

SEVENTIETH DAY - MAY 2, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 2023

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

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 Senator Albrecht who was excused; and Senators Bosn, Bostar, J. Cavanaugh, Day, DeBoer, Dungan, Hunt, McDonnell, Raybould, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

MESSAGE FROM THE GOVERNOR

May 1, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 103e was received in my office on April 25, 2023.

This bill was signed and delivered to the Secretary of State on May 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 92. Placed on Final Reading.

LEGISLATIVE BILL 191. Placed on Final Reading.

ST10

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

1. In the E&R amendments, ER29, on page 1, line 2, "48-145," has been inserted after "sections"; in line 9 "the fund credited with payments from self-insurers," has been inserted after "to"; in line 17 "and" has been struck and "to provide operative dates; to provide severability;" inserted; and in line 18 "; and to declare an emergency" has been inserted after "sections".

LEGISLATIVE BILL 227. Placed on Final Reading.

ST8

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

1. In the Riepe amendment, AM1486, sections 65 and 66 have been renumbered as 74 and 75 respectively.

2. In the Day amendment, AM1488, section 61 has been renumbered as 64.

3. In the Hansen amendment, AM1497:

a. Sections 21, 60, 61, 63, 65, 66, 67, 68, 71, and 90 have been renumbered as 23, 63, 65, 66, 68, 69, 70, 71, 76, and 95 respectively;

b. On page 8, lines 4 and 10, "68" has been struck and "71" inserted; and

c. On page 9, line 5, "21, 60, 61, 63, 65, 66, 67, 68, and 71" has been struck and "23, 63, 65, 66, 68, 69, 70, 71, and 76" inserted; and in line 7 "90" has been struck and "95" inserted.

4. In the E&R amendments, ER26:

a. On page 16, lines 15 and 16, "24, 27, 29, 31 to 37, and 42 to 47" has been struck and "27, 30, 32, 34 to 40, and 45 to 50" inserted;

b. On page 17, line 13, "24, 27, 29, and 31 to 37" has been struck and "27, 30, 32, and 34 to 40" inserted;

c. On page 19, line 2, "42" has been struck and "45" inserted;

d. On page 24, line 5, "47" has been struck and "50" inserted;

e. On page 32, lines 18 and 23, "42" has been struck and "45" inserted;

f. On page 36, lines 5, 10, and 14, "42" has been struck and "45" inserted; and in line 30 "50" has been struck and "53" inserted;

g. On page 40, line 14, "55 to 57" has been struck and "58 to 60" inserted; and

h. On page 60, lines 18 through 22, "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, and 86" has been struck and "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 96, and 98" inserted; in line 27 "71-475," has been struck and "68-1512, 71-475, 71-1797, 71-1798," inserted; and in line 30 "38-1813, 38-2801, 68-1206, 68-1724," has been struck and "38-1,125, 38-1416, 38-1813, 38-2801, 68-1017.02, 68-1206, 68-1724, 71-222, 71-401, 71-403" inserted.

5. On page 1, the matter beginning with "the" in line 1 through line 3 and all amendments thereto have been struck and "public health and welfare; to amend sections 38-1801, 38-1802, 38-1803, 38-1806, 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, 38-1816, 38-2852, 38-2867.01, 68-1006.01, 68-1512, 71-475, 71-1797, 71-1798, 71-8202, 71-8228, 71-8230, 71-8231, 71-8234, 71-8235, 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245, and

71-8247, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, 38-129.02, 38-131, 38-167, 38-186, 38-1,125, 38-1416, 38-1813, 38-2801, 38-2891, 68-901, 68-1017.02, 68-1206, 68-1724, 71-222, 71-401, 71-403, 71-417, 71-2461.01, 71-2479, 71-8236, 71-8237, and 71-8240, Revised Statutes Cumulative Supplement, 2022; to adopt the Behavior Analyst Practice Act; to change provisions of the Uniform Credentialing Act relating to criminal history record information checks, confidentiality relating to physical wellness programs, and a report requirement for certain credential holders; to change provisions of the Funeral Directing and Embalming Practice Act relating to apprenticeship; to provide, change, and eliminate definitions and provisions of the Medical Nutrition Therapy Practice Act relating to legislative findings, board membership and duties, licensure, and scope of practice; to change provisions relating to prescriptions, licensure of pharmacists, and compounding standards; to provide for vaccine administration by pharmacy technicians; to provide duties for the Department of Health and Human Services under the Medical Assistance Act regarding certain hospitals; to change the personal needs allowance for eligible aged, blind, and disabled persons; to require medicaid reimbursement for hospitals as prescribed; to create a pilot program relating to patients with complex health needs; to change provisions relating to the Supplemental Nutrition Assistance Program; to state intent regarding appropriations; to change provisions relating to child care assistance; to change provisions of the Disabled Persons and Family Support Act; to change the compensation of the Board of Barber Examiners; to provide and change definitions and change requirements relating to medication under the Health Care Facility Licensure Act; to change provisions of the Nebraska Center for Nursing Act relating to appropriation intent and the Nebraska Center for Nursing Board; to change provisions of the Prescription Drug Safety Act relating to delivery and labeling; to change and eliminate definitions, powers and duties, other provisions, and a fund under the Statewide Trauma System Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 38-1804, 71-8208, 71-8216, 71-8220, 71-8222, 71-8238, 71-8246, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 71-8226, 71-8227, and 71-8251, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency." inserted.

LEGISLATIVE BILL 254. Placed on Final Reading.

ST9

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

1. In the E&R Amendments, ER27:
 - a. On page 8, line 7, "8" has been struck and "9" inserted; and
 - b. On page 12, lines 6 and 11, ", and section 50-702, Revised Statutes Cumulative Supplement, 2022" has been inserted after "Nebraska"; and in line 15 "to change provisions relating to the Legislative Mental Health Care Capacity Strategic Planning Committee;" has been inserted after the semicolon.

(Signed) Beau Ballard, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 107, 108, and 109 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 107, 108, and 109.

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad offered [MO785](#), found on page 970, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Murman opened on his bill, LB705.

Senator Conrad opened on her motion, MO785.

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Murman filed the following amendment to LB705:

FA79

Strike Section 10.

COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 813. Placed on General File with amendment.

AM1169 is available in the Bill Room.

LEGISLATIVE BILL 814. Placed on General File with amendment.

AM915 is available in the Bill Room.

LEGISLATIVE BILL 818. Placed on General File with amendment.

AM1172 is available in the Bill Room.

(Signed) Robert Clements, Chairperson

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad renewed MO785, found on page 970 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Pending.

VISITORS

Visitors to the Chamber were Randy Squier, John Scott, and staff and volunteers – Paralyzed Veterans of American Great Plains Chapter; students from North Bend Central Elementary, North Bend; students from St. Pius X/St. Leo, Omaha; students from Laura Dodge Elementary, Omaha.

RECESS

At 11:57 a.m., on a motion by Senator Halloran, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht and Brewer who were excused; and Senators Armendariz, Bosn, Bostelman, Clements, Conrad, Day, Dungan, B. Hansen, Kauth, Raybould, Riepe, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad renewed [MO785](#), found on page 970 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Conrad withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Conrad withdrew [MO787](#), found on page 971, to bracket.

Senator Conrad withdrew [MO786](#), found on page 971, to recommit to committee.

Title read. Considered.

Committee [AM1468](#), found on page 1269, was offered.

Senator von Gillern asked unanimous consent to withdraw [AM1503](#), found on page 1300, to the committee amendment, and replace it with substitute amendment, [AM1558](#), to the committee amendment. No objections. So ordered.

[AM1558](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:

2 Sec. 108. (1) For purposes of this section:

3 (a) School has the same meaning as in section 79-101;

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

5 (c) Youth organization means a corporation chartered by Congress and

6 listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023.

7 (2)(a) Each school district shall, upon request, allow a

8 representative of any youth organization to provide (i) oral or written

9 information to the students of such school district regarding the youth

10 organization and how such youth organization furthers the educational

11 interests and civic involvement of students in a manner consistent with

12 good citizenship and (ii) services and activities to any student of such

13 school district who is a member of such youth organization.

14 (b) Each requesting youth organization shall be permitted to provide

15 such information, services, and activities in a school building or on the

16 school grounds of a school in each school district at least once during

17 each school year.

18 (3) Each school district shall make a good faith effort to select a

19 date, time, and location for each requesting youth organization to

20 provide such information, services, or activities that is mutually

21 agreeable to the school district and to the youth organization. Oral

22 information provided under subdivision (2)(a)(i) of this section may only

23 be provided during noninstructional time.

24 (4) Prior to allowing a representative of a youth organization to
 25 provide information, services, or activities at a school pursuant to this
 26 section, such representative shall be subject to a background check.

1 Except as otherwise provided by this section or by the rules and
 2 regulations of the Nebraska State Patrol, the parameters of the
 3 background check shall be determined by the relevant school district. A
 4 school district may prohibit any representative of a youth organization
 5 that has been convicted of a felony from providing information, services,
 6 or activities pursuant to this section at any school in such school
 7 district. Each representative of a youth organization is responsible for
 8 all costs associated with obtaining such background check.

9 Sec. 118. The following section is outright repealed: Section
 10 79-2,103, Reissue Revised Statutes of Nebraska.

11 2. Correct the operative date section so that the sections added by
 12 this amendment become operative three calendar months after the
 13 adjournment of this legislative session.

14 3. Renumber the remaining sections accordingly.

Senator von Gillern moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator von Gillern requested a roll call vote on his amendment, to the committee amendment.

Voting in the affirmative, 35:

Aguilar	Briese	Fredrickson	Jacobson	Murman
Arch	Clements	Halloran	Kauth	Riepe
Ballard	DeBoer	Hansen	Linehan	Sanders
Bosn	DeKay	Hardin	Lippincott	Slama
Bostar	Dorn	Holdcroft	Lowe	Vargas
Bostelman	Dover	Hughes	McDonnell	von Gillern
Brandt	Erdman	Ibach	Moser	Walz

Voting in the negative, 2:

Conrad Hunt

Present and not voting, 6:

Blood	Cavanaugh, M.	McKinney
Cavanaugh, J.	Dungan	Wayne

Excused and not voting, 6:

Albrecht	Brewer	Raybould
Armendariz	Day	Wishart

The von Gillern amendment, to the committee amendment, was adopted with 35 ayes, 2 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Murman offered [AM1528](#), found on page 1312, to the committee amendment.

The Murman amendment, to the committee amendment, was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Walz withdrew [FA78](#), found on page 1313.

Senator Walz offered the following amendment, to the committee amendment:

[AM1531](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:

2 Sec. 94. Section 84-612, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 84-612 (1) There is hereby created within the state treasury a fund
5 known as the Cash Reserve Fund which shall be under the direction of the
6 State Treasurer. The fund shall only be used pursuant to this section.

7 (2) The State Treasurer shall transfer funds from the Cash Reserve
8 Fund to the General Fund upon certification by the Director of
9 Administrative Services that the current cash balance in the General Fund
10 is inadequate to meet current obligations. Such certification shall
11 include the dollar amount to be transferred. Any transfers made pursuant
12 to this subsection shall be reversed upon notification by the Director of
13 Administrative Services that sufficient funds are available.

14 (3) In addition to receiving transfers from other funds, the Cash
15 Reserve Fund shall receive federal funds received by the State of
16 Nebraska for undesignated general government purposes, federal revenue
17 sharing, or general fiscal relief of the state.

18 (4) The State Treasurer shall transfer fifty-four million seven
19 hundred thousand dollars on or after July 1, 2019, but before June 15,
20 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
21 Fund on such dates and in such amounts as directed by the budget
22 administrator of the budget division of the Department of Administrative
23 Services.

24 (5) The State Treasurer shall transfer two hundred fifteen million
25 five hundred eighty thousand dollars from the Cash Reserve Fund to the
26 Nebraska Capital Construction Fund on or after July 1, 2022, but before
1 June 15, 2023, on such dates and in such amounts as directed by the
2 budget administrator of the budget division of the Department of
3 Administrative Services.

4 (6) The State Treasurer shall transfer fifty-three million five
5 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
6 Canal Project Fund on or before June 30, 2023, on such dates and in such
7 amounts as directed by the budget administrator of the budget division of
8 the Department of Administrative Services.

9 (7) No funds shall be transferred from the Cash Reserve Fund to
10 fulfill the obligations created under the Nebraska Property Tax Incentive
11 Act unless the balance in the Cash Reserve Fund after such transfer will
12 be at least equal to five hundred million dollars.

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

18 (9) The State Treasurer shall transfer eight million three hundred
19 thousand dollars from the Cash Reserve Fund to the Trail Development and

20 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
21 such dates and in such amounts as directed by the budget administrator of
22 the budget division of the Department of Administrative Services.
23 (10) The State Treasurer shall transfer fifty million dollars from
24 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
25 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
26 as directed by the budget administrator of the budget division of the
27 Department of Administrative Services.
28 (11) The State Treasurer shall transfer thirty million dollars from
29 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
30 or after July 1, 2022, but before July 15, 2023, on such dates and in
31 such amounts as directed by the budget administrator of the budget
1 division of the Department of Administrative Services.
2 (12) The State Treasurer shall transfer twenty million dollars from
3 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
4 1, 2022, but before June 15, 2023, on such dates and in such amounts as
5 directed by the budget administrator of the budget division of the
6 Department of Administrative Services.
7 (13) The State Treasurer shall transfer twenty million dollars from
8 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
9 Fund on July 15, 2022, or as soon thereafter as administratively
10 possible, and in such amounts as directed by the budget administrator of
11 the budget division of the Department of Administrative Services.
12 (14) The State Treasurer shall transfer eighty million dollars from
13 the Cash Reserve Fund to the Jobs and Economic Development Initiative
14 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
15 and in such amounts as directed by the budget administrator of the budget
16 division of the Department of Administrative Services.
17 (15) The State Treasurer shall transfer twenty million dollars from
18 the Cash Reserve Fund to the Site and Building Development Fund on July
19 15, 2022, or as soon thereafter as administratively possible, and in such
20 amounts as directed by the budget administrator of the budget division of
21 the Department of Administrative Services.
22 (16) The State Treasurer shall transfer fifty million dollars from
23 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
24 on or after July 15, 2022, but before January 1, 2023, on such dates and
25 in such amounts as directed by the budget administrator of the budget
26 division of the Department of Administrative Services.
27 (17) The State Treasurer shall transfer fifteen million dollars from
28 the Cash Reserve Fund to the Site and Building Development Fund on or
29 before June 30, 2022, on such dates and in such amounts as directed by
30 the budget administrator of the budget division of the Department of
31 Administrative Services.
1 (18) The State Treasurer shall transfer fifty-five million dollars
2 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
3 or before June 30, 2022, on such dates and in such amounts as directed by
4 the budget administrator of the budget division of the Department of
5 Administrative Services.
6 (19) The State Treasurer shall transfer ten million dollars from the
7 Cash Reserve Fund to the School Safety and Security Fund as soon as
8 administratively possible after the operative date of this section, on
9 such dates and in such amounts as directed by the budget administrator of
10 the budget division of the Department of Administrative services.
11 Sec. 109. (1) The Commissioner of Education shall create and
12 administer a competitive grant program to provide funding to school
13 districts and to educational service units on behalf of approved or
14 accredited nonpublic schools for security-related infrastructure
15 projects. Such qualifying projects may include, but are not limited to,
16 surveillance equipment, door-locking systems, and double-entry doors for
17 school buildings. Subject to available appropriations, the department

18 shall provide a grant to any school district or educational service unit
19 that applies for such grant for use in funding qualifying projects.
20 (2)(a) A school district may apply to the department for a grant on
21 forms and in a manner prescribed by the Commissioner of Education. A
22 school district receiving a grant under this section shall divide the use
23 of grant funds as evenly as possible among all eligible school buildings
24 within such district.
25 (b) An educational service unit may apply to the department for a
26 grant on forms and in a manner prescribed by the Commissioner of
27 Education for use in funding qualifying projects at approved or
28 accredited nonpublic schools which contract with such educational service
29 unit on such qualifying projects. An approved or accredited nonpublic
30 school may apply to and contract with the appropriate educational service
31 unit in the school's area in a manner prescribed by the educational
1 service unit for purposes of funding qualifying projects pursuant to this
2 section.
3 (3)(a) On or before December 1 of each year that grants were issued
4 pursuant to this section, the State Department of Education shall provide
5 a report electronically to the Clerk of the Legislature relating to such
6 grants, which shall include, but need not be limited to:
7 (i) The number of schools that received grant funding, including
8 whether a school was public or nonpublic, the grades of students served
9 by such school, the number of students that attend such school, and the
10 geographic location of such school;
11 (ii) How the grant funds were used;
12 (iii) The average amount of grant funds received by schools broken
13 down by school student population size;
14 (iv) The number of schools that were denied grant funding and why;
15 and
16 (v) Any other information the State Department of Education deems
17 necessary.
18 (b) The report provided pursuant to subdivision (a) of this
19 subsection shall not identify any particular school.
20 (4) The State Board of Education may adopt and promulgate rules and
21 regulations to carry out this section.
22 (5) It is the intent of the Legislature to appropriate ten million
23 dollars from the School Safety and Security Fund to the State Department
24 of Education to administer the grant program pursuant to this section.
25 Sec. 110. The School Safety and Security Fund is created. The fund
26 shall be administered by the State Department of Education and shall
27 consist of any money transferred by the Legislature and any gifts,
28 grants, or bequests. The department shall use money in the fund for
29 grants for security-related infrastructure projects pursuant to section
30 109 of this act. Any money in the fund available for investment shall be
31 invested by the state investment officer pursuant to the Nebraska Capital
1 Expansion Act and the Nebraska State Funds Investment Act.
2 2. Correct the operative date section so that the sections added by
3 this amendment become operative three calendar months after the
4 adjournment of this legislative session.
5 3. Renumber the remaining sections accordingly.

The Walz amendment, to the committee amendment, was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Senator Fredrickson offered the following amendment, to the committee amendment:

[AM1529](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new section:

2 Sec. 108. (1) Except as provided in subsection (2) of this section,
3 no publicly funded college or university in this state shall, as part of
4 the student application and admission process for disciplines not
5 requiring licensure or clinical or field placements, inquire about or
6 consider any applicant's criminal history or juvenile court record
7 information.
8 (2)(a) Subsection (1) of this section does not prohibit an inquiry
9 regarding an applicant's criminal history or juvenile court record
10 information or consideration of such matters to the extent required by
11 state or federal law or when such matters are voluntarily submitted by an
12 applicant.
13 (b) Any inquiry regarding an applicant's criminal history or
14 juvenile court record information and any consideration of such matters
15 shall be strictly limited to the extent permitted by this subsection.
16 (3) This section does not apply to inquiries or consideration of
17 criminal history or juvenile court record information (a) occurring
18 subsequent to the student application and admission process as part of a
19 professional licensure process or an academically required clinical or
20 field placement, (b) in any application or other process relating to
21 student housing, or (c) in any application or other process relating to
22 any athletic program.
23 (4) For purposes of this section, criminal history or juvenile court
24 record information means all records relating to an applicant's criminal
25 history record or juvenile court record, including, but not limited to,
26 any information or other data concerning any proceedings relating to a
1 case, any arrest, being taking into custody, a petition, a complaint, an
2 indictment, an information, a trial, a hearing, an adjudication, any
3 correctional supervision, a dismissal, or any other disposition or
4 sentence.
5 2. Correct the operative date section so the section added by this
6 amendment becomes operative three calendar months after the adjournment
7 of this legislative session.
8 3. Renumber the remaining sections accordingly.

The Fredrickson amendment, to the committee amendment, was adopted with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

Senator Vargas offered the following amendment, to the committee amendment:
[AM1555](#) is available in the Bill Room.

The Vargas amendment, to the committee amendment, was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

Senator Murman withdrew [AM843](#), found on page 750.

Senator Murman withdrew [FA35](#), found on page 1011.

Senator Murman withdrew [FA36](#), found on page 1011.

Senator M. Cavanaugh offered the following amendment:

[FA80](#)
Strike Section 1.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 32 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator von Gillern filed the following amendment to [LB491](#):
[AM1532](#)

1 1. Strike original section 3 and insert the following new section:
2 Sec. 3. Section 77-5808, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-5808 (1) This subsection shall apply for tax years beginning or
5 deemed to begin on or after January 1, 2009, and before January 1, 2023.
6 The Tax Commissioner shall not approve or grant to any person any tax
7 incentive under the Nebraska Advantage Research and Development Act
8 unless the taxpayer provides evidence satisfactory to the Tax
9 Commissioner that the taxpayer electronically verified the work
10 eligibility status of all newly hired employees employed in Nebraska.
11 ~~This section does not apply to any credit claimed in a tax year beginning~~
12 ~~or deemed to begin before January 1, 2009, under the Internal Revenue~~
13 ~~Code of 1986, as amended.~~
14 (2) This subsection shall apply for tax years beginning or deemed to
15 begin on or after January 1, 2023. When calculating the research tax
16 credit as provided in the Nebraska Advantage Research and Development
17 Act, the qualified research expenses claimed in computing the federal
18 credit allowed under section 41 of the Internal Revenue Code of 1986, as
19 amended, shall be adjusted to the extent the taxpayer includes, in such
20 qualified research expenses, compensation paid to an employee of such
21 taxpayer hired during or after the first tax year for which the Nebraska
22 Advantage Research and Development Act credit is claimed by such firm and
23 to the extent such compensation is subject to Nebraska income tax. Such
24 compensation, for the tax year in which the credit is being claimed,
25 shall be deducted from the taxpayer's qualified research expenses unless
26 such employee was verified as eligible to work in the United States using
27 the federal E-Verify system within ninety days after the date of hire of
1 such employee or such longer period as may be permitted under the rules
2 of the federal E-Verify system. Such verification may be performed by the
3 taxpayer or by someone on the taxpayer's behalf.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO999](#)

Reconsider the vote taken on FA80.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 37 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB814](#):
[AM1548](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 175, line 14, after the semicolon insert "and"; and
- 2 strike beginning with "From" in line 15 through "(t)" in line 19.
- 3 2. On page 178, line 5, after the semicolon insert "and"; and strike
- 4 beginning with "From" in line 6 through "(t)" in line 10.

RESOLUTIONS

LEGISLATIVE RESOLUTION 118. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Nebraska Real Estate License Act in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 119. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Collection Agency Act in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 120. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Abstracters Act in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 121. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for the business of debt management found in sections 69-1201 to 69-1217 in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 122. Introduced by Slama, 1.

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 123. Introduced by Banking, Commerce and Insurance Committee: Slama, 1, Chairperson; Ballard, 21; Jacobson, 42; Kauth, 31; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the economic impact of manufacturing and processing in Nebraska and to explore the role that advanced manufacturing and smart technologies can play in increasing productivity and economic growth. The study will seek to identify barriers for growth that will allow the Legislature to pursue data-driven policy solutions for this key industry sector.

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

(1) Data collection and information gathering regarding:

(a) The scope of manufacturing in Nebraska and its impact on the state's economy;

(b) The projected growth of Nebraska's manufacturing and the top barriers to growth, including estimated workforce shortages;

(c) Advanced manufacturing, including smart technologies and automation, and the effects advanced manufacturing has on the workforce in manufacturing, including its impact on skills training and wage growth for existing employees;

(d) How and to what degree advanced manufacturing has been utilized by the manufacturing sector in Nebraska versus other states;

(e) Barriers that Nebraska's small businesses face when attempting to deploy smart technologies and automation; and

(f) The estimated return on investment in advanced manufacturing machinery and equipment; and

(2) Potential ways to spur capital investments in advanced manufacturing in the state and collaboration with appropriate community partners about these solutions.

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

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following amendment:

[FA81](#)

Strike Section 10.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

The M. Cavanaugh amendment lost with 1 aye, 32 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to [LB705](#):

[FA84](#)

Strike Section 6.

Senator Wayne filed the following amendment to [LB814](#):

[AM1545](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO1000](#)

Reconsider the vote taken on FA81.

Pending.

EASE

The Legislature was at ease from 5:26 p.m. until 6:00 p.m.

PRESIDENT KELLY PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 705. Senator M. Cavanaugh renewed [MO1000](#), found and considered in this day's Journal, to reconsider the vote taken on FA81.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 4 nays, and 34 not voting.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 34 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA82](#)

Strike Section 13.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 5 nays, and 36 not voting.

The M. Cavanaugh amendment lost with 2 ayes, 34 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Wayne filed the following amendment to [LB754](#):

[AM1410](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO1001](#)

Reconsider the vote taken on FA82.

Senator Murman offered the following motion:

[MO1008](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

The Murman motion to invoke cloture prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

The M. Cavanaugh motion to reconsider failed with 3 ayes, 39 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 92A. Title read. Considered.

Senator Slama offered the following amendment:

[AM1549](#)

1 1. Insert the following new section:

2 Sec. 4. There is hereby appropriated (1) \$9,977,290 from the

3 General Fund for FY2023-24 and (2) \$23,751,410 from the General Fund for

4 FY2024-25 to the Department of Economic Development, for Program 604, to

5 aid in carrying out the provisions of Legislative Bill 92, One Hundred

6 Eighth Legislature, First Session, 2023.

7 There is included in the appropriation to this program for FY2023-24

8 \$9,851,000 General Funds as state aid, which shall only be used for such

9 purpose. There is included in the appropriation to this program for

10 FY2024-25 \$23,611,000 General Funds as state aid, which shall only be

11 used for such purpose.

12 Total expenditures for permanent and temporary salaries and per

13 diems from funds appropriated in this section shall not exceed \$53,930

14 for FY2023-24 or \$74,790 for FY2024-25.

15 2. On page 2, line 11, strike "515" and insert "781".

Senator M. Cavanaugh offered the following motion:

[MO1002](#)

Bracket until June 1, 2023.

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

The M. Cavanaugh motion to bracket failed with 0 ayes, 36 nays, 6 present and not voting, and 7 excused and not voting.

Senator Slama offered the following motion:

[MO1009](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

The Slama motion to invoke cloture prevailed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

The Slama amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB705](#):

[FA83](#)

Strike the enacting clause.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB705](#):
[MO997](#)
 Bracket until May 30, 2023.

Senator M. Cavanaugh filed the following motion to [LB705](#):
[MO998](#)
 Recommit to Education Committee.

GENERAL FILE

LEGISLATIVE BILL 227A. Title read. Considered.

Senator B. Hansen offered the following amendment:

[AM1550](#)

1 1. Strike original section 1 and insert the following new sections:
 2 Section 1. There is hereby appropriated (1) \$3,627,976 from the
 3 General Fund and \$576,619 from federal funds for FY2023-24 and (2)
 4 \$3,879,167 from the General Fund and \$725,801 from federal funds for
 5 FY2024-25 to the Department of Health and Human Services, for Program 33,
 6 to aid in carrying out the provisions of Legislative Bill 227, One
 7 Hundred Eighth Legislature, First Session, 2023.
 8 Total expenditures for permanent and temporary salaries and per
 9 diems from funds appropriated in this section shall not exceed \$766,114
 10 for FY2023-24 or \$1,016,558 for FY2024-25.
 11 Sec. 3. There is hereby appropriated (1) \$111,600 from the General
 12 Fund for FY2023-24 and (2) \$111,600 from the General Fund for FY2024-25
 13 to the Department of Health and Human Services, for Program 347, to aid
 14 in carrying out the provisions of Legislative Bill 227, One Hundred
 15 Eighth Legislature, First Session, 2023.
 16 There is included in the appropriation to this program for FY2023-24
 17 \$111,600 General Funds for state aid, which shall only be used for such
 18 purpose. There is included in the appropriation to this program for
 19 FY2024-25 \$111,600 General Funds for state aid, which shall only be used
 20 for such purpose.
 21 No expenditures for permanent and temporary salaries and per diems
 22 for state employees shall be made from funds appropriated in this
 23 section.
 24 2. Renumber the remaining sections accordingly.

The B. Hansen amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 138A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254A. Senator Brewer offered the following amendment:

[AM1543](#)

- 1 1. Insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$50,000 from the
- 3 General Fund for FY2023-24 and (2) \$-0- from the General Fund for
- 4 FY2024-25 to the Legislative Council, for Program 122, to aid in carrying
- 5 out the provisions of Legislative Bill 254, One Hundred Eighth
- 6 Legislature, First Session, 2023.
- 7 No expenditures for permanent and temporary salaries and per diems
- 8 for state employees shall be made from funds appropriated in this
- 9 section.
- 10 2. On page 2, line 7, strike "\$25,000" and insert "\$45,000".
- 11 3. Renumber the remaining sections accordingly.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 683A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799A. Senator DeBoer offered [AM1435](#), found on page 1214.

The DeBoer amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Brandt filed the following amendment to [LB562](#):
[AM1554](#) is available in the Bill Room.

Senator Vargas filed the following amendment to [LB562](#):
[AM1563](#)

(Amendments to Standing Committee amendments, AM1248)

- 1 1. Insert the following new sections:
- 2 Sec. 16. Section 81-2,239, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 81-2,239 Sections 81-2,239 to 81-2,292 and sections 18 to 21 of this
- 5 act and the provisions of the Food Code and the Current Good
- 6 Manufacturing Practice In Manufacturing, Packing, or Holding Human Food
- 7 adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known
- 8 and may be cited as the Nebraska Pure Food Act.
- 9 Sec. 17. Section 81-2,240, Revised Statutes Cumulative Supplement,
- 10 2022, is amended to read:
- 11 81-2,240 For purposes of the Nebraska Pure Food Act, unless the
- 12 context otherwise requires, the definitions found in sections 81-2,241 to
- 13 81-2,254 and section 18 of this act shall be used. In addition, the
- 14 definitions found in the code and practice adopted by reference in
- 15 sections 81-2,257.01 and 81-2,259 shall be used.

16 Sec. 18. Guidance document has the same meaning as in section
17 84-901.
18 Sec. 19. (1) A political subdivision acting as a regulatory
19 authority may enter into an agreement under the Interlocal Cooperation
20 Act with other public agencies to grant and provide reciprocity for local
21 licensing of mobile food establishments for purposes of regulating food
22 safety and handling.
23 (2) On or before December 1, 2023, a political subdivision acting as
24 a regulatory authority that is eligible to participate in an agreement
25 under this section shall submit a report electronically to the
26 Legislature. Such report shall contain the following information:
1 (a) A description of any reciprocity agreement entered into pursuant
2 to this section; or
3 (b) If a reciprocity agreement has not been entered into pursuant to
4 this section, a summary of actions taken to develop such an agreement and
5 a description of any impediments to such an agreement.
6 Sec. 20. (1) For purposes of this section, city means a city of the
7 first class or a city of the second class.
8 (2) The department shall establish and maintain the Mobile Food
9 Establishment Ordinance Registry. The registry shall be made available
10 for review by the public on the department's website. The purpose of the
11 registry is to record in a central location the municipal ordinances used
12 to regulate mobile food establishments.
13 (3) Each city shall participate in the registry. Except as provided
14 in subsection (4) of this section, each city shall provide the department
15 with the following information for the registry:
16 (a) The name and address of each person responsible for regulating
17 mobile food establishment operations;
18 (b) A sample copy of any form that is required to be submitted in
19 order for the mobile food establishment to operate in the city;
20 (c) A complete electronic record of the ordinances used to regulate
21 mobile food establishments; and
22 (d) Any other information the department deems necessary.
23 (4) Any city that does not regulate the operation of mobile food
24 establishments in any way shall submit to the department for publication
25 on the registry a written statement confirming that the city does not
26 regulate the operation of mobile food establishments.
27 (5) To ensure an accurate and updated registry, each city shall:
28 (a) Upon a request by the department, make available to the
29 department all information required pursuant to this section; and
30 (b) Beginning in 2023, by December 31 of each calendar year notify
31 the department of any new or modified ordinance adopted within such
1 calendar year regulating mobile food establishments.
2 (6) The department may adopt and promulgate rules and regulations to
3 carry out this section.
4 Sec. 21. The department shall develop and make available to the
5 public a guidance document for mobile food establishment operators. The
6 guidance document shall describe food establishment permit requirements
7 applicable to mobile food establishments, including permit requirements
8 applicable to reciprocity agreements between participating regulatory
9 authorities under section 19 of this act.
10 2. Renumber the remaining sections and correct the repealer
11 accordingly.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Fredrickson name added to LB199.

VISITORS

Visitors to the Chamber were Ian DeBoer, Lincoln; students from Clarkson Public Schools, Clarkson; students from Christ Lutheran School, Norfolk.

The Doctor of the Day was Dr. Pat Hotovy of York.

ADJOURNMENT

At 7:48 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Wednesday, May 3, 2023.

Brandon Metzler
Clerk of the Legislature

