

FORTY-NINTH DAY - MARCH 28, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 28, 2022

PRAYER

The prayer was offered by Senator Erdman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hilkemann.

ROLL CALL

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

The roll was called and all members were present except Senators Lindstrom and Pahls who were excused; and Senators Bostar, Geist, M. Hansen, Hunt, Kolterman, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 369. Introduced by Gragert, 40.

WHEREAS, the Hartington-Newcastle High School speech team won the 2022 Nebraska School Activities Association Class C-2 State Speech Championship; and

WHEREAS, under the direction of Coach A.J. Johnson, Hartington-Newcastle High School prevailed over runner-up Twin River by a score of 118 to 70; and

WHEREAS, this is the seventh such championship title for Hartington-Newcastle High School, four as Hartington High School and three as Hartington-Newcastle High School; and

WHEREAS, the team placed in five different categories; and

WHEREAS, one individual and one group of the Hartington-Newcastle High School speech team earned state champion honors: Reece Morten in Oral Interpretation of Serious Prose and Reece Morten, Parker Hopping, Carsen Hopping, Turner Dendinger, and Bennet Sievers in Oral Interpretation of Drama; and

WHEREAS, such team and individual achievements are made possible through the support of teachers, administrators, parents, and the 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 the Hartington-Newcastle High School speech team for winning the 2022 Nebraska School Activities Association Class C-2 State Speech Championship.

2. That copies of this resolution be sent to the Hartington-Newcastle High School speech team and Coach A.J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 370. Introduced by Hughes, 44.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the coordination and administration of boundary layers in Nebraska and improve spatial data infrastructure coordination and usage. In order to carry out the purpose of this resolution, the board shall seek the assistance of the Legislative Research Office. The study shall include, but not be limited to, the following:

(1) Identifying any statutory requirements for established boundaries in Nebraska;

(2) Creating an inventory of existing boundaries and stakeholders;

(3) Organizing the reporting of boundary changes to a specific commission or agency;

(4) Identifying existing standards for boundaries that may be used;

(5) Developing a strategy for updating and maintaining boundaries;

(6) Recognizing partners that will have an interest in boundaries; and

(7) Designing strategies to work with the United States Bureau of the Census to maximize its coordination of the next census.

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

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board 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 RESOLUTION 263CA. Read. Considered.

SENATOR WILLIAMS PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to propose an interim study to review the requirements regarding occupational regulation as administered by the Department of Banking and Finance in furtherance of the purposes of the Occupational Board Reform Act.

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.

LEGISLATIVE RESOLUTION 372. Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to propose an interim study to examine whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary and appropriate.

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 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 373. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to examine the feasibility of developing a policy and implementing a statewide process for awarding college credit consistently in specific programs of study across all public educational institutions for military education and training so that students with a military affiliation can easily understand and determine how their military training and experience will translate into college credit.

This study shall include, but not be limited to:

- (1) Examining how postsecondary educational institutions, service education providers, and other states have approached this topic;
- (2) Considering programs of study that could be prioritized for review and inclusion based on H3 status (high demand, high wage, and high skill occupations), required credentials, and predominant military occupations in Nebraska and surrounding states; and
- (3) Learning about the process used by Nebraska postsecondary educational institutions in evaluating military transcripts, training, and experience as well as academic and vocational degrees, certifications, licenses, or credentials earned in order to award the appropriate college credit.

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 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.

LEGISLATIVE RESOLUTION 374. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to create a select interim committee of the Legislature, to be known as the State and Local School Aid Committee, to conduct an in-depth study of the balancing of state and local financing of the public elementary and secondary schools in Nebraska.

In order to carry out the purpose of this resolution, the committee should seek the assistance of the State Department of Education and the Department of Revenue and should consider the input of school districts and interested parties as the committee deems necessary and appropriate. The study shall include, but not be limited to:

- (1) An examination of ways to equitably balance the financing of public education from state and local sources; and
- (2) Developing recommendations for improving equity in school funding in Nebraska.

The committee shall consist of:

(1) The chairperson of the Education Committee of the Legislature, or the chairperson's designee, who shall serve as the chairperson of the State and Local School Aid Committee;

(2) A member of the Education Committee of the Legislature, appointed by the chairperson of such committee;

(3) The chairperson of the Revenue Committee of the Legislature, or the chairperson's designee;

(4) A member of the Revenue Committee of the Legislature, appointed by the chairperson of such committee;

(5) The chairperson of the Appropriations Committee of the Legislature, or the chairperson's designee; and

(6) A member of the Appropriations Committee of the Legislature, appointed by the chairperson of such committee.

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

1. That a select interim committee of the Legislature, to be known as the State and Local School Aid Committee, shall be designated as provided in this resolution 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 375. Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature that may arise during the interim.

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

1. That the Judiciary 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 376. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether reports of the resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or represent isolated incidents. If these incidents are commonplace, the study should determine what reforms could be enacted to ensure that public record

requests are being properly met and that Nebraskans have prompt, unfettered, and robust access to open government.

Sections 84-712 to 84-712.09 are intended to guarantee that the public has access to public records of government bodies at all levels of government. However, even though the purpose and scope of sections 84-712 to 84-712.09 are for broad disclosure and accessibility, some categories of records are exempt from disclosure. Section 84-712.05 provides twenty-three separate categories of records that may be withheld from the public so long as such records have not been publicly disclosed in open court, an open administrative proceeding, or an open meeting or disclosed by a public entity pursuant to its duty. There are additional statutory exceptions which provide that governmental records can be withheld from public inspection.

News media members, advocacy groups, and other members of the public have reported that public records requests are regularly and routinely resisted by governmental bodies. Such reports indicate that resistance takes the form of prolonged delays in responding to requests, demands of excessive prepayment amounts for the costs of retrieving such records, tenuous claims of exemptions allowing for the public agency to withhold records, or other justifications.

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

1. That the Government, Military and Veterans Affairs 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.

LEGISLATIVE RESOLUTION 377. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this resolution is to propose an interim study to examine statutes relating to the incorporation of new municipalities. The issues addressed by this interim study shall include, but not be limited to:

(1) The potential preference among existing sanitary improvement districts to incorporate directly into municipal classifications other than villages;

(2) Current population requirements and other requirements for the incorporation of new municipalities; and

(3) Potential statutory changes necessary to achieve sanitary improvement district incorporation into municipal classifications other than villages.

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

1. That the Urban Affairs 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 378. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the process for determining the rate of reimbursement for the child care subsidy program and whether current rates sufficiently cover the cost of providing quality child care. The child care subsidy program, funded through the federal Child Care and Development Fund, provides subsidies to low-income families to pay for child care while parents work or attend school. This study shall include, but not be limited to:

- (1) The use of a market rate survey, as outlined in section 43-536, for determining rates of reimbursement;
- (2) Analysis of the anticipated monthly subsidy billing available to providers compared to the amounts paid;
- (3) Analysis of the market rates for child care compared to the cost of providing quality child care for providers;
- (4) Analysis of total expenditures on the child care subsidy program in Nebraska;
- (5) A review of the reimbursement rate setting processes utilized in other states; and
- (6) Alternative methodologies available for determining child care subsidy reimbursement rates.

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 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.

LEGISLATIVE RESOLUTION 379. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine fentanyl distribution in Nebraska. Pharmaceutical fentanyl is a synthetic opioid that is used to treat pain and has fifty to one hundred times the potency of morphine. However, in recent years the use of fentanyl that was illegally made and distributed has shown harmful consequences. When mixed with other drugs, whether or not the user knows about the combination product, fentanyl can cause overdose and death. Studying fentanyl distribution in Nebraska and assessing the current response will

identify life-saving actionable steps the Legislature can take to address the opioid crisis and protect Nebraskans.

This study shall include, but not be limited to, an examination of the following:

- (1) Data collection and information gathering regarding:
 - (a) Fentanyl manufacturing and distribution in Nebraska and surrounding states;
 - (b) The classification of drug-induced homicide and drug delivery resulting in death charges in Nebraska as compared to other states;
 - (c) Punitive or restorative responses to drug-induced homicide and drug delivery resulting in death charges; and
 - (d) Potential expansion of prevention, intervention, and response activities; and
- (2) Possible solutions pertaining to fentanyl distribution in the state and collaboration with the appropriate community partners about these solutions.

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

1. That the Judiciary 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 380. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine a potential limit on taxation of public and private pension income. In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and appropriate.

This study shall include, but not be limited to:

- (1) Identifying the tax burden on retirees in Nebraska and surrounding states;
- (2) Examining the potential fiscal impact of limiting taxation on retiree pensions;
- (3) Compiling information about taxation of retirees in other states and creating a list of actionable steps on how to make Nebraska a more retiree-friendly state as it relates to taxation;
- (4) Analyzing past proposals to limit taxation in Nebraska; and
- (5) Collaborating with individuals on other tax relief options for retirees.

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 RESOLUTION 263CA. Considered.

Senator Blood moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Blood requested a roll call vote, in reverse order, on the advancement of the resolution.

Voting in the affirmative, 34:

Arch	DeBoer	Hansen, M.	McDonnell	Stinner
Blood	Dorn	Hilgers	McKinney	Vargas
Bostar	Erdman	Hilkemann	Morfeld	Walz
Brewer	Flood	Hunt	Murman	Wayne
Cavanaugh, J.	Gragert	Jacobson	Pansing Brooks	Williams
Cavanaugh, M.	Halloran	Lathrop	Sanders	Wishart
Day	Hansen, B.	McCollister	Slama	

Voting in the negative, 5:

Albrecht	Briese	Hughes	Linehan	Moser
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Present and not voting, 7:

Aguilar	Brandt	Friesen	Lowe
Bostelman	Clements	Geist	

Excused and not voting, 3:

Kolterman	Lindstrom	Pahls
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Advanced to Enrollment and Review Initial with 34 ayes, 5 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 381. Introduced by Murman, 38.

WHEREAS, the 2022 Nebraska School Activities Association State Speech Championships were held from March 16 through March 18 at Kearney High School in Kearney, Nebraska; and

WHEREAS, Sydney Mitchell, an outstanding student at Alma High School, competed in the Class C-2 Oral Interpretation of Poetry category; and

WHEREAS, Sydney won the Class C-2 Oral Interpretation of Poetry State Speech Championship with a score of one hundred forty-eight; and

WHEREAS, Sydney earned the first state championship title in speech for Alma High School since 1990; and

WHEREAS, Sydney has also received a Nebraska School Activities Association Academic All-State Award in the speech category, sponsored by the Nebraska Chiropractic Physicians Association; 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 Sydney Mitchell on winning the 2022 Class C-2 Oral Interpretation of Poetry State Speech Championship.

2. That copies of this resolution be sent to Alma High School, Coach Courtney Stottler, and Sydney Mitchell.

Laid over.

LEGISLATIVE RESOLUTION 382. Introduced by Gragert, 40.

WHEREAS, the Stuart High School speech team won the 2022 Nebraska School Activities Association Class D-2 State Speech Championship; and

WHEREAS, under the direction of Coach Brenda Larabee, Stuart High School prevailed over runner-up Potter-Dix by a score of 146 to 104; and

WHEREAS, this is the fifth such championship title for Stuart High School; and

WHEREAS, the team placed in six different categories; and

WHEREAS, two individuals of the Stuart High School speech team earned state champion honors: William Paxton in Entertainment Speaking and Taya Schmaderer in Persuasive Speaking; and

WHEREAS, such team and individual achievements are made possible through the support of teachers, administrators, parents, and the 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 the Stuart High School speech team for winning the 2022 Nebraska School Activities Association Class D-2 State Speech Championship.

2. That copies of this resolution be sent to the Stuart High School speech team and Coach Brenda Larabee.

Laid over.

SENATOR ARCH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 852. Title read. Considered.

Committee [AM1607](#), found on page 707, was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Senator Day offered her amendment, [AM2563](#), found on page 961.

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

Senator Morfeld offered his amendment, [AM2272](#), found on page 797.

The Morfeld amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1016. Title read. Considered.

Committee [AM2128](#), found on page 718, was offered.

Senator Bostelman offered his amendment, [AM2239](#), found on page 845, to the committee amendment.

The Bostelman amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 383. Introduced by Erdman, 47.

PURPOSE: The purpose of this resolution is to propose an interim study to explore best practices for the implementation of a consumption tax in Nebraska.

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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 519. Placed on Final Reading.

LEGISLATIVE BILL 741. Placed on Final Reading.
[ST53](#) is available in the Bill Room.

LEGISLATIVE BILL 917. Placed on Final Reading.
[ST52](#)

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

1. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2020, and sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 2021; to provide an income tax credit for certain wages paid to individuals convicted of a felony; to provide duties for the Department of Revenue; to define a term; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Terrell McKinney, Chairperson

RECESS

At 12:01 p.m., on a motion by Senator Hilkemann, 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 Senators Lindstrom and Pahls who were excused; and Senators Bostar, Day, Flood, Halloran, B. Hansen, Hilkemann, Hunt, McCollister, McKinney, Pansing Brooks, Sanders, Slama, and Wishart who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 384. Introduced by Cavanaugh, M., 6.

PURPOSE: The purpose of this resolution is to propose an interim study to investigate laws and procedures pertaining to the use of emergency protective custody and to suggest improvements in procedures and statutes related to emergency protective custody and court orders for the treatment of persons with severe and persistent mental illness.

The study shall include, but not be limited to, an examination of the following:

- (1) Laws and procedures governing emergency protective custody and the use of court orders for mental health treatment;
- (2) Continuation of treatment through facility or placement changes;

(3) Treatment planning for persons being discharged from mental health facilities;

(4) Continuity of care when persons with severe and persistent mental illness move from the jurisdiction of one behavioral health region to another; and

(5) Other related factors affecting the mental health treatment of persons with severe and persistent mental illness.

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

1. That the Judiciary 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.

SELECT FILE

LEGISLATIVE BILL 1014. [ER155](#), found on page 978, was adopted.

Senator Stinner offered his amendment, [AM2584](#), found on page 1002.

SENATOR WILLIAMS PRESIDING

Senator Briese moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Stinner amendment.

SENATOR ARCH PRESIDING

Senator Stinner moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Senator Stinner requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 39:

Aguilar	Briese	Gragert	Linchan	Slama
Albrecht	Cavanaugh, J.	Hilgers	Low	Stinner
Arch	Clements	Hilkemann	McCollister	Vargas
Blood	Day	Hughes	McDonnell	Walz
Bostar	DeBoer	Hunt	McKinney	Wayne
Bostelman	Dorn	Jacobson	Moser	Williams
Brandt	Friesen	Kolterman	Murman	Wishart
Brewer	Geist	Lathrop	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hansen, M.

Excused and not voting, 8:

Erdman	Halloran	Lindstrom	Pahls
Flood	Hansen, B.	Morfeld	Pansing Brooks

The Stinner amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 385. Introduced by Linehan, 39.

WHEREAS, the 2022 Nebraska School Activities Association Class B Girls State Basketball Championship was held on March 12 at Pinnacle Bank Arena in Lincoln; and

WHEREAS, the Elkhorn North High School girls basketball team won the 2022 Class B Girls State Basketball Championship; and

WHEREAS, the top-ranked Elkhorn North Wolves won against the only team to defeat them during the season, Omaha Skutt, in the championship game with a score of 49 to 36; and

WHEREAS, this is the second such state championship for the Elkhorn North Lady Wolves in the school's second season; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the 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 Elkhorn North High School girls basketball team and its coaches on winning the 2022 Class B Girls State Basketball Championship.

2. That copies of this resolution be sent to the Elkhorn North High School girls basketball team and Coach Ann Prince.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the Nebraska Juvenile Code. The study shall include a review of the Nebraska Juvenile Code, including related statutes and court rules to potentially modify. In order to fulfill the purpose of the resolution, the committee should seek the assistance of county judges, juvenile judges, attorneys, and any others the committee deems necessary.

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

1. That the Judiciary 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 387. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to review the statutes relating to homestead exemptions and the current system and guidelines in place for determining income for applications for a homestead exemption, to assess whether such system and guidelines are appropriate and fair for applicants, and to evaluate possible changes and solutions.

A homestead exemption is a property tax relief option available for certain categories of homeowners. Income limits exist to claim a homestead exemption on a sliding scale for persons over age sixty-five, veterans totally disabled by a non-service-connected accident or illness, and persons with developmental disabilities. No such income limits exist for qualified totally disabled veterans and their surviving spouses or for veterans and their surviving spouses whose homes were substantially contributed to by the United States Department of Veterans Affairs. Applicants for a homestead exemption must report their income on the Nebraska Schedule I document which is filed with their application and that report must be supplemented by income documents from the Internal Revenue Service, Social Security Administration, and Railroad Retirement Board. Several factors determine the income levels for purposes of qualifying for a homestead exemption such as passive income, social security benefits, and whether the names of any children or other individuals are on the deed as owners and also occupy the homestead.

This study shall include, but not be limited to:

- (1) Reviewing income guidelines for homestead exemptions;
- (2) Assessing the guidelines and the barriers in place that prevent Nebraskans from qualifying for a homestead exemption;

(3) Determining the fiscal impact of changing income guidelines for applicants;

(4) Comparing current guidelines to neighboring states; and

(5) Determining whether changing income guidelines for homestead exemptions is appropriate and, if needed, examine alternative solutions for persons who do not qualify for the exemption.

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.

LEGISLATIVE RESOLUTION 388. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the rating and combined rating system that the Department of Veterans' Affairs uses to determine compensation payments and access to other benefits. The combined total rating for a disabled veteran determines the benefits and compensation rates the disabled veteran receives. Combined ratings also determine whether a disabled veteran meets the requirements for total disability based on individual unemployability.

The calculation for determining benefits and compensation rates is relatively simple when a person only has one rated service-connected disability. Combined ratings are far more complicated as each service-connected disability is assigned its own rating based on the severity of the veteran's symptoms. This study shall assess the current process for calculating such percentages and examine any changes that may need to be made to ensure disabled veterans are receiving the benefits they need.

This study shall include, but not be limited to:

(1) Examining how disability rates are compounded and calculated; and

(2) Discerning whether the compounded disability rates that are being assigned to Nebraska disabled veterans are appropriate for their level of disability and the way their disabilities have impacted their life.

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

1. That the Government, Military and Veterans Affairs 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 389. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine how information on all Parkinson's disease cases can best be collected and reported to the Parkinson's Disease Registry (PDR) to provide a rich data source that can be used to improve Parkinson's disease prevention, survival, treatment, and research. The issues addressed by this study shall include, but not be limited to, an examination of:

- (1) Current strategies in Nebraska to collect and store information on all Parkinson's disease cases diagnosed or receiving treatment;
- (2) Current strategies to report diagnosis and treatment of Parkinson's disease to the PDR;
- (3) Obstacles to enhanced data collection and reporting to the PDR;
- (4) Current strategies among other states for enhanced data collection and reporting to such state's Parkinson's disease registries; and
- (5) Uses for data collected through the PDR both statewide and nationwide to improve Parkinson's disease prevention, care, treatment, and research.

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 390. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study to review the current medicaid reimbursement model and processes for Nebraska's critical access hospitals and to determine if changes should be made to strengthen the financial position of these rural hospitals. The study shall include, but not be limited to:

- (1) Reviewing medicaid inpatient per diem rates and outpatient cost-to-charges ratio rates, when such rates were last updated, and if such rates accurately reflect hospital costs;
- (2) Reviewing how much time the medical assistance program takes to settle cost reports and how significant delays impact the ability of critical access hospitals to fund hospital operations; and
- (3) Reviewing how critical access hospitals financially sustain other important rural health initiatives, including community wellness outreach and long-term care services.

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 391. Introduced by Gragert, 40.

WHEREAS, the Wausa High School speech team won the 2022 Nebraska School Activities Association Class D-1 State Speech Championship; and

WHEREAS, under the direction of Coaches Kyle and Samantha Stevens, Wausa High School prevailed over runner-up Humphrey by a score of 202 to 106; and

WHEREAS, this is the fourth such championship title for Wausa High School; and

WHEREAS, the team placed in eight different categories; and

WHEREAS, two individuals and two groups of the Wausa High School speech team earned state champion honors: Trey McQuay in Entertainment Speaking, Tyler Baue in Oral Interpretation of Serious Prose, Tyler Baue and Cole Story in Duet Acting, and Leah Bloomquist, Abrielle Nelson, Cole Story, Trey McQuay and Tyler Baue in Oral Interpretation of Drama; and

WHEREAS, such team and individual achievements are made possible through the support of teachers, administrators, parents, and the 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 the Wausa High School speech team on winning the 2022 Nebraska School Activities Association Class D-1 State Speech Championship.

2. That copies of this resolution be sent to the Wausa High School speech team and Coaches Kyle and Samantha Stevens.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to [LB1173](#):

[AM2597](#)

(Amendments to Final Reading copy)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. Section 43-907, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 43-907 (1) Unless a guardian shall have been appointed by a court
 5 of competent jurisdiction, the Department of Health and Human Services
 6 shall take custody of and exercise general control over assets owned by
 7 children under the charge of the department. Children owning assets shall
 8 at all times pay for personal items. Assets over and above a maximum of
 9 one thousand dollars and current income shall be available for
 10 reimbursement to the state for the cost of care. Assets may be deposited
 11 in a checking account, invested in United States bonds, or deposited in a
 12 savings account insured by the United States Government. All income
 13 received from the investment or deposit of assets shall be credited to
 14 the individual child whose assets were invested or deposited. The
 15 department shall make and maintain detailed records showing all receipts,
 16 investments, and expenditures of assets owned by children under the
 17 charge of the department.
 18 (2) When the Department of Health and Human Services serves as
 19 representative payee for a child beneficiary of social security benefits,
 20 the department shall provide:
 21 (a) Notice to the child beneficiary, in an age-appropriate manner,
 22 and the child's guardian ad litem, that the department is acting as the
 23 child's representative payee for the purposes of receiving social
 24 security benefits, within thirty days after receiving the first social
 25 security benefit payment on behalf of the child;
 26 (b) Notice to the juvenile court, at every review hearing regarding
 1 the child beneficiary after January 1, 2023, regarding the department's
 2 receipt and conservation of the child's social security benefits, that
 3 shall include:
 4 (i) The total amount of social security benefit funds the department
 5 has received on behalf of the child beneficiary as of the review hearing;
 6 and
 7 (ii) The total amount of social security benefit funds received on
 8 behalf of the child beneficiary that are currently conserved or unspent
 9 as of the review hearing; and
 10 (c) All accounting records regarding the department's receipt, use,
 11 and conservation of the child's social security benefits, to the child
 12 beneficiary, the child's guardian ad litem or attorney, or the child's
 13 parent upon:
 14 (i) Request from the child beneficiary, the child's guardian ad
 15 litem or attorney, or the child's parent; and
 16 (ii) Termination of the department's role as the child beneficiary's
 17 representative payee.
 18 (3) On or before October 1, 2023, the Department of Health and Human
 19 Services shall adopt and promulgate rules and regulations to carry out
 20 subsection (2) of this section consistent with federal requirements
 21 regarding representative payees for social security beneficiaries.

BILL ON FIRST READING

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

LEGISLATIVE BILL 750A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 750, One Hundred Seventh Legislature, Second Session, 2022.

SELECT FILE

LEGISLATIVE BILL 1014. Senator Linehan offered the following amendment:

[AM2610](#)

(Amendments to E & R amendments, ER155)

- 1 1. On page 2, after line 19 insert the following new paragraph:
- 2 "The administrative expenditures of any agency, board, or commission
- 3 related to the use of the Federal Funds appropriated pursuant to this act
- 4 shall not exceed fifteen percent of the Federal Fund appropriation to
- 5 such agency, board, or commission for such purpose."

The Linehan amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Stinner offered his amendment, [AM2580](#), found on page 1002.

SENATOR HUGHES PRESIDING

The Stinner amendment was adopted with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting.

Senator Morfeld offered his amendment, [AM2561](#), found on page 953.

The Morfeld amendment was adopted with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

Senator Linehan offered the following amendment:

[AM2608](#)

(Amendments to E & R amendments, ER155)

- 1 1. Insert the following new section:
- 2 Sec. 10. None of the funds appropriated in this act shall be used
- 3 for or by a joint public agency as defined in the Joint Public Agency
- 4 Act.
- 5 2. Renumber the remaining sections and correct internal references
- 6 accordingly.

The Linehan amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Wayne offered the following amendment:

[AM2619](#)

(Amendments to E & R amendments, ER155)

- 1 1. Insert the following new section:
- 2 Sec. 10. All grants utilizing Federal Funds allocated to the State
- 3 of Nebraska from the federal Coronavirus State Fiscal Recovery Fund shall
- 4 meet the eligible uses under the federal American Rescue Plan Act of 2021
- 5 and any relevant guidance on the use of such funds by the United States
- 6 Department of the Treasury.
- 7 Each agency, board, or commission shall complete the adoption and
- 8 promulgation of rules and regulations related to the distribution of the
- 9 Federal Funds appropriated pursuant to this act within sixty days after
- 10 the effective date of this act.
- 11 Each such agency, board, or commission shall provide a report to the

12 Executive Board of the Legislative Council within ninety days after the
 13 effective date of this act that outlines whether the projects or
 14 appropriations assigned to the agency, board, or commission by the
 15 Legislature comply with the federal act or regulations.

SENATOR WILLIAMS PRESIDING

Senator Wayne withdrew his amendment.

Senator Morfeld offered the following amendment:

[AM2616](#)

(Amendments to E & R amendments, ER155)

1 1. On page 7, line 2, after "Labor" insert "and distributed through
 2 the recommendation of the Nebraska Worker Training Board pursuant to the
 3 guidelines established in section 48-622.03".

The Morfeld amendment was adopted with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

Senator Stinner offered the following motion:

[MO185](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

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

Voting in the affirmative, 34:

Aguilar	Cavanaugh, M.	Hansen, M.	Lowe	Stinner
Blood	Day	Hilgers	McCollister	Vargas
Bostar	DeBoer	Hilkemann	McDonnell	Walz
Bostelman	Dorn	Hunt	McKinney	Wayne
Brandt	Flood	Jacobson	Morfeld	Williams
Brewer	Gragert	Kolterman	Moser	Wishart
Cavanaugh, J.	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 4:

Albrecht	Briese	Sanders	Slama
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Present and not voting, 7:

Arch	Erdman	Halloran	Murman
Clements	Friesen	Linehan	

Excused and not voting, 4:

Geist Hughes Lindstrom Pahls

The Stinner motion to invoke cloture prevailed with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

Senator Slama requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 7 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 392. Introduced by Friesen, 34; DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature that may arise during the interim.

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

1. That the Transportation and Telecommunications 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.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB344A:
[AM2626](#)

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. There is hereby appropriated (1) \$241,240 from the
4 General Fund and \$50,000 from Federal Funds for FY2022-23 and (2)
5 \$168,642 from the General Fund and \$50,000 from Federal Funds for
6 FY2023-24 to the State Fire Marshal, for Program 193, to aid in carrying
7 out the provisions of Legislative Bill 344, One Hundred Seventh
8 Legislature, Second Session, 2022.
9 Total expenditures for permanent and temporary salaries and per
10 diems from funds appropriated in this section shall not exceed \$76,042
11 for FY2022-23 or \$78,324 for FY2023-24.

Senator Linehan filed the following amendment to LB1014:

[AM2609](#)

(Amendments to E & R amendments, ER155)

- 1 1. On page 12, lines 21 and 22, strike "47,500,000" and insert
- 2 "35,000,000"; and in lines 24 and 27 strike "\$47,500,000" and insert
- 3 "\$35,000,000".
- 4 2. On page 13, line 9, after the semicolon insert "and"; in line 10
- 5 strike "; and" and insert an underscored period; and strike line 11.
- 6 3. On page 15, lines 15 and 16, strike "47,500,000" and insert
- 7 "35,000,000"; in line 18 strike "\$47,500,000" and insert "\$35,000,000";
- 8 and in line 23 strike "\$35,625,000" and insert "\$23,125,000".
- 9 4. On page 16, line 12, after the semicolon insert "and"; in line 13
- 10 strike "; and" and insert an underscored period; and strike line 14.
- 11 5. On page 36, lines 19 and 20, strike "15,000,000" and insert
- 12 "10,000,000"; and in line 22 strike "\$15,000,000" and insert
- 13 "\$10,000,000".
- 14 6. On page 37, line 2, after the semicolon insert "and"; in line 3
- 15 strike "; and" and insert an underscored period; and strike line 4.

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

[FA191](#)

Amend ER155: Strike Subsection (4) in Section 38.

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

[AM2630](#)

(Amendments to E&R amendments, ER155)

- 1 1. Insert the following new section:
- 2 Sec. 10. It is the intent of the Legislature that one-half of the
- 3 funds allocated to the State of Nebraska from the federal Coronavirus
- 4 State Fiscal Recovery Fund pursuant to the federal American Rescue Plan
- 5 Act of 2021 be appropriated for FY2021-22 and FY2022-23 and the other
- 6 one-half of the funds may be appropriated in FY2023-24 and thereafter.
- 7 2. Renumber the remaining sections and correct internal references
- 8 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1083. Considered.

Committee [AM2142](#), found on page 858 and considered on page 921, was renewed.

Senator M. Cavanaugh offered her motion, [MO176](#), found on page 922, to bracket until March 31, 2022.

Senator M. Cavanaugh withdrew her motion to bracket.

The committee amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

SENATOR ARCH PRESIDING

LEGISLATIVE BILL 902. Title read. Considered.

Committee [AM2194](#), found on page 789, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 902A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

SENATOR HUGHES PRESIDING**LEGISLATIVE BILL 1069.** Title read. Considered.

Senator Williams withdrew his amendment, [AM1867](#), found on page 799.

Senator Williams offered his amendment, [AM2299](#), found on page 826.

The Williams amendment was adopted with 27 ayes, 4 nays, 11 present and not voting, and 7 excused and not voting.

Senator Vargas offered the following amendment:

[AM2303](#)

1 1. Insert the following new sections:

2 Sec. 5. Section 81-1238, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-1238 (1) The director shall establish a workforce housing
5 investment grant program to foster and support the development of
6 workforce housing in urban communities.

7 (2) A nonprofit development organization may apply to the director
8 for approval of a workforce housing grant for a workforce housing
9 investment fund. The application shall be in a form and manner prescribed
10 by the director. Through fiscal year ~~2026-27~~ 2022-2023, grants shall be
11 awarded by the director on a competitive basis until grant funds are no
12 longer available. Grant maximums shall not exceed one million dollars to
13 any one nonprofit development organization over a two-year period, with
14 ~~the no more than two million five hundred thousand dollars cumulative~~
15 ~~amount for any single grantee to be determined by the department at the~~
16 ~~discretion of the director through fiscal year 2022-2023. An applicant~~
17 ~~shall provide matching funds of at least one-half of the amount of~~
18 ~~workforce housing grant funds awarded. Grants shall require a minimum one-~~
19 ~~to-one in matching funds to be considered a qualified grant application.~~

20 Unallocated funds held by the department shall be rolled to the next
21 program year. ~~Unallocated funds on June 30, 2025, shall be returned to~~
22 ~~the Middle Income Workforce Housing Investment Fund.~~

23 (3) Grants shall be awarded based upon:

24 (a) A demonstrated need for additional owner-occupied housing. Need
25 can be demonstrated with a recent housing study or a letter from the
26 planning department of the city in which the fund is intending to operate
27 stating that the proposal is in line with the city's most recent
1 consolidated plan submitted under 24 C.F.R. part 91, subpart D, as such
2 subpart existed on January 1, 2020;

3 (b) A neighborhood or community that has a higher-than-state-average
4 unemployment rate;

5 (c) A neighborhood or community that exhibits a demonstrated
6 commitment to growing its housing stock;
7 (d) Projects that can reasonably be ready for occupancy in a period
8 of twenty-four months; and
9 (e) A demonstrated ability to grow and manage a workforce housing
10 investment fund.

11 (4) A workforce housing investment fund shall:
12 (a) Be required to receive annual certification from the department;
13 (b) Invest or intend to invest in eligible activities for a
14 workforce housing investment fund;
15 (c) Use any fees, interest, loan repayments, or other funds received
16 by the nonprofit development organization as a result of the
17 administration of the grant to support qualified activities; and
18 (d) Have an active board of directors with expertise in development,
19 construction, and finance that meets at least quarterly to approve all
20 qualified investments made by the nonprofit development organization. A
21 nonprofit development organization shall have a formal plan and proven
22 expertise to invest unused workforce housing investment fund balances and
23 shall conduct an annual audit of all financial records by an independent
24 certified public accountant.

25 Sec. 6. Section 81-1239, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:
27 81-1239 (1) The Middle Income Workforce Housing Investment Fund is
28 created. Funding for the grant program described in section 81-1238 shall
29 come from the Middle Income Workforce Housing Investment Fund. The Middle
30 Income Workforce Housing Investment Fund may include revenue from
31 appropriations from the Legislature, grants, private contributions, and
1 other sources. In addition, the Middle Income Workforce Housing
2 Investment Fund shall receive a one-time transfer of ten million dollars
3 on November 14, 2020, from the General Fund. Any money in the Middle
4 Income Workforce Housing Investment Fund available for investment shall
5 be invested by the state investment officer pursuant to the Nebraska
6 Capital Expansion Act and the Nebraska State Funds Investment Act.

7 (2) The department shall administer the Middle Income Workforce
8 Housing Investment Fund and may seek additional private or nonstate funds
9 to use in the grant program, including, but not limited to, contributions
10 from the Nebraska Investment Finance Authority and other interested
11 parties.

12 (3) Interest earned by the department on grant funds shall be
13 applied to the grant program.

14 (4) If a nonprofit development organization fails to engage in a
15 qualified activity within twenty-four months after receiving initial
16 grant funding, the nonprofit development organization shall return the
17 grant proceeds to the department for credit to the General Affordable
18 Housing Trust Fund.

19 (5) Beginning July 1, ~~2029~~ 2025, any funds held by the department in
20 the Middle Income Workforce Housing Investment Fund shall be transferred
21 to the General Affordable Housing Trust Fund.

22 Sec. 7. Section 81-1240, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:
24 81-1240 (1) Each nonprofit development organization shall submit an
25 annual report to the director to be included as a part of the
26 department's annual status report required under section 81-1201.11. The
27 report shall certify that the workforce housing investment fund meets the
28 requirements of the Middle Income Workforce Housing Investment Act and
29 shall include a breakdown of program activities.

30 (2) The annual report shall include, but not be limited to:
31 (a) The name and geographical location of the nonprofit development
1 organization;
2 (b) The number, amount, and type of workforce housing investment

3 funds invested in qualified activities;
 4 (c) The number, geographical location, type, and amount of
 5 investments made;
 6 (d) A summary of matching funds and where such matching funds were
 7 generated; and
 8 (e) The results of the annual audit required under subdivision (4)
 9 (d) of section 81-1238.
 10 (3) If a nonprofit development organization ceases administration of
 11 a workforce housing investment fund, it shall file a final report with
 12 the director in a form and manner required by the director. Before July
 13 1, ~~2029~~ 2025, any unallocated workforce housing investment fund grant
 14 funds shall be returned for credit to the Middle Income Workforce Housing
 15 Investment Fund. On and after July 1, 2029, any unallocated workforce
 16 housing investment fund grant funds shall be returned to the department
 17 for transfer to the General Fund.
 18 (4) If a workforce housing investment fund fails to file a complete
 19 annual report by February 15, the director may, in his or her discretion,
 20 impose a civil penalty of not more than five thousand dollars for such
 21 violation. All money collected by the department pursuant to this
 22 subsection shall be remitted to the State Treasurer for distribution in
 23 accordance with Article VII, section 5, of the Constitution of Nebraska.
 24 2. Renumber the remaining sections and correct the repealer
 25 accordingly.

The Vargas amendment was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Committee [AM1601](#), found on page 619, was offered.

Senator Sanders offered her amendment, [AM2371](#), found on page 928, to the committee amendment.

The Sanders amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator M. Hansen withdrew his amendment, [FA165](#), found on page 1006.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 741A. Title read. Considered.

Senator DeBoer offered the following amendment:
[AM2628](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$116,837 from the
4 General Fund for FY2022-23 and (2) \$118,034 from the General Fund for
5 FY2023-24 to the Attorney General, for Program 507, to aid in carrying
6 out the provisions of Legislative Bill 741, One Hundred Seventh
7 Legislature, Second Session, 2022.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$52,000
10 for FY2022-23 or \$53,040 for FY2023-24.
11 Sec. 2. There is hereby appropriated (1) \$11,209 from the General
12 Fund for FY2022-23 and (2) \$11,209 from the General Fund for FY2023-24 to
13 the Department of Health and Human Services, for Program 345, to aid in
14 carrying out the provisions of Legislative Bill 741, One Hundred Seventh
15 Legislature, Second Session, 2022.
16 No expenditures for permanent and temporary salaries and per diems
17 for state employees shall be made from funds appropriated in this
18 section.

The DeBoer amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 752A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1024A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 707. [ER127](#), found on page 739, was adopted.

Senator Flood offered his amendment, [AM2205](#), found on page 767.

The Flood amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Senator Dorn offered his amendment, [AM2405](#), found on page 874.

The Dorn amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 863. [ER129](#), found on page 740, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 752. [ER131](#), found on page 740, was adopted.

Senator Arch offered his amendment, [AM2302](#), found on page 830.

SENATOR WILLIAMS PRESIDING

The Arch amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 805. [ER130](#), found on page 740, was adopted.

Senator Brandt withdrew his amendment, [AM2581](#), found on page 976.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 805A. [ER151](#), found on page 950, was adopted.

Senator Hughes offered the following amendment:

[AM2592](#)

(Amendments to E&R amendments, ER151)

1 1. Strike the original section and all amendments thereto and insert
 2 the following new section:
 3 Section 1. There is hereby appropriated (1) \$2,000,000 from Federal
 4 Funds for FY2022-23 and (2) \$2,000,000 from the General Fund for
 5 FY2023-24 to the Department of Agriculture, for Program 78, to aid in
 6 carrying out the provisions of Legislative Bill 805, One Hundred Seventh
 7 Legislature, Second Session, 2022. The Federal Funds appropriated in this
 8 section are from the funds allocated to the State of Nebraska from the
 9 federal Coronavirus State Fiscal Recovery Fund pursuant to the federal
 10 American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended.
 11 There is included in the appropriation to this program for FY2022-23
 12 \$2,000,000 Federal Funds for state aid, which shall only be used for such
 13 purpose. There is included in the appropriation to this program for
 14 FY2023-24 \$2,000,000 General Funds for state aid, which shall only be
 15 used for such purpose.
 16 No expenditures for permanent and temporary salaries and per diems
 17 for state employees shall be made from funds appropriated in this
 18 section.

The Hughes amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 809. [ER141](#), found on page 849, was adopted.

Senator Gragert withdrew his amendment, [AM2501](#), found on page 904.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 809A. Senator Gragert withdrew his amendment, [AM2442](#), found on page 905.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 800. [ER143](#), found on page 849, was adopted.

Speaker Hilgers requested to pass over.

LEGISLATIVE BILL 750. [ER140](#), found on page 850, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1273. [ER132](#), found on page 741, was adopted.

Senator M. Hansen withdrew his amendment, [FA186](#), found on page 1008.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1273A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1112. [ER135](#), found on page 792, was adopted.

Senator Moser requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1112A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1144. Title read. Considered.

Committee [AM2107](#), found on page 753, was offered.

Senator Flood withdrew his amendment, [AM2316](#), found on page 833.

Senator Hilgers offered the following amendment to the committee amendment:

[AM2428](#)

(Amendments to Standing Committee amendments, AM2107)

1 1. Strike section 9 and insert the following new section:

2 Section 1. Section 75-109.01, Revised Statutes Cumulative

3 Supplement, 2020, is amended to read:

4 75-109.01 Except as otherwise specifically provided by law, the

5 Public Service Commission shall have jurisdiction, as prescribed, over

6 the following subjects:

7 (1) Common carriers, generally, pursuant to sections 75-101 to

8 75-158;

9 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse

10 Act and sections 89-1,104 to 89-1,108;

11 (3) Manufactured homes and recreational vehicles pursuant to the

12 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

13 (4) Modular housing units pursuant to the Nebraska Uniform Standards

14 for Modular Housing Units Act;

15 (5) Motor carrier registration, licensure, and safety pursuant to

16 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

17 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil

18 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections

19 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with

20 the provisions of the Major Oil Pipeline Siting Act, the provisions of

21 the Major Oil Pipeline Siting Act control;

22 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,

23 74-1323, and 75-401 to 75-430;

24 (8) Telecommunications carriers pursuant to the Automatic Dialing-

25 Announcing Devices Act, the Emergency Telephone Communications Systems

26 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call

27 Regulation Act, the Nebraska Telecommunications Regulation Act, the

28 Nebraska Telecommunications Universal Service Fund Act, the

29 Telecommunications Relay System Act, the Telephone Consumer Slamming

30 Prevention Act, and sections 86-574 to 86-579 and section 86-1308;

31 (9) Transmission lines and rights-of-way pursuant to sections 70-301

32 6 and 75-702 to 75-724;

33 (10) Water service pursuant to the Water Service Regulation Act; and

34 (11) Jurisdictional utilities governed by the State Natural Gas

35 Regulation Act. If the provisions of Chapter 75 are inconsistent with the

36 provisions of the State Natural Gas Regulation Act, the provisions of the

37 State Natural Gas Regulation Act control.

38 2. On page 7, line 6, strike "sections 9 and 10" and insert "section

39 10".

40 3. On page 10, line 4, strike the second comma and show as stricken;

41 and in line 5 strike the comma, show as stricken, and after "application"

42 insert ", except that the commission may, upon good cause shown, allow a

43 provider up to ninety days to submit a challenge to an application".

44 4. On page 11, strike lines 17 through 21, show the old matter as

45 stricken, and insert the following new subsection:

46 "(2)(a) As conditions for accepting a grant under the program, the

47 applicant and its successors and affiliates shall agree to:

48 (i) Offer broadband Internet service in the project area for fifteen

49 years after receipt of grant funding; and

50 (ii) Commit to maintaining minimum speed capability of one hundred

51 megabits per second for downloading and one hundred megabits per second

52 for uploading in all locations for which the applicant will receive

53 support for the period of time prescribed in subdivision (2)(a)(i) of

54 this section.

55 (b) Any applicant that declines to accept the conditions described

56 in subdivision (2)(a) of this section shall not be eligible to receive a

57 grant. For any grant recipient, the commission shall have the authority

58 to enforce the performance of such agreed-upon conditions, including the

59 authority to impose civil penalties pursuant to section 75-156."

60 5. On page 14, line 19, strike "3" and insert "4"; and in line 26

61 after the first comma insert "section 75-109.01, Revised Statutes

62 Cumulative Supplement, 2020,".

63 6. Renumber the remaining sections accordingly.

The Hilgers amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 393. Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the committee hearing procedures of the Legislature and explore changes that would improve access to participation from the public.

One of the advantages of a unicameral form of government is better transparency, accountability, and access to the legislative process for members of the public. To realize these benefits, the Legislature should ensure committee procedures maximize opportunities for public input, especially during the committee hearing process where the goal is to allow for participation from the "second house".

The COVID-19 public health emergency led to changes in how the Legislature collects and records public comments on legislative bills, including implementation of an online public comment portal and the practice of accepting written testimony. It also allowed many to become more familiar with technology that facilitates virtual communication. These circumstances necessitate an examination of committee procedures and practices and potential improvements.

The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of current and past committee hearing procedures, including procedures on taking and recording testimony and written comments;
- (2) An overview of the public comment portal implemented in 2020 and its effectiveness;
- (3) A review of methods used in other states and other Nebraska government bodies for input from the public on policy issues; and
- (4) Potential improvements in committee hearing procedures that increase public participation and input from all Nebraskans, especially those often left out of the policy process.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the board 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.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB1014:

[FA192](#)

Strike Subsection (4) of Section 38.

Senator Wayne filed the following amendment to LB888:

[FA193](#)

Amend AM1995: On Page 1, line 14, after "genocide" add "slavery, lynching, and racial massacres in America."

Senator Blood filed the following amendment to LB800:

[AM2210](#) is available in the Bill Room.

Senator Flood filed the following amendment to LB1144:

[AM2408](#)

(Amendments to Standing Committee amendments, AM2107)

1 1. On page 10, line 24, strike "may" and insert "shall"; and in line
2 26 after "area" insert "in which the provider submitting the challenge
3 states that broadband service is currently available at minimum speeds of
4 one hundred megabits per second for downloading and twenty megabits per
5 second for uploading".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB852.

VISITOR(S)

Visitors to the Chamber were Senators Stinner's guest, Charlie Knapper, Gering; twelfth-grade students, teachers, and their sponsor from Central Valley High School, Greeley; fourth-grade students from Trumble Park Elementary, Papillion; fifth-grade students from Norfolk Middle School, Norfolk; twelfth-grade students from Burwell High School, Burwell; and students from Karen Western Elementary, Omaha.

The Doctor of the Day was Dr. Eric Thomsen of Beatrice.

ADJOURNMENT

At 8:05 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 2022.

Patrick J. O'Donnell
Clerk of the Legislature