

FORTY-SEVENTH DAY - MARCH 24, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 2022

PRAYER

The prayer was offered by Senator McCollister.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Halloran.

ROLL CALL

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

The roll was called and all members were present except Senator Pahls who was excused; and Senators Arch, Bostar, Day, B. Hansen, M. Hansen, Hunt, Morfeld, Pansing Brooks, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 921. Placed on General File with amendment.
[AM2503](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-1823, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:
5 29-1823 (1) If at any time prior to or during trial it appears that
6 the defendant has become mentally incompetent to stand trial, such
7 disability may be called to the attention of the district or county court
8 by the county attorney or city attorney, by the defendant, or by any
9 person for the defendant. The judge of the district or county court of
10 the county where the defendant is to be tried shall have the authority to

11 determine whether or not the defendant is competent to stand trial. The
12 judge may also cause such medical, psychiatric, or psychological
13 examination of the defendant to be made as he or she deems warranted and
14 hold such hearing as he or she deems necessary. The cost of the
15 examination, when ordered by the court, shall be the expense of the
16 county in which the crime is charged. The judge may allow any physician,
17 psychiatrist, or psychologist a reasonable fee for his or her services,
18 which amount, when determined by the judge, shall be certified to the
19 county board which shall cause payment to be made. Should the judge
20 determine after a hearing that the defendant is mentally incompetent to
21 stand trial and that there is a substantial probability that the
22 defendant will become competent within the reasonably foreseeable future,
23 the judge shall order the defendant to be committed to the Department of
24 Health and Human Services to provide appropriate treatment to restore
25 competency. This may include commitment to a state hospital for the
26 mentally ill, another appropriate state-owned or state-operated facility,
27 or a contract facility or provider pursuant to an alternative treatment
1 plan proposed by the department and approved by the court under
2 subsection (2) of this section until such time as the disability may be
3 removed.

4 (2)(a) If the department determines that treatment by a contract
5 facility or provider is appropriate, the department shall file a report
6 outlining its determination and such alternative treatment plan with the
7 court. Within twenty-one days after the filing of such report, the court
8 shall hold a hearing to determine whether such treatment is appropriate.
9 The court may approve or deny such alternative treatment plan.

10 (b) A defendant shall not be eligible for treatment by a contract
11 facility or provider under this subsection if the judge determines that
12 the public's safety would be at risk.

13 (3) Within sixty days after entry of the order committing the
14 defendant to the department, and every sixty days thereafter until either
15 the disability is removed or other disposition of the defendant has been
16 made, the court shall hold a hearing to determine (a) whether the
17 defendant is competent to stand trial or (b) whether or not there is a
18 substantial probability that the defendant will become competent within
19 the reasonably foreseeable future.

20 (4) If it is determined that there is not a substantial probability
21 that the defendant will become competent within the reasonably
22 foreseeable future, then the state shall either (a) commence the
23 applicable civil commitment proceeding that would be required to commit
24 any other person for an indefinite period of time or (b) release the
25 defendant. If during the period of time between the sixty-day review
26 hearings set forth in subsection (3) of this section it is the opinion of
27 the department that the defendant is competent to stand trial, the
28 department shall file a report outlining its opinion with the court and
29 within seven days after such report being filed the court shall hold a
30 hearing to determine whether or not the defendant is competent to stand
31 trial. The state shall pay the cost of maintenance and care of the
1 defendant during the period of time ordered by the court for treatment to
2 remove the disability.

3 (5) The defendant, by and through counsel, may move to be discharged
4 from the offenses charged in the complaint or information for the reason
5 that there is not a substantial probability that the defendant will
6 become competent within the reasonably foreseeable future.

7 (6) In determining whether there is a substantial probability that a
8 defendant will become competent in the reasonably foreseeable future, the
9 court shall take into consideration the likely length of any sentence
10 that would be imposed upon the defendant. If the court discharges the
11 defendant, the court shall state whether such discharge is with or
12 without prejudice.

13 (7)(a) If a judge orders a defendant to be committed to the
14 Department of Health and Human Services to receive treatment to restore
15 competency and such defendant remains lodged in the county jail, the
16 department shall reimburse the county for lodging the defendant.

17 (b) Costs of lodging the defendant shall include the daily rate of
18 lodging the defendant, food, medical services, transportation, and any
19 other necessary costs incurred by the county to lodge the defendant.

20 (c) The daily rate of lodging the defendant shall be one hundred
21 dollars per day for each day or portion thereof after the first thirty
22 days that the defendant is lodged in the county jail after a
23 determination by a judge that the defendant is required to be restored to
24 competency. On July 1, 2023, and each July 1 thereafter, the department
25 shall adjust the amount to be reimbursed to the county jails by an amount
26 equal to the percentage increase, if any, in the Consumer Price Index for
27 All Urban Consumers, as published by the United States Department of
28 Labor, Bureau of Labor Statistics, for the twelve months ending on June
29 30 of such year.

30 (d) For purposes of this section, medical services has the same
31 meaning as provided in subsection (2) of section 47-701.

1 Sec. 2. Section 47-706, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 47-706 (1) It is the intent of the Legislature to ensure that human
4 services agencies, correctional facilities, and detention facilities
5 recognize that:

6 (a) Federal law generally does not authorize federal financial
7 participation for medicaid when a person is an inmate of a public
8 institution as defined in federal law but that federal financial
9 participation is available after an inmate is released from
10 incarceration; and

11 (b) The fact that an applicant is currently an inmate does not, in
12 and of itself, preclude the Department of Health and Human Services from
13 processing an application submitted to it by, or on behalf of, the
14 inmate.

15 (2)(a) Medical assistance under the medical assistance program shall
16 be suspended, rather than canceled or terminated, for a person who is an
17 inmate of a public institution if:

18 (i) The Department of Health and Human Services is notified of the
19 person's entry into the public institution;

20 (ii) On the date of entry, the person was enrolled in the medical
21 assistance program; and

22 (iii) The person is eligible for the medical assistance program
23 except for institutional status.

24 (b) A suspension under subdivision (2)(a) of this section shall end
25 on the date the person is no longer an inmate of a public institution.

26 (c) Upon release from incarceration, such person shall continue to
27 be eligible for receipt of medical assistance until such time as the
28 person is otherwise determined to no longer be eligible for the medical
29 assistance program.

30 (3)(a) The Department of Correctional Services shall notify the
31 Department of Health and Human Services:

1 (i) Within twenty days after receiving information that a person
2 receiving medical assistance under the medical assistance program is or
3 will be an inmate of a public institution; and

4 (ii) Within forty-five days prior to the release of a person who
5 qualified for suspension under subdivision (2)(a) of this section.

6 (b) Local correctional facilities, juvenile detention facilities,
7 and other temporary detention centers shall notify the Department of
8 Health and Human Services within ten days after receiving information
9 that a person receiving medical assistance under the medical assistance
10 program is or will be an inmate of a public institution.

11 (4)(a) For individuals who are inmates of a public institution and
12 have at least sixty days' prior notice of their anticipated release date:
13 (i) The Department of Health and Human Services shall provide
14 onsite, telephonic, or live video medical assistance program enrollment
15 assistance to each inmate at least sixty days before the inmate's release
16 from a public institution. The department shall submit each inmate's
17 medical assistance program application at least forty-five days prior to
18 the inmate's release from a public institution unless the inmate elects
19 not to apply for the medical assistance program in writing or the inmate
20 is currently enrolled in the medical assistance program with suspended
21 coverage under subsection (2) of this section; and
22 (ii) The Department of Health and Human Services shall process each
23 inmate's medical assistance program application prior to the inmate's
24 release from a public institution such that medical assistance program
25 coverage is effective for an eligible individual no later than the day of
26 release from a public institution.
27 (b) For individuals who are inmates of a public institution and have
28 less than sixty days' prior notice of their anticipated release date:
29 (i) The Department of Health and Human Services shall provide
30 onsite, telephonic, or live video medical assistance program enrollment
31 assistance to each inmate as soon as practicable prior to the inmate's
1 release from a public institution. The department shall submit each
2 inmate's medical assistance program application as soon as practicable
3 prior to the inmate's release from a public institution unless the inmate
4 elects not to apply for the medical assistance program in writing or the
5 inmate is currently enrolled in the medical assistance program with
6 suspended coverage under subsection (2) of this section; and
7 (ii) The Department of Health and Human Services shall process each
8 inmate's medical assistance program application prior to the inmate's
9 release from a public institution such that medical assistance program
10 coverage becomes effective for an eligible individual no later than the
11 day of release from a public institution or as soon as practicable
12 thereafter.
13 (c) The Department of Health and Human Services may contract with
14 certified third-party enrollment assistance providers to provide the
15 enrollment assistance and application submission required by this
16 subsection.
17 (d) The Department of Health and Human Services shall take all
18 necessary actions to maximize federal financial participation pursuant to
19 this subsection.
20 (5) (4) Nothing in this section shall create a state-funded benefit
21 or program.
22 (6) (5) For purposes of this section, medical assistance program
23 means the medical assistance program under the Medical Assistance Act and
24 the State Children's Health Insurance Program.
25 (7) (6) This section shall be implemented only if, and to the
26 extent, allowed by federal law. This section shall be implemented only to
27 the extent that any necessary federal approval of state plan amendments
28 or other federal approvals are obtained. The Department of Health and
29 Human Services shall seek such approval if required.
30 (8) (7) Local correctional facilities, the Nebraska Commission on
31 Law Enforcement and Criminal Justice, and the Office of Probation
1 Administration shall cooperate with the Department of Health and Human
2 Services and the Department of Correctional Services for purposes of
3 facilitating information sharing to achieve the purposes of this section.
4 (9)(a) (8)(a) The Department of Correctional Services shall adopt
5 and promulgate rules and regulations, in consultation with the Department
6 of Health and Human Services and local correctional facilities, to carry
7 out this section.
8 (b) The Department of Health and Human Services shall adopt and

9 promulgate rules and regulations, in consultation with the Department of
 10 Correctional Services and local correctional facilities, to carry out
 11 this section.
 12 Sec. 3. Section 83-338, Reissue Revised Statutes of Nebraska, is
 13 amended to read:
 14 83-338 (1) If at any time it becomes necessary, for lack of
 15 capacity or other cause, to establish priorities for the admission of
 16 patients into the state hospitals for the mentally ill, ~~the following~~
 17 ~~priorities for admission shall be limited to recognized:~~ (a) (1) Patients
 18 whose care in the state hospital is necessary in order to protect the
 19 public health and safety; (b) ~~defendants who are determined by a court to~~
 20 ~~be incompetent to stand trial and who remain lodged in the county jail;~~
 21 (c) (2) patients committed by a mental health board under the Nebraska
 22 Mental Health Commitment Act or the Sex Offender Commitment Act or by a
 23 district court; (d) (3) patients who are most likely to be benefited by
 24 treatment in the state hospitals, regardless of whether such patients are
 25 committed by a mental health board or whether such patients seek
 26 voluntary admission to one of the state hospitals; and (e) (4) when cases
 27 are equally meritorious, in all other respects, patients who are
 28 indigent.
 29 (2) State hospitals for the mentally ill shall provide a minimum
 30 number of beds equal to the following percentages of total available
 31 capacity:
 1 (a) Fifteen percent for patients entering the facility pursuant to
 2 subdivision (1)(a) of this section;
 3 (b) Fifteen percent for patients entering the facility pursuant to
 4 subdivision (1)(b) of this section;
 5 (c) Forty-five percent for patients entering the facility pursuant
 6 to subdivision (1)(c) of this section;
 7 (d) Fifteen percent for patients entering the facility pursuant to
 8 subdivision (1)(d) of this section; and
 9 (e) Ten percent for patients entering the facility pursuant to
 10 subdivision (1)(e) of this section.
 11 (3) Beginning on or before November 1, 2022, the Department of
 12 Health and Human Services shall make available on its website a weekly
 13 report on the capacity and status of state-operated mental health
 14 facilities, including, but not limited to, the capacity and wait times
 15 associated with each priority category established in subsection (1) of
 16 this section.
 17 Sec. 4. (1) The Legislative Mental Health Care Capacity Strategic
 18 Planning Committee is established. The committee shall consist of the
 19 following members: (a) The chairperson of the Judiciary Committee of the
 20 Legislature or his or her designee, (b) the chairperson of the Health and
 21 Human Services Committee of the Legislature or his or her designee, (c)
 22 the chairperson of the Appropriations Committee of the Legislature or his
 23 or her designee, and (d) four senators selected by the chairperson of the
 24 Executive Board of the Legislative Council.
 25 (2)(a) No later than November 1, 2022, the Legislative Mental Health
 26 Care Capacity Strategic Planning Committee shall contract with an
 27 independent consultant with expertise in inpatient mental health care
 28 delivery. The consultant shall assist the committee in determining the
 29 necessary capacity for inpatient mental health care beds for both state-
 30 operated and privately owned facilities based on best practices in mental
 31 health care. The consultant shall provide recommendations to achieve the
 1 necessary capacity if the current state inpatient mental health bed
 2 capacity is insufficient.
 3 (b) On or before November 1, 2023, the consultant shall provide a
 4 written report of its findings and recommendations to the Legislative
 5 Mental Health Care Capacity Strategic Planning Committee.
 6 (3) This section terminates on November 1, 2024.

7 Sec. 5. Original sections 47-706 and 83-338, Reissue Revised
 8 Statutes of Nebraska, and section 29-1823, Revised Statutes Cumulative
 9 Supplement, 2020, are repealed.

LEGISLATIVE BILL 1010. Placed on General File with amendment.
[AM2435](#) is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

SELECT FILE

LEGISLATIVE BILL 1011. [ER150](#), found on page 898, was adopted.

Senator Lathrop offered his amendment, [AM2110](#), found on page 774.

Senator Lathrop asked unanimous consent to withdraw his amendment, [AM2222](#), found on page 774, and replace it with his substitute amendment, [AM2465](#), to AM2110. No objections. So ordered.
[AM2465](#)

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Purpose: For Agency 25 - Department of Health and Human Services:
- 2 Correct an earmark amount.
- 3 Amendment:
- 4 a. On page 19, line 1, strike "\$15,500,000" and insert
- 5 "\$15,580,000".
- 6 2. Purpose: For Agency 28 - Department of Veterans' Affairs: Correct
- 7 an appropriation source.
- 8 Amendment:
- 9 a. On page 19, line 28, strike "CASH FUND" and insert "VETERAN
- 10 CEMETERY CONSTRUCTION FUND".
- 11 3. Purpose: For Agency 29 - Department of Natural Resources: Correct
- 12 the Salary Limit and aid earmark amount to reflect the fiscal note for
- 13 LB1074.
- 14 Amendment:
- 15 a. On page 20, line 22, strike "123,661" and insert "201,243"; and
- 16 in lines 24 and 27 strike "\$50,000,000" and insert "\$49,876,642".
- 17 4. Purpose: For Agency 33 - Game and Parks Commission: Correct an
- 18 appropriation amount and program total.
- 19 Amendment:
- 20 a. On page 23, line 14, strike "1,240,065" and insert "1,340,065";
- 21 and in line 15 strike "1,247,886" and insert "1,347,886".
- 22 5. Purpose: For Agency 5 - Supreme Court: Clarify an aid earmark.
- 23 Amendment:
- 24 a. On page 44, line 27, strike "a" and insert "equivalent to" and
- 25 strike "increase" and insert "increases".
- 26 6. Purpose: For Agency 13 - State Department of Education: Correct a
- 1 General Fund appropriation amount and program total and change an aid
- 2 earmark.
- 3 Amendment:
- 4 a. On page 45, line 4, strike "1,305,956,097" and insert
- 5 "1,306,056,097"; in line 7 strike "1,710,902,088" and insert
- 6 "1,711,002,088"; and in line 16 strike "\$1,305,956,097" and insert
- 7 "\$1,306,056,097".
- 8 7. Purpose: For General Fund transfers: Insert an omitted fund
- 9 transfer.

10 Amendment:

11 a. On page 89, line 13, strike "and"; in line 17 strike the period
12 and insert "; and"; and after line 17 insert the following new
13 subdivision:

14 "(k) The Governor's Emergency Cash Fund: \$5,000,000 after July 1,
15 2022, but before June 30, 2023, on such dates and in such amounts as
16 directed by the budget administrator of the budget division of the
17 Department of Administrative Services."

18 8. Purpose: For Cash, Revolving, and Trust Fund Lapses and
19 Transfers: Correct the name of a fund.

20 Amendment:

21 a. On page 92, line 19; and page 95, line 10, strike "Remedial
22 Release Action" and insert "Release Remedial Action Cash".

SENATOR WILLIAMS PRESIDING

SENATOR HUGHES PRESIDING

SENATOR WILLIAMS PRESIDING

Pending.

COMMITTEE REPORT(S)

Education

LEGISLATIVE RESOLUTION 335. Reported to the Legislature for further consideration.

(Signed) Lynne Walz, Chairperson

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to LB919:
[AM2547](#) is available in the Bill Room.

Senator Day filed the following amendment to LB852:
[AM2563](#)

1 1. On page 2, line 5, strike "school employee" and insert "person
2 affiliated with such school building or other division".

Senator Friesen filed the following amendment to LB1014:
[AM2550](#)

(Amendments to Standing Committee amendments, AM2330)

1 1. Strike section 27.

2 2. On page 36, lines 15 and 16, strike "4,000,000" and insert

3 "24,000,000"; and in lines 18 and 21 strike "\$4,000,000" and insert

4 "\$24,000,000".

5 3. Renumber the remaining sections and correct internal references

6 accordingly.

Senator Friesen filed the following amendment to LB1014:

[AM2536](#)

(Amendments to Standing Committee amendments, AM2330)

- 1 1. On page 25, strike lines 4 through 29; and in line 30 strike "(3)
- 2 (a)" and insert "(2)(a)".
- 3 2. On page 26, line 25, strike "(4)" and insert "(3)".
- 4 3. On page 27, line 5, strike "(5)(a)" and insert "(4)(a)"; in line
- 5 25 strike "(5)" and insert "(4)"; and in line 29 strike "(6)" and insert
- 6 "(5)".
- 7 4. On page 28, line 2, strike "(7)" and insert "(6)".

Senator Friesen filed the following amendment to LB1014:

[AM2534](#)

(Amendments to Standing Committee amendments, AM2330)

- 1 1. Strike section 34.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Friesen filed the following amendment to LB1014:

[AM2537](#)

(Amendments to Standing Committee amendments, AM2330)

- 1 1. Strike section 37.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Brewer filed the following amendment to LB512:

[AM2357](#)

(Amendments to Standing Committee amendments, AM1620)

- 1 1. Strike amendments 1 through 3 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and insert the following new
- 4 sections:
- 5 Section 1. Section 81-829.39, Reissue Revised Statutes of Nebraska,
- 6 is amended to read:
- 7 81-829.39 For purposes of the Emergency Management Act, unless the
- 8 context otherwise requires:
- 9 (1) Civil defense emergency means an emergency declared by the
- 10 President of the United States or Congress pursuant to applicable federal
- 11 law finding that an attack upon the United States has occurred or is
- 12 anticipated and that the national safety therefor requires the invocation
- 13 of the emergency authority provided for by federal law. Civil defense
- 14 emergency also means an enemy attack or other hostile action within the
- 15 State of Nebraska or a determination by the President of the United
- 16 States that any attack has been made upon or is anticipated within a
- 17 designated geographic area which includes all or a part of the State of
- 18 Nebraska. Any such emergency shall terminate in the manner provided by
- 19 federal law or by proclamation of the Governor or resolution of the
- 20 Legislature terminating such emergency;
- 21 (2) Disability has the same meaning as in 42 U.S.C. 12102, as such
- 22 section existed on January 1, 2022;
- 23 (3) (2) Disaster means any event or the imminent threat thereof
- 24 causing widespread or severe damage, injury, or loss of life or property
- 25 resulting from any natural or manmade cause;
- 26 (4) (3) Emergency means any event or the imminent threat thereof
- 1 causing serious damage, injury, or loss of life or property resulting
- 2 from any natural or manmade cause which, in the determination of the
- 3 Governor or the principal executive officer of a local government,
- 4 requires immediate action to accomplish the purposes of the Emergency
- 5 Management Act and to effectively respond to the event or threat of the
- 6 event;

7 ~~(5)~~ (4) Emergency management means the preparation for and the
8 carrying out of all emergency functions, other than functions for which
9 military forces are primarily responsible, to mitigate, prevent,
10 minimize, respond to, and recover from injury and damage resulting from
11 disasters, emergencies, or civil defense emergencies. Emergency
12 management functions include, but need not be limited to, firefighting
13 services, police services, medical and health services, search and rescue
14 services, engineering services, communications and warning systems,
15 radiological preparedness, hazardous materials response, evacuation of
16 persons from stricken areas, emergency welfare services, emergency
17 transportation services, restoration of public utility services, and
18 other functions related to civilian protection, together with all other
19 activities necessary or incidental to the preparation for and carrying
20 out of the functions listed in this subdivision;

21 ~~(6)~~ (5) Emergency management worker includes any full-time or part-
22 time paid, volunteer, or auxiliary employee of this state or other
23 states, territories, or possessions of the federal government or any
24 neighboring country or of any political subdivision thereof, of the
25 District of Columbia, or of any agency or organization performing
26 emergency management services at any place in this state subject to the
27 order or control of or pursuant to a request of the state government or
28 any political subdivision thereof and also includes instructors and
29 students in emergency management educational programs approved by the
30 Nebraska Emergency Management Agency or otherwise under the provisions of
31 the Emergency Management Act;

1 ~~(7)~~ (8) Functional needs means additional needs before, during, and
2 after a disaster or an emergency in one or more functional areas,
3 including, but not limited to, maintaining independence, communication,
4 transportation, safety, support, and health care;

5 ~~(8)~~ (6) Hazard mitigation means measures which will eliminate or
6 reduce the potential for damage to an area or facility from the effects
7 of a future disaster, emergency, or civil defense emergency;

8 ~~(9)~~ (7) Local government means a county, village, or city of any
9 class;

10 ~~(10)~~ (8) Political subdivision means a city, village, county, school
11 district, public power district, natural resources district, and any
12 other unit of government below the state level, including any entity
13 created pursuant to the Interlocal Cooperation Act or the Joint Public
14 Agency Act;

15 ~~(11)~~ (9) Principal executive officer means the mayor in a city of
16 any class or the elected chairperson of the governing body of a village
17 or county;

18 ~~(12)~~ (10) State emergency response team means an organization for
19 emergency management established in accordance with the provisions of
20 sections 81-829.52 to 81-829.54 by state authority to supplement city,
21 village, county, or interjurisdictional emergency management
22 organizations in a stricken area; and

23 ~~(13)~~ (11) Technological hazard means a hazard emanating from the
24 manufacture, transportation, and use of such substances as radioactive
25 materials, chemicals, explosives, flammables, agricultural pesticides,
26 herbicides, disease agents, oil spills, and debris from space.
27 Sec. 2. Section 81-829.41, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-829.41 (1) The Nebraska Emergency Management Agency shall be
30 maintained in the office of the Adjutant General. The Adjutant General
31 shall be the director of the agency, shall administer the Emergency
1 Management Act subject to the direction and control of the Governor, and
2 shall receive such compensation for these services as shall be determined
3 by the Governor. The agency shall have an assistant director and such
4 other professional, technical, secretarial, and clerical employees as are
5 necessary for the performance of its functions.

6 (2) The agency shall maintain an emergency operations plan and keep
7 it current. The plan may include, but need not be limited to:

8 (a) A history of Nebraska disasters, emergencies, and civil defense

9 emergencies;

10 (b) An analysis of past and potential disasters, emergencies, and
 11 civil defense emergencies, including an identification of the functions
 12 and resources required to cope with such occurrences. The expected
 13 frequency of occurrence, along with the severity of effect, shall
 14 indicate the priority of preparedness efforts of the emergency management
 15 organizations of the state;

16 (c) Measures to be undertaken to accomplish damage assessment and
 17 situation analysis, warning, direction and control, coordination of
 18 operating forces, emergency resource management, emergency information
 19 and official instructions, communications and other necessary support to
 20 emergency response operations, and coordination and cooperation of
 21 federal, state, local, and nongovernmental agencies so as to provide a
 22 prompt and effective response to disasters, emergencies, and civil
 23 defense emergencies to prevent and minimize the injury and damage;

24 (d) The provision of relief and recovery assistance to individuals,
 25 political subdivisions of the state, and state agencies;

26 (e) Identification of areas of the state particularly vulnerable to
 27 disaster, emergency, or civil defense emergency;

28 (f) Recommendations for preventive and preparedness measures
 29 designed to eliminate or reduce disasters, emergencies, or civil defense
 30 emergencies or their impact, including, but not limited to, zoning,
 31 building, and other land-use control, and safety measures for securing
 1 mobile homes or other nonpermanent or semipermanent structures;

2 (g) Authorization and procedures for the erection or other
 3 construction of temporary works designed to protect against or mitigate
 4 danger, damage, or loss from flood, conflagration, or other disaster,
 5 emergency, or civil defense emergency;

6 (h) Assistance in designing city, village, county, and
 7 interjurisdictional emergency operations plans;

8 (i) Preparation and distribution to the appropriate state and
 9 political subdivision officials of catalogs of federal, state, and
 10 private disaster assistance programs; and

11 (j) Other necessary matters.

12 (3) The Nebraska Emergency Management Agency shall take an integral
 13 part in the development and revision of city, village, county, and
 14 interjurisdictional emergency operations plans prepared under section
 15 81-829.46. It shall employ or otherwise secure the services of
 16 professional and technical personnel capable of providing expert
 17 assistance to political subdivisions and to city, village, county, and
 18 interjurisdictional emergency management organizations. Such personnel
 19 shall consult with such political subdivisions and organizations on a
 20 regularly scheduled basis and shall make field examinations of the areas,
 21 circumstances, and conditions to which particular city, village, county,
 22 and interjurisdictional emergency operations plans are intended to apply
 23 and may suggest or require revisions.

24 (4) In preparing and revising the Nebraska emergency operations
 25 plans, the agency shall seek the advice and assistance of other agencies
 26 of government and the private sector, including organizations providing
 27 advocacy or other services to persons with disabilities or who have
 28 functional needs. In advising city, village, county, and
 29 interjurisdictional emergency management organizations, the Nebraska
 30 Emergency Management Agency shall encourage them to also seek advice from
 31 these sources.

1 (5) The Nebraska emergency operations plans or any part thereof may
 2 be incorporated in rules or regulations of the agency.

3 (6) The agency shall:

4 (a) Determine the requirements of the state and its political
 5 subdivisions for basic necessities such as food, clothing, and shelter in
 6 various disaster, emergency, or civil defense emergency situations;

7 (b) Procure and pre-position emergency supplies, materials, and
 8 equipment;

9 (c) Adopt and promulgate rules and regulations setting out standards
 10 and requirements for city, village, county, and interjurisdictional

11 emergency operations plans;
 12 (d) Periodically review city, village, county, and
 13 interjurisdictional emergency operations plans;
 14 (e) Provide for state emergency response teams;
 15 (f) Establish and operate or assist local governments, their
 16 emergency management organizations, and interjurisdictional emergency
 17 management organizations in establishing and operating training programs
 18 and programs of public information;
 19 (g) Make surveys of such industries, resources, and facilities, both
 20 public and private, within the state as are necessary to carry out the
 21 purposes of the Emergency Management Act;
 22 (h) Plan and make arrangements for the availability and use of any
 23 private facilities, services, and property and, if necessary and if in
 24 fact used, provide for payment for use under terms and conditions agreed
 25 upon;
 26 (i) Establish a register of persons and organizations with training
 27 and skills important in disaster prevention, mitigation, preparedness,
 28 response, and recovery and emergency management;
 29 (j) Establish a register of mobile and construction equipment and
 30 temporary housing available for use in a disaster or emergency;
 31 (k) Prepare for issuance by the Governor proclamations, orders,
 1 rules, and regulations as are necessary or appropriate in coping with
 2 disasters, emergencies, and civil defense emergencies;
 3 (l) Cooperate with the federal government and any public or private
 4 agency or entity in achieving any purpose of the act and in implementing
 5 programs for disaster prevention, mitigation, preparedness, response, and
 6 recovery and emergency management;
 7 (m) Coordinate state emergency response as directed by the Governor;
 8 (n) Cooperate with other emergency management agencies and public
 9 agencies in the development of emergency management registries which
 10 include persons with disabilities or who have functional needs and the
 11 families and guardians of such persons for purposes of planning for
 12 assistance for such persons and their families and guardians before,
 13 during, and after a disaster or other emergency. Participation in an
 14 emergency management registry by persons with functional needs and their
 15 families shall be voluntary. Information obtained by emergency management
 16 agencies or other public agencies for such purposes shall not be
 17 considered a public record under section 84-712.01. All information
 18 acquired pursuant to this subdivision is confidential and shall not be
 19 disclosed or released except to other agencies which have a legitimate
 20 and official interest in the information for carrying out the purposes of
 21 this subdivision. Any person acquiring information pursuant to this
 22 subdivision who intentionally discloses or releases such information in
 23 violation of this subdivision is guilty of a Class III misdemeanor; and
 24 (o) Do other things necessary, incidental, or appropriate for the
 25 implementation of the act.
 26 Sec. 3. Original sections 81-829.39 and 81-829.41, Reissue Revised
 27 Statutes of Nebraska, are repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Flood name added to LB1241.

RECESS

At 12:02 p.m., on a motion by Senator Linehan, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Arch, Blood, Bostar, Bostelman, Briese, Day, DeBoer, Geist, B. Hansen, M. Hansen, McDonnell, McKinney, Morfeld, Pansing Brooks, Vargas, Walz, Wayne, and Williams who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1011. Senator Lathrop renewed his amendment, [AM2465](#), found in this day's Journal, to his amendment, [AM2110](#).

Senator J. Cavanaugh offered the following motion:

[MO178](#)

Bracket until March 25, 2022.

Senator Stinner offered the following motion:

[MO179](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Friesen

Present and not voting, 3:

Cavanaugh, M. Hansen, M. Hughes

Excused and not voting, 3:

Lindstrom Pahls Wayne

The Stinner motion to invoke cloture prevailed with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The J. Cavanaugh motion to bracket failed with 0 ayes, 44 nays, 2 present and not voting, and 3 excused and not voting.

The Lathrop amendment, [AM2465](#), was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Lathrop amendment, [AM2110](#), as amended, was adopted with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1012, [ER148](#), found on page 889, was adopted.

Senator Friesen offered his amendment, [AM2351](#), found on page 865.

SENATOR ARCH PRESIDING

Senator Friesen offered the following amendment to his amendment:

[FA147](#)

On page 1, line 1, strike "31" and insert "7"

Senator Friesen asked unanimous consent to withdraw his amendment, [FA147](#), and replaced it with his substitute amendment, [AM2576](#), to [AM2351](#). No objections. So ordered.
[AM2576](#)

(Amendments to AM2351)

1 1. Strike amendments 1 and 2 and insert the following new amendment:

2 1. On page 10, line 11, strike "Cash Reserve Fund" and insert

3 "Property Tax Credit Cash Fund".

Senator Friesen moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Slama requested a roll call vote on the Friesen amendment.

Voting in the affirmative, 20:

Aguilar	Brewer	Geist	Hughes	Moser
Albrecht	Erdman	Gragert	Jacobson	Murman
Bostelman	Flood	Halloran	Linehan	Sanders
Brandt	Friesen	Hansen, B.	Lowe	Slama

Voting in the negative, 17:

Arch	Clements	Hilgers	McDonnell	Wishart
Blood	Day	Hilkemann	Stinner	
Cavanaugh, J.	DeBoer	Kolterman	Vargas	
Cavanaugh, M.	Dorn	McCollister	Williams	

Present and not voting, 8:

Bostar	Hunt	McKinney	Pansing Brooks
Hansen, M.	Lathrop	Morfeld	Walz

Excused and not voting, 4:

Briese	Lindstrom	Pahls	Wayne
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The Friesen amendment lost with 20 ayes, 17 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Friesen withdrew his amendment, [AM2351](#), found on page 865 and considered in this day's Journal.

Senator Friesen offered his amendment, [AM2344](#), found on page 880.

SENATOR WILLIAMS PRESIDING

SENATOR HUGHES PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB919](#):
[AM2551](#)

(Amendments to Standing Committee amendments, AM2513)

1 1. Insert the following new section:
2 Sec. 2. Section 77-2715.07, Revised Statutes Supplement, 2021, is
3 amended to read:
4 77-2715.07 (1) There shall be allowed to qualified resident
5 individuals as a nonrefundable credit against the income tax imposed by
6 the Nebraska Revenue Act of 1967:
7 (a) A credit equal to the federal credit allowed under section 22 of
8 the Internal Revenue Code; and
9 (b) A credit for taxes paid to another state as provided in section
10 77-2730.
11 (2) There shall be allowed to qualified resident individuals against
12 the income tax imposed by the Nebraska Revenue Act of 1967:
13 (a) For returns filed reporting federal adjusted gross incomes of
14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
15 to twenty-five percent of the federal credit allowed under section 21 of
16 the Internal Revenue Code of 1986, as amended, except that for taxable

17 years beginning or deemed to begin on or after January 1, 2015, such
18 nonrefundable credit shall be allowed only if the individual would have
19 received the federal credit allowed under section 21 of the code after
20 adding back in any carryforward of a net operating loss that was deducted
21 pursuant to such section in determining eligibility for the federal
22 credit;

23 (b) For returns filed reporting federal adjusted gross income of
24 twenty-nine thousand dollars or less, a refundable credit equal to a
25 percentage of the federal credit allowable under section 21 of the
26 Internal Revenue Code of 1986, as amended, whether or not the federal
1 credit was limited by the federal tax liability. The percentage of the
2 federal credit shall be one hundred percent for incomes not greater than
3 twenty-two thousand dollars, and the percentage shall be reduced by ten
4 percent for each one thousand dollars, or fraction thereof, by which the
5 reported federal adjusted gross income exceeds twenty-two thousand
6 dollars, except that for taxable years beginning or deemed to begin on or
7 after January 1, 2015, such refundable credit shall be allowed only if
8 the individual would have received the federal credit allowed under
9 section 21 of the code after adding back in any carryforward of a net
10 operating loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
13 individuals who qualify for an income tax credit as a qualified beginning
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
15 for all taxable years beginning or deemed to begin on or after January 1,
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;
21 and

22 (e)(i) (e) A refundable credit equal to:

23 (A) ~~Ten ten~~ percent of the federal credit allowed under section 32
24 of the Internal Revenue Code of 1986, as amended, for taxable years
25 beginning or deemed to begin before January 1, 2023; and
26 (B) Seventeen percent of the federal credit allowed under section 32
27 of the Internal Revenue Code of 1986, as amended, for taxable years
28 beginning or deemed to begin on or after January 1, 2023.

29 (ii) ~~For except that for~~ taxable years beginning or deemed to begin
30 on or after January 1, 2015, ~~the such~~ refundable credit provided in
31 subdivision (2)(e)(i) of this section shall be allowed only if the
1 individual would have received the federal credit allowed under section
2 32 of the code after adding back in any carryforward of a net operating
3 loss that was deducted pursuant to such section in determining
4 eligibility for the federal credit.

5 (3) There shall be allowed to all individuals as a nonrefundable
6 credit against the income tax imposed by the Nebraska Revenue Act of
7 1967:

8 (a) A credit for personal exemptions allowed under section
9 77-2716.01;

10 (b) A credit for contributions to certified community betterment
11 programs as provided in the Community Development Assistance Act. Each
12 partner, each shareholder of an electing subchapter S corporation, each
13 beneficiary of an estate or trust, or each member of a limited liability
14 company shall report his or her share of the credit in the same manner
15 and proportion as he or she reports the partnership, subchapter S
16 corporation, estate, trust, or limited liability company income;

17 (c) A credit for investment in a biodiesel facility as provided in
18 section 77-27,236;

19 (d) A credit as provided in the New Markets Job Growth Investment

20 Act;

21 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
22 Revitalization Act;

23 (f) A credit to employers as provided in section 77-27,238; and

24 (g) A credit as provided in the Affordable Housing Tax Credit Act.

25 (4) There shall be allowed as a credit against the income tax

26 imposed by the Nebraska Revenue Act of 1967:

27 (a) A credit to all resident estates and trusts for taxes paid to

28 another state as provided in section 77-2730;

29 (b) A credit to all estates and trusts for contributions to

30 certified community betterment programs as provided in the Community

31 Development Assistance Act; and

1 (c) A refundable credit for individuals who qualify for an income

2 tax credit as an owner of agricultural assets under the Beginning Farmer

3 Tax Credit Act for all taxable years beginning or deemed to begin on or

4 after January 1, 2009, under the Internal Revenue Code of 1986, as

5 amended. The credit allowed for each partner, shareholder, member, or

6 beneficiary of a partnership, corporation, limited liability company, or

7 estate or trust qualifying for an income tax credit as an owner of

8 agricultural assets under the Beginning Farmer Tax Credit Act shall be

9 equal to the partner's, shareholder's, member's, or beneficiary's portion

10 of the amount of tax credit distributed pursuant to subsection (6) of

11 section 77-5211.

12 (5)(a) For all taxable years beginning on or after January 1, 2007,

13 and before January 1, 2009, under the Internal Revenue Code of 1986, as

14 amended, there shall be allowed to each partner, shareholder, member, or

15 beneficiary of a partnership, subchapter S corporation, limited liability

16 company, or estate or trust a nonrefundable credit against the income tax

17 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the

18 partner's, shareholder's, member's, or beneficiary's portion of the

19 amount of franchise tax paid to the state under sections 77-3801 to

20 77-3807 by a financial institution.

21 (b) For all taxable years beginning on or after January 1, 2009,

22 under the Internal Revenue Code of 1986, as amended, there shall be

23 allowed to each partner, shareholder, member, or beneficiary of a

24 partnership, subchapter S corporation, limited liability company, or

25 estate or trust a nonrefundable credit against the income tax imposed by

26 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,

27 member's, or beneficiary's portion of the amount of franchise tax paid to

28 the state under sections 77-3801 to 77-3807 by a financial institution.

29 (c) Each partner, shareholder, member, or beneficiary shall report

30 his or her share of the credit in the same manner and proportion as he or

31 she reports the partnership, subchapter S corporation, limited liability

1 company, or estate or trust income. If any partner, shareholder, member,

2 or beneficiary cannot fully utilize the credit for that year, the credit

3 may not be carried forward or back.

4 (6) There shall be allowed to all individuals nonrefundable credits

5 against the income tax imposed by the Nebraska Revenue Act of 1967 as

6 provided in section 77-3604 and refundable credits against the income tax

7 imposed by the Nebraska Revenue Act of 1967 as provided in section

8 77-3605.

9 (7)(a) For taxable years beginning or deemed to begin on or after

10 January 1, 2020, and before January 1, 2026, under the Internal Revenue

11 Code of 1986, as amended, a nonrefundable credit against the income tax

12 imposed by the Nebraska Revenue Act of 1967 in the amount of five

13 thousand dollars shall be allowed to any individual who purchases a

14 residence during the taxable year if such residence:

15 (i) Is located within an area that has been declared an extremely

16 blighted area under section 18-2101.02;

17 (ii) Is the individual's primary residence; and

18 (iii) Was not purchased from a family member of the individual or a
 19 family member of the individual's spouse.
 20 (b) The credit provided in this subsection shall be claimed for the
 21 taxable year in which the residence is purchased. If the individual
 22 cannot fully utilize the credit for such year, the credit may be carried
 23 forward to subsequent taxable years until fully utilized.
 24 (c) No more than one credit may be claimed under this subsection
 25 with respect to a single residence.
 26 (d) The credit provided in this subsection shall be subject to
 27 recapture by the Department of Revenue if the individual claiming the
 28 credit sells or otherwise transfers the residence or quits using the
 29 residence as his or her primary residence within five years after the end
 30 of the taxable year in which the credit was claimed.
 31 (e) For purposes of this subsection, family member means an
 1 individual's spouse, child, parent, brother, sister, grandchild, or
 2 grandparent, whether by blood, marriage, or adoption.
 3 (8) There shall be allowed to all individuals refundable credits
 4 against the income tax imposed by the Nebraska Revenue Act of 1967 as
 5 provided in the Nebraska Property Tax Incentive Act and the Renewable
 6 Chemical Production Tax Credit Act.
 7 (9)(a) For taxable years beginning or deemed to begin on or after
 8 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a
 9 refundable credit against the income tax imposed by the Nebraska Revenue
 10 Act of 1967 shall be allowed to the parent of a stillborn child if:
 11 (i) A fetal death certificate is filed pursuant to subsection (1) of
 12 section 71-606 for such child;
 13 (ii) Such child had advanced to at least the twentieth week of
 14 gestation; and
 15 (iii) Such child would have been a dependent of the individual
 16 claiming the credit.
 17 (b) The amount of the credit shall be two thousand dollars.
 18 (c) The credit shall be allowed for the taxable year in which the
 19 stillbirth occurred.
 20 2. Renumber the remaining sections, correct internal references, and
 21 correct the repealer accordingly.

Senator J. Cavanaugh filed the following amendment to [LB919](#):
[AM2545](#)

(Amendments to Standing Committee amendments, AM2513)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. It is the intent of the Legislature to appropriate four
 4 hundred million dollars from the General Fund for fiscal year 2022-23 to
 5 the Department of Revenue for distribution as provided in section 2 of
 6 this act.
 7 Sec. 2. (1) The Department of Revenue shall distribute the funds
 8 appropriated pursuant to section 1 of this act directly to residents of
 9 Nebraska as provided in this section. The distribution shall be in the
 10 form of a prepaid debit card in an amount which equals four hundred
 11 million dollars, less the cost of the prepaid debit cards, program costs,
 12 and administrative costs, divided by the number of residents of Nebraska
 13 on July 1, 2022.
 14 (2)(a) The department shall mail the prepaid debit card to the
 15 address of each resident who has an address on record with the department
 16 as of July 1, 2022, and shall provide a method of application for each
 17 resident as of July 1, 2022, who does not have an address on record with
 18 the department or does not receive a card. The department may require
 19 evidence of residency in Nebraska as of July 1, 2022, as needed to carry
 20 out this section.
 21 (b) For dependents as determined by the department, the prepaid

22 debit card shall be sent to the head of household for use by the head of
23 household.

24 (3) The department shall design the prepaid debit card so that it

25 (a) may only be used at a business located in Nebraska, (b) is activated
26 by telephone, and (c) must be used within twelve months after the date
1 the card is activated.

2 (4) The prepaid debit card shall not be accessible at an automated
3 teller machine, shall not be eligible for cash back at a point-of-sale
4 system, and shall not be used to make any purchase associated with
5 gambling or any lottery.

6 (5) The department shall contract with a prepaid debit card vendor
7 to facilitate the distribution of the prepaid debit cards to Nebraska
8 residents. Before awarding a contract to a prepaid debit card vendor, the
9 department shall consider at least two vendors in the State of Nebraska
10 for the procurement.

Senator M. Hansen filed the following amendment to LB919:
[AM2565](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to LB1015:
[AM2577](#)

(Amendments to AM2245)

1 1. On page 2, after line 15, insert the following new subsection:

2 "(6)(a) An individual listed in subdivision (b) of this subsection
3 shall not, directly or indirectly, hold a financial interest in any
4 entity which is party to a contract or have a financial interest in the
5 ownership or lease of any property relating to the development,
6 construction, management, or operation of the Perkins County Canal
7 Project.

8 (b) This subsection shall apply to:

9 (i) Any official in the executive branch as defined in section
10 49-1436. This subsection shall apply to such official while he or she is
11 in office and for ten years after he or she leaves office;

12 (ii) Any state employee; and

13 (iii) Any member of the Legislature.

14 (c) For purposes of this subsection, immediate family member means a
15 spouse, child, sibling, parent, grandparent, or grandchild and includes
16 the spouse of any child, sibling, parent, grandparent, or grandchild."

Senator M. Cavanaugh filed the following amendment to LB1023:
[AM2573](#)

(Amendments to AM2300)

1 1. On page 5, after line 27 insert the following new subsection:

2 "(9)(a) An individual listed in subdivision (9)(b) of this section
3 shall not have a financial interest, either personally or through an
4 immediate family member, in any purchase, sale, or lease of real property
5 relating to the construction or development of the lake or in any
6 contract entered into by the Department of Natural Resources relating to
7 the construction, development, or management of the lake.

8 (b) This subsection shall apply to:

9 (i) Any official in the executive branch as defined in section
10 49-1436. This subsection shall apply to such official while he or she is
11 in office and for ten years after he or she leaves office;

12 (ii) Any state employee; and

13 (iii) Any member of the Legislature.

14 (c) For purposes of this subsection, immediate family member means a
15 spouse, child, sibling, parent, grandparent, or grandchild and includes
16 the spouse of a child, sibling, parent, grandparent, or grandchild."

17 2. On page 8, after line 21 insert the following new subsection:
 18 "(5)(a) An individual listed in subdivision (5)(b) of this section
 19 shall not have a financial interest, either personally or through an
 20 immediate family member, in any purchase, sale, or lease of real property
 21 relating to a project authorized in this section or in any contract
 22 entered into by the Game and Parks Commission relating to a project
 23 authorized in this section.
 24 (b) This subsection shall apply to:
 25 (i) Any official in the executive branch as defined in section
 26 49-1436. This subsection shall apply to such official while he or she is
 1 in office and for ten years after he or she leaves office;
 2 (ii) Any state employee; and
 3 (iii) Any member of the Legislature.
 4 (c) For purposes of this subsection, immediate family member means a
 5 spouse, child, sibling, parent, grandparent, or grandchild and includes
 6 the spouse of a child, sibling, parent, grandparent, or grandchild."

Senator Hunt filed the following amendment to [LB933](#):

[AM2567](#)

1 1. Strike section 9.
 2 2. Renumber the remaining sections and correct internal references
 3 accordingly.

Senator Hunt filed the following amendment to [LB933](#):

[AM2566](#)

1 1. Insert the following new section:
 2 Sec. 10. No provision of the Nebraska Human Life Protection Act
 3 shall apply to any health care consultation or procedure, including, but
 4 not limited to, abortion, or provision of an abortion-inducing drug, to a
 5 person whose pregnancy resulted from subjection to sex trafficking
 6 whether or not such sex trafficking was reported, investigated, or
 7 prosecuted.
 8 2. On page 2, lines 4 and 6, strike "9" and insert "10".
 9 3. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to [LB933](#):

[AM2568](#)

1 1. Insert the following new section:
 2 Sec. 10. When any licensed physician or any person is charged in any
 3 prosecution arising from the Nebraska Human Life Protection Act and such
 4 charges are dismissed pretrial, at trial, after acquittal, or on appeal,
 5 or in any other manner, such licensed physician or person shall be
 6 entitled to recovery pursuant to the State Torts Claims Act, the
 7 Political Subdivisions Tort Claims Act, or the Wrongful Conviction and
 8 Imprisonment Act or under any other theory of recovery.
 9 2. On page 2, lines 4 and 6, strike "9" and insert "10".
 10 3. Renumber the remaining sections accordingly.

Senator J. Cavanaugh filed the following amendment to [LB1011](#):

[FA146](#)

Amend AM2110: Strike Section 2, renumber accordingly.

SELECT FILE

LEGISLATIVE BILL 1012. Senator Friesen renewed his amendment, [AM2344](#), found on page 880 and considered in this day's Journal.

SENATOR ARCH PRESIDING**SENATOR WILLIAMS PRESIDING****SENATOR ARCH PRESIDING**

Senator Friesen withdrew his amendment.

Senator Friesen offered his amendment, [AM2349](#), found on page 880.

Senator Bostelman offered the following amendment to the Friesen amendment:

[FA149](#)

To amend AM2349 to LB1012 by striking line 1 and inserting: on page 33, line 31 of AM2000, strike the word "annually".

Senator Stinner offered the following motion:

[MO180](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

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

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Erdman Friesen

Present and not voting, 1:

Hughes

Excused and not voting, 3:

Lindstrom Pahls Wayne

The Stinner motion to invoke cloture prevailed with 43 ayes, 2 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Bostelman amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Friesen amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator M. Hansen filed the following amendment to [LB919](#):
[AM2549](#)

(Amendments to Standing Committee amendments, AM2513)

1 1. Insert the following new section:
 2 Sec. 8. Since an emergency exists, this act takes effect when passed
 3 and approved according to law.
 4 2. On page 2, strike lines 9 through 21 and insert "For taxable
 5 years beginning or deemed to begin on or after January 1, 2014, and
 6 before January 1, 2023, the top rate shall be 6.84%. For taxable years
 7 beginning or deemed to begin on or after January 1, 2023, the top rate
 8 shall be determined on an annual basis as follows:
 9 (a) On or before July 15, 2022, and on or before July 15 of each
 10 year thereafter, the Tax Commissioner shall determine actual General Fund
 11 net receipts for the most recently completed fiscal year minus actual
 12 General Fund net receipts for the prior fiscal year;
 13 (b) If the amount determined under subdivision (2)(a) of this
 14 section is a positive number, the Tax Commissioner shall reduce the top
 15 rate in effect on the date of such determination in accordance with the
 16 schedule provided in subdivision (2)(c) of this section. Such reduced
 17 rate shall apply to taxable years beginning or deemed to begin on or
 18 after the immediately following January 1. If the amount determined under
 19 subdivision (2)(a) of this section is a negative number, no reduction to
 20 the top rate shall occur, and the top rate in effect on the date of such
 21 determination shall remain in effect. In no case shall the top rate be
 22 reduced to less than 5.84%; and
 23 (c) The reductions to the top rate described in subdivision (2)(b)
 24 of this section shall occur according to the following schedule:
 25 (i) For the first time that the reduction occurs, the top rate shall
 26 be reduced from 6.84% to 6.64%;
 1 (ii) For the second time that the reduction occurs, the top rate
 2 shall be reduced from 6.64% to 6.44%;
 3 (iii) For the third time that the reduction occurs, the top rate
 4 shall be reduced from 6.44% to 6.24%;
 5 (iv) For the fourth time that the reduction occurs, the top rate
 6 shall be reduced from 6.24% to 6.00%; and
 7 (v) For the fifth time that the reduction occurs, the top rate shall
 8 be reduced from 6.00% to 5.84%."

Senator Hilkemann filed the following amendment to [LB709](#):
[AM2248](#)

(Amendments to Standing Committee amendments, AM1936)

1 1. On page 12, line 31, after "Justice" insert ", a credential
 2 issued by an occupational board under the Uniform Credentialing Act which
 3 issues credentials based on reciprocity."

Senator Brandt filed the following amendment to [LB805](#):
[AM2581](#)

(Amendments to Standing Committee amendments, AM1976)

1 1. Insert the following new section:
 2 Sec. 13. Section 54-1915.02, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 54-1915.02 (1) The Independent Processor Assistance Program is
 5 created. The department shall administer the program contingent on funds
 6 being made available for such purpose.
 7 (2) The purpose of the Independent Processor Assistance Program is
 8 to:
 9 (a) Address supply chain disruptions caused by a public health
 10 emergency;
 11 (b) Increase and improve livestock slaughter and meat processing
 12 capacity;
 13 (c) Expand market access for small livestock producers; and
 14 (d) Facilitate workforce development.
 15 (3) In administering the Independent Processor Assistance Program,
 16 the department may develop policies and procedures for the disbursement
 17 of funds authorized by this section that include, at a minimum, the
 18 following:
 19 (a) Applicant eligibility standards. At a minimum, such standards
 20 shall require that eligible applicants:
 21 (i) Operate as a federally inspected, state-inspected, or custom-
 22 exempt slaughter and processing facility domiciled in Nebraska;
 23 (ii) Demonstrate existing sales revenue of less than two million
 24 five hundred thousand dollars and employment of fewer than fifty full-
 25 time equivalent twenty-five employees; and
 26 (iii) Be registered in good standing with the Secretary of State to
 1 do business in Nebraska; and
 2 (b) Expense eligibility standards. At a minimum, such standards
 3 shall include:
 4 (i) Capital improvements to expand capacity, including expansion and
 5 modifications to existing buildings or construction of new buildings at
 6 existing facilities;
 7 (ii) Upgrades to utilities, including water, electric, heat,
 8 refrigeration, freezing, and waste facilities;
 9 (iii) Livestock intake and storage equipment;
 10 (iv) Processing and manufacturing equipment, including cutting
 11 equipment, mixers, grinders, sausage stuffers, smokers, curing equipment,
 12 pipes, motors, pumps, and valves;
 13 (v) Packaging and handling equipment, including sealing, bagging,
 14 boxing, labeling, conveying, and product-moving equipment;
 15 (vi) Warehouse equipment, including storage and curing racks;
 16 (vii) Waste treatment and management equipment, including tanks,
 17 blowers, separators, dryers, digesters, and equipment that uses waste to
 18 produce energy, fuel, or industrial products;
 19 (viii) Technology that allows increased capacity or business
 20 resilience, including software and hardware related to business
 21 functions, logistics, inventory management, plant production controls,
 22 temperature monitoring controls, and website design that enables e-
 23 commerce;

24 (ix) Rental of buildings, facilities, or equipment necessary to
 25 expand capacity, including mobile slaughter units and mobile
 26 refrigeration units used exclusively for meat or poultry processing;
 27 (x) Costs associated with increased inspections or becoming
 28 inspected, including overtime inspection services by the Food Safety and
 29 Inspection Service of the United States Department of Agriculture and
 30 hazard analysis and critical control point consultation services; and
 31 (xi) Educational and workforce training provided either by the
 1 facility or by an institution of higher education.
 2 (4) The department may adopt and promulgate rules and regulations to
 3 carry out the purposes of the Independent Processor Assistance Program.
 4 2. Renumber the remaining sections and correct the repealer
 5 accordingly.

Senator McDonnell filed the following amendment to LB1012:
AM2510

(Amendments to Standing Committee amendments, AM2000)

1 1. Insert the following new section:
 2 Sec. 11. There is hereby created the Ernie Chambers History-Arts-
 3 Humanities Museum Assistance Fund. The fund shall be used to contribute
 4 to the construction of the Ernie Chambers History-Arts-Humanities Museum
 5 to honor the legacy of Nebraska's longest-serving state senator and to
 6 educate the public on the legacy of the unique Nebraska Unicameral
 7 Legislature and the contributions made to the Legislature by Senator
 8 Chambers. The Nebraska State Historical Society shall administer the fund
 9 and may spend up to ten percent of the money available in the fund for
 10 administration of the fund. The fund shall consist of transfers
 11 authorized by the Legislature and money from any federal and state
 12 sources. Any money in the fund available for investment shall be invested
 13 by the state investment officer pursuant to the Nebraska Capital
 14 Expansion Act and the Nebraska State Funds Investment Act.
 15 2. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 359. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine whether section 79-458, which authorizes certain property holders to attach their property to a different school district through a freeholder petition, should be updated or eliminated. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Nebraska Department of Education and Nebraska Department of Revenue and should consider the input of county officials, school districts, and interested persons as the committee deems necessary and appropriate. The issues addressed by this interim study shall include, but are not limited to:

(1) A review of the applicable laws, regulations, policies, and exceptions regarding the transfer of property through freeholder petitions from one school district to another; and

(2) Whether property should automatically be returned to the original district when property ownership changes.

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

1. That the Education 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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1014. Placed on Select File with amendment. [ER155](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

SELECT FILE

LEGISLATIVE BILL 1013. Senator Lathrop offered his amendment, [AM2252](#), found on page 787.

Senator Lathrop offered his amendment, [AM2256](#), found on page 787, to his amendment.

SENATOR HUGHES PRESIDING

SENATOR WILLIAMS PRESIDING

SENATOR ARCH PRESIDING

Senator M. Cavanaugh offered the following motion:

[MO181](#)

Bracket until April 5, 2022.

SENATOR WILLIAMS PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Stinner offered the following motion:

[MO182](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

The Stinner motion to invoke cloture prevailed with 41 ayes, 3 nays, 1 present and not voting, and 4 excused and not voting.

The Lathrop amendment, [AM2256](#), lost with 0 ayes, 41 nays, 4 present and not voting, and 4 excused and not voting.

The Lathrop amendment, [AM2252](#), lost with 0 ayes, 41 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 360. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine eligibility, enrollment, application, renewal, and redetermination practices for the medical assistance program and the Children's Health Insurance Program (CHIP) under the Department of Health and Human Services. The medical assistance program and CHIP currently provide health care coverage to hundreds of thousands of Nebraskans and play an important role in keeping our state healthy. However, eligible Nebraskans still face burdens when trying to access coverage. Reviewing the Department of Health and Human Services' current practices and recent program developments will help identify key opportunities for Nebraska.

This study shall examine eligibility, enrollment, application, renewal, and redetermination practices for the medical assistance program and CHIP and how these practices can be improved. This study shall include, but not be limited to:

- (1) Data collection and information gathering regarding:
 - (a) Eligibility, enrollment, application, renewal, and redetermination policies and practices for the medical assistance program and CHIP;
 - (b) The administration and performance of the iServe Nebraska application portal expected to be launched in April 2022; and
 - (c) Data sharing policies and practices across the medical assistance program, CHIP, and other Department of Health and Human Services programs; and
- (2) A determination of potential solutions to improve eligibility, enrollment, application, renewal, and redetermination practices for the medical assistance program and CHIP.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 361. Introduced by Bostar, 29.

PURPOSE: The purpose of this resolution is to propose an interim study to examine insurance coverage for lung cancer screenings and make recommendations that will improve the availability of such screenings to Nebraskans. The study shall include, but not be limited to, an examination of:

- (1) Medicare policies regarding lung cancer screenings, including the recent change which reduces the starting age of eligibility for lung cancer screenings from age fifty-five to age fifty;
- (2) Recent published academic research demonstrating decreased lung cancer mortality with early detection;
- (3) Current Nebraska laws and rules and regulations that require insurance coverage of screenings of all types; and
- (4) Other state laws and rules and regulations that require insurance coverage of screenings of all types.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose 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.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Public Power District; fourth-grade students from Immanuel Lutheran, Columbus; fourth-grade students from Aurora Public Schools, Aurora; fifth- and sixth-grade students from Pender Public Schools, Pender; fourth-grade students from Waverly Intermediate, Waverly; Leadership Tomorrow, Grand Island; Leadership Class of Washington County, Blair; and Senator Pansing Brooks' husband Loel Brooks, her daughter Avary Pansing Brooks, and her son Graham Pansing Brooks.

The Doctor of the Day was Dr. John Jacobsen of Kearney.

ADJOURNMENT

At 10:36 p.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Friday, March 25, 2022.

Patrick J. O'Donnell
Clerk of the Legislature