

TWENTY-SEVENTH DAY - FEBRUARY 16, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 2022

PRAYER

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann Seton Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Murman.

ROLL CALL

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

The roll was called and all members were present except Senator Walz who was excused; and Senators Bostar, Briese, M. Cavanaugh, Lathrop, McDonnell, Morfeld, Stinner, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 847. Placed on Select File with amendment.

[ER104](#)

1 1. On page 1, line 4, after the first "and" insert "public".

LEGISLATIVE BILL 567. Placed on Select File with amendment.

[ER107](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 48-625, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 48-625 (1) Except as provided in subsection (4) of this section,
 6 ~~each~~ Each eligible individual who is unemployed in any week shall be paid
 7 with respect to such week a benefit in an amount equal to his or her full
 8 weekly benefit amount if he or she has wages payable to him or her with
 9 respect to such week equal to one-fourth of such benefit amount or less.
 10 In the event he or she has wages payable to him or her with respect to
 11 such week greater than one-fourth of such benefit amount, he or she shall
 12 be paid with respect to that week an amount equal to the individual's
 13 weekly benefit amount less that part of wages payable to the individual
 14 with respect to that week in excess of one-fourth of the individual's
 15 weekly benefit amount. In the event there is any deduction from such
 16 individual's weekly benefit amount because of earned wages pursuant to
 17 this subsection or as a result of the application of section 48-628.02,
 18 the resulting benefit payment, if not an exact dollar amount, shall be
 19 computed to the next lower dollar amount.

20 (2) Any amount of unemployment compensation payable to any
 21 individual for any week, if not an even dollar amount, shall be rounded
 22 to the next lower full dollar amount.

23 (3) The percentage of benefits and the percentage of extended
 24 benefits which are federally funded may be adjusted in accordance with
 25 the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law
 26 99-177.

27 (4) To the extent authorized under federal law, if an individual is
 1 eligible for an equal or greater weekly benefit amount under a federal
 2 unemployment program than the weekly benefit amount which the individual
 3 is eligible for under the Employment Security Law, the commissioner shall
 4 suspend the payment of state unemployment benefits to such individual
 5 while such individual is receiving the federal unemployment benefit. Such
 6 suspension shall terminate upon the individual's exhaustion of benefits
 7 available under the federal unemployment program. An individual shall not
 8 be eligible to receive the federal weekly benefit and the state
 9 unemployment weekly benefit during the same week. This subsection shall
 10 not apply to any federal unemployment benefit which is paid in addition
 11 to the state weekly benefit amount.

12 Sec. 2. Section 48-626, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 48-626 (1) For any benefit year beginning before October 1, 2018,
 15 any otherwise eligible individual shall be entitled during any benefit
 16 year to a total amount of benefits equal to whichever is the lesser of
 17 (a) twenty-six times his or her benefit amount or (b) one-third of his or
 18 her wages in the employment of each employer per calendar quarter of his
 19 or her base period; except that when any individual has been separated
 20 from his or her employment with a base period employer under the
 21 circumstances under which he or she was or could have been determined
 22 disqualified under section 48-628.10 or 48-628.12, the total benefit
 23 amount based on the employment from which he or she was so separated
 24 shall be reduced by an amount equal to the number of weeks for which he
 25 or she is or would have been disqualified had he or she filed a claim
 26 immediately after the separation, multiplied by his or her weekly benefit
 27 amount, but not more than one reduction may be made for each separation.
 28 In no event shall the benefit amount based on employment for any employer
 29 be reduced to less than one benefit week when the individual was or could
 30 have been determined disqualified under section 48-628.12.

31 (1) (2) For any benefit year beginning before ~~on~~ or after October 1,
 1 ~~2021~~ 2018, any otherwise eligible individual shall be entitled during any
 2 benefit year to a total amount of benefits equal to whichever is the
 3 lesser of (a) twenty-six times his or her weekly benefit amount or (b)
 4 one-third of his or her wages in the employment of each employer per
 5 calendar quarter of his or her base period; except that when any
 6 individual has been separated from his or her employment with a base

7 period employer under circumstances under which he or she was or could
8 have been determined disqualified under section 48-628.10 or 48-628.12,
9 the total benefit amount based on the employment from which he or she was
10 so separated shall be reduced by an amount determined pursuant to
11 subsection ~~(2)~~ ~~(3)~~ of this section, but not more than one reduction may
12 be made for each separation. In no event shall the benefit amount based
13 on employment for any employer be reduced to less than one benefit week
14 when the individual was or could have been determined disqualified under
15 section 48-628.12.

16 ~~(2)~~ ~~(3)~~ For purposes of determining the reduction of benefits
17 described in subsection ~~(1)~~ ~~(2)~~ of this section:

18 (a) If the claimant has been separated from his or her employment
19 under circumstances under which he or she was or could have been
20 determined disqualified under section 48-628.12, his or her total benefit
21 amount shall be reduced by:

22 (i) Two times his or her weekly benefit amount if he or she left
23 work voluntarily for the sole purpose of accepting previously secured,
24 permanent, full-time, insured work, which he or she does accept, which
25 offers a reasonable expectation of betterment of wages or working
26 conditions, or both, and for which he or she earns wages payable to him
27 or her; or

28 (ii) Thirteen times his or her weekly benefit amount if he or she
29 left work voluntarily without good cause for any reason other than that
30 described in subdivision ~~(2)(a)(i)~~ ~~(3)(a)(i)~~ of this section; and

31 (b) If the claimant has been separated from his or her employment
1 under circumstances under which he or she was or could have been
2 determined disqualified under section 48-628.10, his or her total benefit
3 amount shall be reduced by fourteen times his or her weekly benefit
4 amount.

5 (3) For any benefit year beginning on or after October 1, 2021, any
6 otherwise eligible individual shall be entitled during any benefit year
7 to a total amount of benefits equal to whichever is the lesser of (a)
8 twenty-six times his or her weekly benefit amount or (b) one-third of his
9 or her wages in the employment of each employer per calendar quarter of
10 his or her base period; except that when any individual has been
11 separated from his or her employment with the most recent insured
12 employer under circumstances under which he or she was or could have been
13 determined disqualified under section 48-628.10 or 48-628.12, the total
14 benefit amount based on the employment from which he or she was so
15 separated shall be reduced by an amount determined pursuant to subsection
16 (4) of this section, but not more than one reduction may be made for such
17 separation. In no event shall the benefit amount based on employment for
18 any employer be reduced to less than one benefit week when the individual
19 was or could have been determined disqualified under section 48-628.12.

20 (4) For purposes of determining the reduction of benefits described
21 in subsection (3) of this section:

22 (a) If the claimant has been separated from his or her employment
23 under circumstances under which he or she was or could have been
24 determined disqualified under section 48-628.12, his or her total benefit
25 amount shall be reduced by thirteen times his or her weekly benefit
26 amount if he or she left work voluntarily without good cause; and

27 (b) If the claimant has been separated from his or her employment
28 under circumstances under which he or she was or could have been
29 determined disqualified under section 48-628.10, his or her total benefit
30 amount shall be reduced by fourteen times his or her weekly benefit
31 amount.

1 (5) (4) For purposes of sections 48-623 to 48-626, wages shall be
2 counted as wages for insured work for benefit purposes with respect to
3 any benefit year only if such benefit year begins subsequent to the date
4 on which the employer by whom such wages were paid has satisfied the

5 conditions of section 48-603 or subsection (3) of section 48-661 with
 6 respect to becoming an employer.
 7 ~~(6)~~ (5) In order to determine the benefits due under this section
 8 and sections 48-624 and 48-625, each employer shall make reports, in
 9 conformity with reasonable rules and regulations adopted and promulgated
 10 by the commissioner, of the wages of any claimant. If any employer fails
 11 to make such a report within the time prescribed, the commissioner may
 12 accept the statement of such claimant as to his or her wages, and any
 13 benefit payments based on such statement of earnings, in the absence of
 14 fraud or collusion, shall be final as to the amount.
 15 Sec. 3. Original sections 48-625 and 48-626, Reissue Revised
 16 Statutes of Nebraska, are repealed.
 17 2. On page 1, strike lines 2 through 4 and insert "sections 48-625
 18 and 48-626, Reissue Revised Statutes of Nebraska; to change provisions
 19 relating to payment of weekly benefits and maximum annual benefit
 20 amounts; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 749. Placed on Select File.

LEGISLATIVE BILL 704. Placed on Select File with amendment.

[ER106](#)

1 1. On page 1, line 3, after "embalming" insert "and apprentice"; and
 2 in line 5 strike "to harmonize provisions;"

LEGISLATIVE BILL 786. Placed on Select File.

LEGISLATIVE BILL 791. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)
 Judiciary

LEGISLATIVE BILL 102. Placed on General File.

LEGISLATIVE BILL 748. Placed on General File.

LEGISLATIVE BILL 808. Placed on General File.

LEGISLATIVE BILL 810. Placed on General File.

LEGISLATIVE BILL 870. Placed on General File.

LEGISLATIVE BILL 879. Placed on General File.

LEGISLATIVE BILL 1244. Placed on General File.

LEGISLATIVE BILL 896. Placed on General File with amendment.
[AM1930](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 83-182.01, Revised Statutes Cumulative
4 Supplement, 2020, is amended to read:
5 83-182.01 (1) Structured programming shall be planned for all adult
6 persons committed to the department. The structured programming shall
7 include any of the following: Work programs, vocational training,
8 behavior management and modification, money management, and substance
9 abuse awareness, counseling, or treatment. Programs and treatment
10 services shall address:
11 (a) Behavioral impairments, severe emotional disturbances, and other
12 mental health or psychiatric disorders;
13 (b) Drug and alcohol use and addiction;
14 (c) Health and medical needs;
15 (d) Education and related services;
16 (e) Counseling services for persons committed to the department who
17 have been physically or sexually abused;
18 (f) Work ethic and structured work programs;
19 (g) The development and enhancement of job acquisition skills and
20 job performance skills; and
21 (h) Cognitive behavioral intervention.
22 Structured programming may also include classes and activities
23 organized by inmate self-betterment clubs, cultural clubs, and other
24 inmate-led or volunteer-led groups.
25 (2) The goal of such structured programming is to provide the skills
26 necessary for the person committed to the department to successfully
27 return to his or her home or community or to a suitable alternative
28 community upon his or her release from the adult correctional facility.
29 The Legislature recognizes that many inmate self-betterment clubs and
30 cultural clubs help achieve this goal by providing constructive
31 opportunities for personal growth.
32 (3) If a person committed to the department refuses to participate
33 in the structured programming described in subsection (1) of this
34 section, he or she ~~may~~ shall be subject to disciplinary action, except
35 that a person committed to the department who refuses to participate in
36 structured programming consisting of classes and activities organized by
37 inmate self-betterment clubs, cultural clubs, or other inmate-led or
38 volunteer-led groups shall not be subject to disciplinary action.
39 (4) Any person committed to the department who is qualified by
40 reason of education, training, or experience to teach academic or
41 vocational classes may be given the opportunity to teach such classes to
42 committed offenders as part of the structured programming described in
43 this section.
44 ~~(5)(a) (5) The department shall evaluate the quality of programs~~
45 ~~funded by the department, including -The evaluation shall focus on~~
46 ~~whether program participation reduces recidivism. The Subject to the~~
47 ~~availability of funding, the department shall may contract with an~~
48 ~~independent contractor or academic institution for each program~~
49 ~~evaluation. Each program evaluation shall be standardized and shall~~
50 ~~include a site visit, interviews with key staff, interviews with~~
51 ~~offenders, group observation, if applicable, and review of materials used~~
52 ~~for the program. The evaluation shall include adherence to concepts that~~
53 ~~are linked with program effectiveness, such as program procedures, staff~~
54 ~~qualifications, and fidelity to the program model of delivering offender~~
55 ~~assessment and treatment. Each program evaluation shall also include a~~
56 ~~rating on the effectiveness of the program and feedback to the department~~
57 ~~and the office of Inspector General of the Nebraska Correctional System~~

31 concerning program strengths and weaknesses and recommendations for
 1 better adherence to evidence-based programming, if applicable.
 2 (b) The evaluation shall also make recommendations regarding the
 3 availability of programs throughout the correctional system, the ability
 4 to deliver the programs in a timely manner, and the therapeutic
 5 environment in which such programs are delivered at each facility and
 6 shall include a cost-benefit analysis of each program, if applicable.
 7 Program evaluations shall be prioritized in the following order: (i)
 8 Clinical treatment programs; (ii) nonclinical treatment programs; and
 9 (iii) other structured programs. Clinical treatment programs shall be
 10 evaluated at least once every three years and nonclinical treatment and
 11 structured programs shall be evaluated on a regular basis.
 12 (c) For purposes of this subsection:
 13 (i) Clinical treatment program means a program designed to address
 14 specific behavioral health needs delivered by a licensed behavioral
 15 health professional; and
 16 (ii) Nonclinical treatment program means a cognitive behavioral
 17 intervention program delivered by volunteers or department staff.
 18 Sec. 2. Original section 83-182.01, Revised Statutes Cumulative
 19 Supplement, 2020, is repealed.

LEGISLATIVE BILL 1241. Placed on General File with amendment.

[AM1898](#)

1 1. On page 8, lines 9-12, strike the new matter; in line 12 after
 2 the period insert "A law enforcement officer may retire from service in
 3 good standing without meeting the continuing education requirements in
 4 the calendar year of the officer's retirement.".
 5 2. On page 10, strike lines 2 through 8 and insert the following new
 6 subdivision:
 7 "(c) Provide proof that the applicant was awarded a certificate or
 8 diploma attesting to satisfactory completion of a training program
 9 determined by the council to be equivalent to the curriculum in
 10 subdivision (2)(a) of section 81-1414; and"; in line 16 after the period
 11 insert "The council shall take action on an application within forty-five
 12 days after an applicant has completed all requirements under this
 13 section."; and in line 30 strike "and provide it" and insert "by July 1,
 14 2022. The council shall provide such study guide".

LEGISLATIVE BILL 1246. Placed on General File with amendment.

[AM1842](#)

1 1. On page 2, line 15 after "shared" insert "by such criminal
 2 justice agencies and".
 3 2. On page 3, line 3, strike the second "or"; after line 3 insert
 4 the following new subdivision:
 5 "(h) To communication with an individual that an educational entity,
 6 as defined in section 79-1201.01, has designated:
 7 (i) As a Title IX coordinator; or
 8 (ii) To receive reports related to sexual assault or sex trafficking
 9 or to provide supportive measures related to such reports; or"; and in
 10 line 4 strike "(h)" and insert "(i)".

(Signed) Steve Lathrop, Chairperson

Education

LEGISLATIVE BILL 888. Placed on General File.

(Signed) Lynne Walz, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

General Affairs - LB876
General Affairs - LB1236

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR293 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR293.

SELECT FILE

LEGISLATIVE BILL 906. Senator Hunt offered her amendment, [AM1923](#), found on page 570.

Senator B. Hansen offered the following motion:

[MO146](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator B. Hansen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator B. Hansen requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 38:

Aguilar	Day	Halloran	Linehan	Sanders
Albrecht	DeBoer	Hansen, B.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Flood	Hughes	Moser	Williams
Brewer	Friesen	Kolterman	Murman	Wishart
Briese	Geist	Lathrop	Pahls	
Clements	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 3:

Blood Cavanaugh, J. Hunt

Present and not voting, 4:

Cavanaugh, M. Groene Hansen, M. McKinney

Excused and not voting, 4:

Bostar Morfeld Vargas Walz

The B. Hansen motion to invoke cloture prevailed with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The Hunt amendment lost with 7 ayes, 28 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SENATOR HUGHES PRESIDING

COMMITTEE REPORT(S) Banking, Commerce and Insurance

LEGISLATIVE BILL 1092. Placed on General File.

LEGISLATIVE BILL 1215. Placed on General File.

(Signed) Matt Williams, Chairperson

Urban Affairs

LEGISLATIVE BILL 915. Placed on General File with amendment.

[AM1860](#)

- 1 1. On page 2, line 11, strike the first "one", show as stricken, and insert "five"; and in line 13 strike "two million five hundred thousand",
- 3 show as stricken, and insert "ten million".
- 4 2. On page 3, line 20, strike "seventy-five" and insert "fifty".

LEGISLATIVE BILL 998. Placed on General File with amendment.

[AM1939](#)

- 1 1. Strike original section 6.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

LEGISLATIVE BILL 1189. Placed on General File with amendment.

[AM1953](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

LEGISLATIVE BILL 1253. Placed on General File with amendment.

[AM1858](#)

- 1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. The Department of Economic Development shall use at
4 least fifty percent of any money received from the federal Coronavirus
5 Capital Projects Fund under the federal American Rescue Plan Act of 2021
6 for eligible projects located in qualified census tracts as defined in 26
7 U.S.C. 42(d)(5)(B)(ii)(I), as such section existed on January 1, 2022.
8 Sec. 2. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 592. Placed on Final Reading.

[ST42](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "to change provisions relating to emergency doses and prescription requirements;" has been inserted after the semicolon.

LEGISLATIVE BILL 685. Placed on Final Reading.

LEGISLATIVE BILL 708. Placed on Final Reading.

LEGISLATIVE BILL 754. Placed on Final Reading.

LEGISLATIVE BILL 758. Placed on Final Reading.

LEGISLATIVE BILL 892. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524 1:30 PM

Wednesday, February 23, 2022

LB1264

LB827

LB936

LB984

LB1005

LB1168

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to [LB1149](#):

[AM1903](#)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 60-3,191, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 60-3,191 (1) In addition to any other fee required under the Motor

6 Vehicle Registration Act, a fee for registration of each motor vehicle

7 powered by an alternative fuel shall be charged. The fee shall be
 8 seventy-five dollars. The fee shall be collected by the county treasurer
 9 and remitted to the State Treasurer for credit to the Highway Trust Fund.
 10 (2) Beginning January 1, 2027, this section shall not apply to any
 11 motor vehicle powered exclusively by electric energy.
 12 Sec. 2. On or before October 1, 2025, the Department of
 13 Transportation and the Department of Revenue shall jointly report to the
 14 Transportation and Telecommunications Committee of the Legislature and
 15 the Revenue Committee of the Legislature the recommendations and proposed
 16 legislation of the departments for the purpose of administering a
 17 kilowatt-hour excise tax to be assessed on electric energy used to charge
 18 and power electric motor vehicles used on public highways in Nebraska.
 19 Sec. 3. Nothing in Chapter 70 shall preclude or prevent any entity
 20 doing business in the State of Nebraska from selling electric power at
 21 retail solely for the purpose of charging electric motor vehicles. Any
 22 entity engaged in the retail sale of electric power for such purpose
 23 shall collect a per-kilowatt-hour excise tax on the electric energy used
 24 in charging electric motor vehicles and remit such tax to the Department
 25 of Revenue for credit to the Highway Trust Fund.
 26 Sec. 4. Section 3 of this act becomes operative on July 1, 2026.
 27 The other sections of this act become operative on their effective date.
 1 Sec. 5. Original section 60-3,191, Reissue Revised Statutes of
 2 Nebraska, is repealed.

SELECT FILE

LEGISLATIVE BILL 700. [ER103](#), found on page 551, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 939. Title read. Considered.

Committee [AM1780](#), found on page 506, was offered.

Senator Linehan offered her amendment, [AM1820](#), found on page 517, to the committee amendment.

SENATOR ARCH PRESIDING

Senator Hunt offered the following motion:

[MO147](#)

Recommit to Revenue.

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 707. Placed on General File with amendment.

[AM1859](#) is available in the Bill Room.

LEGISLATIVE BILL 863. Placed on General File with amendment.
[AM1913](#) is available in the Bill Room.

(Signed) Matt Williams, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Agriculture - LB848

Agriculture - LB805

Banking, Commerce and Insurance - LB863

Banking, Commerce and Insurance - LB707

AMENDMENT(S) - Print in Journal

Senator Geist filed the following amendment to [LB450](#):
[AM1943](#)

(Amendments to AM1600)

1 1. Insert the following new sections:

2 Sec. 11. Sections 11 to 16 of this act shall be known and may be

3 cited as the Small Business Assistance Act.

4 Sec. 12. For purposes of the Small Business Assistance Act:

5 (1) Department means the Department of Economic Development; and

6 (2) Small business means a business with five or fewer employees.

7 Sec. 13. (1) The department shall create and administer a grant

8 program to:

9 (a) Provide grants of up to twenty-five thousand dollars to

10 individuals looking to start a small business. An individual shall be

11 eligible for a grant under this subdivision if the following requirements

12 are met:

13 (i) The individual earned no more than fifty-five thousand dollars

14 in the most recently completed calendar year;

15 (ii) The individual has a personal net worth of no more than two

16 hundred thousand dollars, excluding the individual's primary residence;

17 and

18 (iii) The individual does not have an ownership interest in any

19 other business; and

20 (b) Provide grants of up to twelve thousand five hundred dollars to

21 individuals who own a small business that has been in existence for no

22 more than five years. An individual shall be eligible for a grant under

23 this subdivision if the following requirements are met:

24 (i) The gross revenue of the small business has grown by no more

25 than twenty-five percent over the most recently completed calendar year;

26 (ii) The individual has a personal net worth of no more than two

1 hundred thousand dollars, excluding the individual's primary residence;

2 and

3 (iii) The individual does not have an ownership interest in any

4 other business.

5 (2) The department shall contract with a private entity to provide

6 professional counseling services to individuals who are looking to start

7 a small business or who have started a small business within the previous

8 five years. Such counseling services shall be in the following areas:

9 (i) Accounting and budgeting;

10 (ii) Tax return preparation;

11 (iii) Human resources;
 12 (iv) How to write a business plan;
 13 (v) Payroll processes;
 14 (vi) Financial planning and investments;
 15 (vii) Debt management;
 16 (viii) Strategic planning;
 17 (ix) Technology coaching; and
 18 (x) Financial statement review.
 19 (3) The private entity with which the department contracts under
 20 subsection (2) of this section shall not have any other contracts with
 21 the state that involve the provision of services described in subsection
 22 (2) of this section.
 23 Sec. 14. (1) On or before October 1, 2024, and on or before October
 24 1 of each even-numbered year thereafter, the department shall submit a
 25 report to the Governor and the Legislature that includes, but is not
 26 limited to:
 27 (a) A description of the demand for grants and counseling services
 28 under the Small Business Assistance Act from all geographic regions in
 29 Nebraska;
 30 (b) A listing of the grant recipients and the amounts of grants
 31 awarded pursuant to the act in the previous two fiscal years;
 1 (c) A listing of the recipients of counseling services under the act
 2 in the previous two fiscal years;
 3 (d) The impact of the grants provided under the act, including
 4 information on:
 5 (i) The number of jobs created;
 6 (ii) The economic impact on the area where the grant recipient is
 7 located;
 8 (iii) The impact on state and local tax revenues; and
 9 (iv) The types of businesses created, listed by industry.
 10 (2) The report submitted to the Legislature shall be submitted
 11 electronically.
 12 (3) The department may require the private entity described in
 13 section 13 of this act and any recipients of grants or counseling
 14 services to provide periodic reports and information to enable the
 15 department to fulfill the requirements of this section.
 16 (4) The report shall contain no information that is protected by
 17 state or federal confidentiality laws.
 18 Sec. 15. The department may adopt and promulgate rules and
 19 regulations to carry out the Small Business Assistance Act.
 20 Sec. 16. It is the intent of the Legislature to appropriate five
 21 million dollars to the department each fiscal year to carry out the Small
 22 Business Assistance Act.

Senator M. Cavanaugh filed the following amendment to [LB939](#):
[AM1856](#) is available in the Bill Room.

Senator Brewer filed the following amendment to [LB777](#):
[AM1973](#)

1 1. Strike original sections 2 and 3 and insert the following new
 2 sections:
 3 Section 1. The records of all floor debate and committee hearings as
 4 prepared and permanently maintained by the Clerk of the Legislature are
 5 the only official records of the Legislature.
 6 Sec. 3. Section 79-1313, Reissue Revised Statutes of Nebraska, is
 7 amended to read:
 8 79-1313 The Nebraska Educational Telecommunications Act creates the
 9 Nebraska Educational Telecommunications Commission for the purpose of (1)
 10 promoting and establishing noncommercial educational telecommunications

11 facilities within the State of Nebraska, (2) providing noncommercial
12 educational telecommunications programs throughout the State of Nebraska
13 by digital broadcast, by closed-circuit transmission, by Internet-based
14 delivery, or by other telecommunications technology distribution systems,
15 and (3) operating statewide educational and public radio and television
16 networks, facilities, and services, and (4) developing and maintaining a
17 publicly accessible, indexed, digital Internet archive of Nebraska
18 Legislature video coverage as provided in section 79-1316. The commission
19 shall seek funding from federal, state, foundation, and private sources
20 for capital construction and annual operations.
21 Sec. 4. Section 79-1316, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 79-1316 The powers and duties of the Nebraska Educational
24 Telecommunications Commission are:
25 (1) To promote and sponsor a noncommercial educational television
26 network to serve a series of interconnecting units throughout the State
27 of Nebraska;
1 (2) To promote and support locally operated or state-operated
2 noncommercial educational radio stations with satellite receiving
3 capabilities and improved transmitter coverage;
4 (3) To apply for and to receive and hold such authorizations,
5 licenses, and assignments of channels from the Federal Communications
6 Commission as may be necessary to conduct such educational
7 telecommunications programs by standard radio and television broadcast or
8 by other telecommunications technology broadcast systems and to prepare,
9 file, and prosecute before the Federal Communications Commission all
10 applications, reports, or other documents or requests for authorization
11 of any kind necessary or appropriate to achieve the purposes set forth in
12 the Nebraska Educational Telecommunications Act;
13 (4) To receive gifts and contributions from public and private
14 sources to be expended in providing educational telecommunications
15 facilities and programs;
16 (5) To acquire real estate and other property as an agency of the
17 State of Nebraska and to hold and use the same for educational
18 telecommunications purposes;
19 (6) To contract for the construction, repair, maintenance, and
20 operation of telecommunications facilities;
21 (7) To contract with common carriers, qualified under the laws of
22 the State of Nebraska, to provide interconnecting channels or satellite
23 facilities in support of radio, television, and other telecommunications
24 technology services unless it is first determined by the Nebraska
25 Educational Telecommunications Commission that state-owned
26 interconnecting channels can be constructed and operated that would
27 furnish a comparable quality of service at a cost to the state that would
28 be less than if such channels were provided by qualified common carriers;
29 (8) To provide for programming for the visually impaired, other
30 print-handicapped persons, and the deaf and hard of hearing as authorized
31 by the Federal Communications Commission under subsidiary communications
1 authority rules, through contracts with appropriate nonprofit
2 corporations or organizations which have been created for such purpose;
3 (9) To arrange for the operation of statewide educational
4 telecommunications networks, as directed by the Nebraska Educational
5 Telecommunications Commission, consistent with the provisions of the
6 federal Communications Act of 1934, as amended, and applicable rules and
7 regulations, with policies of the Federal Communications Commission, in
8 cooperation with the State Board of Education insofar as elementary and
9 secondary education programs are concerned, and in cooperation with the
10 Coordinating Commission for Postsecondary Education insofar as
11 postsecondary education programs are concerned;
12 (10) After taking into consideration the needs of the entire state,

13 to establish and maintain general policies relating to the nature and
14 character of educational telecommunications broadcasts or transmissions;
15 (11) To review, or cause to be reviewed by a person designated by
16 the commission, all programs presented on the network prior to broadcast
17 or transmission to insure that the programs are suitable for viewing and
18 listening. Such suitability shall be determined by evaluating the content
19 of the program, and screening the programs if necessary, as to their
20 educational value and whether they enhance the cultural appreciation of
21 the viewer and listener and do not appeal to his or her prurient
22 interest. When it is obvious from an examination of the descriptive
23 program materials that a program is suitable for presenting on the
24 network, no further review shall be required;

25 (12) To cooperate with federal or state agencies for the purpose of
26 obtaining matching federal or state funds and providing educational
27 telecommunications facilities of all types throughout the state and to
28 make such reports as may be required of recipients of matching funds;
29 (13) To arrange for and provide digital radio and television

30 broadcast and other telecommunications technology transmissions of
31 noncommercial educational telecommunications programs to Nebraska
1 citizens and institutions, but no tax funds shall be used for program
2 advertising which may only be financed out of funds received from
3 foundations or individual gifts;

4 (14) To coordinate with Nebraska agencies that deal with
5 telecommunications activities and are supported in whole or in part by
6 public funds;

7 (15) To adopt bylaws for the conduct of its affairs;

8 (16) To make certain that the facilities are not used for any
9 purpose which is contrary to the United States Constitution or the
10 Constitution of Nebraska or for broadcasting propaganda or attempting to
11 influence legislation;

12 (17) To publish such informational material as it deems necessary
13 and it may, at its discretion, charge appropriate fees therefor. The
14 proceeds of all such fees shall be remitted to the State Treasurer for
15 credit to the State Educational Telecommunications Fund and shall be used
16 by the commission solely for publishing such informational material. The
17 commission shall provide to newspapers, radio stations, and other news
18 media program schedules informing the public of programs approved by the
19 commission; ~~and~~

20 (18) To maintain a digital archive of programs and educational
21 content containing stories, events, individuals, and performances which
22 are significant or prominent in Nebraska history; ~~and -~~

23 (19) To develop and maintain a publicly accessible, indexed, digital
24 Internet archive of Nebraska Legislature video coverage, including all
25 floor debate and public committee hearings, beginning with the coverage
26 of the One Hundred Eighth Legislature in January of 2023. All previous
27 applicable historical video coverage of the Nebraska Legislature shall be
28 collected and added to the digital archive as available. As provided in
29 section 1 of this act, the records of all floor debate and committee
30 hearings as prepared and permanently maintained by the Clerk of the
31 Legislature are the only official records of the Legislature, and such
1 archive is intended solely for educational and informational purposes and
2 to enhance access for the public in keeping with the Legislature's
3 commitment to transparency in state government. The commission may
4 determine and utilize the best formatting and file management methods for
5 such digital archive.

6 Sec. 7. The Revisor of Statutes shall assign section 1 of this act
7 to Chapter 50.

8 2. Renumber the remaining sections and correct internal references
9 accordingly.

VISITOR(S)

Visitors to the Chamber were Leadership Beatrice; Nebraska Early Childhood Policy Leadership Academy, Omaha; and Leadership York.

The Doctor of the Day was Dr. Jason Bepalec of Geneva.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator M. Cavanaugh the Legislature adjourned until 9:00 a.m., Thursday, February 17, 2022.

Patrick J. O'Donnell
Clerk of the Legislature

