

THIRTY-SECOND DAY - FEBRUARY 25, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 25, 2022

PRAYER

The prayer was offered by Pastor JJ Jackson, Flatland Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Bostar, Bostelman, Day, B. Hansen, Linehan, McKinney, Morfeld, Pansing Brooks, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2022, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Chaney, Chelsea
National Association of Mutual Insurance Companies (NAMIC)
CP Strategies LLC
Scientific Games Corporation (Withdrawn 02/18/2022)
Gottschalk, Kristen

Nebraska Electric Generation and Transmission Cooperative, Inc.
 Greene, Steven
 Opportunity Solutions Project
 Houghton Bradford Whitted PC, LLO
 Avenue Scholars Foundation
 Husch Blackwell Strategies
 EBSCO
 Kelley Plucker, LLC
 Daily Record, The
 Mahoney, Maureen
 Consumer Reports, Inc.
 Russell, Daniel
 Stand for Schools
 Todd-Harlin, Andrea
 Smart-Fill (Withdrawn 02/21/2022)

REPORTS

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

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Robert Hilkemann offered the following Committee on Committees report:

Agriculture- Senator Jacobson
 General Affairs- Senator Jacobson
 Natural Resources- Senator Jacobson

Senator Robert Hilkemann moved to approve the Committee on Committees report found in this day's Journal.

The Committee on Committees report was approved with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 767A. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

MOTION(S) - Bracket LB685

LEGISLATIVE BILL 685. Senator M. Cavanaugh offered her motion, [MO148](#), found on page 616, to bracket until April 20, 2022.

The M. Cavanaugh motion to bracket failed with 1 aye, 39 nays, 4 present

and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 685.

A BILL FOR AN ACT relating to appropriations; to eliminate obsolete provisions appropriating funds for FY2017-18 and FY2018-19; and to outright repeal section 90-561, Revised Statutes Cumulative Supplement, 2020.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Bostar	Day	Morfeld	Walz	Wishart
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB700 with 34 ayes, 5 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 700. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2317.01, 79-920, 84-1319.01, and 84-1511, Reissue Revised Statutes of

Nebraska, sections 23-2309.01, 23-2310.05, 72-1243, 79-921, 84-1301, 84-1310.01, 84-1311.03, and 84-1322, Revised Statutes Cumulative Supplement, 2020, and sections 79-902, 79-978, 79-992.01, 79-9,117, and 84-1503, Revised Statutes Supplement, 2021; to eliminate obsolete provisions relating to investment options under certain acts, the state investment officer, and the Public Employees Retirement Board; to change provisions relating to certain funds; to define and redefine terms; to change provisions relating to participation in certain plans as prescribed; to eliminate provisions relating to termination of employment and early retirement inducement notification; to change duties of certain employers; to change provisions relating to preretirement planning and repayment of a distribution after reemployment; to change duties of and provide duties for the Public Employees Retirement Board; to provide a deadline for a certain compliance audit; to provide for retirement training sessions; to eliminate a retirement education and financial planning program; to harmonize provisions; to repeal the original sections; to outright repeal section 84-1511.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Cavanaugh, M.	Halloran	Lathrop	Pahls
Albrecht	Clements	Hansen, B.	Lindstrom	Pansing Brooks
Arch	DeBoer	Hansen, M.	Linehan	Sanders
Blood	Dorn	Hilgers	McCollister	Slama
Bostelman	Erdman	Hilkemann	McDonnell	Stinner
Brandt	Flood	Hughes	McKinney	Vargas
Brewer	Friesen	Hunt	Morfeld	Walz
Briese	Geist	Jacobson	Moser	Wayne
Cavanaugh, J.	Gragert	Kolterman	Murman	Williams

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 3:

Bostar Day Wishart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION(S) - Return LB906 to Select File

Senator Hunt moved to return LB906 to Select File for her specific amendment, [AM1925](#), found on page 570.

The Hunt motion to return failed with 4 ayes, 34 nays, 9 present and not voting, and 2 excused and not voting.

The Hunt amendment, [AM1925](#), was not considered.

WITHDRAW - Amendment(s) to LB906

Senator Hunt withdrew her amendments, [AM1927](#) and [AM1926](#), found on page 570, to LB906.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 906. With Emergency Clause.

A BILL FOR AN ACT relating to public health; to define terms; to provide duties for the Department of Health and Human Services; to require employers to provide for a vaccine exemption; to provide for conditional requirements; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

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

Voting in the negative, 5:

Cavanaugh, J.	Cavanaugh, M.	Hansen, M.	Hunt	Lathrop
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Present and not voting, 5:

Blood	DeBoer	McCollister	McKinney	Vargas
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Excused and not voting, 2:

Bostar Day

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 848. Title read. Considered.

Committee [AM1626](#), found on page 531, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1037. Title read. Considered.

Committee [AM1887](#), found on page 570, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SPEAKER HILGERS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 685, 700e, and 906e.

SENATOR HUGHES PRESIDING

GENERAL FILE

LEGISLATIVE BILL 717. Title read. Considered.

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 304. Introduced by Murman, 38.

WHEREAS, the Nebraska State Association of Secondary School Principals annually selects a High School Principal of the Year; and

WHEREAS, Patrick Moore, principal of Blue Hill High School in Blue Hill, Nebraska, has been commended by his peers and students for demonstrating outstanding leadership in his school, region, and state; and

WHEREAS, Patrick has been selected as the 2021 High School Principal of the Year by the Nebraska State Association of Secondary School Principals; and

WHEREAS, Patrick was presented this award in a special assembly of students, teachers, and staff at Blue Hill High School on October 15, 2021; and

WHEREAS, the Legislature recognizes the value and hard work of educators in the State of Nebraska.

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

1. That the Legislature congratulates Patrick Moore on being selected as the 2021 High School Principal of the Year.

2. That copies of this resolution be sent to Blue Hill High School and Patrick Moore.

Laid over.

LEGISLATIVE RESOLUTION 305. Introduced by DeBoer, 10; Hilgers, 21; Hughes, 44.

PURPOSE: The purpose of this resolution is to examine issues related to the personnel policies of the Legislature. This study shall include, but not be limited to, an examination and review of any policies governing personnel and conduct.

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

1. That the Executive Board of the Legislative Council 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1273A. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1273, One Hundred Seventh Legislature, Second Session, 2022.

AMENDMENT(S) - Print in Journal

Senator Geist filed the following amendment to LB750:
AM1967 is available in the Bill Room.

Senator Wayne filed the following amendment to LB1037:
AM2047

(Amendments to Standing Committee amendments, AM1887)

- 1 1. Insert the following new amendment:
- 2 2. On page 2, strike lines 7 through 10 and insert the following new
- 3 subsection:
- 4 "(2) Within sixty days after the effective date of this act:
- 5 (a) The Executive Board of the Legislative Council shall select an
- 6 outside consultant with expertise in government procurement for the
- 7 purpose of conducting such evaluation; and
- 8 (b) The department shall enter into a contract with such consultant
- 9 to conduct such evaluation. Such contract shall not be subject to any
- 10 competitive bidding requirement."
- 11 2. Renumber the remaining amendment accordingly.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 685, 700e, and 906e.

(Signed) Jen Day

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 2022, at 10:24 a.m. were the following: LBs 685, 700e, and 906e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 717. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 6 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1241. Title read. Considered.

Committee AM1898, found on page 578, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1173. Title read. Considered.

Committee [AM1959](#), found on page 592, was offered.

Senator Arch offered the following amendment to the committee amendment:

[AM2058](#)

(Amendments to Standing Committee amendments, AM1959)

- 1 1. On page 1, line 27, after the semicolon insert "and".
- 2 2. On page 2, strike line 1; in line 2 strike "(h)" and insert
- 3 "(g)"; and in line 28 strike "Supreme Court" and insert "state judicial
- 4 branch to be".

The Arch amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Committee [AM1959](#), as amended, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1173A. Title read. Considered.

Senator Arch offered the following amendment:

[AM2051](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. There is hereby appropriated (1) \$250,000 from the
- 4 Federal Funds for FY2022-23 and (2) \$250,000 from the Federal Funds for
- 5 FY2023-24 to the Department of Health and Human Services, for Program 33,
- 6 to aid in carrying out the provisions of Legislative Bill 1173, One
- 7 Hundred Seventh Legislature, Second Session, 2022. The Federal Funds
- 8 appropriated in this section are from the funds allocated to the State of
- 9 Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant
- 10 to the federal American Rescue Plan Act of 2021, Public Law 117-2,
- 11 Subtitle M, Sec. 9901.
- 12 No expenditures for permanent and temporary salaries and per diems
- 13 for state employees shall be made from funds appropriated in this
- 14 section.
- 15 Sec. 2. Since an emergency exists, this act takes effect when
- 16 passed and approved according to law.

The Arch amendment was adopted with 46 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 306. Introduced by Walz, 15; Bostar, 29; Brandt, 32; Brewer, 43; Cavanaugh, M., 6; Day, 49; DeBoer, 10; Dorn, 30;

Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Jacobson, 42; Hansen, B., 16; Hansen, M., 26; Hilkemann, 4; Kolterman, 24; McCollister, 20; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, all individuals possess the basic human right to the preservation of personal dignity; and

WHEREAS, all individuals deserve the investment of the state's resources to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, post-traumatic stress can result from any number of stressors including combat, interpersonal violence, severe impact collisions, natural disasters, and exposure to the suffering of others; and

WHEREAS, the diagnosis known as Post-Traumatic Stress Disorder was initially formulated in 1980 by the American Psychiatric Association to commonly describe and categorize the psychological aftermath of severe traumatic distress; and

WHEREAS, post-traumatic stress has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and association with the word "disorder" generates a stigma that perpetuates this misconception; and

WHEREAS, electro-magnetic imaging now shows that severe post-traumatic stress causes physical changes within the brain which are more accurately described as an injury than a disorder; and

WHEREAS, referring to post-traumatic stress as a disorder can disparage the injured and discourage them from seeking timely care for their behavioral health needs; and

WHEREAS, post-traumatic stress injury that is consistent with the description of post-traumatic stress disorder in section 309.81 criteria B through H of the Diagnostic Statistical Manual of Mental Disorders deserves equal compensation strictly matching that currently allowed under the law for post-traumatic stress disorder; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve our compassion and consideration and the brave men and women who received these wounds while risking their lives to protect our freedom, health, and welfare deserve special recognition of their bravery, commitment, devotion, and sacrifice; and

WHEREAS, timely access to appropriate treatment of post-traumatic stress injury can diminish complications and prevent suicide.

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

1. That the Legislature recognizes June 2022 as Post-Traumatic Stress Injury Awareness Month and June 27, 2022, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Division of Public Health of the Department of Health and Human Services and the Nebraska Department of Veterans' Affairs to continue working to educate victims of interpersonal violence, combat, life-threatening accidents, and natural disasters, their

families, and the general public about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Cavanaugh, M., 6; Cavanaugh, J., 9; Gragert, 40; Hansen, M., 26; Hughes, 44; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wishart, 27.

WHEREAS, the Legislative personnel manual includes written policies on workplace harassment; and

WHEREAS, this document is not binding and not codified into law; and

WHEREAS, a recent complaint has been filed against a former sitting senator; and

WHEREAS, the staff of the Legislature does not have appropriate recourse for addressing workplace harassment; and

WHEREAS, the staff of the Legislature should be treated professionally; and

WHEREAS, the appropriateness of that policy is now in question; and

WHEREAS, the residents of Nebraska deserve representatives that behave in a respectful and accountable manner.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to appoint a special committee of the Legislature to be known as the Special Ethics Investigative Committee of the Legislature.

2. That the committee shall consist of eight members of the Legislature which shall include an equal number of male and female members.

3. That the committee is hereby authorized to review the Legislature's workplace harassment policies including, but not limited to, requiring discussion and a vote of the full Legislature on the use and composition of a permanent special ethics committee to investigate workplace misconduct accusations. Additionally, the committee shall have authority to oversee any current workplace complaints made to the Executive Board, the Clerk of the Legislature, and the Affirmative Action Officer of the Legislature. The committee shall be authorized to request subpoena power as needed.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB717.

Senator McDonnell name added to LB783.

Senator Jacobson name added to LB788.

Senator Friesen name added to LB1180.

Senator Friesen name added to LB1207.

VISITOR(S)

Visitors to the Chamber were High School students from Norfolk Senior High School; fourth-graders from Perkins County Schools; and eleventh- and twelfth-graders from Elkhorn South High School and their sponsor.

The Doctor of the Day was Dr. Pat Hotovy of York.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Monday, February 28, 2022.

Patrick J. O'Donnell
Clerk of the Legislature