

FORTY-SECOND DAY - MARCH 15, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 2022

PRAYER

The prayer was offered by Phani Tej Adidam, Hindu Temple Omaha, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

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 Senators Bostar, Day, Hughes, Hunt, Lathrop, Lindstrom, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510 9:00 AM

Monday, April 11, 2022

Hearing on the Community Block Grant State Plan by the Department of Health and Human Services.

Tuesday, March 22, 2022

Jeffrey Wallman - Nebraska Rural Health Advisory Commission

Douglas A. Bauer - State Board of Health

Joshua M. Vest - State Board of Health

Frances Beaurivage - Commission for the Deaf and Hard of Hearing

Michael A. Greene - Nebraska Rural Health Advisory Commission

Douglas Vander Broek - State Board of Health

Sandra Shaw - Commission for the Deaf and Hard of Hearing

Brooke J. Fitzpatrick - Commission for the Deaf and Hard of Hearing

(Signed) John Arch, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1012. Title read. Considered.

Committee [AM2000](#), found on page 812, was offered.

Senator Friesen offered the following amendment to the committee amendment:

[AM2344](#)

(Amendments to Standing Committee amendments, AM2000)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct internal references
- 3 3 accordingly.

SPEAKER HILGERS PRESIDING

SENATOR WILLIAMS PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB1013](#):

[AM2362](#)

(Amendments to Standing Committee amendments, AM2001)

- 1 1. On page 4, after line 3 insert the following new subsection:
- 2 2 "(17) The State Treasurer shall transfer five million dollars from
- 3 the Cash Reserve Fund to the Chief Standing Bear Documentary Fund on or
- 4 before June 30, 2022, on such dates and in such amounts as directed by
- 5 the budget administrator of the budget division of the Department of
- 6 Administrative Services.".

Senator Wayne filed the following amendment to [LB1011](#):

[AM2361](#)

(Amendments to Standing Committee amendments, AM1999)

- 1 1. On page 29, line 14, strike "8,669" and insert "5,008,669"; and
- 2 after line 17 insert:
- 3 "There is included in the appropriation to this program for
- 4 FY2022-23 \$5,000,000 Cash Funds for state aid, which shall only be used
- 5 for such purpose. Such funds shall be utilized by the Nebraska State
- 6 Historical Society for the purposes and eligible uses of the Chief
- 7 Standing Bear Documentary Fund.".

RECESS

At 11:56 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostelman, M. Cavanaugh, Day, B. Hansen, Hunt, Lathrop, Lindstrom, and McCollister who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to [LB519](#):

[AM2311](#)

(Amendments to E and R amendments, ER138)

- 1 1. On page 3, line 2, strike "crime of violence" and insert "sexual
- 2 assault".

Senator Brandt filed the following amendment to [LB741](#):

[AM2309](#) is available in the Bill Room.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 318, 319, and 320 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 318, 319, and 320.

GENERAL FILE

LEGISLATIVE BILL 1012. Committee [AM2000](#), found on page 812, and considered in this day's Journal, was renewed.

LEGISLATIVE BILL 1130. Placed on General File with amendment.

AM2206

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-3704, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 48-3704 (1) The Department of Labor shall execute a memorandum of
 6 understanding with the Nebraska Statewide Workforce and Education
 7 Reporting System before December 31, 2020, to ensure the exchange of
 8 available Department of Labor data throughout the prekindergarten to
 9 postsecondary education to workforce continuum, and may utilize data and
 10 agreements under sections 79-776, 85-110, 85-309, and 85-1511.
 11 (2) On or before December 1, 2022, and on or before each December 1
 12 thereafter, the Nebraska Statewide Workforce and Education Reporting
 13 System shall issue a report electronically to the Clerk of the
 14 Legislature and the Governor. Such report shall provide an overview of
 15 research and analysis conducted, additional data needs for future
 16 analysis, and organizational structure and needs The Nebraska Statewide
 17 Workforce and Education Reporting System shall issue a report
 18 electronically to the Clerk of the Legislature on or before December 1,
 19 2021. Such report shall make recommendations on the planning and
 20 development of the Nebraska Statewide Workforce and Education Reporting
 21 System, including, but not limited to, additional data and stakeholder
 22 needs and potential future funding.
 23 Sec. 2. Original section 48-3704, Reissue Revised Statutes of
 24 Nebraska, is repealed.

(Signed) Ben Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 331. Introduced by Albrecht, 17.

WHEREAS, the 2022 Nebraska School Activities Association State Wrestling Tournament was held from February 17 through February 19 at the CHI Health Center Omaha; and

WHEREAS, for the first time ever, there was a dedicated bracket for high school girls at the tournament; and

WHEREAS, South Sioux City High School is the first school in the State of Nebraska to win the Girls State Wrestling Championship; and

WHEREAS, the South Sioux City Lady Cardinals wrestling team have made history for their school; 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 recognizes and congratulates the South Sioux City High School girls wrestling team as the first ever to win the Girls State Wrestling Championship.

2. That a copy of this resolution be sent to the South Sioux City High School.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB1024](#):
[AM2341](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1012. Senator Wayne offered the following amendment to the committee amendment:

[AM2360](#)

(Amendments to Standing Committee amendments, AM2000)

- 1 1. Insert the following new section:
- 2 Sec. 3. The Chief Standing Bear Documentary Fund is created. The
- 3 Nebraska State Historical Society shall administer the fund to produce a
- 4 documentary on Chief Standing Bear. The fund shall consist of transfers
- 5 authorized by the Legislature and any gifts, grants, or bequests for such
- 6 purposes from any source, including federal, state, public, and private
- 7 sources. Any money in the fund available for investment shall be invested
- 8 by the state investment officer pursuant to the Nebraska Capital
- 9 Expansion Act and the Nebraska State Funds Investment Act.
- 10 2. Renumber the remaining sections and correct internal references
- 11 accordingly.

SPEAKER HILGERS PRESIDING

The Wayne amendment was withdrawn.

Senator Wayne offered the following amendment to the committee amendment:

[FA127](#)

Amend AM2000:

1. Page 8 line 9 strike "fifteen" and insert "five".
2. Page 8 line 15 strike "fifteen" and insert "five".

The Wayne amendment was withdrawn.

Senator Wayne offered the following amendment to the committee amendment:

[FA129](#)

Amend AM2000:

Page 5 line 27 strike "fifty" and insert "twenty-five"

SENATOR WILLIAMS PRESIDING

The Wayne amendment was withdrawn.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1102. Placed on Select File with amendment.
[ER142](#) is available in the Bill Room.

LEGISLATIVE BILL 1102A. Placed on Select File.
LEGISLATIVE BILL 283. Placed on Select File.
LEGISLATIVE BILL 779. Placed on Select File.
LEGISLATIVE BILL 808. Placed on Select File.
LEGISLATIVE BILL 1092. Placed on Select File.
LEGISLATIVE BILL 1204. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB1011:
[AM2375](#)

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new section:
- 2 Sec. 83. AGENCY NO. 27 — DEPARTMENT OF TRANSPORTATION
- 3 Program No. 305 - Assistance to Local Transit Authorities
- 4

	<u>FY2021-22</u>	<u>FY2022-23</u>
5 <u>GENERAL FUND</u>	-0-	500,000
6 <u>PROGRAM TOTAL</u>	-0-	500,000
- 7 The Department of Transportation shall use the funds appropriated in
- 8 this section to conduct a feasibility study for a high-speed commuter
- 9 rail service between Omaha and Lincoln. Such study shall include cost
- 10 estimates, timelines, and economic impacts for the creation of such
- 11 service.
- 12 2. Renumber the remaining sections and correct internal references
- 13 accordingly.

Senator Morfeld filed the following amendment to LB1011:
[AM2372](#)

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new section:
- 2 Sec. 80. AGENCY NO. 25 — DEPARTMENT OF HEALTH AND HUMAN SERVICES
- 3 Program No. 502 - Public Health Aid
- 4

	<u>FY2021-22</u>	<u>FY2022-23</u>
5 <u>GENERAL FUND</u>	500,000	-0-
6 <u>PROGRAM TOTAL</u>	500,000	-0-
- 7 There is included in the appropriation to this program for FY2021-22
- 8 \$500,000 General Funds for state aid, which shall only be used for such
- 9 purpose.
- 10 There is included in the amount shown as aid for this program for
- 11 FY2021-22 \$500,000 General Funds for the Human Immunodeficiency Virus
- 12 (HIV) Surveillance and Prevention Programs for education on the benefits
- 13 of preexposure prophylaxis medication and for the costs of medication.
- 14 2. Renumber the remaining sections and correct internal references
- 15 accordingly.

Senator Morfeld filed the following amendment to LB1014:
[AM2373](#)

- 1 1. Insert the following new section:
- 2 Sec. 14. AGENCY NO. 25 — DEPARTMENT OF HEALTH AND HUMAN SERVICES
- 3 Program No. 502 - Public Health Aid
- 4

	<u>FY2021-22</u>	<u>FY2022-23</u>
5 <u>FEDERAL FUND est.</u>	500,000	-0-
6 <u>PROGRAM TOTAL</u>	500,000	-0-
- 7 There is included in the appropriation to this program for FY2021-22

8 \$500,000 Federal Funds estimate for state aid, which shall only be used
 9 for such purpose.
 10 There is included in the amount shown as aid for this program for
 11 FY2021-22 \$500,000 Federal Funds for the Human Immunodeficiency Virus
 12 (HIV) Surveillance and Prevention Programs for education on the benefits
 13 of preexposure prophylaxis medication and for the costs of medication.
 14 2. Renumber the remaining sections and correct internal references
 15 accordingly.

Senator Wayne filed the following amendment to LB1013:

AM2383

(Amendments to Standing Committee amendments, AM2001)

1 1. On page 4, after line 3 insert the following new subsection:
 2 "(17) The State Treasurer shall transfer two hundred twenty-five
 3 million dollars from the Cash Reserve Fund to the Economic Recovery Fund
 4 on or before June 30, 2022, on such dates and in such amounts as directed
 5 by the budget administrator of the budget division of the Department of
 6 Administrative Services."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 332. Introduced by Bostar, 29.

WHEREAS, Nebraskans for the Arts annually presents the NebraskARTS Award which recognizes select schools or school districts that make notable and worthwhile contributions to the arts and arts education in the State of Nebraska; and

WHEREAS, Sheridan Elementary School demonstrates a high education standard and provides all its students the opportunity to enjoy, excel, and learn through the arts; and

WHEREAS, Sheridan Elementary School provides numerous opportunities for students to improve their craft and share their talent and hard work with their school community; 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 Sheridan Elementary School for receiving the 2021-22 NebraskARTS Award.

2. That a copy of this resolution be sent to the Sheridan Elementary School principal on behalf of the school's students, teachers, staff, and parents.

Laid over.

LEGISLATIVE RESOLUTION 333. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine modernization of Nebraska's tax system with the goal of facilitating economic growth. The study shall include, but not be limited to, an examination of the following:

- (1) The current structure of personal and corporate income tax;
- (2) The current structure of sales tax;
- (3) The current structure of tax incentives;
- (4) The current structure of the inheritance tax;
- (5) The current structure of the personal property tax; and
- (6) Recommendations to modify these components in a means that is revenue neutral.

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

1. That the Revenue Committee of the Legislature 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.

GENERAL FILE

LEGISLATIVE BILL 1012. Senator Wayne offered the following amendment to the committee amendment:

[AM2382](#)

(Amendments to Standing Committee amendments, AM2000)

- 1 1. On page 14, strike lines 14 through 16 and insert the following
- 2 new subsection:
- 3 "(12) The department, or any entity with which the department
- 4 contracts for such purpose, may use up to five percent of any
- 5 appropriation to carry out sections 81-1210.01 to 81-1210.03 for
- 6 administrative services.".

The Wayne amendment was withdrawn.

Senator Wayne offered the following motion:

[MO158](#)

Recommit to Appropriations Committee.

Senator Wayne moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Wayne withdrew his motion to recommit to committee.

Senator Stinner offered the following motion:

[MO157](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 38:

Aguilar	Briese	Halloran	Lindstrom	Slama
Albrecht	Clements	Hansen, B.	Lowe	Stinner
Arch	DeBoer	Hilgers	McCollister	Vargas
Blood	Dorn	Hilkemann	McDonnell	Walz
Bostar	Erdman	Hughes	Morfeld	Williams
Bostelman	Flood	Jacobson	Murman	Wishart
Brandt	Geist	Kolterman	Pansing Brooks	
Brewer	Gragert	Lathrop	Sanders	

Voting in the negative, 1:

Moser

Present and not voting, 9:

Cavanaugh, J.	Day	Hansen, M.	Linehan	Wayne
Cavanaugh, M.	Friesen	Hunt	McKinney	

Excused and not voting, 1:

Pahls

The Stinner motion to invoke cloture prevailed with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

Committee [AM2000](#), found on page 812, and considered in this day's Journal, was adopted with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB1013](#):

[FA130](#)

Amend AM2001: strike "fifty" and insert "twenty-five" on page 3, line 30.

Senator M. Hansen filed the following amendment to [LB1013](#):

[FA132](#)

Amend AM2001: Page 3 line 15 strike "twenty" and insert "thirty"

Senator Wayne filed the following amendment to [LB1013](#):

[AM2385](#)

(Amendments to Standing Committee amendments, AM2001)

1 1. On page 4, after line 3 insert the following new subsection:

2 "(17) The State Treasurer shall transfer five million dollars from

3 the Cash Reserve Fund to the Nebraska Film Office Fund on or before June
4 30, 2022, on such dates and in such amounts as directed by the budget
5 administrator of the budget division of the Department of Administrative
6 Services."

Senator Wayne filed the following amendment to LB1011:

FA131

Amend AM1999:

1. Page 20 line 20 strike \$50,001,764 and insert \$25,001,764.
2. Page 20 line 21 strike \$50,090,237 and insert \$25,090,237.
3. Page 20 line 24 strike \$50,000,000 and insert \$25,000,000.
4. Page 20 line 27 strike \$50,000,000 and insert \$25,000,000.

Senator Friesen filed the following amendment to LB1012:

AM2351

(Amendments to Standing Committee amendments, AM2000)

- 1 1. Strike section 31.
- 2 2. Renumber the remaining sections and correct the repealer and
- 3 internal references accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 334. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Friesen, 34; Geist, 25; Gragert, 40; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Hunt, 8; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; McKinney, 11; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, St. Patrick Catholic High School in North Platte won the 2022 Class D-1 Boys State Basketball Championship; and

WHEREAS, the St. Patrick Catholic Irish finished the season with a 26 and 2 record after defeating Loomis High School in the championship game by a score of 65 to 57; and

WHEREAS, this is the first title for the Irish since 1928; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; and

WHEREAS, the players, students, and fans of St. Patrick Catholic High School Basketball have been awarded the Class D Sportsmanship Award; 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 recognizes and congratulates the St. Patrick Catholic High School boys basketball team on winning the 2022 Class D-1 Boys State Basketball Championship.

2. That the Legislature recognizes and congratulates the players, students, and fans of St. Patrick Catholic High School Basketball for their award winning sportsmanship.

3. That copies of this resolution be sent to the St. Patrick Catholic High School boys basketball team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1011. Title read. Considered.

SENATOR ARCH PRESIDING

Committee [AM1999](#), found on page 812, was offered.

Senator Lathrop offered his amendment, [FA74](#), found on page 772, to the committee amendment.

Pending.

ANNOUNCEMENT

Senator Bostelman announced the Natural Resources Committee will hold an executive session immediately following the conclusion of their hearing tomorrow, March 16, 2022.

VISITOR(S)

Visitors to the Chamber were fourth-grade students and their teachers from Elmwood Elementary School, Elmwood; TeenPact Nebraska from across the state; fourth-grade students and their teachers from St. Columbkille, Papillion; fourth-grade students and their teachers from Cottonwood Elementary School, Omaha; and sixth-grade students and their teachers from Tri-County Schools, DeWitt.

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

ADJOURNMENT

At 7:57 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2022.

Patrick J. O'Donnell
Clerk of the Legislature