

THIRTY-SIXTH DAY - MARCH 3, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 2022

PRAYER

The prayer was offered by Senator Halloran.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

ROLL CALL

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

The roll was called and all members were present except Senator Linehan who was excused; and Senators Aguilar, Bostar, J. Cavanaugh, M. Cavanaugh, Day, B. Hansen, Hilkemann, Lathrop, McCollister, Pansing Brooks, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 2, 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

Boro Reljic
 Abbott
 Minter, Christian
 March of Dimes
 Rogert, Kent
 Amack, Angela K.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 984. Placed on General File with amendment.
[AM2130](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB773](#):
[AM2106](#)

(Amendments to AM1757)

- 1 1. On page 2, line 1, strike "(6)", show as stricken, and insert
- 2 "(6)(a)"; and after line 6 insert the following new subdivision:
- 3 "(b) To require registration of handguns other than those owned,
- 4 possessed, or transported by an individual holding a valid permit under
- 5 the Concealed Handgun Permit Act or a license or permit to carry a
- 6 concealed handgun issued by any other state or the District of Columbia
- 7 and recognized as valid under section 69-2448. A city of the metropolitan
- 8 class which requires registration of handguns under this subdivision
- 9 shall not deny registration to any individual who is not a prohibited
- 10 person. For purposes of this subdivision, handgun and prohibited person
- 11 have the same meanings as in section 28-1201;".
- 12 2. On page 17, insert the following new subsection after line 3:
- 13 "(2) A person shall not carry a handgun concealed on or about his or
- 14 her person while engaged in the commission of a covered offense."; in
- 15 line 4 strike "(2)" and insert "(3)"; after line 7 insert the following
- 16 new subsection:
- 17 "(4) For purposes of this section, covered offense means:
- 18 (a) Robbery under section 28-324;
- 19 (b) Arson in the first, second, or third degree under section
- 20 28-502, 28-503, or 28-504, respectively;
- 21 (c) Burglary under section 28-507;
- 22 (d) Murder in the first degree, murder in the second degree, or
- 23 manslaughter under section 28-303, 28-304, or 28-305, respectively;
- 24 (e) A violation involving a controlled substance under section
- 25 28-416;
- 26 (f) Offenses involving a firearm or other deadly weapon under
- 1 section 28-1203, 28-1204.03, 28-1204.04, 28-1205, 28-1207, 28-1208,
- 2 28-1212.01, 28-1212.03, or 28-1212.04, except that for a violation of
- 3 section 28-1205, the violation of this section cannot serve as the
- 4 predicate offense;
- 5 (g) Assault in the first degree, assault in the second degree, or
- 6 assault by strangulation or suffocation under section 28-308, 28-309, or
- 7 28-310.01, respectively;
- 8 (h) Assault on an officer, an emergency responder, a state
- 9 correctional employee, a Department of Health and Human Services

10 employee, or a health care professional in the first, second, or third
11 degree under section 28-929, 28-930, or 28-931, respectively, or assault
12 on an officer, an emergency responder, a state correctional employee, a
13 Department of Health and Human Services employee, or a health care
14 professional using a motor vehicle under section 28-931.01;
15 (i) Theft by unlawful taking or disposition under section 28-511;
16 (j) Theft by receiving stolen property under section 28-517;
17 (k) Theft by deception under section 28-512;
18 (l) Theft by extortion under section 28-513;
19 (m) Kidnapping under section 28-313;
20 (n) Any forgery offense under sections 28-602 to 28-605;
21 (o) Criminal impersonation under section 28-638;
22 (p) Tampering with a publicly exhibited contest under section
23 28-614;
24 (q) Unauthorized use of a financial transaction device or criminal
25 possession of a financial transaction device under section 28-620 or
26 28-621, respectively;
27 (r) Pandering under section 28-802;
28 (s) Keeping a place of prostitution under section 28-804;
29 (t) Bribery, bribery of a witness, or bribery of a juror under
30 section 28-917, 28-918, or 28-920, respectively;
31 (u) Tampering with a witness or an informant or jury tampering under
1 section 28-919;
2 (v) Unauthorized application of graffiti under section 28-524;
3 (w) Dogfighting, cockfighting, bearbaiting, or pitting an animal
4 against another under section 28-1005;
5 (x) Promoting gambling in the first degree under section 28-1102;
6 (y) Criminal child enticement under section 28-311;
7 (z) Terroristic threats under section 28-311.01;
8 (aa) Stalking under section 28-311.03;
9 (bb) False imprisonment in the first degree or false imprisonment in
10 the second degree, under section 28-314 or 28-315, respectively;
11 (cc) Sexual assault in the first degree or sexual assault in the
12 second or third degree, under section 28-319 or 28-320, respectively;
13 (dd) Sexual assault of a child in the first degree or sexual assault
14 of a child in the second or third degree, under section 28-319.01 or
15 28-320.01, respectively;
16 (ee) Sexual abuse of a protected individual under section 28-322.04;
17 (ff) Domestic assault under section 28-323;
18 (gg) Impersonating a public servant or impersonating a peace officer
19 under section 28-609 or 28-610, respectively;
20 (hh) Operating a motor vehicle or vessel to avoid arrest under
21 section 28-905;
22 (ii) Introducing implements for escape under section 28-913;
23 (jj) Loitering about a penal institution under section 28-914;
24 (kk) Labor trafficking, labor trafficking of a minor, sex
25 trafficking, or sex trafficking of a minor under section 28-831;
26 (ll) Knowing violation of a sexual assault protection order under
27 section 28-311.11;
28 (mm) Assault in the third degree under section 28-310 if punishable
29 as a Class I misdemeanor;
30 (nn) Assault of an unborn child in the first, second, or third
31 degree under section 28-397, 28-398, or 28-399, respectively;
1 (oo) Theft in violation of section 28-518 when the offense is
2 classified as a Class I misdemeanor or a felony;
3 (pp) First or second degree criminal trespass under section 28-520
4 or 28-521, respectively;
5 (qq) Prostitution under section 28-801;
6 (rr) Solicitation of prostitution under section 28-801.01;
7 (ss) Debauching a minor under section 28-805;

8 (tt) Obstructing government operations under section 28-901;
 9 (uu) Resisting arrest under section 28-904;
 10 (vv) Obstructing a peace officer under section 28-906;
 11 (ww) Interference with a fireman on official duty under section
 12 28-908;
 13 (xx) Assault with a bodily fluid against a public safety officer
 14 under section 28-934;
 15 (yy) Use of explosives without a permit under section 28-1218;
 16 (zz) Concealing the death of another person under section 28-1302;
 17 (aaa) Knowing violation of a protection order under section 42-924;
 18 (bbb) Manufacturing spirits without a license under subsection (2)
 19 of section 53-1,100;
 20 (ccc) Offenses involving an imitation controlled substance under
 21 section 28-445 if punishable as a Class II misdemeanor;
 22 (ddd) An offense relating to an inspection warrant under section
 23 29-835;
 24 (eee) Failure to obey a lawful order of a peace officer under
 25 subsection (2) of section 60-6,110;
 26 (fff) Harassment of a police animal under subsection (3) of section
 27 28-1009;
 28 (ggg) Offenses involving a service animal under section 28-1009.01;
 29 (hhh) Discharging a firearm or weapon from a public way under
 30 section 28-1335;
 31 (iii) Resisting or obstructing an officer or employee of the Game
 1 and Parks Commission under section 37-609;
 2 (jii) Failure of a vessel to comply with an order of an officer to
 3 stop under section 37-1238.02;
 4 (kkk) Violations relating to animals under section 39-313;
 5 (lll) Criminal mischief under section 28-519 if punishable as a
 6 Class I or II misdemeanor or a felony, including cases in which the
 7 penalty is enhanced as provided in section 28-111;
 8 (mmm) Any criminal attempt under section 28-201 to commit an offense
 9 described in this subsection, other than a violation of a city or village
 10 ordinance;
 11 (nnn) Accessory to felony under section 28-204; or
 12 (ooo) A violation of a city or village ordinance prohibiting hate
 13 intimidation, obstructing a law enforcement officer or firefighter,
 14 resisting arrest, disorderly conduct, failure to disperse, refusing a
 15 lawful request to move, unlawful assembly, assault, battery, enticement
 16 of a child under sixteen years of age into a vehicle, child enticement,
 17 caretaker neglect, solicitation, pandering, theft, trespass, failure to
 18 leave the property of another upon request to leave, damage to property,
 19 discharging a projectile, or sale of a firearm to a minor."; and in line
 20 10, strike "or a prohibited person" and insert ", prohibited person, or
 21 person engaged in the commission of a covered offense as defined in
 22 section 28-1202".
 23 3. On page 23, strike lines 12 and 13 and insert "first offense, a
 24 Class I misdemeanor for a second offense, and a Class IV felony for a
 25 third offense; and".

Senator Linehan filed the following amendment to [LB984](#):
[AM2144](#)

(Amendments to Standing Committee amendments, AM2130)

1 1. On page 13, line 13, before "The" insert "(1)"; and after line 25
 2 insert the following new subsection:
 3 "(2) A client described in subsection (1) of this section which
 4 enters into a contract of construction, improvement, or repair with
 5 respect to buyer-based tax-exempt items annexed to real estate without
 6 first issuing a purchasing agent authorization to a construction
 7 contractor prior to such items being annexed to real estate in the

8 project may apply to the Tax Commissioner for a refund of any sales and
9 use tax paid by the contractor on such items physically annexed to real
10 estate in the construction, improvement, or repair."

Senator M. Hansen filed the following amendment to LB820:

AM2147

1 1. On page 4, line 21, strike "of such cities", show as stricken,
2 and insert "cities described in this section".

SELECT FILE

LEGISLATIVE BILL 450. Senator Geist offered her amendment, AM1943, found on page 583.

The Geist amendment was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 450A. Advanced to Enrollment and Review for Engrossment.

SENATOR ARCH PRESIDING

LEGISLATIVE BILL 1099. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 707. Title read. Considered.

Committee AM1859, found on page 582, was adopted with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Committee AM1913, found on page 583, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 1016. Placed on General File with amendment. [AM2128](#) is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1104. Placed on General File.

(Signed) Tom Brewer, Chairperson

AMENDMENT(S) - Print in Journal

Senator McKinney filed the following amendment to [LB450A](#):
[AM2148](#)

1 1. Strike the original section and insert the following new section:
2 Section 1. ~~There is hereby appropriated (1) \$11,000 from the~~
3 ~~Innovation Hub Cash Fund and \$5,000,000 from the General Fund for~~
4 ~~FY2022-23 and (2) \$11,000 from the Innovation Hub Cash Fund and~~
5 ~~\$5,000,000 from the General Fund for FY2023-24 to the Department of~~
6 ~~Economic Development, for Program 603, to aid in carrying out the~~
7 ~~provisions of Legislative Bill 450, One Hundred Seventh Legislature,~~
8 ~~Second Session, 2022.~~
9 Total expenditures for permanent and temporary salaries and per
10 diems from funds appropriated in this section shall not exceed \$134,140
11 for FY2022-23 or \$159,550 for FY2023-24.

Senator Hunt filed the following amendment to [LB598](#):
[AM2126](#)

(Amendments to Standing Committee amendments, AM549)

1 1. Strike amendment 1 and insert the following new amendment:
2 1. Strike original section 5 and insert the following new sections:
3 Sec. 6. Section 48-3601, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 48-3601 Sections 48-3601 to 48-3609 shall be known and may be cited
6 as the Nebraska Student-Athlete Name, Image, or Likeness Rights Fair Pay
7 to Play Act.
8 Sec. 7. Section 48-3602, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 48-3602 For purposes of the Nebraska Student-Athlete Name, Image, or
11 Likeness Rights Fair Pay to Play Act:
12 (1) Athletic grant-in-aid means the money given to a student-athlete
13 by a postsecondary institution for tuition, fees, room, board, and
14 textbooks as consideration for the student-athlete's participation in an
15 intercollegiate sport for such postsecondary institution and does not
16 include compensation for the use of the student-athlete's name, image, or
17 likeness rights or athletic reputation;
18 (2) Collegiate athletic association means any athletic association,
19 conference, or other group or organization with authority over
20 intercollegiate sports;
21 (3) Compensation for the use of a student-athlete's name, image, or
22 likeness rights or athletic reputation includes, but is not limited to,

23 consideration received pursuant to an endorsement contract as defined in
24 section 48-2602;

25 (4) Intercollegiate sport has the same meaning as in section
26 48-2602;

1 (5) Postsecondary institution has the same meaning as in section
2 85-2403;

3 (6) Professional representation includes, but is not limited to,
4 representation provided by an athlete agent holding a certificate of
5 registration under the Nebraska Uniform Athlete Agents Act, a financial
6 advisor registered under the Securities Act of Nebraska, or an attorney
7 admitted to the bar by order of the Supreme Court of this state;

8 (7) Sponsor means an individual or organization that pays money or
9 provides goods or services in exchange for advertising rights;

10 (8) Student-athlete has the same meaning as in section 48-2602; and

11 (9) Team contract means a contract between a postsecondary
12 institution or a postsecondary institution's athletic department and a
13 sponsor.

14 Sec. 8. Section 48-3603, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-3603 (1) No postsecondary institution shall uphold any rule,
17 requirement, standard, or limitation that prevents a student-athlete from
18 fully participating in an intercollegiate sport for such postsecondary
19 institution because such student-athlete earns compensation for the use
20 of such student-athlete's name, image, or likeness rights or athletic
21 reputation.

22 (2) No collegiate athletic association shall penalize a student-
23 athlete or prevent a student-athlete from fully participating in an
24 intercollegiate sport because such student-athlete earns compensation for
25 the use of such student-athlete's name, image, or likeness rights or
26 athletic reputation.

27 (3) No collegiate athletic association shall penalize a
28 postsecondary institution or prevent a postsecondary institution from
29 fully participating in an intercollegiate sport because a student-athlete
30 participating in an intercollegiate sport for such postsecondary
31 institution earns compensation for the use of such student-athlete's
1 name, image, or likeness rights or athletic reputation.

2 (4) No postsecondary institution shall allow compensation earned by
3 a student-athlete for the use of such student-athlete's name, image, or
4 likeness rights or athletic reputation to affect the duration, amount, or
5 eligibility for or renewal of any athletic grant-in-aid or other
6 institutional scholarship, except that compensation earned by a student-
7 athlete for the use of such student-athlete's name, image, or likeness
8 rights or athletic reputation may be used for the calculation of income
9 for determining eligibility for need-based financial aid.

10 (5) The compensation a student-athlete earns for the use of the
11 student-athlete's name, image, or likeness must be for services actually
12 performed. Student-athletes shall not be paid for contracts that (a)
13 extend beyond the student-athlete's participation in an athletic program
14 at a postsecondary institution, (b) involve the sale or exchange of
15 awards or other items received for athletic participation, (c) involve
16 compensation from a postsecondary institution or a postsecondary
17 institution's employees, or (d) provide compensation for work not
18 performed.

19 (6) Student-athletes may be prohibited from entering into contracts
20 or agreements or engaging in activity related to the use of the student-
21 athlete's name, image, or likeness for products, services, entities, or
22 activities reasonably deemed to be inconsistent with the educational
23 mission of the postsecondary institution by such postsecondary
24 institution.

25 (7) Nothing in the Nebraska Student-Athlete Name, Image, or Likeness

26 Rights Act shall limit the ability of a postsecondary institution to
27 establish and enforce standards, requirements, regulations, or
28 obligations for such postsecondary institution's students not
29 inconsistent with the act.
30 (8) Nothing in the Nebraska Student-Athlete Name, Image, or Likeness
31 Rights Act grants to a student-athlete the right to use any name,
1 trademark, service mark, logo, symbol, or other intellectual property
2 that belongs to the postsecondary institution, regardless of whether the
3 intellectual property is registered, to further the student-athlete's
4 opportunities to earn compensation for the use of the student-athlete's
5 name, image, or likeness.
6 Sec. 9. Section 48-3604, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 48-3604 Any student-athlete who enters into a contract or agreement
9 that provides compensation for the use of such student-athlete's name,
10 image, or likeness rights or athletic reputation shall disclose such
11 contract or agreement to an official of the postsecondary institution for
12 which such student-athlete participates in an intercollegiate sport. The
13 official to which such contract or agreement shall be disclosed shall be
14 designated by each postsecondary institution, and the designation shall
15 be communicated in writing to each student-athlete participating in an
16 intercollegiate sport for such postsecondary institution. Unless
17 otherwise required by law, each postsecondary institution shall be
18 prohibited from disclosing any terms of such contract or agreement that
19 the student-athlete or the student-athlete's professional representation
20 deems to be a trade secret or otherwise nondisclosable.
21 Sec. 10. Section 48-3605, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 48-3605 (1) No student-athlete shall enter into a contract or
24 agreement with a sponsor that provides compensation to the student-
25 athlete for use of the student-athlete's name, image, and likeness rights
26 or athletic reputation if (a) such contract or agreement requires such
27 student-athlete to display such sponsor's apparel or to otherwise
28 advertise for the sponsor during official team activities and (b)
29 compliance with such contract or agreement requirement would conflict
30 with a team contract. Any postsecondary institution asserting such
31 conflict shall disclose to the student-athlete and the student-athlete's
1 professional representation, if applicable, the full team contract that
2 is asserted to be in conflict. The student-athlete and the student-
3 athlete's professional representation, if applicable, shall be prohibited
4 from disclosing any terms of a team contract that the postsecondary
5 institution deems to be a trade secret or otherwise nondisclosable.
6 (2) No team contract shall prevent a student-athlete from receiving
7 compensation for the use of such student-athlete's name, image, and
8 likeness rights or athletic reputation when the student-athlete is not
9 engaged in official team activities.
10 Sec. 11. Section 48-3606, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 48-3606 (1) No postsecondary institution or collegiate athletic
13 association shall penalize a student-athlete or prevent a student-athlete
14 from fully participating in an intercollegiate sport because such
15 student-athlete obtains professional representation in relation to a
16 contract or legal matter related to the use of the student-athlete's
17 name, image, or likeness.
18 (2) No collegiate athletic association shall penalize a
19 postsecondary institution or prevent a postsecondary institution from
20 fully participating in an intercollegiate sport because a student-athlete
21 participating in an intercollegiate sport for such postsecondary
22 institution obtains professional representation in relation to a contract
23 or legal matter related to the use of the student-athlete's name, image,

24 or likeness.

25 (3) A postsecondary institution may offer education and training to
26 student-athletes to aid them in understanding the opportunities that may
27 become available to them for the use of their name, image, or likeness,
28 including education in the areas of networking and communication, brand-
29 building and management, financial literacy, and compliance.

30 Sec. 12. Section 48-3607, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 48-3607 (1) The Nebraska Student-Athlete Name, Image, or Likeness
2 Rights Fair Pay to Play Act shall not be applied in a manner that
3 violates any contract in effect prior to the date determined by a
4 postsecondary institution pursuant to section 48-3609 with regard to such
5 postsecondary institution or any student-athlete who participates in an
6 intercollegiate sport for such postsecondary institution for as long as
7 such contract remains in effect without modification.

8 (2) On and after the date determined by a postsecondary institution
9 pursuant to section 48-3609, such postsecondary institution shall not
10 enter into, modify, or renew any contract in a manner that conflicts with
11 the Nebraska Student-Athlete Name, Image, or Likeness Rights Fair Pay to
12 Play Act.

13 Sec. 13. Section 48-3608, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-3608 (1) A student-athlete or a postsecondary institution
16 aggrieved by a violation of the Nebraska Student-Athlete Name, Image, or
17 Likeness Rights Fair Pay to Play Act may bring a civil action against the
18 postsecondary institution or collegiate athletic association committing
19 such violation.

20 (2) A plaintiff who prevails in an action under the Nebraska
21 Student-Athlete Name, Image, or Likeness Rights Fair Pay to Play Act
22 shall be entitled to:

23 (a) Actual damages;

24 (b) Such preliminary and other equitable or declaratory relief as
25 may be appropriate; and

26 (c) Reasonable attorney's fees and other litigation costs reasonably
27 incurred.

28 (3) A public postsecondary institution may be sued upon claims
29 arising under the Nebraska Student-Athlete Name, Image, or Likeness
30 Rights Fair Pay to Play Act only to the extent allowed under the State
31 Tort Claims Act, the State Contract Claims Act, or the State
1 Miscellaneous Claims Act, except that a civil action for a violation of
2 the Nebraska Student-Athlete Name, Image, or Likeness Rights Fair Pay to
3 Play Act may only be brought within one year after the cause of action
4 has accrued.

5 Sec. 14. Section 48-3609, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 48-3609 Each postsecondary institution shall determine a date on or
8 before July 1, 2023, upon which the Nebraska Student-Athlete Name, Image,
9 or Likeness Rights Fair Pay to Play Act shall begin to apply to such
10 postsecondary institution and the student-athletes who participate in an
11 intercollegiate sport for such postsecondary institution and to any
12 collegiate athletic association or professional representation in
13 interactions with such postsecondary institution or student-athletes.

14 Sec. 15. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16 of this act
15 become operative three calendar months after the adjournment of this
16 legislative session. The other sections of this act become operative on
17 their effective date.

18 Sec. 16. Original sections 48-3601, 48-3602, 48-3603, 48-3604,
19 48-3605, 48-3606, 48-3607, 48-3608, and 48-3609, Reissue Revised Statutes
20 of Nebraska, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 316. Introduced by Wishart, 27.

WHEREAS, the 2022 Nebraska School Activities Association State Swimming and Diving Championships were held from February 24 through February 26 at Bob Devaney Sports Center in Lincoln; and

WHEREAS, the Lincoln Southwest High School Boys and Girls Swimming and Dive Teams competed in and won the NSAA State Swimming and Diving Championships; and

WHEREAS, this is the first time since 1994 that the boys and girls state swimming championships were won by the same school; and

WHEREAS, this was the second consecutive year the Boys Swimming and Diving team won the State Championship; and

WHEREAS, the leadership of Coaches Ross Mueller, Tiffany Hale, and Erik Gustafson contributed to the success of both teams; and

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

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

1. That the Legislature congratulates the Lincoln Southwest High School Boys and Girls Swimming and Diving Teams on winning the 2022 NSAA State Swimming and Diving Championships.

2. That a copy of this resolution be sent to the Lincoln Southwest High School as well as Coaches Ross Mueller, Tiffany Hale, and Erik Gustafson.

Laid over.

MOTION(S) - Print in Journal

Senator Brewer filed the following motion to [LB773](#):

[MO151](#)

Place on General File pursuant to Rule 3, Section 20(b).

MESSAGE(S) FROM THE GOVERNOR

March 3, 2022

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 685 and 700e were received in my office on February 25, 2022.

Engrossed Legislative Bills 592, 708, 754, 758, and 892 were received in my office on February 28, 2022.

These bills were signed and delivered to the Secretary of State on March 3, 2022.

Sincerely,
(Signed) Pete Ricketts
Governor

SENATOR WILLIAMS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 752. Title read. Considered.

Committee [AM1918](#), found on page 592, was offered.

Senator DeBoer offered her amendment, [AM2103](#), found on page 697, to the committee amendment.

The DeBoer amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Gragert filed the following amendment to [LB1082](#):

[AM1991](#)

1 1. Insert the following new section:

2 Section 1. Section 37-201, Revised Statutes Supplement, 2021, is

3 amended to read:

4 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section

5 2 of this act and the State Park System Construction Alternatives Act

6 shall be known and may be cited as the Game Law.

7 2. On page 3, line 10, after "adopt" insert "and promulgate"; and in

8 line 17 strike "1" and insert "2".

9 3. Renumber the remaining sections and correct the repealer

10 accordingly.

GENERAL FILE

LEGISLATIVE BILL 805. Title read. Considered.

Committee [AM1976](#), found on page 623, was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

SENATOR ARCH PRESIDING

Committee [AM1930](#), found on page 577, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1273. Title read. Considered.

Committee [AM2005](#), found on page 620, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1273A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 917. Title read. Considered.

SPEAKER HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 301, 302, and 303 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 301, 302, and 303.

GENERAL FILE

LEGISLATIVE BILL 917A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
General Affairs

LEGISLATIVE BILL 764. Placed on General File.

(Signed) Tom Briese, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Hansen filed the following amendment to LB1250:

AM2100

1 1. On page 2, lines 26 and 27, strike the new matter and reinstate
2 the stricken matter.

Senator B. Hansen filed the following amendment to LB1251:

AM2082

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 10 of this act shall be known and may be
4 cited as the Equal Opportunity Scholarship for Students with Special
5 Needs Program Act.
6 Sec. 2. For purposes of the Equal Opportunity Scholarship for
7 Students with Special Needs Program Act:
8 (1) Department means the State Department of Education;
9 (2) Eligible student means any elementary or secondary student who
10 is a student with exceptional needs and who received special education
11 services under an individualized education plan or plan under Section 504
12 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, as such act
13 existed on January 1, 2022, and attended a public school in Nebraska for
14 at least one course the preceding semester, is starting school in
15 Nebraska for the first time, or has been denied option enrollment by a
16 public school pursuant to section 79-234;
17 (3) Equal Opportunity Scholarship or scholarship means a scholarship
18 granted under the Equal Opportunity Scholarship for Students with Special
19 Needs Program Act;
20 (4) Parent means an individual who is a parent, guardian, custodian,
21 or other person with the authority to act on behalf of an eligible
22 student;
23 (5) Participating school means a school that fulfills the applicable
24 accreditation or approval requirements established by the State Board of
25 Education pursuant to section 79-318;
26 (6) Program means the Equal Opportunity Scholarship for Students
27 with Special Needs Program;
1 (7) Resident school district means the public school district in
2 which the student resides;
3 (8) Special education documents means:
4 (a) An individual education plan under the Individuals with
5 Disabilities Education Act, 20 U.S.C. 1400 et seq., as such act existed
6 on January 1, 2022;
7 (b) An education plan under Section 504 of the federal
8 Rehabilitation Act of 1973, 29 U.S.C. 794, as such act existed on January
9 1, 2022;
10 (c) Any and all documents related to progress monitoring, growth, or
11 student behavior or other documents that were developed to assist the
12 student in such student's progress; or
13 (d) A learning plan developed by a nonpublic school in conjunction
14 with the teachers and parents of an eligible student and includes student

15 strengths, learning goals, qualitative records of student progress, and
16 quantitative data collection of student progress, and which is reviewed
17 no less than once per semester;

18 (9) Tier A level of intervention means the support needed for an
19 eligible student with a diagnosis and individualized education plan for
20 autism, emotional disturbance, dual sensory impairment, multiple
21 impairments or disabilities, visual impairment, hearing impairment,
22 orthopedic impairment, traumatic brain injury, or other qualifying needs
23 as determined by the department;

24 (10) Tier B level of intervention means the support needed for an
25 eligible student with a diagnosis and individualized education plan or a
26 disability under Section 504 of the federal Rehabilitation Act of 1973,
27 29 U.S.C. 794, as such act existed on January 1, 2022, for an emotional
28 handicap, learning disability, mild mental handicap, developmental delay,
29 other moderate health impairment, or other qualifying needs as determined
30 by the department;

31 (11) Tier C level of intervention means the support needed for an
1 eligible student identified with a disability under Section 504 of the
2 federal Rehabilitation Act of 1973, 29 U.S.C. 794, as such act existed on
3 January 1, 2022, who has been diagnosed as dyslexic or has an individual
4 education plan for speech, language, a specific learning disability, or
5 other qualifying need as determined by the department; and

6 (12) Tier D level of intervention means the support needed for an
7 eligible student who attends a participating school and was previously
8 receiving an Equal Opportunity Scholarship but who no longer requires
9 special education services.

10 Sec. 3. (1) The parents of an eligible student shall receive an
11 Equal Opportunity Scholarship for such student to attend the
12 participating school of their choice. The amount of the scholarship shall
13 be based upon the current year's statewide average basic funding per
14 student as determined by the department. The parents of:

15 (a) An eligible student qualified for a Tier A level of intervention
16 shall receive one hundred fifty percent of the current year's statewide
17 average basic funding per student;

18 (b) An eligible student qualified for a Tier B level of intervention
19 shall receive one hundred percent of the current year's statewide average
20 basic funding per student;

21 (c) An eligible student qualified for a Tier C level of intervention
22 shall receive seventy-five percent of the current year's statewide
23 average basic funding per student; and

24 (d) An eligible student qualified for a Tier D level of intervention
25 shall receive fifty percent of the current year's statewide average basic
26 funding per student as determined by the department as long as the
27 student remains in the participating school in which the student received
28 a Tier A, Tier B, or Tier C level of intervention.

29 (2) If an eligible student has scholarship funds remaining upon
30 graduation from a participating school, the funds may be rolled over for
31 educational use at a postsecondary institution for up to one year.

1 (3)(a) An Equal Opportunities Scholarship shall remain in force
2 unless the student:

3 (i) Graduates from high school;

4 (ii) Reaches twenty-two years of age; or

5 (iii) Returns to public school.

6 (b) A parent may move such student from one participating school to
7 another participating school without losing the scholarship.

8 (4) An application for an Equal Opportunity Scholarship is
9 confidential and not a public record subject to release.

10 Sec. 4. (1) The department shall appoint a person or persons
11 responsible for:

12 (a) Annually reviewing scholarship applications, including special

13 education documents;
14 (b) Confirming applicant special education status;
15 (c) Assigning students to the appropriate level of intervention tier
16 if the student meets such requirements;
17 (d) Communicating acceptance or rejection of applications to the
18 applicants and the State Treasurer;
19 (e) Implementing a commercially viable, cost-effective, and parent-
20 friendly system for publicly reviewing and sharing information about
21 participating schools; and
22 (f) Appropriately classifying disabilities as required by subsection
23 (2) of this section.
24 (2) The department shall classify special education disabilities not
25 expressly listed in the definitions of Tier A, Tier B, Tier C, and Tier D
26 levels of intervention into an appropriate tier.
27 Sec. 5. (1) To ensure that students are treated fairly and kept
28 safe, a participating school shall:
29 (a) Comply with all health and safety laws or codes that apply to
30 such school;
31 (b) Hold a valid occupancy permit if required by the municipality in
1 which such school resides;
2 (c) Conduct criminal background checks on potential employees;
3 (d) Exclude from employment any person not permitted by state law to
4 work in such school; and
5 (e) Exclude from employment any person that might reasonably pose a
6 threat to the safety of students.
7 (2) To ensure that students are receiving an appropriate academic
8 education, a participating school shall, unless as part of an
9 accommodation established in the eligible student's special education
10 document, require each eligible student to take nationally norm-
11 referenced tests that measure learning gains in mathematics and language
12 arts and provide such results to the parents of such student on an annual
13 basis, beginning with the first year of testing.
14 Sec. 6. A participating school is autonomous and not an agent of
15 the state or federal government and therefore:
16 (1) Except as otherwise provided by law, the department or any other
17 state agency shall not in any way regulate the educational program of a
18 participating school that accepts eligible students;
19 (2) The creation of the program does not expand the regulatory
20 authority of the state, its officers, or any school district to impose
21 any additional regulation on a participating school; and
22 (3) A participating school shall not be required to alter its creed,
23 practices, admissions policy, or curriculum.
24 (4) Based upon the school's ability to serve the student
25 appropriately, a participating school reserves the right to accept or
26 deny any student under the program.
27 Sec. 7. (1) A parent who applies for the program is exercising such
28 parent's option to place such parent's child in a private school. In
29 order to qualify for the program, a parent shall select the participating
30 school and apply for the admission of such parent's child and for the
31 program. No eligible student shall receive program funds until at least
1 sixty days after application for such program is received.
2 (2) Any student participating in the program shall remain in
3 attendance at a participating school throughout the school year unless
4 excused by the school for illness or other good cause.
5 (3) Each parent and each student have an obligation to the
6 participating school to comply with the participating school's published
7 policies. A student and parent who do not comply may lose program
8 eligibility.
9 Sec. 8. The State Treasurer shall administer qualified Equal
10 Opportunity Scholarship funds in accordance with this section and shall:

11 (1) Ensure that eligible students and their parents are informed
12 annually of which schools will be participating in the program and which
13 level of intervention tiers such schools provide services for;
14 (2) Create a standard form that parents of eligible students can
15 submit to establish their student's eligibility for the program;
16 (3) Ensure that the application is readily available to interested
17 families through various sources, including on the State Treasurer's
18 website;
19 (4) Ensure compliance with all student privacy laws for forms and
20 information received by the State Treasurer;
21 (5) Administer an annual parental satisfaction survey that asks
22 parents of students receiving funds under the program to express:
23 (a) Their level of satisfaction with the program; and
24 (b) Their opinions on other topics, items, or issues that the
25 department finds would elicit information about the effectiveness of the
26 program;
27 (6) Ensure that parents of students with disabilities receive notice
28 that participation in the program is considered a parental placement
29 under the Individuals with Disabilities Act 20 U.S.C. 1400 et seq., as
30 such act existed on January 1, 2022, along with an explanation of the
31 rights that parentally placed students possess under such act and any
1 applicable state laws and regulations;
2 (7) Implement or contract with a private organization to implement a
3 commercially viable, cost-effective, and parent-friendly system for
4 payment on behalf of a parent and the eligible student to a participating
5 school, including, but not limited to, the use of electronic or online
6 fund transfers, except that the scholarship may not be reduced for
7 electronic payment fees; and
8 (8) Not less than twice per year, implement a system for payment to
9 eligible education freedom account families that use electronic or online
10 funds transfer.
11 Sec. 9. A resident school district shall provide a participating
12 school that has admitted an eligible student under the program from such
13 resident school district with a complete copy of the such student's
14 school records and special education documents, while complying with the
15 federal Family Educational Rights and Privacy Act of 1974, as amended, 20
16 U.S.C. 1232g, and all federal regulations and applicable guidelines
17 adopted in accordance with such act, as such act, regulations, and
18 guidelines existed on January 1, 2022.
19 Sec. 10. (1) The Equal Opportunities Scholarship Fund is created.
20 The fund shall be used to carry out the Equal Opportunities Scholarship
21 for Students with Special Needs Program Act. The fund shall consist of:
22 (a) Transfers by the Legislature; and
23 (b) Any gifts, grants, bequests, or donations to the fund.
24 (2) The State Treasurer shall administer the fund. Any money in the
25 fund available for investment shall be invested by the state investment
26 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
27 State Funds Investment Act. The State Treasurer may deduct from the fund
28 an amount necessary to cover the costs of administering the program, up
29 to a limit of two percent.
30 Sec. 11. Section 9-812, Revised Statutes Supplement, 2021, is
31 amended to read:
1 9-812 (1) All money received from the operation of lottery games
2 conducted pursuant to the State Lottery Act in Nebraska shall be credited
3 to the State Lottery Operation Trust Fund, which fund is hereby created.
4 All payments of the costs of establishing and maintaining the lottery
5 games shall be made from the State Lottery Operation Cash Fund. In
6 accordance with legislative appropriations, money for payments for
7 expenses of the division shall be transferred from the State Lottery
8 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund

9 is hereby created. All money necessary for the payment of lottery prizes
10 shall be transferred from the State Lottery Operation Trust Fund to the
11 State Lottery Prize Trust Fund, which fund is hereby created. The amount
12 used for the payment of lottery prizes shall not be less than forty
13 percent of the dollar amount of the lottery tickets which have been sold.
14 (2) A portion of the dollar amount of the lottery tickets which have
15 been sold on an annualized basis shall be transferred from the State
16 Lottery Operation Trust Fund to the Education Innovation Fund, the
17 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,
18 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
19 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of
20 this section. The dollar amount transferred pursuant to this subsection
21 shall equal the greater of (a) the dollar amount transferred to the funds
22 in fiscal year 2002-03 or (b) any amount which constitutes at least
23 twenty-two percent and no more than twenty-five percent of the dollar
24 amount of the lottery tickets which have been sold on an annualized
25 basis. To the extent that funds are available, the Tax Commissioner and
26 director may authorize a transfer exceeding twenty-five percent of the
27 dollar amount of the lottery tickets sold on an annualized basis.
28 (3) Of the money available to be transferred to the Education
29 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska
30 Education Improvement Fund, the Nebraska Environmental Trust Fund, the
31 Nebraska State Fair Board, the Equal Opportunities Scholarship Fund, and
1 the Compulsive Gamblers Assistance Fund:
2 (a) The first five hundred thousand dollars shall be transferred to
3 the Compulsive Gamblers Assistance Fund to be used as provided in section
4 9-1006;
5 (b) Beginning in fiscal year 2022-23, after the initial transfer to
6 the Compulsive Gamblers Assistance Fund, five million dollars shall be
7 transferred to the Equal Opportunities Scholarship Fund to be used as
8 provided in section 10 of this act;
9 (c) ~~Forty-four (b) Beginning July 1, 2016, forty-four~~ and one-half
10 percent of the money remaining after the payment of prizes and operating
11 expenses and the initial transfers to the Equal Opportunities Scholarship
12 Fund and transfer to the Compulsive Gamblers Assistance Fund shall be
13 transferred to the Nebraska Education Improvement Fund;
14 (d) ~~(e) Forty-four and one-half percent of the money remaining after~~
15 the payment of prizes and operating expenses and the initial transfers to
16 the Equal Opportunities Scholarship Fund and transfer to the Compulsive
17 Gamblers Assistance Fund shall be transferred to the Nebraska
18 Environmental Trust Fund to be used as provided in the Nebraska
19 Environmental Trust Act;
20 (e) ~~(d) Ten percent of the money remaining after the payment of~~
21 prizes and operating expenses and the initial transfers to the Equal
22 Opportunities Scholarship Fund and transfer to the Compulsive Gamblers
23 Assistance Fund shall be transferred to the Nebraska State Fair Board if
24 the most populous city within the county in which the fair is located
25 provides matching funds equivalent to ten percent of the funds available
26 for transfer. Such matching funds may be obtained from the city and any
27 other private or public entity, except that no portion of such matching
28 funds shall be provided by the state. If the Nebraska State Fair ceases
29 operations, ten percent of the money remaining after the payment of
30 prizes and operating expenses and the initial transfer to the Compulsive
31 Gamblers Assistance Fund shall be transferred to the General Fund; and
1 (f) ~~(e) One percent of the money remaining after the payment of~~
2 prizes and operating expenses and the initial transfers to the Equal
3 Opportunities Scholarship Fund and transfer to the Compulsive Gamblers
4 Assistance Fund shall be transferred to the Compulsive Gamblers
5 Assistance Fund to be used as provided in section 9-1006.
6 (4) The Nebraska Education Improvement Fund is created. The fund

7 shall consist of money transferred pursuant to subsection (3) of this
8 section, money transferred pursuant to section 85-1920, and any other
9 funds appropriated by the Legislature. The fund shall be allocated, after
10 actual and necessary administrative expenses, as provided in this section
11 for fiscal years 2016-17 through 2023-24. A portion of each allocation
12 may be retained by the agency to which the allocation is made or the
13 agency administering the fund to which the allocation is made for actual
14 and necessary expenses incurred by such agency for administration,
15 evaluation, and technical assistance related to the purposes of the
16 allocation, except that no amount of the allocation to the Nebraska
17 Opportunity Grant Fund may be used for such purposes. On or before
18 December 31, 2022, the Education Committee of the Legislature shall
19 electronically submit recommendations to the Clerk of the Legislature
20 regarding how the fund should be allocated to best advance the
21 educational priorities of the state for the five-year period beginning
22 with fiscal year 2024-25. For fiscal year 2016-17, an amount equal to ten
23 percent of the revenue allocated to the Education Innovation Fund and to
24 the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be
25 retained in the Nebraska Education Improvement Fund. For fiscal years
26 2017-18 through 2023-24, an amount equal to ten percent of the revenue
27 received by the Nebraska Education Improvement Fund in the prior fiscal
28 year shall be retained in the fund at all times plus any interest earned
29 during the current fiscal year. For fiscal years 2016-17 through 2023-24,
30 the remainder of the fund shall be allocated as follows:

31 (a) One percent of the allocated funds to the Expanded Learning
1 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
2 Grant Program Act;

3 (b) Seventeen percent of the allocated funds to the Department of
4 Education Innovative Grant Fund to be used for competitive innovation
5 grants pursuant to section 79-1054;

6 (c) Nine percent of the allocated funds to the Community College Gap
7 Assistance Program Fund to carry out the community college gap assistance
8 program;

9 (d) Eight percent of the allocated funds to the Excellence in
10 Teaching Cash Fund to carry out the Excellence in Teaching Act;

11 (e) Sixty-two percent of the allocated funds to the Nebraska
12 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
13 conjunction with appropriations from the General Fund; and

14 (f) Three percent of the allocated funds to fund distance education
15 incentives pursuant to section 79-1337.

16 (5)(a) On or before September 20, 2022, and on or before each
17 September 20 thereafter, (i) any department or agency receiving a
18 transfer or acting as the administrator for a fund receiving a transfer
19 pursuant to subsection (4) of this section, (ii) any recipient or
20 subsequent recipient of money from any such fund, and (iii) any service
21 contractor responsible for managing any portion of any such fund or any
22 money disbursed from any such fund on behalf of any entity shall prepare
23 and submit an annual report to the Auditor of Public Accounts in a manner
24 prescribed by the auditor for the immediately preceding July 1 through
25 June 30 fiscal year detailing information regarding the use of such fund
26 or such money.

27 (b) The Auditor of Public Accounts shall annually compile a summary
28 of the annual reports received pursuant to subdivision (5)(a) of this
29 section, any audits related to transfers pursuant to subsection (4) of
30 this section conducted by the Auditor of Public Accounts, and any
31 findings or recommendations related to such transfers into a consolidated
1 annual report and shall submit such consolidated annual report
2 electronically to the Legislature on or before January 1, 2023, and on or
3 before each January 1 thereafter.

4 (c) For purposes of this subsection, recipient, subsequent

5 recipient, or service contractor means a nonprofit entity that expends
6 funds transferred pursuant to subsection (4) of this section to carry out
7 a state program or function, but does not include an individual who is a
8 direct beneficiary of such a program or function.
9 (6) Any money in the State Lottery Operation Trust Fund, the State
10 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the
11 Nebraska Education Improvement Fund available for investment shall be
12 invested by the state investment officer pursuant to the Nebraska Capital
13 Expansion Act and the Nebraska State Funds Investment Act.
14 (7) Unclaimed prize money on a winning lottery ticket shall be
15 retained for a period of time prescribed by rules and regulations. If no
16 claim is made within such period, the prize money shall be used at the
17 discretion of the Tax Commissioner for any of the purposes prescribed in
18 this section.
19 Sec. 12. This act becomes operative on August 1, 2023.
20 Sec. 13. Original section 9-812, Revised Statutes Supplement, 2021,
21 is repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 317. Introduced by Blood, 3.

WHEREAS, Spina Bifida is the most common permanently disabling birth defect, occurring when the spine and spinal cord do not form properly within the first thirty days of pregnancy and impacting approximately one thousand five hundred births each year in the United States; and

WHEREAS, individuals living with Spina Bifida may have multiple medical conditions including: walking and mobility issues from paralysis, bowel and bladder problems, hydrocephalus, latex allergies, pressure sores, and Arnold Chiari malformation type II; and

WHEREAS, there is no cure for Spina Bifida and what causes it to form is unknown; and

WHEREAS, the medical community recommends that women who could become pregnant take four hundred micrograms of folic acid daily to help prevent neural tube defects such as Spina Bifida; and

WHEREAS, through years of research and with the information discovered, people with Spina Bifida tend to live normal and independent lives; and

WHEREAS, individuals and families living with Spina Bifida deserve support from the State of Nebraska through public awareness.

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

1. That the Legislature recognizes October 2022 as Spina Bifida Awareness Month.

2. That the Legislature encourages the Department of Health and Human Services to continue educating Nebraska families about the risks and the treatment of this condition.

Laid over.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 741. Placed on Select File with amendment.

[ER122](#)

1 1. On page 1, strike lines 2 through 6 and insert "amend sections
2 71-3404, 71-3407, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised
3 Statutes of Nebraska, and sections 71-3405 and 71-3406, Revised Statutes
4 Cumulative Supplement, 2020; to define and redefine terms; to provide for
5 the review of stillbirths; to change the State Child and Maternal Death
6 Review Team into the State Child Death Review Team and the State Maternal
7 Death Review Team; to change provisions relating to membership and duties
8 of such teams; to provide for data abstractors and coordinators; to
9 harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 780. Placed on Select File with amendment.

[ER123](#)

1 1. On page 1, strike beginning with "employment" in line 1 through
2 line 6 and insert "labor; to amend sections 48-302, 48-303, and 48-675,
3 Reissue Revised Statutes of Nebraska; to change provisions relating to an
4 employment certificate for the employment of a child; to change
5 provisions relating to a short-time compensation plan; to harmonize
6 provisions; and to repeal the original sections."

LEGISLATIVE RESOLUTION 283CA. Placed on Select File.

LEGISLATIVE BILL 998. Placed on Select File with amendment.

[ER124](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 13-3301, Revised Statutes Supplement, 2021, is
4 amended to read:
5 13-3301 Sections 13-3301 to 13-3313 and section 4 of this act shall
6 be known and may be cited as the Municipal Inland Port Authority Act.
7 Sec. 2. Section 13-3303, Revised Statutes Supplement, 2021, is
8 amended to read:
9 13-3303 For purposes of the Municipal Inland Port Authority Act:
10 (1) Board means the board of commissioners of an inland port
11 authority;
12 (2) City means any city of the metropolitan class, city of the
13 primary class, or city of the first class which contains an area eligible
14 to be designated as an inland port district;
15 (3) Direct financial benefit means any form of financial benefit
16 that accrues to an individual directly, including compensation,
17 commission, or any other form of a payment or increase of money, or an
18 increase in the value of a business or property. Direct financial benefit
19 does not include a financial benefit that accrues to the public
20 generally;
21 (4) Family member means a spouse, parent, sibling, child, or
22 grandchild;
23 (5) Inland port authority means an authority created by a city,
24 county, or a city and one or more counties under the Municipal Inland
25 Port Authority Act to manage an inland port district;
26 (6) Inland port district means an area within the corporate
27 boundaries or extraterritorial zoning jurisdiction or both of a city,
1 within the boundaries of one or more counties, or within both the
2 corporate boundaries or extraterritorial zoning jurisdiction or both of a

3 city and the boundaries of one or more counties, and which meets at least
4 two of the following criteria:

- 5 (a) Is located within one mile of a navigable river or other
6 navigable waterway;
7 (b) Is located within one mile of a major rail line;
8 (c) Is located within two miles of any portion of the federally
9 designated National System of Interstate and Defense Highways or any
10 other four-lane divided highway; or
11 (d) Is located within two miles of a major airport;
12 (7) Intermodal facility means a hub or other facility for trade
13 combining any combination of rail, barge, trucking, air cargo, or other
14 transportation services;
15 (8) Major airport means an airport with commercial service as
16 defined by the Federal Aviation Administration; ~~and~~
17 (9) Major rail line means a rail line that is accessible to a Class
18 I railroad as defined by the federal Surface Transportation Board; ~~and~~ ~~;~~
19 (10) Nonprofit economic development corporation means a chamber of
20 commerce or other mutual benefit or public benefit corporation organized
21 under the Nebraska Nonprofit Corporation Act to assist economic
22 development.

23 Sec. 3. Section 13-3304, Revised Statutes Supplement, 2021, is
24 amended to read:

25 13-3304 (1) Any city which encompasses an area greater than three
26 hundred acres eligible to be designated as an inland port district may
27 propose to create an inland port authority by ordinance, subject to the
28 cap on the total number of inland port districts provided in subsection
29 (4) of this section. In determining whether to propose the creation of an
30 inland port authority, the city shall consider the following criteria:

- 31 (a) The desirability and economic feasibility of locating an inland
1 port district within the corporate boundaries, extraterritorial zoning
2 jurisdiction, or both of the city;
3 (b) The technical and economic capability of the city and any other
4 public and private entities to plan and carry out development within the
5 proposed inland port district;
6 (c) The strategic location of the proposed inland port district in
7 proximity to existing and potential transportation infrastructure that is
8 conducive to facilitating regional, national, and international trade and
9 the businesses and facilities that promote and complement such trade;
10 (d) The potential impact that development of the proposed inland
11 port district will have on the immediate area; and
12 (e) The regional and statewide economic impact of development of the
13 proposed inland port district.

14 (2) Any city and one or more counties in which a city of the
15 metropolitan class, city of the primary class, or city of the first class
16 is located, or in which the extraterritorial zoning jurisdiction of such
17 city is located, which encompass an area greater than three hundred acres
18 eligible to be designated as an inland port district may enter into an
19 agreement pursuant to the Interlocal Cooperation Act to propose joint
20 creation of an inland port authority, subject to the cap on the total
21 number of inland port districts provided in subsection (4) of this
22 section. In determining whether to propose the creation of an inland port
23 authority, the city and counties shall consider the following criteria:

- 24 (a) The desirability and economic feasibility of locating an inland
25 port district within the corporate boundaries or extraterritorial zoning
26 jurisdiction or both of the city, or within both the corporate boundaries
27 or extraterritorial zoning jurisdiction or both of a city and the
28 boundaries of one or more counties;
29 (b) The technical and economic capability of the city and county or
30 counties and any other public and private entities to plan and carry out
31 development within the proposed inland port district;

1 (c) The strategic location of the proposed inland port district in
2 proximity to existing and potential transportation infrastructure that is
3 conducive to facilitating regional, national, and international trade and
4 the businesses and facilities that promote and complement such trade;

5 (d) The potential impact that development of the proposed inland
6 port district will have on the immediate area; and

7 (e) The regional and statewide economic impact of development of the
8 proposed inland port district.

9 (3) Any county with a population greater than twenty thousand
10 inhabitants according to the most recent federal census or the most
11 recent revised certified count by the United States Bureau of the Census
12 which encompasses an area greater than three hundred acres eligible to be
13 designated as an inland port district may propose to create an inland
14 port authority by resolution, subject to the cap on the total number of
15 inland port districts provided in subsection (4) of this section. In
16 determining whether to propose the creation of an inland port authority,
17 the county shall consider the following criteria:

18 (a) The desirability and economic feasibility of locating an inland
19 port district within the county;

20 (b) The technical and economic capability of the county and any
21 other public or private entities to plan and carry out development within
22 the proposed inland port district;

23 (c) The strategic location of the proposed inland port district in
24 proximity to existing and potential transportation infrastructure that is
25 conducive to facilitating regional, national, and international trade and
26 the businesses and facilities that promote and complement such trade;

27 (d) The potential impact that development of the proposed inland
28 port district will have on the immediate area; and

29 (e) The regional and statewide economic impact of development of the
30 proposed inland port district.

31 (4) No more than five inland port districts may be designated
1 statewide. No inland port authority shall designate more than one inland
2 port district, and no inland port authority may be created without also
3 designating an inland port district.

4 (5) Following the adoption of an ordinance, resolution, or execution
5 of an agreement pursuant to the Interlocal Cooperation Act proposing
6 creation of an inland port authority, the city clerk or county clerk
7 shall transmit a copy of such ordinance, resolution, or agreement to the
8 Department of Economic Development along with an application for approval
9 of the proposal. Upon receipt of such ordinance, resolution, or agreement
10 and application, the department shall evaluate the proposed inland port
11 authority to determine whether the proposal meets the criteria in
12 subsection (1), (2), or (3) of this section, whichever is applicable, as
13 well as any prioritization criteria developed by the department. Upon a
14 determination that the proposed inland port authority sufficiently meets
15 such criteria, the Director of Economic Development shall certify to the
16 city clerk or county clerk whether the proposed creation of such inland
17 port authority exceeds the cap on the total number of inland port
18 districts pursuant to subsection (4) of this section. If the department
19 determines that the proposed inland port authority sufficiently meets
20 such criteria and does not exceed such cap, the inland port authority
21 shall be deemed created. If the proposed inland port authority does not
22 sufficiently meet such criteria or exceeds such cap, the city shall
23 repeal such ordinance, the county shall repeal such resolution, or the
24 city and county or counties shall rescind such agreement and the proposed
25 inland port authority shall not be created.

26 Sec. 4. (1) In the event that a city, a city and one or more
27 counties, or a county, as such are described in subsections (1), (2), and
28 (3) of section 13-3304, has or have not proposed to create an inland port
29 authority as provided in such section, a nonprofit economic development

30 corporation which serves such city, such city and one or more counties,
31 or such county may propose to create an inland port authority using the
1 criteria in subsection (1), (2), or (3) of section 13-3304, whichever is
2 applicable, by submitting an application to the Department of Economic
3 Development.
4 (2) Following the submission of an application from a nonprofit
5 economic development corporation proposing the creation of an inland port
6 authority, the Department of Economic Development shall evaluate the
7 proposed inland port authority to determine whether the proposal meets
8 the criteria in subsection (1), (2), or (3) of section 13-3304, whichever
9 is applicable, as well as any prioritization criteria developed by the
10 department. Upon a determination that the proposed inland port authority
11 sufficiently meets such criteria, the Director of Economic Development
12 shall certify to the nonprofit economic development corporation and the
13 city clerk or county clerk or clerks whether the proposed creation of
14 such inland port authority exceeds the cap on the total number of inland
15 port districts pursuant to subsection (4) of section 13-3304. If the
16 proposed inland port authority sufficiently meets such criteria and does
17 not exceed such cap, such city, such city and one or more counties, or
18 such county shall create an inland port authority pursuant to subsection
19 (1), (2), or (3) of section 13-3304, whichever is applicable, based on
20 the criteria utilized by the nonprofit economic development corporation
21 pursuant to subsection (1) of this section.
22 Sec. 5. Section 13-3305, Revised Statutes Supplement, 2021, is
23 amended to read:
24 13-3305 (1) The city council of any city which has created an inland
25 port authority pursuant to subsection (1) of section 13-3304 shall
26 designate what areas within the corporate limits, extraterritorial zoning
27 jurisdiction, or both of the city shall comprise the inland port
28 district, subject to the limitations of the Municipal Inland Port
29 Authority Act. The boundaries of any inland port district shall be filed
30 with the city clerk and shall become effective upon approval of the city
31 council. The city council may from time to time enlarge or reduce the
1 area comprising any inland port district, except that such district shall
2 not be reduced to an area less than three hundred acres. Any change of
3 boundaries shall be filed with the city clerk and become effective upon
4 such filing.
5 (2) The city council of any city and county board or boards of any
6 county or counties which have created an inland port authority pursuant
7 to subsection (2) of section 13-3304 shall designate what areas within
8 the corporate limits, extraterritorial zoning jurisdiction, or both of
9 the city or within the county or counties shall comprise the inland port
10 district, subject to the limitations of the Municipal Inland Port
11 Authority Act. The boundaries of any inland port district shall be filed
12 with the city clerk and the county clerk or clerks and shall become
13 effective upon approval of the city council and the county board or
14 boards. The city council and the county board or boards may from time to
15 time enlarge or reduce the area comprising any inland port district,
16 except that such district shall not be reduced to an area less than three
17 hundred acres. Any change of boundaries shall be filed with the city
18 clerk and the county clerk or clerks and become effective upon such
19 filing.
20 (3) The county board of any county which has created an inland port
21 authority pursuant to subsection (3) of section 13-3304 shall designate
22 what areas within the county shall comprise the inland port district,
23 subject to the limitations of the Municipal Inland Port Authority Act.
24 The boundaries of any inland port district shall be filed with the county
25 clerk and shall become effective upon approval of the county board. The
26 county board may from time to time enlarge or reduce the area comprising
27 any inland port district, except that such district shall not be reduced

28 to an area less than three hundred acres. Any change of boundaries shall
29 be filed with the county clerk and become effective upon such filing.

30 (4) Not more than twenty-five percent of the area within an inland
31 port district designated pursuant to this section may be noncontiguous
1 with the remaining portions of such inland port district. Such
2 noncontiguous area shall be no more than one-quarter mile from the
3 remaining portions of such inland port district.

4 (5) Nothing in this section shall require that any real property
5 located within the boundaries of an inland port district be owned by an
6 inland port authority or the city or county or counties in which such
7 real property is located.

8 Sec. 6. Section 13-3307, Revised Statutes Supplement, 2021, is
9 amended to read:

10 13-3307 (1) The State of Nebraska and any municipality, county, or
11 other political subdivision of the state may, in its discretion, with or
12 without consideration, transfer or cause to be transferred to any inland
13 port authority or place in its possession or control, by lease or other
14 contract or agreement, either for a limited period or in fee, any real
15 property within its inland port district.

16 (2) Nothing in this section shall:

17 (a) In any way impair, alter, or change any obligations of such
18 entities, contractual or otherwise, existing prior to August 28, 2021;
19 or -

20 (b) Require that any real property located within the boundaries of
21 an inland port district be owned by an inland port authority or the city
22 or county or counties in which such real property is located.

23 Sec. 7. Section 81-12,150, Revised Statutes Supplement, 2021, is
24 amended to read:

25 81-12,150 The Department of Economic Development may adopt and
26 promulgate rules and regulations to carry out the Site and Building
27 Development Act, including rules and regulations relating to reviewing
28 and prioritizing inland port authority proposals pursuant to section
29 13-3304 and section 4 of this act and providing financial assistance to
30 any inland port authority created under the Municipal Inland Port
31 Authority Act.

1 Sec. 8. Original sections 13-3301, 13-3303, 13-3304, 13-3305,
2 13-3307, and 81-12,150, Revised Statutes Supplement, 2021, are repealed.

3 Sec. 9. Since an emergency exists, this act takes effect when
4 passed and approved according to law.

5 2. On page 1, strike lines 2 through 11 and insert "amend sections
6 13-3301, 13-3303, 13-3304, 13-3305, 13-3307, and 81-12,150, Revised
7 Statutes Supplement, 2021; to define a term; to change certification
8 provisions; to provide for prioritization of inland port authority
9 proposals by the Department of Economic Development; to provide for
10 creation of an inland port authority upon application by a nonprofit
11 economic development corporation; to change provisions relating to inland
12 port districts and rules and regulations relating to inland port
13 authority proposals; to harmonize provisions; to repeal the original
14 sections; and to declare an emergency."

LEGISLATIVE BILL 769. Placed on Select File.

LEGISLATIVE BILL 864. Placed on Select File.

LEGISLATIVE BILL 1065. Placed on Select File with amendment.

[ER125](#) is available in the Bill Room.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1037A. Introduced by Arch, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1037, One Hundred Seventh Legislature, Second Session, 2022; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB707.

Senator Sanders name added to LB752.

Senator Jacobson name added to LB825.

Senator Jacobson name added to LB1065.

Senator Vargas name added to LB1112.

Senator Vargas name added to LB1193.

Senator Brandt name added to LR284.

VISITOR(S)

Visitors to the Chamber were fourth-grade students and their teachers from Shoemaker Elementary, Grand Island; and Clara Towey and Trevor Towey, Omaha.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 11:19 a.m., on a motion by Senator Vargas, the Legislature adjourned until 10:00 a.m., Tuesday, March 8, 2022.

Patrick J. O'Donnell
Clerk of the Legislature

