

FORTY-SECOND DAY - MARCH 9, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 2023

PRAYER

The prayer was offered by Senator Halloran.

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., President Kelly presiding.

The roll was called and all members were present except Senators Aguilar, Briese, Dover, and Murman who were excused; and Senators Blood, Bostar, Day, Hunt, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 8, 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

Amack, Angela K.
Institute of Scrap Recycling Industries, Upper Mid-West Chapter
Baker, Cassi
Jazz Pharmaceuticals, Inc. (Withdrawn 03/04/2023)
Barko, Ruthie
TechNet

Jensen Rogert Associates, Inc.
El Toro Plaza
O'Hara Lindsay & Associates, Inc.
Prospect Hill Cemetery and Arboretum
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Motion Picture Association, Inc.
Sharfstein, Daniela
Jazz Pharmaceuticals, Inc. (Withdrawn 03/04/2023)
Todd-Harlin, Andrea
Sanofi US

REPORTS

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

ANNOUNCEMENT

Priority designation received:

Dover - LR22CA

AMENDMENT - Print in Journal

Senator Brewer filed the following amendment to [LB511](#):
[AM771](#)

1 1. On page 2, strike beginning with "Priority" in line 18 through
2 line 20.

GENERAL FILE

LEGISLATIVE BILL 376. The second committee amendment [AM612](#), found on page 622, was offered.

Senator M. Cavanaugh offered [MO62](#), found on page 712, to bracket until June 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO63](#)

Recommit to General Affairs Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 38:

Albrecht	Brewer	Erdman	Kauth	Riepe
Arch	Cavanaugh, J.	Fredrickson	Linehan	Sanders
Armendariz	Clements	Geist	Lippincott	Slama
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wishart
Bostelman	Dorn	Hughes	Moser	
Brandt	Dungan	Jacobson	Raybould	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 10:

Aguilar	Day	Halloran	Ibach	Vargas
Briese	Dover	Hunt	Murman	Wayne

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 38 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 7 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the second committee amendment.

Voting in the affirmative, 40:

Albrecht	Cavanaugh, J.	Dungan	Jacobson	Raybould
Arch	Cavanaugh, M.	Erdman	Kauth	Riepe
Armendariz	Clements	Fredrickson	Linehan	Sanders
Blood	Conrad	Geist	Lippincott	Slama
Bostar	Day	Hansen	Lowe	von Gillern
Bostelman	DeBoer	Hardin	McDonnell	Walz
Brandt	DeKay	Holdcroft	McKinney	Wayne
Brewer	Dorn	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Ballard

Excused and not voting, 8:

Aguilar	Dover	Hunt	Murman
Briese	Halloran	Ibach	Vargas

The second committee amendment was adopted with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 691. Indefinitely postponed.

LEGISLATIVE BILL 693. Indefinitely postponed.

(Signed) Terrell McKinney, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 103. Placed on General File with amendment. [AM417](#) is available in the Bill Room.

(Signed) Mike McDonnell, Chairperson

AMENDMENTS - Print in Journal

Senator Armendariz filed the following amendment to [LB345](#):

[AM205](#)

1 1. On page 2, line 10, strike "medical", after the second "care"
2 insert "or treatment", and strike "people" and insert "a person"; and in
3 lines 12 and 14 after "care" insert "or treatment".

Senator Erdman filed the following amendment to [LR2CA](#):

[AM745](#)

1 1. On page 5, after line 9 insert the following new section:
2 III-8 No person shall be eligible to the office of member of the
3 Legislature unless on the date of the general election at which such
4 person he is elected or appointed, or on such other the date of his
5 appointment, such person he is a registered voter, has attained the age
6 of twenty-one years, and has resided within the district from which such
7 person he is elected or appointed for the term of one year next before
8 his election or appointment, unless such person was he shall have been
9 absent on the public business of the United States or of this State. No
10 And no person so elected or appointed as aforesaid shall hold his office
11 if such person ceases being a resident of after he shall have removed
12 from such district.
13 2. On page 1, line 6, after "7," insert "8,".
14 3. On page 4, line 10, after the period insert "The manner of such
15 elections shall be determined by the Legislature."; strike lines 11
16 through 24, show the old matter as stricken, and insert the following new
17 subsection:
18 "(2)(a) The members of the Senate shall be appointed by senator

19 appointment committees as provided in this subsection. The members of the
 20 Senate appointed from even-numbered districts shall serve for terms of
 21 four years beginning in 2027. The members of the Senate appointed from
 22 odd-numbered districts shall serve for terms of two years beginning in
 23 2027. The members of the Senate from odd-numbered districts shall
 24 thereafter be appointed for terms of four years beginning in 2029.
 25 (b) On or before August 1, 2027, and on or before each August 1 each
 26 four years thereafter, each county board of a county in an even-numbered
 27 Senate district shall select, by majority vote, one of such county
 1 board's members to serve on the senator appointment committee for such
 2 Senate district. The committee shall select, by majority vote, a Senator
 3 to serve in such Senate district. Such selection shall be made on the
 4 same date as the November statewide general election for such year.
 5 (c) On or before August 1, 2027, each county board of a county in an
 6 odd-numbered Senate district shall select, by majority vote, one of such
 7 county board's members to serve on the senator appointment committee for
 8 such Senate district. The committee shall select, by majority vote, a
 9 Senator to serve in such Senate district. Such selection shall be made on
 10 the same date as the November statewide general election for such year.
 11 (d) On or before August 1, 2029, and on or before each August 1 each
 12 four years thereafter, each county board of a county in an odd-numbered
 13 Senate district shall select, by majority vote, one of such county
 14 board's members to serve on the senator appointment committee for such
 15 Senate district. The committee shall select, by majority vote, a Senator
 16 to serve in such Senate district. Such selection shall be made on the
 17 same date as the November statewide general election for such year.
 18 (e) A member of a senator appointment committee is not eligible to
 19 be appointed as a Senator.
 20 (f) If a Senator is not appointed for a district by the deadline
 21 provided in this subsection, the office shall be considered vacant and
 22 shall be filled by the Governor."; in line 25 strike "(4)" and insert
 23 "(3)"; in line 26, after "elected" insert "or appointed"; in line 30
 24 strike "(5)" and insert "(4)" and after "member" insert "of the House".
 25 4. On page 5, line 1, after the period insert paragraphing and
 26 "(5)"; in lines 15, 17, and 27 strike "elected to", show as stricken, and
 27 insert "of"; and in line 30 after "election" insert "or appointment".
 28 5. On page 6, line 10; page 7, line 28; page 9, line 23; page 12,
 29 line 29; page 16, line 11; page 20, line 26; and page 21, lines 1 and 12,
 30 strike "elected to", show as stricken, and insert "of".
 31 6. On page 7, line 12; page 8, line 12; page 12, line 1; page 15,
 1 lines 5, 6, and 22; and page 19, line 25, strike "elected to", show the
 2 old matter as stricken, and insert "of".
 3 7. On page 20, line 31; and page 21, line 15, strike "Legislature",
 4 show as stricken, and insert "House of Representatives".
 5 8. On page 21, remove the stricken matter in lines 28 through 30.
 6 9. On page 24, strike beginning with "and" in line 5 through
 7 "Senate" in line 6 and insert "elected by popular vote and a Senate
 8 appointed by senator appointment committees selected by county boards".

ANNOUNCEMENT

Priority designation received:

Holdcroft - LB769

RESOLUTION

LEGISLATIVE RESOLUTION 59. Introduced by Raybould, 28.

WHEREAS, families are adversely affected by problem gambling in Nebraska; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, awareness of the signs and symptoms is the key to recognizing problem gambling; and

WHEREAS, providing education to the residents of Nebraska about the dangers of problem gambling is needed to promote the prevention of problem gambling in the future.

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

1. That the Legislature recognizes March 2023 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 460. Placed on General File.

LEGISLATIVE BILL 15. Placed on General File with amendment.

[AM772](#)

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) (+) requires technical, personal, or
29 other skills which are necessary for his or her employment and (b) (-) 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.

LEGISLATIVE BILL 249. Placed on General File with amendment.

AM400

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 81-1228, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 81-1228 For purposes of the Rural Workforce Housing Investment Act:

6 (1) Department means the Department of Economic Development;

7 (2) Director means the Director of Economic Development;

8 (3) Eligible activities of a nonprofit development organization

9 means:

10 (a) New construction of owner-occupied or rental housing in a
11 community with demonstrated workforce housing needs;

12 (b) Substantial repair or rehabilitation of dilapidated housing
13 stock; or

14 (c) Upper-story housing development;

15 (4) HOME funds means funds awarded as formula grants under the HOME
16 Investment Partnerships Program administered by the United States

17 Department of Housing and Urban Development;

18 (5) Matching funds means dollars contributed by individuals,
19 businesses, foundations, local, regional, and statewide political

20 subdivisions, or other nonprofit organizations to a workforce housing

21 investment fund administered by a nonprofit development organization;

22 (6) Nonprofit development organization means a local, regional, or
23 statewide nonprofit development organization approved by the director;

24 (7) Qualified activities include, but are not limited to, purchase
25 and rental guarantees, loan guarantees, loan participations, and other

26 credit enhancements or any other form of assistance designed to reduce
27 the cost of workforce housing related to eligible activities of the

1 nonprofit development organization;

2 (8) Qualified investment means a cash investment in a workforce
3 housing investment fund administered by a nonprofit development

4 organization;

5 (9) Rural community means any municipality in a county with a
6 population of fewer than one hundred thousand inhabitants as determined

7 by the most recent federal decennial census;

8 (10) Workforce housing means:

9 (a) Housing that meets the needs of today's working families;

10 (b) Housing that is attractive to new residents considering

11 relocation to a rural community;

12 (c) Owner-occupied housing units that cost not more than three
13 hundred twenty-five thousand dollars to construct or rental housing units

14 that cost not more than two hundred fifty thousand dollars per unit to

15 construct. For purposes of this subdivision (c), housing unit costs shall

16 be updated annually by the department based upon the most recent increase

17 or decrease in the Producer Price Index for all commodities, published by

18 the United States Department of Labor, Bureau of Labor Statistics;

19 (d) Owner-occupied and rental housing units for which the cost to

20 substantially rehabilitate exceeds fifty percent of a unit's assessed
21 value;

22 (e) Upper-story housing; and

23 (f) Housing units that do does not receive federal or state low-

24 income housing tax credits, community development block grants, HOME

25 funds, or funds from the National Housing Trust Fund, which would impose

26 individual or household income limitations or restrictions on such

27 housing units, or funding or funds from the Affordable Housing Trust Fund

28 restricting the level of individual or household income to anything less

29 than one hundred percent of area median income as calculated by the

30 United States Department of Housing and Urban Development; and

31 (11) Workforce housing investment fund means a fund that has been

1 created by a nonprofit development organization and certified by the

2 director to encourage development of workforce housing in rural

3 communities.

4 Sec. 2. Section 81-1229, Revised Statutes Cumulative Supplement,

5 2022, is amended to read:

6 81-1229 (1) The director shall establish a workforce housing grant

7 program to foster and support the development of workforce housing in

8 rural communities.

9 (2) A nonprofit development organization may apply to the director

10 for approval of a workforce housing grant for a workforce housing

11 investment fund. The application shall be in a form and manner prescribed
 12 by the director. Through fiscal year 2026-27, grants shall be awarded by
 13 the director on a competitive basis until grant funds are no longer
 14 available. A nonprofit development organization may apply for more than
 15 one grant, subject to the following limits:

16 (a) The maximum amount of grant funds awarded to any one nonprofit
 17 development organization over a two-year period shall not exceed five
 18 million dollars; and

19 (b) The maximum amount of grant funds awarded to any one nonprofit
 20 development organization for all program years shall not exceed an
 21 aggregate limit determined by the department at the discretion of the
 22 director. Grant maximums shall not exceed one million dollars to any one
 23 nonprofit development organization over a two-year period, with the
 24 cumulative amount for any single grantee to be determined by the
 25 department at the discretion of the director.

26 (3) An applicant shall provide matching funds of at least one-half
 27 of the amount of workforce housing grant funds awarded. Unallocated
 28 workforce housing grant funds held by the department shall be rolled to
 29 the next program year.

30 (4) (3) Grants shall be awarded based upon:

31 (a) A demonstrated and ongoing housing need as identified by a
 1 recent housing study;

2 (b) A community or region that has a low unemployment rate and is
 3 having difficulty attracting workers and filling employment positions;

4 (c) A community or region that exhibits a demonstrated commitment to
 5 growing its housing stock;

6 (d) Projects that can reasonably be ready for occupancy in a period
 7 of twenty-four months; and

8 (e) A demonstrated ability to grow and manage a workforce housing
 9 investment fund.

10 (5) (4) A nonprofit development organization shall:

11 (a) Invest or intend to invest in workforce housing eligible
 12 activities;

13 (b) Use any fees, interest, loan repayments, or other funds it
 14 received as a result of the administration of the grant to support
 15 qualified activities; and

16 (c) Have an active board of directors with expertise in development,
 17 construction, and finance that meets at least quarterly to approve all
 18 qualified investments made by the nonprofit development organization. A
 19 nonprofit development organization shall have a formal plan and proven
 20 expertise to invest unused workforce housing investment fund balances and
 21 shall have an annual review of all financial records conducted by an
 22 independent certified public accountant.

23 Sec. 3. Section 81-1230, Revised Statutes Cumulative Supplement,
 24 2022, is amended to read:

25 81-1230 (1) The Rural Workforce Housing Investment Fund is created.
 26 Funding for the grant program described in section 81-1229 shall come
 27 from the Rural Workforce Housing Investment Fund. The Rural Workforce
 28 Housing Investment Fund may include revenue from appropriations from the
 29 Legislature, grants, private contributions, and other sources. In
 30 addition, the State Treasurer shall transfer twenty million dollars on or
 31 before October 1, 2023, from the General Fund make a one-time transfer of
 1 seven million three hundred thousand dollars on or before October 1,
 2 2017, from the Affordable Housing Trust Fund to the Rural Workforce
 3 Housing Investment Fund. Any money in the Rural Workforce Housing
 4 Investment Fund available for investment shall be invested by the state
 5 investment officer pursuant to the Nebraska Capital Expansion Act and the
 6 Nebraska State Funds Investment Act.

7 (2) The department shall administer the Rural Workforce Housing
 8 Investment Fund and may seek additional private or nonstate funds to use

9 in the grant program, including, but not limited to, contributions from
10 the Nebraska Investment Finance Authority and other interested parties.

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

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

17 (5) If a nonprofit development organization fails to allocate any
18 remaining initial grant funding on a qualified activity within twenty-
19 four months after engaging in the initial qualified activity, the
20 nonprofit development organization shall return such unallocated grant
21 funds to the department for credit to the Rural Workforce Housing
22 Investment Fund.

23 (6) Beginning July 1, 2027, any funds held by the department in the
24 Rural Workforce Housing Investment Fund shall be transferred to the
25 General Fund.

26 Sec. 4. Section 81-1231, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1231 (1) Each nonprofit development organization shall submit an
29 annual report to the director to be included as a part of the
30 department's annual status report required under section 81-1201.11. The
31 report shall certify that the nonprofit development organization meets
1 the requirements of the Rural Workforce Housing Investment Act and shall
2 include a breakdown of program activities.

3 (2) The annual report shall include, but not necessarily be limited
4 to:

5 (a) The name and geographical location of the reporting nonprofit
6 development organization;

7 (b) The number, amount, and type of workforce housing investment
8 funds invested in qualified activities;

9 (c) The number, geographical location, type, and amount of
10 investments made;

11 (d) A summary of matching funds and where such matching funds were
12 generated; and

13 (e) The results of the annual review of all financial records
14 required under subsection ~~(5)~~ (4) of section 81-1229.

15 (3) If a nonprofit development organization ceases administration of
16 a workforce housing investment fund, it shall file a final report with
17 the director in a form and manner required by the director. Before July
18 1, 2027, any unallocated grant funds shall be returned to the department
19 for credit to the Rural Workforce Housing Investment Fund. On and after
20 July 1, 2027, any unallocated grant funds shall be returned to the
21 department for transfer to the General Fund.

22 (4) If a nonprofit development organization fails to file a complete
23 annual report by February 15, the director may, in his or her discretion,
24 impose a civil penalty of not more than five thousand dollars for such
25 violation. All money collected by the department pursuant to this
26 subsection shall be remitted to the State Treasurer for distribution in
27 accordance with Article VII, section 5, of the Constitution of Nebraska.

28 Sec. 5. Original sections 81-1228, 81-1229, 81-1230, and 81-1231,
29 Revised Statutes Cumulative Supplement, 2022, are repealed.

LEGISLATIVE BILL 327. Placed on General File with amendment.

[AM713](#)

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 lesser of (a) one and one-half percent, rounded
21 to the nearest cent, or (b) the increase in the cost of living. The
22 increase in the cost of living, which shall be measured by the percentage
23 increase, if any, as of August of the previous year over the level as of
24 August of the year preceding that year in the consumer price index for
25 all urban consumers (CPI-U) for the Midwest Region, or its successor
26 index, as published by the U.S. Department of Labor, or its successor
27 agency, with the amount of the minimum wage increase rounded up to the
1 nearest multiple of five cents. No later than October 15 of each year,
2 commencing October 15, 2026, the Nebraska Department of Labor shall
3 calculate and publish the minimum wage rate that will take effect the
4 following January 1.

5 (3) For persons compensated by way of gratuities such as waitresses,
6 waiters, hotel bellhops, porters, and shoeshine persons, the employer
7 shall pay wages at the minimum rate of two dollars and thirteen cents per
8 hour, plus all gratuities given to them for services rendered. The sum of
9 wages and gratuities received by each person compensated by way of
10 gratuities shall equal or exceed the applicable minimum wage rate
11 provided in subsection (1) or (2) of this section. In determining whether
12 or not the individual is compensated by way of gratuities, the burden of
13 proof shall be upon the employer.

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

18 (5) An employer may pay a youth minimum wage of ten dollars and
19 fifty cents per hour to an employee who:

20 (a) Is at least fourteen years of age but no more than seventeen
21 years of age; and

22 (b) Is not an emancipated minor.

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

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

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

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

8 (b) A rate of seventy-five percent of the minimum wage rate that
 9 would otherwise be applicable under section 48-1203 on and after January
 10 1, 2027.

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

18 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
 19 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
 20 2020, as amended by section 1, Initiative Law 2022, No. 433, are
 21 repealed.

LEGISLATIVE BILL 335. Placed on General File with amendment.

AM737

1 1. Strike the original sections and insert the following new
 2 sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Health Care Staffing Agency Registration Act.

5 Sec. 2. For purposes of the Health Care Staffing Agency
 6 Registration Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) Department means the Department of Labor;

9 (3)(a) Direct services means services provided to consumers through
 10 person-to-person contact; and

11 (b) Direct services does not mean:

12 (i) Services performed by an individual in a health care entity that
 13 do not involve the provision of any direct service or treatment to a
 14 consumer of a health care entity;

15 (ii) The practice of medicine and surgery or osteopathic medicine
 16 and surgery by an individual licensed under the Medicine and Surgery
 17 Practice Act; or

18 (iii) The practice of nursing by a nurse practitioner licensed under
 19 the Nurse Practitioner Practice Act;

20 (4) Health care entity means a health care facility or a health care
 21 service;

22 (5) Health care facility has the same meaning as in section 71-413;

23 (6) Health care service has the same meaning as in section 71-415;

24 (7) Health care staffing agency means an individual, a trust, a
 25 partnership, a corporation, a limited liability partnership, a limited
 26 liability company, or any other business entity that provides one or more
 27 temporary staff workers to a separate, third-party health care entity;

1 (8)(a) Nursing services means services that may be provided only by
 2 or under the supervision of a nurse; and

3 (b) Nursing services does not mean the practice of nursing by a
 4 nurse practitioner licensed under the Nurse Practitioner Practice Act;
 5 and

6 (9) Staff worker means an individual who contracts with or is
 7 employed by a health care staffing agency to provide direct services or
 8 nursing services for a health care entity.

9 Sec. 3. (1) A health care staffing agency operating in the state
 10 shall register annually with the department. As a condition of
 11 eligibility for registration, the applicant shall certify that the health
 12 care staffing agency will not enforce any noncompete clause in any
 13 contract existing prior to registration with any health care entity or
 14 staff worker that restricts in any manner the employment opportunities of
 15 a staff worker.

16 (2) An applicant for registration and renewal of registration shall,

17 for each separate location at which the applicant intends to operate as a
18 health care staffing agency in Nebraska, file an application in a form
19 prescribed by the department and pay an annual registration fee of one
20 thousand dollars to the department. An application for the renewal of a
21 registration shall be made at least sixty days prior to the expiration of
22 the then-current registration period. The department shall issue the
23 applicant a separate certification of registration for each location at
24 which the applicant intends to operate as a health care staffing agency
25 in Nebraska upon approval of registration and payment of the fee. The
26 application shall include appropriate evidence of ability to comply with
27 the requirements of section 4 of this act. The department shall remit the
28 fees to the State Treasurer for credit to the General Fund.

29 (3) If the commissioner denies an application for registration or
30 renewal of registration of a health care staffing agency, the
31 commissioner shall issue a notice of denial. The health care staffing
1 agency may file an appeal with the commissioner within twenty days after
2 the date of mailing of the notice of denial. Except as otherwise provided
3 in the Health Care Staffing Agency Registration Act, an appeal under this
4 section shall be governed by the Administrative Procedure Act.

5 Sec. 4. (1) A health care staffing agency shall:

6 (a) Ensure that each staff worker complies with all applicable
7 requirements relating to the health requirements and qualifications for
8 personnel providing direct services or nursing services in a health care
9 entity;

10 (b) Document that each staff worker meets the minimum licensing,
11 certification, training, and health requirements and the continuing
12 education standards for the staff worker's position in the health care
13 entity;

14 (c) Maintain a record for each staff worker and report, file, or
15 otherwise provide any required documentation to any external party or
16 regulator if such duties would otherwise be the responsibility of the
17 health care entity if the staff worker was an employee of the health care
18 entity; and

19 (d) Maintain professional and general liability insurance coverage
20 with minimum per occurrence coverage of one million dollars and aggregate
21 coverage of three million dollars to insure against loss, damage, or
22 expense incident to a claim arising out of the death or injury of any
23 individual as the result of negligence or malpractice in the provision of
24 services by the health care staffing agency or a staff worker of the
25 agency.

26 (2) A health care staffing agency shall submit a report to the
27 department on a quarterly basis, in the form and manner prescribed by the
28 commissioner, for each health care entity participating in medicare or
29 medicaid and contracting with the agency, that includes the following
30 information by provider type:

31 (a) A detailed list of the average amount charged to the health care
1 entity for each category of staff worker in Nebraska, including any
2 ancillary charges or fees; and

3 (b) A detailed list by licensing category of the average amount paid
4 by the agency to staff workers in Nebraska.

5 (3) A health care staffing agency shall provide the department with
6 (a) proof of a certificate or policy of insurance written by an insurance
7 carrier duly authorized to do business in this state which gives the
8 effective dates of workers' compensation insurance coverage indicating
9 that it is in force, (b) proof of a certificate evidencing approval of
10 self-insurance privileges as provided by the Nebraska Workers'
11 Compensation Court pursuant to section 48-145, or (c) a signed statement
12 indicating that the health care staffing agency is not required to carry
13 workers' compensation insurance pursuant to the Nebraska Workers'
14 Compensation Act.

15 (4) A health care staffing agency that ceases to engage in the
16 business of or act as a health care staffing agency shall advise the
17 department as to the disposition of all files and other records relating
18 to its business as a health care staffing agency.
19 Sec. 5. (1) A health care staffing agency shall not:
20 (a) Include in any contract with a staff worker or a health care
21 entity a noncompete clause restricting in any manner the employment
22 opportunities of a staff worker; or
23 (b) In any contract with a staff worker or a health care entity,
24 require payment of liquidated damages, employment fees, or other
25 compensation if the staff worker is subsequently hired as a permanent
26 employee of the health care entity.
27 (2) Any clause of a contract that violates this section is void.
28 Sec. 6. (1) If the commissioner determines that a health care
29 staffing agency (a) failed to register as required by the Health Care
30 Staffing Agency Registration Act, (b) violated section 4 or 5 of this
31 act, (c) failed to provide documentation pursuant to section 7 of this
1 act, or (d) knowingly provided to a health care entity a staff worker who
2 has an illegally or fraudulently obtained or issued diploma,
3 registration, license, certification, or background check, the
4 commissioner may take one or more of the following actions:
5 (i) Assess a civil penalty of not more than five hundred dollars for
6 a first offense and five thousand dollars for each offense thereafter; or
7 (ii) Revoke the registration for a period of one calendar year. This
8 revocation shall apply to all locations of the health care staffing
9 agency.
10 (2) If the commissioner determines that a civil penalty or
11 revocation is warranted under this section, the commissioner shall issue
12 a notice of citation that notifies the health care staffing agency of the
13 proposed civil penalty or revocation. The notice of citation shall be
14 sent by certified mail or any other manner of delivery by which the
15 United States Postal Service can verify delivery.
16 (3) A health care staffing agency may appeal any notice of citation
17 by filing an appeal with the commissioner within twenty days after the
18 date of mailing of the notice of citation. Except as otherwise provided
19 in the Health Care Staffing Agency Registration Act, an appeal under this
20 subsection shall be governed by the Administrative Procedure Act.
21 (4) No penalty or revocation shall become effective until the later
22 of the day following expiration of the appeal period or thirty days after
23 a decision on appeal has become final. Once a revocation becomes
24 effective, it is effective for one calendar year and applies to revoke
25 any then-current registration for all locations of the health care
26 staffing agency and to preclude the health care staffing agency for
27 applying for a new registration for any location during the revocation
28 period. A health care staffing agency that has substantially common
29 ownership or management as a health care staffing agency whose
30 registration has been revoked under this section shall not be eligible
31 for registration during the revocation period.
1 (5) In any civil action to enforce the Health Care Staffing Agency
2 Registration Act, the commissioner and the state may be represented by
3 any qualified attorney who is employed by the commissioner and is
4 designated by the commissioner for this purpose or, at the commissioner's
5 request, by the Attorney General.
6 Sec. 7. (1) The commissioner shall establish a system for the
7 public to report complaints against a health care staffing agency or
8 staff worker regarding compliance with the Health Care Staffing Agency
9 Registration Act. The commissioner shall investigate any complaint
10 received.
11 (2) The commissioner may investigate to determine if a health care
12 staffing agency is in compliance with the Health Care Staffing Agency

13 Registration Act and shall conduct random audits of health care staffing
 14 agencies with staff workers in Nebraska. Any investigation or audit shall
 15 take place at such times and places as the commissioner directs. An
 16 investigation or audit may be conducted without prior notice.
 17 (3) For purposes of any investigation or audit under this section,
 18 the commissioner or any officer designated by the commissioner may
 19 administer oaths and affirmations, subpoena witnesses, compel their
 20 attendance, take evidence, and require the production of any books,
 21 papers, correspondence, memoranda, agreements, or other documents or
 22 records that the commissioner deems relevant or material to the
 23 investigation.
 24 (4) In case of contumacy by or refusal to obey a subpoena issued to
 25 any person, any court of competent jurisdiction, upon application by the
 26 commissioner, may issue to such person an order requiring such person to
 27 appear before the commissioner or the officer designated by the
 28 commissioner and produce documentary evidence, if so ordered, or give
 29 evidence affecting the matter under investigation or in question. Any
 30 failure to obey the order of the court may be punished by the court as
 31 contempt.
 1 Sec. 8. (1) The department shall create a database of health care
 2 staffing agencies registered under the Health Care Staffing Agency
 3 Registration Act. The department shall make the database accessible to
 4 the public on its website.
 5 (2) The database shall include, but not be limited to, the following
 6 information:
 7 (a) The name, telephone number, and address of the health care
 8 staffing agency;
 9 (b) The name of each owner, member, officer, and partner associated
 10 with the health care staffing agency;
 11 (c) The date of registration approval for the health care staffing
 12 agency; and
 13 (d) The date of expiration or revocation of the registration of the
 14 health care staffing agency.
 15 Sec. 9. The department may adopt and promulgate rules and
 16 regulations to carry out the Health Care Staffing Agency Registration
 17 Act.
 18 Sec. 10. Section 81-401, Revised Statutes Cumulative Supplement,
 19 2022, is amended to read:
 20 81-401 The Governor, through the agency of the Department of Labor
 21 created by section 81-101, shall have power:
 22 (1) To foster, promote, and develop the welfare of wage earners;
 23 (2) To improve working conditions;
 24 (3) To advance opportunities for profitable employment;
 25 (4) To collect, collate, assort, systematize, and report statistical
 26 details relating to all departments of labor, especially in its relation
 27 to commercial, industrial, social, economic, and educational conditions
 28 and to the permanent prosperity of the manufacturing and productive
 29 industries;
 30 (5) To acquire and distribute useful information on subjects
 31 connected with labor in the most general and comprehensive sense of the
 1 word;
 2 (6) To acquire and distribute useful information concerning the
 3 means of promoting the material, social, intellectual, and moral
 4 prosperity of laboring men and women;
 5 (7) To acquire and distribute information as to the conditions of
 6 employment and such other facts as may be deemed of value to the
 7 industrial interests of the state;
 8 (8) To acquire and distribute information in relation to the
 9 prevention of accidents, occupational diseases, and other related
 10 subjects;

11 (9) To acquire and distribute useful information regarding the role
12 of the part-time labor force and the manner in which such labor force
13 affects the economy and citizens of the state; and
14 (10) To administer and enforce all of the provisions of the
15 Employment Security Law, the Farm Labor Contractors Act, the Health Care
16 Staffing Agency Registration Act, and the Wage and Hour Act and Chapter
17 48, articles 2, 3, 4, and 5, and for that purpose there is imposed upon
18 the Commissioner of Labor the duty of executing all of the provisions of
19 such acts, law, and articles.
20 Sec. 11. This act becomes operative on January 1, 2024.
21 Sec. 12. Original section 81-401, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 376. The third committee amendment [AM613](#), found on page 624, was offered.

Senator M. Cavanaugh offered the following motion:

[MO64](#)

Bracket until May 31, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 33 nays, 2 present and not voting, 7 absent and not voting, and 7 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO65](#)

Reconsider the vote taken on MO64.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 6 nays, and 35 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Cavanaugh, J.	Erdman	Kauth	Riepe
Arch	Clements	Fredrickson	Linehan	Sanders
Armendariz	Conrad	Geist	Lippincott	Slama
Ballard	Day	Hansen	Lowe	Vargas
Bostar	DeBoer	Hardin	McDonnell	von Gillern
Bostelman	DeKay	Holdcroft	McKinney	Walz
Brandt	Dorn	Hughes	Moser	Wayne
Brewer	Dungan	Jacobson	Raybould	Wishart

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 7:

Aguilar	Dover	Hunt	Murman
Briese	Halloran	Ibach	

The M. Cavanaugh motion to reconsider failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a roll call vote on the third committee amendment.

The third committee amendment was adopted with 37 ayes, 0 nays, 1 present and not voting, 4 absent and not voting, and 7 excused and not voting.

Pending.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 67. Placed on General File.

LEGISLATIVE BILL 587. Placed on General File.

LEGISLATIVE BILL 617. Placed on General File.

LEGISLATIVE BILL 644. Placed on General File.

(Signed) Julie Slama, Chairperson

Education

LEGISLATIVE BILL 585. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 414. Placed on General File with amendment.

[AM689](#)

1 1. On page 2, strike beginning with "and" in line 6 through
 2 "students" in line 7 and show as stricken; in line 12, before
 3 "Individuals" insert "federal"; in line 15 after "district" insert "or
 4 the director's designee"; and in line 16 after "district" insert "and the
 5 appropriate class, grade level, or school building in such school
 6 district".
 7 2. On page 5, line 2, after "the" insert "federal"; after line 16
 8 insert the following new subsection:
 9 "(3)(a) Beginning July 1, 2024, and on or before July 1 of each year
 10 thereafter, each school district shall provide to the State Department of
 11 Education, on forms prescribed by the department, information relating to
 12 all applications rejected by the option school district. Such information
 13 shall include, but not be limited to, (a) the number of applications
 14 rejected in each public school in such district, (b) an explanation why
 15 each application was rejected, (c) whether each application for option
 16 enrollment indicated that the student had an individualized education
 17 plan under the federal Individuals with Disabilities Education Act, 20
 18 U.S.C. 1400 et seq., or had been diagnosed with a disability as defined
 19 in section 79-118.01, and (d) whether information regarding the
 20 requirements of subsection (4) of section 79-238 was provided to the
 21 applicant.
 22 (b) The State Department of Education shall annually compile the
 23 information received pursuant to this subsection and provide a report on
 24 such information electronically to the Legislature beginning on September
 25 1, 2024, and on or before September 1 of each year thereafter. The State
 26 Board of Education may adopt and promulgate rules and regulations to
 27 carry out this subsection."

(Signed) Joni Albrecht, Vice Chairperson

ANNOUNCEMENT

Priority designation received:

DeKay - LB768

NOTICE OF COMMITTEE HEARING

Judiciary
 Room 1113 1:30 PM

Thursday, March 16, 2023

LB162
 LB338
 LR27CA
 LR17CA
 LB749

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT

Senator Geist announced the Transportation and Telecommunications Committee will hold an executive session Monday, March 13, 2023, at 1:30 p.m., in Room 1113.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Holdcroft name added to LB76.
Senator Blood name added to LB513.
Senator Holdcroft name added to LB720.
Senator Bostelman name added to LB766.

VISITORS

Visitors to the Chamber were Nemaha County Leadership; Leadership Nebraska City; students from Bel-Air Elementary, Norfolk; Matriarchs for Change, Omaha and Hastings; students, teachers, and sponsors from Sidney High School Dance and Cheer; I Be Black Girl, Omaha; students from Heritage Elementary, Bennington; Crista and Colton Eggers, Friend; students from Westside Elementary, Norfolk.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Arch, the Legislature adjourned until 9:00 a.m., Monday, March 13, 2023.

Brandon Metzler
Clerk of the Legislature

