

TWENTY-FOURTH DAY - FEBRUARY 8, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 2023

PRAYER

The prayer was offered by Monsignor Robert Tucker, St. Vincent de Paul Catholic Church, Seward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator McDonnell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Hardin who was excused; and Senators Day, Geist, B. Hansen, Hunt, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 15, 2023

LB408
LB410
LB409
LB569
LB302

(Signed) Tom Brewer, Chairperson

Health and Human Services
Room 1510 1:30 PM

Wednesday, February 15, 2023

LB431
LB421
LB500
LB402
LB661

Room 1510 1:30 PM

Thursday, February 16, 2023

LB422
LB592
LB680
LB358

(Signed) Ben Hansen, Chairperson

General Affairs
Room 1510 1:30 PM

Monday, March 6, 2023

LB144
LB257
LB542
LB543
LB544
LB716
Trent Loos - State Racing and Gaming Commission

Room 1510 1:30 PM

Monday, March 13, 2023

LB148
LB150
LB375
LB403
LB404
LB493

(Signed) John Lowe, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, February 15, 2023

LB30
LB60
LB184
LB507
LB473
LB339

(Signed) Justin Wayne, Chairperson

Revenue
Room 1524 1:30 PM

Wednesday, February 15, 2023
LB602 (reschedule)
LB416
LB38 (reschedule)

(Signed) Lou Ann Linehan, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, February 21, 2023
LB171
LB45
LB224
LB707
LB629

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to [LB589](#):
[AM212](#) is available in the Bill Room.

Senator Briese filed the following amendment to [LB685](#):
[AM242](#)

1 1. On page 8, line 4, after "year" insert "and shall be accompanied
2 by the licensee fee as required by this subsection"; strike lines 5
3 through 7 and insert the following new subdivisions:
4 "(b) No license fee shall be required for a mechanical amusement
5 device that is not a cash device.
6 (c) Until January 1, 2024, no license fee shall be required for a
7 mechanical amusement device that is also a cash device. Beginning January
8 1, 2024, the license fee for a mechanical amusement device that is also a
9 cash device shall be one thousand dollars."; in line 28 after "year"
10 insert "and shall be accompanied by the license fee as required by this
11 section"; and strike beginning with "Until" in line 28 through the period
12 in line 30 and insert "No license fee shall be required for a license to
13 distribute a mechanical amusement device that is not a cash device. Until
14 January 1, 2024, no license fee shall be required for a license to

15 distribute a mechanical amusement device that is also a cash device.
 16 Beginning January 1, 2024, the license fee for a license to distribute a
 17 mechanical amusement device that is also a cash device shall be one
 18 thousand dollars."
 19 2. On page 10, line 13, strike "selected" and insert "certified".
 20 3. On page 17, line 5, strike "until January 1, 2024,"; in line 6
 21 strike "devises" and insert "devices"; and strike beginning with
 22 "Beginning" in line 8 through line 10.

Senator Briese filed the following amendment to LB242:

[FA17](#)

Strike Section 1.

Senator Briese filed the following amendment to LB243:

[FA18](#)

Strike Section 1.

Senator Briese filed the following amendment to LB244:

[FA19](#)

Strike Section 1.

Senator Briese filed the following amendment to LB15:

[AM11](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
 4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
 5 to read:
 6 48-1203 (1) Except as otherwise provided in this section and section
 7 48-1203.01, every employer shall pay to each of his or her employees a
 8 minimum wage of:
 9 (a) Nine dollars per hour through December 31, 2022;
 10 (b) Ten dollars and fifty cents per hour on and after January 1,
 11 2023, through December 31, 2023;
 12 (c) Twelve dollars per hour on and after January 1, 2024, through
 13 December 31, 2024;
 14 (d) Thirteen dollars and fifty cents per hour on and after January
 15 1, 2025, through December 31, 2025; and
 16 (e) Fifteen dollars per hour on and after January 1, 2026, through
 17 December 31, 2026.
 18 (2) The minimum wage established in subdivision (1)(e) of this
 19 section shall be increased on January 1, 2027, and on January 1 of
 20 successive years, by the increase in the cost of living. The increase in
 21 the cost of living shall be measured by the percentage increase, if any,
 22 as of August of the previous year over the level as of August of the year
 23 preceding that year in the consumer price index for all urban consumers
 24 (CPI-U) for the Midwest Region, or its successor index, as published by
 25 the U.S. Department of Labor, or its successor agency, with the amount of
 26 the minimum wage increase rounded up to the nearest multiple of five
 27 cents. No later than October 15 of each year, commencing October 15,
 1 2026, the Nebraska Department of Labor shall calculate and publish the
 2 minimum wage rate that will take effect the following January 1.
 3 (3) For persons compensated by way of gratuities such as waitresses,
 4 waiters, hotel bellhops, porters, and shoeshine persons, the employer
 5 shall pay wages at the minimum rate of two dollars and thirteen cents per
 6 hour, plus all gratuities given to them for services rendered. The sum of
 7 wages and gratuities received by each person compensated by way of
 8 gratuities shall equal or exceed the applicable minimum wage rate

9 provided in subsection (1) or (2) of this section. In determining whether
10 or not the individual is compensated by way of gratuities, the burden of
11 proof shall be upon the employer.

12 (4) Any employer employing student-learners as part of a bona fide
13 vocational training program shall pay such student-learners' wages at a
14 rate of at least seventy-five percent of the minimum wage rate which
15 would otherwise be applicable under this section.

16 (5) An employer may pay an employee who is at least fourteen years
17 of age but no more than seventeen years of age a youth minimum wage of
18 ten dollars and fifty cents per hour.

19 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1203.01 (1) An employer may pay a new employee who is at least
22 eighteen years of age but under younger than twenty years of age and who
23 is not a seasonal or migrant worker a training wage rate as described in
24 subsection (2) of this section ~~of at least seventy-five percent of the~~
25 ~~federal minimum wage~~ for ninety days from the date the new employee was
26 hired. An employer may pay such new employee the training wage rate for
27 an additional ninety-day period while the new employee is participating
28 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or
29 other skills which are necessary for his or her employment and (b) ~~(2)~~ is
30 approved by the Commissioner of Labor. No more than one-fourth of the
31 total hours paid by the employer shall be at the training wage rate.

1 (2) For purposes of this section, the training wage rate shall be:

2 (a) Ten dollars and fifty cents per hour through December 31, 2026;
3 and

4 (b) A rate of seventy-five percent of the minimum wage rate that
5 would otherwise be applicable under section 48-1203 on and after January
6 1, 2027.

7 (3) An employer shall not pay the training wage rate if the hours of
8 any other employee are reduced or if any other employee is laid off and
9 the hours or position to be filled by the new employee is substantially
10 similar to the hours or position of such other employee. An employer
11 shall not dismiss or reduce the hours of any employee with the intention
12 of replacing such employee or his or her hours with a new employee
13 receiving the training wage rate.

14 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
15 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
16 2020, as amended by section 1, Initiative Law 2022, No. 433, are
17 repealed.

Senator Clements filed the following amendment to LB681:

AM193

1 1. On page 3, line 8, after "purposes" insert ", in order of
2 priority"; strike lines 9 through 12 and insert the following new
3 subdivisions:

4 "(a) To fully fund equalization aid under the Tax Equity and
5 Educational Opportunities Support Act;

6 (b) To fund special education supplemental aid under the Tax Equity
7 and Educational Opportunities Support Act;

8 (c) To fund foundation aid under the Tax Equity and Educational
9 Opportunities Support Act;" in line 13 strike "(c)" and insert "(d)"; in
10 line 16 strike "(d)" and insert "(e)"; in line 19 strike "(e)" and insert
11 "(f)"; and in line 24 strike "(f)" and insert "(g)".

Senator Holdcroft filed the following amendment to LB590:

AM276

1 1. On page 2, line 4, strike "at" and show as stricken; and in line
2 5 strike "least" and show as stricken.

Senator Slama filed the following amendment to LB535:

FA20

Strike Section 1.

Senator Brandt filed the following amendment to LB144:

AM229

1 1. On page 5, line 9, strike the new matter and reinstate the
2 stricken matter; and in line 10 strike "solar installation".

Senator Erdman filed the following amendment to LB230:

AM281

1 1. Strike original section 20 and insert the following new sections:
2 Sec. 3. Physically incapacitated, in reference to a voter, means a
3 handicap or a medical condition that prevents a registered voter from
4 voting in person at a polling place on the day of a statewide election
5 and that was diagnosed by a licensed physician no fewer than thirty days
6 prior to the date of such statewide election.
7 Sec. 20. Section 32-941, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 32-941 (1) Any registered voter who is physically incapacitated and
10 who is permitted to vote early pursuant to section 32-938 may register to
11 vote early by mail by completing an application provided by the Secretary
12 of State and submitting such application at least thirty days prior to
13 the date of a statewide election to the election commissioner or county
14 clerk in the county where the voter has established his or her home. Such
15 application shall expire on January 1 of the following year. The
16 application request shall include the voter's party affiliation for a
17 ballot for a primary election, a color copy of a qualifying photographic
18 identification, the voter's residence address, the address to which the
19 ballot is to be mailed if different, and the voter's telephone number if
20 available. The signature on the application and on the envelope used to
21 return the ballot for early voting must match the signature in the voter
22 registration record or the ballot shall be rejected. The voter shall be
23 informed that a color copy of the qualifying photographic identification
24 must be included with the ballot being returned unless the qualifying
25 photographic identification is shown in person to an election worker by
26 the voter voting the ballot when the ballot is returned to the election
27 office.
1 (2)(a) Any registered voter who is a member of the armed forces of
2 the United States or the Nebraska National Guard and who is permitted to
3 vote early pursuant to section 32-938 may, not more than one hundred
4 twenty days before any election and not later than the close of business
5 on the second Friday preceding the election, request a ballot for the
6 election to be mailed to a specific address. ~~The A~~ registered voter shall
7 request a ballot in writing to the election commissioner or county clerk
8 in the county where the registered voter has established his or her home
9 and shall indicate his or her residence address, the address to which the
10 ballot is to be mailed if different, and his or her telephone number if
11 available. The registered voter may use the form published by the
12 election commissioner or county clerk pursuant to section 32-808. The
13 registered voter shall sign the request. ~~The A~~ registered voter may use a
14 facsimile machine or electronic mail for the submission of a request for
15 a ballot.
16 (b) A voter who is a member of the armed forces of the United States
17 or the Nebraska National Guard shall submit a separate request for a
18 ballot for early voting for every election, except that if the voter will
19 be deployed for both a primary and subsequent general election, the

20 request for a ballot for early voting may cover both elections. In
 21 addition to the requirements in subdivision (2)(a) of this section, the
 22 request for a ballot for early voting shall include the voter's military
 23 address, the voter's party affiliation for a ballot for a primary
 24 election, a color copy of a qualifying photographic identification, and a
 25 sworn oath that the voter is a member of the armed forces of the United
 26 States or the Nebraska National Guard and qualifies to request a ballot
 27 for early voting. The signature on the request and on the envelope used
 28 to return the ballot for early voting must match the signature in the
 29 voter registration record or the ballot shall be rejected. The voter
 30 shall be informed that a color copy of the qualifying photographic
 31 identification must be included with the ballot being returned and that
 1 the voter's signature on the identification envelope must be notarized.
 2 (c) The election commissioner or county clerk shall include a
 3 registration application with the ballots if the person is not
 4 registered. Registration applications shall not be mailed after the third
 5 Friday preceding the election. If the person is not registered to vote,
 6 the registration application shall be returned not later than the closing
 7 of the polls on the day of the election. No ballot issued under this
 8 ~~subsection~~ shall be counted unless such registration application
 9 is properly completed and processed.
 10 2. On page 19, line 20; page 27, line 23; page 34, line 8; and page
 11 39, line 24, strike "Tuesday" and insert "Thursday".
 12 3. On page 20, strike beginning with "handicapped" in line 13
 13 through the second comma in line 14 and insert "physically
 14 incapacitated".
 15 4. On page 27, line 11, strike "elderly or handicapped", show as
 16 stricken, and insert "physically incapacitated".
 17 5. On page 30, line 6, strike "and" and show as stricken; in line 8
 18 strike the period, show as stricken, and insert "; and"; and after line 8
 19 insert the following new subdivision:
 20 "(e) I swear or affirm that I am physically incapacitated or a
 21 member of the armed forces of the United States or Nebraska National
 22 Guard and I cannot vote in person."
 23 6. Renumber the remaining sections and correct internal references
 24 accordingly.

ANNOUNCEMENT

Priority designation received:

General Affairs - LB376

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by DeKay, 40.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair electric infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hard working lineworkers.

2. That the Legislature recognizes April 18, 2023, as Lineworkers Appreciation Day in Nebraska.

Laid over.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR35 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR35.

UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Aguilar name added to LB4.

Senator von Gillern name added to LB145.

Senator Brewer name added to LB218.

Senator Slama name added to LB610.

Senator Blood name added to LB736.

VISITOR

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

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2023.

Brandon Metzler
Clerk of the Legislature