

THIRTY-EIGHTH DAY - MARCH 3, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 3, 2023

PRAYER

The prayer was offered by Speaker Arch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lippincott.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, Dover, B. Hansen, Hunt, Moser, Slama, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

REPORTS

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 2, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

American Communications Group, Inc.
 Civic Nebraska
 Husch Blackwell Strategies
 GeoComm
 Lynch, Tim
 National Insurance Crime Bureau
 Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
 Community Resources for Justice, Inc.
 Stembridge, Kurt
 Jazz Pharmaceuticals, Inc.
 Zetzsche, Hannes
 Baird Holm LLP

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 20. Placed on General File.
LEGISLATIVE BILL 712. Placed on General File.
LEGISLATIVE BILL 731. Placed on General File.
LEGISLATIVE BILL 771. Placed on General File.

(Signed) Tom Brewer, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dan Hughes - Game and Parks Commission

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARING

Urban Affairs
 Room 1510 1:30 PM

Tuesday, March 14, 2023
 LB546
 LB329
 LB342

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 639. Placed on General File.
LEGISLATIVE BILL 671. Placed on General File.

LEGISLATIVE BILL 282. Placed on General File with amendment.
[AM687](#) is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT

Priority designation received:

Natural Resources - LB565

GENERAL FILE

LEGISLATIVE BILL 77. Senator Brewer renewed [MO46](#), found on page 651 and considered on pages 651, 652, and 662, to withdraw and substitute with AM640.

Senator M. Cavanaugh renewed [MO53](#), found on page 663 and considered on pages 663 and 668, to bracket until March 03, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO54](#)

Bracket until June 9, 2023.

Senator Brewer offered the following motion:

[MO55](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 38 ayes, 1 nays, and 10 not voting.

Senator Halloran requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 36:

Aguilar	Briese	Hansen	Lippincott	Slama
Albrecht	Clements	Hardin	Lowe	von Gillern
Arch	DeKay	Holdcroft	McDonnell	Wayne
Armendariz	Dorn	Hughes	McKinney	Wishart
Ballard	Dover	Ibach	Moser	
Bostelman	Erdman	Jacobson	Murman	
Brandt	Geist	Kauth	Riepe	
Brewer	Halloran	Linehan	Sanders	

Voting in the negative, 10:

Bostar	Cavanaugh, M.	Day	Dungan	Raybould
Cavanaugh, J.	Conrad	DeBoer	Fredrickson	Vargas

Present and not voting, 3:

Blood	Hunt	Walz
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The Brewer motion to invoke cloture prevailed with 36 ayes, 10 nays, and 3 present and not voting.

The M. Cavanaugh motion to bracket failed with 4 ayes, 41 nays, and 4 present and not voting.

The Brewer motion to withdraw AM55 and substitute with AM640 prevailed with 35 ayes, 9 nays, and 5 present and not voting.

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

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 36:

Aguilar	Briese	Hansen	Lippincott	Slama
Albrecht	Clements	Hardin	Lowe	von Gillern
Arch	DeKay	Holdcroft	McDonnell	Wayne
Armendariz	Dorn	Hughes	McKinney	Wishart
Ballard	Dover	Ibach	Moser	
Bostelman	Erdman	Jacobson	Murman	
Brandt	Geist	Kauth	Riepe	
Brewer	Halloran	Linehan	Sanders	

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Raybould
Cavanaugh, J.	Day	Fredrickson	Vargas

Present and not voting, 1:

Walz

Advanced to Enrollment and Review Initial with 36 ayes, 12 nays, and 1 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 1CA. Placed on General File with amendment.

[AM591](#)

1 1. On page 1, line 6, after "22" insert ", and to add a new section
 2 31 to Article III"; and after line 21 insert:
 3 III-31 Beginning on January 1, 2025, if the Legislature by general
 4 law imposes a program upon any political subdivision of the state, or
 5 increased level of expenditure required under an existing program upon
 6 any political subdivision of the state, as those terms are defined by the
 7 Legislature, the costs of such programs or increased level of service
 8 shall be reimbursed by the state in such manner as the Legislature may
 9 prescribe.
 10 2. On page 2, line 3, after "responsibilities" insert "and
 11 programs".

(Signed) Tom Brewer, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 787A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 787, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENT - Print in Journal

Senator McKinney filed the following amendment to [LB784](#):

[AM598](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) There is hereby appropriated (a) \$15,000,000 from
 4 the General Fund for FY2023-24 and (b) \$10,000,000 from the General Fund

5 for FY2024-25 to the Department of Economic Development, Agency 72, to
 6 contract with an iHub partner as defined in section 81-12.108 located
 7 within two miles of an airport located within a city of the metropolitan
 8 class.

9 (2) The money appropriated in this section shall only be used for
 10 the following purposes:

11 (a) Wet and dry laboratory space within two miles of an airport
 12 located within a city of the metropolitan class and satellite laboratory
 13 space locations at a university;

14 (b) Commercialization of bioscience, agritech, life sciences, and
 15 health industries; and

16 (c) Small business development.

17 Sec. 2. Since an emergency exists, this act takes effect when
 18 passed and approved according to law.

ANNOUNCEMENT

Priority designation received:

Urban Affairs - LB531

GENERAL FILE

LEGISLATIVE BILL 278A. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO56](#)

Bracket until June 9, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 298A. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO58](#)

Bracket until June 9, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator von Gillern filed the following amendment to [LB805](#):

[AM677](#)

1 1. On page 2, line 2, strike "and"; after line 2 insert the
 2 following new subdivision:

3 "(b) School district has the same meaning as in section 79-101;

4 and"; in line 3 strike "(b)" and insert "(c)"; in lines 5, 7, and 10
5 after "school" insert "district"; in line 13 strike "the" and insert "a";
6 in line 14 after the second "school" insert "district"; and in lines 15
7 and 18 after "school" insert "district".

Senator Dover filed the following amendment to LB718:

AM679

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For purposes of this section:
4 (a) Department means the Department of Economic Development; and
5 (b) Eligible applicant means a city of the first class that is
6 developing or constructing one or more riverfront improvement projects.
7 (2) The department shall create the Riverfront Improvement Project
8 Program to award a one-time grant of two million dollars. This grant
9 shall be awarded to one eligible applicant.
10 (3) An eligible applicant may apply to the department for a grant
11 under the Riverfront Improvement Project Program within one year after
12 the effective date of this act. Prior to being awarded a grant under this
13 section, an eligible applicant shall provide proof of matching funds in
14 the amount of two dollars for every one dollar of grant money to be
15 awarded to the eligible applicant.
16 (4) A grant received pursuant to this section shall only be used for
17 one or more riverfront improvement projects.
18 (5) The department may adopt and promulgate rules and regulations to
19 carry out this section.
20 Sec. 2. Section 84-612, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:
22 84-612 (1) There is hereby created within the state treasury a fund
23 known as the Cash Reserve Fund which shall be under the direction of the
24 State Treasurer. The fund shall only be used pursuant to this section.
25 (2) The State Treasurer shall transfer funds from the Cash Reserve
26 Fund to the General Fund upon certification by the Director of
27 Administrative Services that the current cash balance in the General Fund
1 is inadequate to meet current obligations. Such certification shall
2 include the dollar amount to be transferred. Any transfers made pursuant
3 to this subsection shall be reversed upon notification by the Director of
4 Administrative Services that sufficient funds are available.
5 (3) In addition to receiving transfers from other funds, the Cash
6 Reserve Fund shall receive federal funds received by the State of
7 Nebraska for undesignated general government purposes, federal revenue
8 sharing, or general fiscal relief of the state.
9 (4) The State Treasurer shall transfer fifty-four million seven
10 hundred thousand dollars on or after July 1, 2019, but before June 15,
11 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
12 Fund on such dates and in such amounts as directed by the budget
13 administrator of the budget division of the Department of Administrative
14 Services.
15 (5) The State Treasurer shall transfer two hundred fifteen million
16 five hundred eighty thousand dollars from the Cash Reserve Fund to the
17 Nebraska Capital Construction Fund on or after July 1, 2022, but before
18 June 15, 2023, on such dates and in such amounts as directed by the
19 budget administrator of the budget division of the Department of
20 Administrative Services.
21 (6) The State Treasurer shall transfer fifty-three million five
22 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
23 Canal Project Fund on or before June 30, 2023, on such dates and in such
24 amounts as directed by the budget administrator of the budget division of
25 the Department of Administrative Services.
26 (7) No funds shall be transferred from the Cash Reserve Fund to

27 fulfill the obligations created under the Nebraska Property Tax Incentive
28 Act unless the balance in the Cash Reserve Fund after such transfer will
29 be at least equal to five hundred million dollars.

30 (8) The State Treasurer shall transfer thirty million dollars from
31 the Cash Reserve Fund to the Military Base Development and Support Fund
1 on or before June 30, 2023, but not before July 1, 2022, on such dates
2 and in such amounts as directed by the budget administrator of the budget
3 division of the Department of Administrative Services.

4 (9) The State Treasurer shall transfer eight million three hundred
5 thousand dollars from the Cash Reserve Fund to the Trail Development and
6 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
7 such dates and in such amounts as directed by the budget administrator of
8 the budget division of the Department of Administrative Services.

9 (10) The State Treasurer shall transfer fifty million dollars from
10 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
11 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
12 as directed by the budget administrator of the budget division of the
13 Department of Administrative Services.

14 (11) The State Treasurer shall transfer thirty million dollars from
15 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
16 or after July 1, 2022, but before July 15, 2023, on such dates and in
17 such amounts as directed by the budget administrator of the budget
18 division of the Department of Administrative Services.

19 (12) The State Treasurer shall transfer twenty million dollars from
20 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
21 1, 2022, but before June 15, 2023, on such dates and in such amounts as
22 directed by the budget administrator of the budget division of the
23 Department of Administrative Services.

24 (13) The State Treasurer shall transfer twenty million dollars from
25 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
26 Fund on July 15, 2022, or as soon thereafter as administratively
27 possible, and in such amounts as directed by the budget administrator of
28 the budget division of the Department of Administrative Services.

29 (14) The State Treasurer shall transfer eighty million dollars from
30 the Cash Reserve Fund to the Jobs and Economic Development Initiative
31 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
1 and in such amounts as directed by the budget administrator of the budget
2 division of the Department of Administrative Services.

3 (15) The State Treasurer shall transfer twenty million dollars from
4 the Cash Reserve Fund to the Site and Building Development Fund on July
5 15, 2022, or as soon thereafter as administratively possible, and in such
6 amounts as directed by the budget administrator of the budget division of
7 the Department of Administrative Services.

8 (16) The State Treasurer shall transfer fifty million dollars from
9 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
10 on or after July 15, 2022, but before January 1, 2023, on such dates and
11 in such amounts as directed by the budget administrator of the budget
12 division of the Department of Administrative Services.

13 (17) The State Treasurer shall transfer fifteen million dollars from
14 the Cash Reserve Fund to the Site and Building Development Fund on or
15 before June 30, 2022, on such dates and in such amounts as directed by
16 the budget administrator of the budget division of the Department of
17 Administrative Services.

18 (18) The State Treasurer shall transfer fifty-five million dollars
19 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
20 or before June 30, 2022, on such dates and in such amounts as directed by
21 the budget administrator of the budget division of the Department of
22 Administrative Services.

23 (19) The State Treasurer shall transfer two million dollars from the
24 Cash Reserve Fund to the General Fund as soon as administratively

25 possible after the effective date of this act, on such dates and in such
 26 amounts as directed by the budget administrator of the budget division of
 27 the Department of Administrative Services.
 28 Sec. 3. Original section 84-612, Revised Statutes Cumulative
 29 Supplement, 2022, is repealed.
 30 Sec. 4. Since an emergency exists, this act takes effect when passed
 31 and approved according to law.

Senator DeKay filed the following amendment to [LB766](#):

[AM651](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) There is hereby appropriated (a) \$1,625,000 from
 4 Federal Funds for FY2023-24 and (b) \$1,625,000 from Federal Funds for
 5 FY2024-25 to the Department of Environment and Energy, Program 513, for
 6 the purposes described in subsection (2) of this section. The Federal
 7 Funds appropriated in this section are from the funds allocated to the
 8 State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund
 9 pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802,
 10 as amended.
 11 (2)(a) The Department of Environment and Energy shall award a grant
 12 to any person if a test result for nitrates in the person's drinking
 13 water pumped from one or more of such person's private wells is above ten
 14 parts per million. The grant shall be used to install a reverse osmosis
 15 system.
 16 (b) Any grant awarded pursuant to this section shall be coordinated
 17 and administered by the Department of Environment and Energy in
 18 compliance with the federal American Rescue Plan Act of 2021.
 19 Sec. 2. Since an emergency exists, this act takes effect when
 20 passed and approved according to law.

Senator Albrecht filed the following amendment to [LB635](#):

[AM672](#)

1 1. On page 3, line 12, strike "and"; in line 16 strike the period
 2 and insert "; and"; after line 16 insert the following new subdivision:
 3 "(c) Allow an individual user to label a search result entry so that
 4 such entry will no longer appear in future search results returned to
 5 that user."; and strike lines 24 to 31 and insert the following new
 6 subsections:
 7 "(5) Notwithstanding any contract provision to the contrary for a
 8 contract entered into or renewed or extended after the operative date of
 9 this act, compliance with subsections (2) and (3) of this section shall
 10 be a material element of any contract with a vendor or provider. If a
 11 vendor or provider of an educational resource database fails to comply
 12 with subsections (2) and (3) of this section, no further payments from
 13 the school district, the school, or the Nebraska Library Commission shall
 14 be due to the vendor or provider until the vendor or provider complies
 15 with subsection (2) or (3) of this section, including eliminating access
 16 to electronic resource database materials reported in violation of
 17 subsection (3) of this section. The withholding of such payments under
 18 this subsection shall not be considered a breach of contract on the part
 19 of the school district, the school, or the Nebraska Library Commission.
 20 (6) A student in kindergarten through grade twelve or any parent or
 21 guardian of such student may send a notice in writing alleging any
 22 noncompliance of subsection (3) or (4) of this section, including
 23 providing sufficient information to identify and locate any material
 24 obscene as to minors or harmful as to minors specified in the notice, to
 25 a school principal or other school administrator of the school in which
 26 the student is enrolled or to the Nebraska Library Commission.

27 (7)(a) If the principal or other school administrator of a school
 1 receives a notice pursuant to subsection (6) of this section, such
 2 principal or other school administrator for such school shall (i) review
 3 the notice of noncompliance and, within seven days after receipt of such
 4 notice, make a determination as to whether noncompliance with subsection
 5 (3) or (4) of this section has occurred, (ii) notify in writing the
 6 student or parent or guardian who sent the notice of noncompliance of
 7 such determination, and (iii) forward the notice, the determination
 8 concerning the notice, and any related documentation to the Nebraska
 9 Library Commission.
 10 (b) A determination by the principal or other school administrator
 11 pursuant to subdivision (a) of this subsection as to whether
 12 noncompliance with subsection (3) or (4) of this section has occurred,
 13 shall be ratified or rejected by a majority vote of the school board of
 14 such school, if one exists, at the next school board meeting and evidence
 15 of such ratification or rejection shall be sent to the Nebraska Library
 16 Commission.
 17 (8) No later than December 1 of each year, the Nebraska Library
 18 Commission and the State Department of Education shall electronically
 19 submit to the Governor and to the Education Committee of the Legislature
 20 a comprehensive written report on any noncompliance with subsection (2),
 21 (3), or (4) of this section."
 22 2. On page 4, strike lines 1 through 15.

MOTION - Print in Journal

Senator McKinney filed the following motion to LB55:

MO57

Withdraw LB55.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Monday, March 6, 2023, at 10:00 a.m., under the south balcony.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McDonnell name added to LB20.

Senator Walz name added to LB44.

Senator Conrad name added to LB114.

Senator Wishart name added to LB169.

Senator Linehan name added to LB562.

VISITORS

Visitors to the Chamber were Anneliese Barga, Firth; Ava Vargas, Omaha; students from Cody-Kilgore Middle School, Cody; students and teachers from Omaha Christian Academy, Omaha; Finn, Abby, and Grace Lagrange, Grant.

ADJOURNMENT

At 12:16 p.m., on a motion by Senator Lippincott, the Legislature adjourned until 9:00 a.m., Monday, March 6, 2023.

Brandon Metzler
Clerk of the Legislature

