

SEVENTY-FIRST DAY - MAY 3, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 3, 2023

PRAYER

The prayer was offered by Senator Dorn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dover.

ROLL CALL

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

The roll was called and all members were present except Senator Slama who was excused; and Senators Bostar, Brewer, Day, B. Hansen, Hunt, Raybould, and Walz who were excused until they arrive.

SENATOR DORN PRESIDING

CORRECTIONS FOR THE JOURNAL

Senator Wayne offered a proposed correction to the Journal on Page 1209 starting with "Senator DeBoer placed" insert "the" before nomination and after in.

Senator McKinney objected.

Senator Wayne moved to correct the Journal in the manner described.

Senator Wayne withdrew his motion to correct the Journal.

The Journal for the seventieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 814. Title read. Considered.

Committee [AM915](#), found on page 1318, was offered.

Senator J. Cavanaugh offered [AM1548](#), found on page 1326, to the committee amendment.

Pending.

COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 14. Placed on General File with amendment. [AM1146](#) is available in the Bill Room.

LEGISLATIVE BILL 139. Placed on General File with amendment. [AM1518](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 25-2802, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 25-2802 (1) The Small Claims Court shall have subject matter
6 jurisdiction in all civil actions of any type when the amount of money or
7 damages or the value of the personal property claimed does not exceed the
8 jurisdictional amount specified in subsection (4) of this section,
9 exclusive of interest and costs.
10 (2) The Small Claims Court shall have subject matter jurisdiction in
11 civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a
12 contract or agreement for the purchase of goods or services not in excess
13 of the jurisdictional amount specified in subsection (4) of this section,
14 exclusive of interest and costs.
15 (3) The Small Claims Court shall have jurisdiction when the party
16 defendant or his or her agent resides or is doing business within the
17 county or when the cause of action arose within the county.
18 (4) The jurisdictional amount is ~~six three thousand five hundred~~
19 ~~dollars from July 1, 2023 2010, through June 30, 2024 2015. The~~
20 ~~jurisdictional amount is seven thousand five hundred dollars beginning~~
21 ~~July 1, 2024.~~
22 ~~The Supreme Court shall continue to adjust the jurisdictional limit~~
23 ~~for the Small Claims Court every fifth year commencing July 1, 2015. The~~
24 ~~adjusted jurisdictional amount shall be equal to the then current~~
25 ~~jurisdictional amount adjusted by the average percentage change in the~~
26 ~~unadjusted Consumer Price Index for All Urban Consumers published by the~~
27 ~~Federal Bureau of Labor Statistics for the five-year period preceding the~~
1 ~~adjustment date. The jurisdictional amount shall be rounded to the~~
2 ~~nearest one hundred dollar amount.~~
3 Sec. 2. This act becomes operative on July 1, 2023.
4 Sec. 3. Original section 25-2802, Reissue Revised Statutes of
5 Nebraska, is repealed.
6 Sec. 4. Since an emergency exists, this act takes effect when
7 passed and approved according to law.

LEGISLATIVE BILL 157. Placed on General File with amendment. [AM1525](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 124. Placed on General File.

LEGISLATIVE BILL 199. Placed on General File.

(Signed) Mike Moser, Chairperson

Urban Affairs

LEGISLATIVE BILL 532. Placed on General File with amendment.

[AM1560](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

VISITORS

Visitors to the Chamber were students and teachers from Seward Elementary, Seward; students from Lincoln Northeast High School, Lincoln; students from Tri-County, DeWitt; students from Pawnee City Elementary; Pawnee City; students from Lakeview Community School, Columbus.

RECESS

At 12:03 p.m., on a motion by Senator Hunt, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostar, Brewer, Briese, Conrad, Day, DeKay, Hardin, Hughes, Hunt, McKinney, Slama, and Wayne who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, 112, 113, and 114 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 110, 111, 112, 113, and 114.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1548](#), found on page 1326 and considered in this day's Journal, to the committee amendment.

SENATOR B. HANSEN PRESIDING

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

The J. Cavanaugh amendment, to the committee amendment, lost with 12 ayes, 28 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

[AM1581](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 7, line 21, strike "44,974,650" and insert "45,174,650"
- 2 and strike "46,758,879" and insert "46,958,879"; and in line 24 strike
- 3 "48,836,619" and insert "49,036,619" and strike "50,719,718" and insert
- 4 "50,919,718".
- 5 2. On page 8, after line 25 insert the following new paragraph:
- 6 "There is included in the appropriation to this program for
- 7 FY2023-24 \$200,000 General Funds and for FY2024-25 \$200,000 General Funds
- 8 to increase the payments for interpreter services for deaf and hard of
- 9 hearing persons and for persons unable to communicate the English
- 10 language, which shall only be used for such purpose."

The Dungan amendment, to the committee amendment, was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the scope of collateral consequences of criminal law violations in Nebraska in employment, housing, licensure, and other categories.

Nebraska has multiple layers of criminal laws including the Nebraska Criminal Code, city ordinances, and village ordinances, with overlapping criminal laws at all levels. Law violations are punishable by fines, imprisonment, probation, or restitution orders. Many law violations, even for minor offenses, carry sanctions beyond what the court imposes directly in the criminal case. These collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit individuals with criminal records from accessing employment, occupational licensing, housing,

voting, education, and other opportunities. Many of these collateral consequences follow individuals for years after they have resolved the underlying criminal case and inhibit prosocial behaviors by the individuals, which increases recidivism and negatively impacts public safety goals. An exacerbating feature of collateral consequences is that involvement in the criminal law system has a clear disparate impact on people of color.

Among other considerations, the interim study should determine the propriety or necessity of collateral consequences for certain offenses to ensure that they are appropriate, narrowly tailored, and serve a legitimate purpose. The study should focus on eliminating or limiting collateral consequences and creating or bolstering procedures by which collateral consequences are removed after rehabilitation or completion of a criminal conviction or sentence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to review juvenile justice involvement for youth who are excessively absent or truant from school. Under current law, school truancy can be a basis for juvenile court jurisdiction, which means prosecutors can file a juvenile court case against a child who has an excessive number of unexcused absences. Truancy cases are a type of status offense authorized to be charged under subdivision (3)(b) of section 43-247.

During the One Hundred Eighth Legislature of Nebraska, First Session, senators have introduced bills relating to excessive absenteeism and truancy as a juvenile status offense. The legislation has included providing alternatives to court proceedings by investing in local pretrial diversion programs, requiring schools to exhaust services to address absenteeism prior to referring a child for prosecution, and eliminating truancy from the Nebraska Juvenile Code as an independent basis for a juvenile court filing.

School absenteeism is often an indicator of some other behavior or trauma that youth are experiencing, including challenges with mental or behavioral health, parental neglect or abuse, substance use, learning or other disabilities, and other challenges. Child welfare and juvenile justice best practices encourage policymakers to increase community-based interventions that address the underlying causes of status offenses and eliminate or avoid formal court interventions.

The interim study shall include, but need not be limited to:

(1) An examination of the history and present legal framework for addressing excessive absenteeism and truancy, the cost to the educational system to address chronic or excessive absenteeism, and the cost of state aid dedicated to community-based interventions for youth;

(2) An examination of the variance of chronic or excessive absenteeism in Nebraska between school districts, diversion programs focused on chronic absenteeism, and referrals to county attorneys for formal court intervention, including demographic information and how chronic absenteeism may disproportionately affect communities of color, non-English-speaking students, and students with disabilities;

(3) A review of local programs addressing excessive absenteeism and truancy supported through community-based aid dollars, other community-based programs that address behaviors that lead to status offense filings based on truancy, and the outcomes for youth resulting from such diversionary programs; and

(4) A review of any programs used by probation to address chronic absenteeism within probation districts and the outcomes for youth resulting from such programs.

The interim study should also review the practices and policies of other states to determine what responses these jurisdictions have taken to address school absenteeism. The study should have the ultimate goal of enabling an approach to school absenteeism that improves youth and family engagement and minimizes or avoids court involvement.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

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

[AM1573](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 18, strike line 22 and insert "GENERAL FUND 36,451,112

2 36,872,925"; strike line 26 and insert "PROGRAM TOTAL 81,349,174

3 82,531,347"; and strike line 27 and insert "SALARY LIMIT 19,365,723

4 20,297,236".

5 2. On page 20, after line 20 insert the following new paragraph:

6 "There is included in the appropriation to this program for

7 FY2023-24 \$10,000,000 General Funds and for FY2024-25 \$10,000,000 General
8 Funds for the provision of professional development for teachers
9 regarding reading improvement, the establishment of a literary coaching
10 network, grants for schools regarding reading improvement, and other
11 strategies regarding reading improvement as determined by the department
12 or a third party as contracted by the department, which shall only be
13 used for such purpose."

The Linehan amendment was withdrawn.

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

[AM1568](#) is available in the Bill Room.

The McDonnell amendment, to the committee amendment, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1589](#) is available in the Bill Room.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 10 ayes, 27 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator B. Hansen filed the following amendment to [LB814](#):

[AM1578](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 144, line 22, strike "14,271,875" and insert
2 "22,271,875"; and in line 25 strike "84,137,755" and insert "92,137,755".
3 2. On page 145, line 5, strike "\$7,000,000" and insert
4 "\$15,000,000"; and after line 18 insert the following new paragraph:
5 "There is included in the amount shown as aid for this program for
6 FY2023-24 \$8,000,000 General Funds to provide a grant to a city of the
7 first class. Such grant shall be provided for the purposes of (1)
8 expanding a municipal drinking water treatment plant and all related
9 appurtenances, settling basins, pumps, storage tanks, and water
10 distribution facilities, including costs for the acquisition of land
11 needed for the purpose of locating eligible project components, and (2)
12 supporting the additional demand for processing agricultural products,
13 enhanced water quality, creation of new capital investment, and creation
14 of new jobs in the State of Nebraska."

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1588](#) is available in the Bill Room.

The M. Cavanaugh amendment was withdrawn.

Senator Wayne asked unanimous consent to withdraw [AM1545](#), found on page 1329, to the committee amendment, and replace it with substitute amendment, [AM1596](#), to the committee amendment. No objections. So ordered.

[AM1596](#) is available in the Bill Room.

PRESIDENT KELLY PRESIDING

Senator Aguilar moved the previous question. The question is, "Shall the debate now close?" The motion failed with 12 ayes, 13 nays, and 24 not voting.

The Wayne amendment, to the committee amendment, was adopted with 28 ayes, 3 nays, 10 present and not voting, and 8 excused and not voting.

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

[AM1599](#) is available in the Bill Room.

Pending.

EASE

The Legislature was at ease from 5:29 p.m. until 6:01 p.m.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator McKinney renewed [AM1599](#), found and considered in this day's Journal, to the committee amendment.

Senator McKinney moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

The Chair declared the call raised.

Senator McKinney moved for a call of the house. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

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

Voting in the affirmative, 14:

Blood	Cavanaugh, M.	Dungan	McKinney	Walz
Bostar	Conrad	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hunt	Vargas	

Voting in the negative, 24:

Aguilar	Bosn	Dover	Ibach	Murman
Albrecht	Brandt	Erdman	Kauth	Riepe
Arch	Clements	Hardin	Lippincott	Sanders
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dorn	Hughes	Moser	

Present and not voting, 2:

Linehan	Wishart
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Excused and not voting, 9:

Bostelman	Briese	Halloran	Jacobson	Slama
Brewer	Day	Hansen	McDonnell	

The McKinney amendment, to the committee amendment, lost with 14 ayes, 24 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 126. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to review recent efforts to evaluate the classification system of the Department of Correctional Services and the delivery of clinical and nonclinical programs to its incarcerated population.

In 2021, the Legislature provided funding to the department to conduct a study of its classification system. This study is anticipated to be finished in May 2023. This study is being done by the Nebraska Center for Justice Research of the University of Nebraska.

In Laws 2022, LB896, the Legislature required the department to contract with an academic institution located in Nebraska to evaluate the quality of all clinical programs and some nonclinical programs delivered to the department's incarcerated population. The first clinical program evaluation was started earlier this year by the Nebraska Center for Justice Research of the University of Nebraska.

This interim study shall include, but need not be limited to, a review of the results of the study of the department's classification system and an update on the progress of the program evaluations required by Laws 2022, LB896.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

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

[AM1605](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 88, line 2, after the period insert "It is the intent of
2 the Legislature that such grants not be reimbursed by the grantees.".

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

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

Senator McKinney requested a roll call vote, in reverse order, on his amendment, to the committee amendment.

Voting in the affirmative, 29:

Aguilar	Brandt	Dover	Ibach	Vargas
Armendariz	Cavanaugh, J.	Dungan	Jacobson	von Gillern
Ballard	Cavanaugh, M.	Fredrickson	Linehan	Walz
Blood	Conrad	Holdercroft	McKinney	Wayne
Bosn	DeBoer	Hughes	Raybould	Wishart
Bostar	Dorn	Hunt	Sanders	

Voting in the negative, 8:

Albrecht	Erdman	Hardin	Lowe
Clements	Halloran	Lippincott	Moser

Present and not voting, 5:

Arch	DeKay	Kauth	Murman	Riepe
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Excused and not voting, 7:

Bostelman	Briese	Hansen	Slama
Brewer	Day	McDonnell	

The McKinney amendment, to the committee amendment, was adopted with 29 ayes, 8 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1597](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 39, after line 24 insert the following new paragraph:
- 2 "The department shall not use or allocate federal Temporary
- 3 Assistance for Needy Families funds for projects over \$5,000,000 without
- 4 specific legislative appropriation."
- 5 2. On page 46, after line 29 insert the following new paragraph:
- 6 "The department shall not use or allocate federal Temporary
- 7 Assistance for Needy Families funds for projects over \$5,000,000 without
- 8 specific legislative appropriation."
- 9 3. On page 51, after line 5 insert the following new paragraph:
- 10 "The department shall not use or allocate federal Temporary
- 11 Assistance for Needy Families funds for projects over \$5,000,000 without
- 12 specific legislative appropriation."

The M. Cavanaugh amendment, to the committee amendment, lost with 9 ayes, 28 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Moser filed the following amendment to [LB818](#):
[AM1584](#)

(Amendments to Standing Committee amendments, AM1172)

- 1 1. On page 41, strike lines 17 through 21; and renumber the 2 remaining subsections accordingly.
- 3 2. On page 45, lines 5 and 6, strike the new matter.

Senator Clements filed the following amendment to [LB813](#):
[AM1591](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA85](#)

Strike Section 177.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment, to the committee amendment.

The M. Cavanaugh amendment, to the committee amendment, lost with 8 ayes, 29 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Speaker Arch offered the following motion:

[MO1012](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 35 ayes, 3 nays, and 11 not voting.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 38:

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

Voting in the negative, 3:

Cavanaugh, M. Hunt McKinney

Present and not voting, 4:

Cavanaugh, J. Dungan Raybould Wayne

Excused and not voting, 4:

Albrecht Brewer Briese Day

The Arch motion to invoke cloture prevailed with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB724.

Senator Conrad name added to LB774.

VISITORS

Visitors to the Chamber were students from Seward Elementary School, Seward; students from Adams Central, Hastings; students from Wood River Elementary, Wood River; Julie Jacobson, North Platte.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 8:23 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Thursday, May 4, 2023.

Brandon Metzler
Clerk of the Legislature

