Day	Vargas
Blood	Cavanaugh, M.	Hunt	

Excused and not voting, 2:

Briese Hilgers

The committee amendment was adopted with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 501. Placed on Select File with amendment.
[ER45](#) is available in the Bill Room.

LEGISLATIVE BILL 65. Placed on Select File.

LEGISLATIVE BILL 105. Placed on Select File.

LEGISLATIVE BILL 224. Placed on Select File.

LEGISLATIVE BILL 414. Placed on Select File.

LEGISLATIVE BILL 265. Placed on Select File.

LEGISLATIVE BILL 312. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 84. Introduced by Williams, 36; Aguilar, 35; Bostar, 29; Flood, 19; Kolterman, 24; Lindstrom, 18; McCollister, 20; Pahls, 31; Slama, 1.

WHEREAS, Director of Insurance Bruce Ramge is the longest-serving Director of Insurance in Nebraska's history having served in that role for the past ten years; and

WHEREAS, Director Ramge began his career in public service at the Nebraska Department of Insurance in 1984 working in the Market Conduct Division, accepting the position of Chief of Market Regulation in 1999, and becoming the Deputy Director in January 2008 prior to being appointed Director of Insurance in November 2010 by former Governor Dave Heineman. In January 2015, he was reappointed as Director of Insurance by Governor Pete Ricketts; and

WHEREAS, Governor Ricketts stated, "Under Bruce's leadership, Nebraska has gained a reputation for having fair and consistent insurance regulation. He has done great work to help Nebraska's insurance industry grow into one of the largest in the nation, bringing jobs and economic opportunities to the state. States across the country now look to Nebraska for guidance on their regulatory frameworks for insurance, which is a testament to Bruce's successful tenure with the agency.>"; and

WHEREAS, Director Ramge has had many notable accomplishments over his years of service to the Nebraska Department of Insurance, which include maintaining a seamless continuity of service and operations following a fire that caused a sudden loss of office space, facilitating the regulatory processes for the formation of twelve new Nebraska insurance companies and the move of twenty insurers from other locations into Nebraska, earning two rounds of accreditation from the National Association of Insurance Commissioners, overseeing the implementation of federal requirements relating to the Affordable Care Act and educating Nebraska citizens through town hall meetings across this state, and keeping Nebraska in line with growing international insurance supervisory standards and initiating and maintaining ongoing regulatory information sharing with insurance supervisors from Japan, Germany, and Great Britain; and

WHEREAS, the consumer liaison representatives of the National Association of Insurance Commissioners recognized Director Ramge for his work on behalf of insurance consumers and awarded him the Excellence in Consumer Advocacy award, citing his active leadership on a wide range of issues affecting consumers, his instrumental work as chair of the Market Conduct Examination Working Group in preparing market regulators for the transition from implementation to oversight of key Affordable Care Act provisions, and his work as chair of the Title Insurance Task Force, leading the Task Force through the most active period of engagement on title insurance issues in decades; and

WHEREAS, after thirty-six years of service to the State of Nebraska, Director Ramge will retire on April 9, 2021.

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

1. That the Legislature recognizes Director of Insurance Bruce Ramge for his longstanding and distinguished service to the State of Nebraska and wishes him the very best upon his retirement.
2. That a copy of this resolution be sent to Director Bruce Ramge.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 644. Senator Halloran renewed his amendment, [AM854](#), found on page 887.

SENATOR WILLIAMS PRESIDING

SENATOR HUGHES PRESIDING

Pending.

MESSAGE(S) FROM THE GOVERNOR

April 7, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22e, 37, 106e, 106Ae, 169, 351, 401, 476, and 533 were received in my office on April 1, 2021.

These bills were signed and delivered to the Secretary of State on April 7, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

RECESS

At 11:57 a.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hilgers presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostelman, M. Hansen, Morfeld, Pansing Brooks, Slama, Stinner, and Wishart who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 322A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 322, One Hundred Seventh Legislature, First Session, 2021; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 85. Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostelman, 23; Brandt, 32; Brewer, 43; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilkemann, 4; Hughes, 44; Hunt, 8; Lathrop, 12; Lindstrom, 18; Lowe, 37; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Pansing Brooks, 28; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36; Wishart, 27.

WHEREAS, The United States of America consists of people from all over the world who have chosen to make this country their home; and

WHEREAS, Nebraska communities were founded and established by people of a wide variety of races, ethnicities, ages, religions, and backgrounds; and

WHEREAS, Nebraskans value residents of all religions, ancestries, and ethnicities; and

WHEREAS, Nebraska is a welcoming state for people from diverse backgrounds, including Asian-Americans; and

WHEREAS, since the 2010 census, the number of Asian-Americans living in Nebraska has grown by over twenty-three percent, from approximately 33,000 people in 2010 to nearly 41,000 people in 2017; and

WHEREAS, Asian-Americans and people of Asia-Pacific descent live and work in communities all across this state, contribute to the economy of this state, and have children who attend public and private schools in this state; and

WHEREAS, in both 2018 and 2019, according to the Nebraska Crime Commission, there were zero reported hate crimes against Asian-Americans in Nebraska; and

WHEREAS, there are significant and growing concerns in the Asian-American community based upon recent national reports of a rise in anti-Asian-American hate crimes; and

WHEREAS, Nebraskans reject racism and bigotry and affirm our commitment to a diverse, supportive, inclusive, and protective community and state; and

WHEREAS, Nebraskans want to reassure residents and visitors that this state celebrates diversity and inclusion; and

WHEREAS, Nebraskans will not tolerate any prejudice, racism, bigotry, hatred, bullying, or violence towards any groups within our state; and

WHEREAS, Nebraskans extend our sympathy, empathy, and support to any victim of discrimination or violence based on prejudice or race-motivated hate.

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

1. That the Legislature rejects hate, discrimination, and acts of violence, including violence against Asian-Americans, based on race, national origin, or religion.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR85 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 644. Senator Halloran renewed his amendment, [AM854](#), found on page 887 and considered in this day's Journal.

PRESIDENT FOLEY PRESIDING

The Halloran amendment was adopted with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

Senator Wayne offered the following amendment to the committee amendment:

[FA17](#)

Amend AM755

Create new section:

"All counties shall create and charge a user fee of .25¢ (twenty-five cents) to the general public upon entry to a county building".

Senator Wayne withdrew his amendment.

Committee [AM755](#), found on page 750 and considered on page 886, was renewed.

The committee amendment, as amended, was adopted with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Committee [AM273](#), found on page 619, was offered.

Senator Flood withdrew his amendment, [AM882](#), found on page 889.

Senator Groene offered the following amendment to the committee amendment:

[AM898](#)

(Amendments to Standing Committee amendments, AM273)

1 1. Insert the following new section:
2 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 43-272 (1) When (1)(a) In counties having a population of less than
5 one hundred fifty thousand inhabitants, when any juvenile shall be
6 brought without counsel before a juvenile court, the court shall advise
7 such juvenile and his or her parent or guardian of their right to retain
8 counsel and shall inquire of such juvenile and his or her parent or
9 guardian as to whether they desire to retain counsel. The court shall
10 inform such juvenile and his or her parent or guardian of such juvenile's
11 right to counsel at county expense if none of them is able to afford
12 counsel. If the juvenile or his or her parent or guardian desires to have
13 counsel appointed for such juvenile, or the parent or guardian of such
14 juvenile cannot be located, and the court ascertains that none of such
15 persons are able to afford an attorney, the court shall forthwith appoint
16 an attorney to represent such juvenile for all proceedings before the
17 juvenile court, except that if an attorney is appointed to represent such
18 juvenile and the court later determines that a parent of such juvenile is
19 able to afford an attorney, the court shall order such parent or juvenile
20 to pay for services of the attorney to be collected in the same manner as
21 provided by section 43-290. If the parent willfully refuses to pay any
22 such sum, the court may commit him or her for contempt, and execution may
23 issue at the request of the appointed attorney or the county attorney or
24 by the court without a request.
25 (b) In counties having a population of one hundred fifty thousand or
26 more inhabitants, when any juvenile court petition is filed alleging
1 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or
2 (4) of section 43-247, counsel shall be appointed for such juvenile. The
3 court shall inform such juvenile and his or her parent or guardian of
4 such juvenile's right to counsel at county expense if none of them is
5 able to afford counsel. If the juvenile or his or her parent or guardian
6 desires to have counsel appointed for such juvenile, or the parent or
7 guardian of such juvenile cannot be located, and the court ascertains
8 that none of such persons are able to afford an attorney, the court shall
9 forthwith appoint an attorney to represent such juvenile for all
10 proceedings before the juvenile court, except that if an attorney is
11 appointed to represent such juvenile and the court later determines that

12 a parent of such juvenile is able to afford an attorney, the court shall
13 order such parent or juvenile to pay for services of the attorney to be
14 collected in the same manner as provided by section 43-290. If the parent
15 willfully refuses to pay any such sum, the court may commit him or her
16 for contempt, and execution may issue at the request of the appointed
17 attorney or the county attorney or by the court without a request.
18 (2) The court, on its own motion or upon application of a party to
19 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)
20 If the juvenile has no parent or guardian of his or her person or if the
21 parent or guardian of the juvenile cannot be located or cannot be brought
22 before the court; (b) if the parent or guardian of the juvenile is
23 excused from participation in all or any part of the proceedings; (c) if
24 the parent is a juvenile or an incompetent; (d) if the parent is
25 indifferent to the interests of the juvenile; or (e) in any proceeding
26 pursuant to the provisions of subdivision (3)(a) of section 43-247.
27 A guardian ad litem shall have the duty to protect the interests of
28 the juvenile for whom he or she has been appointed guardian, and shall be
29 deemed a parent of the juvenile as to those proceedings with respect to
30 which his or her guardianship extends.
31 (3) The court shall appoint an attorney as guardian ad litem. A
1 guardian ad litem shall act as his or her own counsel and as counsel for
2 the juvenile, unless there are special reasons in a particular case why
3 the guardian ad litem or the juvenile or both should have separate
4 counsel. In such cases the guardian ad litem shall have the right to
5 counsel, except that the guardian ad litem shall be entitled to appointed
6 counsel without regard to his or her financial ability to retain counsel.
7 Whether such appointed counsel shall be provided at the cost of the
8 county shall be determined as provided in subsection (1) of this section.
9 (4) By July 1, 2015, the Supreme Court shall provide by court rule
10 standards for guardians ad litem for juveniles in juvenile court
11 proceedings.
12 (5) By July 1, 2017, the Supreme Court shall provide guidelines
13 setting forth standards for all attorneys who practice in juvenile court.
14 2. On page 1, insert the following new subsection after line 23:
15 "(4) A waiver of the right to counsel shall be denied upon request
16 of the county attorney or city attorney."; and in line 24 strike "(4)"
17 and insert "(5)".
18 3. On page 2, line 1, strike "(5)" and insert "(6)"; in line 3
19 strike "(6)" and insert "(7)"; and in line 5 strike "(7)" and insert
20 "(8)".
21 4. Rerumber the remaining sections and correct the repealer
22 accordingly.

Senator Groene withdrew his amendment.

The committee amendment was adopted with 29 ayes, 3 nays, 13 present
and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 13 present
and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 431. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review**LEGISLATIVE BILL 497.** Placed on Select File with amendment.**ER46**

1 1. On page 1, line 5, strike "sexual assault or domestic assault"
2 and insert "sexual assault, domestic assault, or child abuse".

LEGISLATIVE BILL 527. Placed on Select File.**LEGISLATIVE BILL 664.** Placed on Select File.**LEGISLATIVE BILL 423.** Placed on Select File with amendment.**ER47**

1 1. On page 1, line 3, strike "provide for" and insert "require"; and
2 in line 4 after the semicolon insert "to provide for rules and
3 regulations;".

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review**LEGISLATIVE BILL 5.** Placed on Final Reading.**LEGISLATIVE BILL 41.** Placed on Final Reading.**LEGISLATIVE BILL 70.** Placed on Final Reading.**LEGISLATIVE BILL 70A.** Placed on Final Reading.**LEGISLATIVE BILL 78.** Placed on Final Reading.**LEGISLATIVE BILL 252.** Placed on Final Reading.**LEGISLATIVE BILL 405.** Placed on Final Reading.**LEGISLATIVE BILL 461.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 86.** Introduced by Vargas, 7.

WHEREAS, the week of April 5-11, 2021, is National Public Health Week; and

WHEREAS, the theme this year for National Public Health Week, in the midst of the ongoing COVID-19 pandemic, is "Building Bridges to Better Health"; and

WHEREAS, Nebraskans rely on local public health professionals to help communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats; and

WHEREAS, the work of local public health professionals includes stopping the spread of communicable diseases; establishing local prevention programs to address chronic disease and prevent injuries; responding to

public health emergencies and natural and human-caused disasters; working with partners to improve local community services, such as healthcare, education, housing, and employment opportunities; and reaching out to people who are at greatest risk for having poor health outcomes; and

WHEREAS, the COVID-19 pandemic has required extraordinary effort on the part of the leadership and staff of Nebraska's local public health departments; and

WHEREAS, the public health professionals of Nebraska's local public health departments have risen to the unprecedented challenges of the past year, working tirelessly to protect all who live in Nebraska from the spread of COVID-19; and

WHEREAS, due to their efforts, local public health professionals have spent an exceptional amount of time away from their families and loved ones to care for others during the course of the COVID-19 pandemic.

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

1. That the Legislature recognizes April 5-11, 2021, as National Public Health Week.
2. That the Legislature thanks the leadership and staff of Nebraska's local public health departments for their service to their communities and to the State of Nebraska.
3. That the Legislature thanks the families of Nebraska's local public health workforce for the sacrifices they have made to support family members who carry out core functions of public health, including responding to the COVID-19 pandemic.

Laid over.

AMENDMENT(S) - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB380:
AM896

(Amendments to Standing Committee amendments, AM393)

- 1 1. Purpose: For Agency 25, Department of Health and Human Services,
- 2 Programs 348 and 424: Adjust funds for developmental disability aid.
- 3 Amendment:
- 4 a. On page 42, strike lines 6 and 7 and insert:
5 "FEDERAL FUND est. 1,801,052,977 1,875,083,283 PROGRAM TOTAL
6 2,743,095,464 2,869,036,037"; in line 14 strike "\$1,787,404,383" and
7 insert "\$1,801,052,977"; and in line 18 strike "\$1,861,248,974" and
8 insert "\$1,875,083,283".
- 9 b. On page 47, strike line 3 and insert "GENERAL FUND 211,999,159
10 222,099,641"; strike line 5 and insert "PROGRAM TOTAL 218,311,159
11 228,411,641"; in line 7 strike "\$157,634,528" and insert "\$211,999,159";
12 and in line 9 strike "\$167,735,010" and insert "\$222,099,641".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LR85.
Senator Pahls name added to LR85.

ADJOURNMENT

At 4:17 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, April 8, 2021.

Patrick J. O'Donnell
Clerk of the Legislature