

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 13, 2021
Rough Draft

HILGERS: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber for the sixth day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Aguilar. Please rise.

AGUILAR: Thank you, Mr. President. Good morning, colleagues. Heavenly Father, you have blessed our founders with the wisdom to divide our country into individual states and have empowered our governors and state legislatures to make laws, decrees, and manage their daily lives. Please make our lives safe; protect us. We pray for our Governor and for our state senators. Please give strength and wisdom, and guide our decisions. And may we always put love first. Surround us with people from all walks of life and many backgrounds. Bring us people of high moral character and spiritual maturity. Among the many voices that speak to us every day, may we hear your voice above all others as we look to govern and inspire the people of Nebraska. Please speak through us by the power of your Holy Spirit. In Jesus name, amen.

HILGERS: Thank you, Senator Aguilar. I call to order the sixth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call.

HILGERS: Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

HILGERS: Thank you, Mr. Clerk. Are there any corrections to the Journal?

ASSISTANT CLERK: One item, Mr. President. On page 28 after line 9, insert Governor's appointment letter for Kevin Bagley to the Department of Health and Human Services, Division of Medicaid and Long-Term Care. That's all I have at this time.

HILGERS: Thank you. Are there any messages, reports or announcements?

ASSISTANT CLERK: A Reference report for legislative bills LB213 through LB263. That's all I have for messages, reports, and announcements.

HILGERS: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda, introduction of new bills.

ASSISTANT CLERK: LB314 by Senator Pahls. It's a bill for an act relating to insurance; amend Section 44-312; change provision relating to telehealth insurance coverage; repeal the original sections. LB315 by Senator John Cavanaugh. It's a bill for an act relating to crimes and offenses; to change penalties for certain assault offenses; and repeal the original sections. LB316 by Senator John Cavanaugh, a bill for an act relating to criminal procedure; change provision relating to limitations for a postconviction relief action; repeal original section. LB317 by Senator John Cavanaugh, a bill for an act relating to motor vehicle registration; to provide for Nebraska history plates; to create a fund; to provide powers and duties; harmonize provisions; and repeal the original sections. LB318 by Senator John Cavanaugh. It's a bill for an act relating to income taxes; to increase the earned Income tax credit as prescribed. LB319 by Senator John Cavanaugh. It's a bill to amend Section 28-518; change penalties for theft offenses as prescribed. LB320 by Senator John Cavanaugh, a bill for an act relating to the Uniform Residential Landlord Tenant Act; define terms; change provision relating to landlords' and tenants' rights and duties regarding violent criminal activities upon a premise; provide for release of a victim of domestic violence from a rental agreement; to harmonize provisions; repeal the original sections. LB321 by Senator John Cavanaugh, a bill for an act relating to crimes and offenses; prohibit a defendant's discovery of victim's actual or perceived gender or sexual orientation as a defense to criminal offenses. LB322 by Senator Matt Williams. It's a bill for an act relating to schools; to adopt the School Safety and Security Reporting System Act. LB323 by Senator Walz, a bill for an act relating to the Tax Equity and Educational Opportunities Support Act; to define pandemic-affected school fiscal year; change provisions related to qualified early childhood education membership; change the calculation of the summer school and transportation allowances as prescribed; change the determination and certification dates related to distribution of aid; certification of budget limitations as prescribed; duties of the Appropriations Committee of the Legislature; and to harmonize provisions; repeal the original sections; declare an emergency. LB324 by Senator Brandt. It's a bill for an act relating to the Nebraska Meat and Poultry Inspection Law; to define a term and alphabetize terms; provide for animal share sales as prescribed; to create the Independent Processor Assistance Program; provide duties to the Department of Agriculture; to harmonize provisions; and repeal the original sections. LB325 by Senator Albrecht. It's a bill for an act relating to the Uniform Credentialing Act; to adopt the Art Therapy Practice Act; provide powers and duties for the Board of Mental Health

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Practice; harmonize provisions; and repeal the original sections. LB326 by Senator Slama, a bill for an act relating to tort claims; provide immunity for first responders operating motor vehicles as prescribed; provide immunity for claims arising from vehicular pursuit suits as prescribed; provide for policies and training on vehicular pursuits; define terms; provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice and the Nebraska Police Standards Advisory Council; harmonize provisions; and repeal the original sections. LB327 by Senator Slama, a bill for an act relating to education; provide a personal finance or financial literacy requirement for high school graduation as prescribed. LB328 by Senator Arch, a bill for an act relating to the Health Care Facility Licensure Act; change provisions relating to an application for licensure to operate a healthcare facility or healthcare service; and repeal the original sections. LB329 by Senator Wayne, a bill for an act relating to revenue and taxation; change provisions relating to certain taxes imposed on the average wholesale price of gasoline; provide for the use of certain tax proceeds; provide an operative date; repeal the original sections; declare an emergency. LB330 by Senator Wayne, a bill for an act relating to juveniles; to raise the jurisdictional age limit for juvenile court to 21; change provisions relating to prostitution and unlawful possession of a firearm by a prohibited juvenile offender; change and eliminate definitions; change provisions relating to sealing of records, placement, and treatment of juveniles; provide for applicability; and repeal the original sections. LB331, Senator Wayne. It's a bill for an act relating to offenses against animals; to prohibit contractual criminal enforcement by private entities; and repeal the original sections. LB332 by Senator Wayne, a bill for an act relating to cities of the metropolitan class; change provisions relating to the election, districts, terms, number of city council members, redistricting procedures; to harmonize provisions; and repeal the original sections. LB333 by Senator Wayne, a bill for an act relating to treatment and corrections; to change provisions relating to possession of electronic communications devices in the Department of Correctional Service facilities; authorize possession of such devices by certain officials and attorneys; define terms; harmonize provisions; and repeal the original sections. LB334 by Senator Wayne. It's a bill for an act relating to treatment and corrections; provide powers and duties for the Board of Parole, Office of Probation Administration, Office of Inspector General of the Nebraska Correctional System, the Public Counsel, the Division of Parole Supervision, and the Department of Correctional Services; change provisions relating to escape from official detention; provide

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for access to presentence investigation reports; transfer responsibility for certain programs to the Board of Parole; to repeal the original sections; to outright repeal Sections 83 and 933 [SIC-- Section 83-933]. LB335 by Senator Flood. It's a bill for an act relating to criminal procedure; to require an announcement of the average cost of incarceration of a defendant at sentencing; define terms; provide duties for the court, the Department of Correctional Services, the Nebraska Commission on Law Enforcement and Criminal Justice, the State Court Administrator; and provide for rules and regulations. That's all I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Mr. Clerk, for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB336 by Senator Hughes. It's a bill for an act relating to game and parks; provide for regular and limited annual and temporary park entry permits as prescribed; change and provide fees; provide for designation and disbursement of certain fees under the State Park Cash Revolving Fund; harmonize provisions; repeal the original sections. LB337, Senator Kolterman, a bill for an act relating to prescription drug coverage; to adopt the Step-Therapy Reform Act; provide a duty for the Revisor of Statutes. LB338 by Senator Bostelman. It's a bill for an act relating to telecommunications and technology; change provisions relating to universal service funding for unserved or underserved exchanges; provide for community-based plans as prescribed; provide duties for the Public Service Commission; and to harmonize provisions; and repeal the original sections. LB339 by Senator Bostelman. It's a bill for an act relating to the highways and bridges; provide for a utility coordination plan for certain contracts. LB340 by Senator Stinner. It's a bill for an act relating to the Department of Health and Human Services; to create the Medicaid nursing facilities service program. LB341 by Senator Stinner. It's a bill for an act relating to the State Settlement Cash Fund; to eliminate obsolete provisions; to repeal the original sections; declare an emergency. LB342 by Senator Stinner. It's a bill for an act relating to appropriations; to appropriate funds to the State Board of Education for purposes of the Early Childhood Education Endowment Cash Fund. LB343 by Senator Friesen, a bill for an act relating to the Motor Vehicle Certificate of Title Act; change the identification inspection provisions; repeal the original sections. LB344 by Senator Friesen, a bill for an act relating to the One-Call Notification System Act; provide powers and duties for the committee and the State Fire Marshal; change civil penalty procedures; change provisions relating to reports by the Attorney General; and repeal the original sections. LB345 by Senator

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Friesen. It's a bill for an act relating to political subdivisions; provide an exception to certain budget limitations; repeal the original sections. LB346 by Senator Wishart. It's a bill for an act relating to revenue and taxation; to adopt the Fueling Station Tax Credit Act; to harmonize provisions; and to repeal the original sections. LB347 by Senator Lindstrom, a bill for an act relating to revenue and taxation; change provisions relating to income tax deduction for dividends received or deemed to have been received from certain corporations. LB348 by Senator Morfeld. It's a bill for an act relating to decedents' estates; change provisions relating to succession to real property by affidavit for small estates; and to repeal the original sections. LB349 by Senator McKinney. It's a bill for an act relating to holidays; to establish El-Hajj Malik El-Shabazz, Malcolm X Day; change provisions relating to holidays, repeal the original sections. LB350 by Senator Linehan. It's a bill for an act relating to revenue and taxation; change provisions relating to the distribution of certain sales and use tax for the Game and Parks Commission Capital Maintenance Fund. LB351 by Senator Linehan. It's a bill for the Step Up to Quality Child Care Act; change provisions relating to quality scale ratings as prescribed; repeal the original sections. LB352 by Senator Lathrop. It's a bill for an act relating to courts; change the amount of certain court fees; to repeal the original sections. LB353 by Senator Lathrop. It's a bill for an act relating to appropriations; to appropriate funds for the Department of Correctional Services for the construction or expansion of a community corrections facility. LB354 by Senator Lathrop. It's a bill for an act relating to criminal procedure; to require a court to issue a decision on a motion to transfer jurisdiction within 30 days after the hearing; and to repeal the original sections. LB355 by Senator Lathrop. It's a bill for an act relating to courts; change provisions relating to bonds of county judges and clerk magistrates; service of process in replevin actions; forms in Small Claims Court; preservation of records in adoption proceedings; deposits in eminent domain actions; and to repeal the original sections. LB356 by Senator Hunt. It's a bill for an act relating to public assistance; change provisions relating to disqualification of Supplemental Nutrition Assistance Program benefits as prescribed. LB357 by Senator Hunt. It's a bill for an act relating to infants and juveniles; to define terms; to state intent; to create the Nebraska Youth in Care Bill of Rights; and provide the powers and duties. LB358 by Senator Hunt. It's a bill for an act relating to the Uniform Residential Landlord and Tenant Act; to amend Section 76-1439; change provisions relating to

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retaliatory conduct by a landlord; and to repeal the original sections. That's all I have at this time, Mr. President.

HILKEMANN: Senators, in 10 minutes we'll be adjourning. Bring your bills forward at this time, if you can. Thank you. Mr. Clerk. Mr. Clerk, [INAUDIBLE] introduce the bills.

ASSISTANT CLERK: Thank you, Mr. President. New bills: LB359 by Senator Pansing Brooks. It's a bill for an act relating to schools; change provisions regarding multicultural education as prescribed. LB360, Senator Pansing Brooks, a bill for an act relating to sexual assault; define and redefine terms relating to sexual assault offenses; harmonize provisions, and repeal the original sections. LB361, Senator Dorn, a bill for an act appropriations; to state intent regarding appropriations to the State Department of Education for educational service units. LB362 by Senator Halloran. It's a bill for an act relating to elections; to provide for return of marked ballots for early voting by a voter-appointed agent; change agent restrictions; and repeal the original sections. LB363 by Senator Williams, a bill for an act related to banking and finance; to adopt certain federal provisions under the Nebraska Banking Act; building and loan associations, Securities Act of Nebraska; Commodity Code; Seller-Assisted Marketing Plan; the Consumer Rental Agreement; financial exploitation of vulnerable or senior adult provisions; revise powers of state-chartered banks, building and loan associations, and credit unions; define retain net income for purposes of payment of dividends; to harmonize provisions; repeal the original sections; declare an emergency. LB364, by Senator Linehan, is a bill for an act relating to revenue and taxation; to adopt the Opportunity Scholarship Act; to provide for tax credits; harmonize provisions; provide an operative date; provide severability, repeal the original sections. LB365 by Senator Briese. It's a bill for an act relating to appropriations; to appropriate funds to the State Racing Commission; declare an emergency. LB366, Senator Briese, a bill for the Nebraska Advantage Microenterprise Tax Credit Act; change the termination of the act; change provisions relating to tax credit amounts and reporting requirements; provide for applicability; and repeal the original sections. LB367 by Senator Briese. It's a bill for an act relating to Mechanical Amusement Device Tax Act; to define and redefine terms; to impose and levy a tax on cash devices; to harmonize provisions; provide an operative date; and repeal the original sections. LB368 by Senator Sanders. It's a bill for an act relating to the Auditor of Public Accounts; provide for a late fee and audit powers as prescribed. LB369, Senator Sanders, a bill for an act

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relating to the Auditor of Public Accounts; provide for access to working papers and audit files as prescribed; provide for a late fee and other enforcement powers. LB370, a bill for an act relating to public records; to adopt the Personal Privacy Protection Act; provide an operative date; provide severability. LB371 by Senator Aguilar. It's a bill for an act relating to state, district, and county fairs; to provide an exception for the conduct of games of chance pursuant to the Nebraska Racetrack Gaming Act, where a state fair or district or agriculture fair is being held. LB372 by Senator Day, a bill for an act relating to the Nebraska Crime Victim's Reparations Act; to change provisions relating to applications and the statute of limitations; repeal the original sections. LB373 by Senator Pahls, a bill for an act relating to the Standard Nonforfeiture Law for Individual Deferred Annuities; change the interest rate for minimum nonforfeiture amounts as prescribed. LB374 by Senator DeBoer, a bill for an act relating to public health and welfare; to adopt the Alzheimer's Disease and other Dementia Support Act; to create the sAlzheimer's Disease and Other Dementia Advisory Council; and require a plan. LB375, Senator Kolterman, a bill for an act relating to pharmacy benefit managers; to adopt the Pharmacy Benefit Manager Regulation and Transparency Act; change provisions relating to pharmacy benefit managers; to harmonize provisions; and repeal the original sections. LB376 by Senator Machaela Cavanaugh. It's a bill for an act relating to developmental disabilities; to authorize the application for and implementation of service and supports for developmentally disabled children and their families; provide for a report; provided duties for the Advisory Committee on Developmental Disabilities; and repeal the original sections. LB377 by Senator DeBoer. It's a bill for an act relating to inheritance taxes; to change individuals who are considered to be relatives of a decedent; and repeal the original sections. LB378 by Senator DeBoer. It's a bill for an act relating to schools; to require the Commissioner of Education to report data as prescribed. New resolutions. LR18CA, by Senator Wayne, is a proposed constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms. LR19, by Senator Hilkemann, is to recognize the service of Regent Howard Hawks. LR20CA, by Senator Pansing Brooks, is a proposed constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska. LR21CA, by Senator Briese, is a proposed constitutional amendment to require the State of Nebraska to pay classroom expenses, as defined by the Legislature, relating to the operation of public elementary and secondary schools. Mr. President, a series of name adds: Senator Murman to LB5 and LB6; Senator Sanders to LB9; Senator

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Lindstrom to LB10; Senator Murman to LB10, LB14, and LB15; Senator Hunt to LB29 and LB30; Senator Matt Hansen to LB72; Senator Vargas to LB72; Senator Murman to LB76; Senator John Cavanaugh to LB120; Senator Matt Hansen to LB154 and LB158; Senator Murman to LB167; Senator Brewer to LB188; Senator Machaela Cavanaugh to LB229; Senator DeBoer to LB229; Senator Machaela Cavanaugh to LB230; Senator Murman to LB236, LB237; Senator Bostar to LB237; Senator Machaela Cavanaugh to LB241; Senator Geist to LB261; Senator Briese to LB261; Senator John Cavanaugh, LB261; Senator Machaela Cavanaugh to LB266; Senator Brewer to LB274; Senator Machaela Cavanaugh to LB277; Senator John Cavanaugh to LB283; Senator Murman to LB283; Senator Machaela Cavanaugh to LB299; Senator Brewer to LB299; Senator Geist to LB300; Senator Brewer to LB310; Senator McDonnell to LB311; Senator Murman to LR3CA.

Announcements: The Executive Board will meet upon adjournment in Room 1113, for the purpose of referencing; and the Natural Resources Committee will hold an Executive Session today at 1:30 in Room 1510. Finally, Mr. President a priority motion: Senator Briese would move to adjourn until Thursday, January 14, 2021, at 9:30 a.m.

HILKEMANN: Thank you, Senator Briese, for that motion. All those in favor of adjournment-- you've heard the motion. All those in favor, say aye. Those opposed? We are adjourned.