

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 9, 2024

Rough Draft

KELLY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifth day of the One Hundred Eighth Legislature, Sec-- Second Session. And I recognize Petty Officer R.G. Smith from the Auxiliary Navy, Bellevue, Nebraska, Senator Holdcroft's district, to lead in the pledge.

R.G. SMITH: If you will, please join me in the pledge, please. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all. Thank you.

KELLY: Thank you. I call to order the fifth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Senator Blood, you're recognized for the prayer.

BLOOD: Thank you. Friends, please join me in prayer as we reflect on Proverbs 16:9 that tells us the human mind plans the way, but the Lord directs the steps. Provider and guide, please direct our steps. Peacegiver, fill us with deep breaths of trust in you as we consider the options before us. Faithful friend, thank you for not leaving us on our own, but walking with us through these often hard decisions. Surround us with the right advice. Remove any options that would lead us away from your best, and help us trust that as we plan our way on behalf of all Nebraskans, you will guide us to the most righteous path, the path that is truly for the greater good and not influenced by a vocal minority. The path that reminds us to be careful with our words, not only that we say out loud, but also what we put on paper. Because once those unjust and cruel words are put into the universe, they can only be forgiven but never forgotten. And friends, may you feel the love and support of those around you, even if you do not share their beliefs. I thank you all for being a part of my life, and for the joy many of you bring to those around you, and pray that others will seek that same light as we move forward for the greater good of all. With that said, Amen.

KELLY: Thank you, Senator Blood. I call to order the fifth day of the One Hundred Eighth legislative session-- Second Session. Senators, please record your presence. Roll call. Senator Vargas, Vargas announces a guest under the north balcony, Nelson Ildefonso-Cruz, Army Reserve Ambassador to Nebraska. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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KELLY: Thank you. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

KELLY: Are there any messages, reports or announcements?

ASSISTANT CLERK: There are, Mr. President. I have a reference report referring LB975 through LB1035, plus LR277CA. In addition to that, your Committee on Government reports LB541 to General File with committee amendments attached, as well as refer-- re-- reporting LR31 to the full Legislature for further consideration. That's all I have at this time.

KELLY: Mr. Clerk, new bills. First motion, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator DeKay would move to withdraw LB968.

KELLY: It is withdrawn. Senator DeKay, open on the motion.

DeKAY: Thank you, Mr. President. I believe we as a state ought to try to further help survivors of human trafficking and sexual assault. But sometimes with a bill, you don't always get it right. I would appreciate your courtesy to allow me to withdraw LB968, so that we will have one less hearing to deal with this year. Thank you, Mr. President.

KELLY: Thank you, Senator DeKay. Any discussion, Senators, on the motion to withdraw LB968? The question for the body is the motion to withdraw LB968. That takes a simple majority. Senators, record your vote. Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to withdraw the bill, Mr. President.

KELLY: The motion is withdrawn. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, Senator Clements would move to withdraw LB1028.

KELLY: Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. LB1028 is a bill that was inadvertently requested as a 3-part that-- we're revising that bill from a couple of years ago, and that's the old bill. And we have a new

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bill, that we have requested a 3-part that I'll be introducing. So this is the incorrect bill that I wanted to introduce. And I'll be in-- introducing a replacement that's the correct one for this year. I would appreciate your support. Please vote yes.

KELLY: Thank you. Senator Clements, is there any discussion on the motion to withdraw? The question for-- before the body is the motion to withdraw LB1028. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to withdraw the bill, Mr. President.

KELLY: The motion is adopted. Mr. Clerk for new bills.

ASSISTANT CLERK: LB1073, offered by Senator Slama. It's a bill for an act relating to Third-Party Administrator Act; to change provisions relating to on site audits of the operations of third-party administrators; repeal the original sections. LB1074, by Senator Slama. It's a bill for an act relating to banking and finance; amends Section 8-1116, 8-726 [SIC], 21-715 [SIC] to adopt updates to federal law relating to banking and finance; change provisions of the Security Act of Nebraska, the Commodity Code, the Credit Union Act; to eliminate obsolete provisions; to harmonize provisions; repeal the original section; and declare an emergency. LB1075, offered by Senator Slama. It's a bill for an act relating to banking and finance; change provision relating to the application, background checks, registrations, and required notices under the Nebraska Money Transmitters Act, the Nebraska Installment Sales Act, the Nebraska Installment Loan Act, registration and background checks under the Delayed Deposit Services Licensing Act required notices under the Residential Mortgage Licensing Act; and repeal the original sections. Mr. President, that's all I have at this time.

KELLY: The body will stand at ease until more bills are introduced.

[EASE]

KELLY: Mr. Clerk for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB1076, offered by Senator Machaela Cavanaugh. It's a bill for an act relating to public contracts; to adopt the Public Contract Provider Open Meetings Act. LB1077, Senator McDonnell. Is it-- a bill for an act relating to appropriations; to appropriate funds to the Department of Labor to

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provide grants for facility expansion related to workforce development and career readiness programs; and to declare an emergency. LB1078, by Senator McDonnell. It's a bill for an act relating to health and human services; to state intent regarding an increase in rates for child welfare aid; and declare an emergency. LB1079, by Senator McDonnell. It's a bill for an act relating to appropriations; to appropriate federal funds to the Department of Economic Development; and declare an emergency. LB1080, offered by Senator Holdcroft. A bill for an act relating to appropriations; to appropriate federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to federal American Rescue Plan, 2021, as amended; and to declare an emergency. LB1081, by Senator Conrad. It's a bill for an act relating to schools; provide required student to teacher ratios as prescribed; provide a reporting requirement to provide powers and duties to the Commissioner of Education, the State Department of Education, the State Board of Education. LB1082, by Senator Conrad. It's a bill for an act related to the Nebraska State Insurance Program; to require coverage for in vitro fertilization as prescribed; harmonize provisions; repeal original sections; declare an emergency. LB1083, by Senator Conrad, is a bill for an act relating to the Nebraska Career Scholarship Act; to include a program of study in education, engineering and early childhood education as an eligible program of study for scholarship eligibility for private colleges and community colleges under the act as prescribed; to state intent regarding appropriations; and to repeal the original section. LB1084, by Senator Ibach. It's a bill for an act relating to revenue and taxation; to adopt the Nebraska Shortline Rail Modernization Act; to provide for tax credits; harmonize provisions; repeal the original sections. LB1085, by Senator Holdcroft. It's a bill for an act relating to the Nebraska Juvenile Code; to eliminate provisions relating to the establishment of separate juvenile court districts and separate juvenile courts by a vote; to rename certain separate juvenile court districts; change provision relating to the number of judges in such districts; repeal the original sections; and to outright repeal Section 43-2,112. LB1086, by Senator Walz. It's a bill for an act relating to the Department of Health and Human Services; to eliminate the Department of Health and Human Services; to create the Department of Children and Family Services, the Department of Public Health, the Department of Healthcare; transfer programs and services and duties; provide for the appointment of directors; provide for the appointment of a chief medical officer to create the Health and Human Services Cash Fund; provide for the creation and use of petty cash funds by the Department of Children and Family Services; provide

a duty for the Health and Human Services Committee of the Legislature; eliminate obsolete provisions and provisions regarding the Department of Health and Human Services; and to repeal various sections. Mr. President, that's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator DeBoer, you're recognized for an announcement.

DeBOER: Thank you, Mr. President. Colleagues, I just wanted to draw your attention to what's been passed out to you from the pages at your desk. That, with my chicken scratching at the top, is the Planning Committee's annual report. You'll see the names of the members who participated in the Planning Committee, who were on the Planning Committee. And those folks and I worked together this last interim. We investigated areas which the body had identified that it thought were important areas to be investigated by the Planning Committee. And this report entails what we found out. And there'll be more to come on what our priority bill might be as a result of this. You will also have received an email version of that. It has all the attachments, and so I understand it is quite large once you get all the appendices in. This is the less difficult to digest version. We tried to put an executive summary in in the first couple of pages, so if that's all you want to read, that's fine. But it would be great if you wanted to read the entire report, because we spent quite a lot of time talking about the issue of housing, childcare and water quality in Nebraska, and had quite a few presentations from very knowledgeable folks in those areas. And there's some great data here, which we would like to share with all of you that we discovered this summer. So here it is. And please ask any questions that you have of me and I'll try and get the answers to you. We also want to reach out or hold up, I guess, and say thank you to UNO for their support: Dr. Josie Schafer in the Center for Public Affairs, in helping compile this information so that you have it in front of you. So I wanted to say thank you to Doctor Schafer and her team, as well. Thank you.

KELLY: Thank you, Senator DeBoer. Mr. Clerk for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB1087, offered by Senator Jacobson. It's a bill for an act relating to hospitals; to adopt the Hospital Quality Assurance and Access Assessment Act; and declare an emergency. LB1088, by Senator Linehan. It's a bill for an act relating to the Nebraska Advantage Act; changes the time period where certain levels of employment and investments must be made for certain projects; provide for applicability; to harmonize provisions; repeal

the original sections. LB1089, by Senator DeBoer. It's a bill for an act relating to courts; to exempt individuals under 19 years of age from payment of certain court costs and fees, probation fees, DNA collection, and testing costs; provide that such individuals are presumed to be indigent for purposes of fees relating to criminal discovery; prohibit recovery of costs and fees in proceedings under the Nebraska Juvenile Code from juveniles and their parents or guardians as prescribed; change provisions relating to juvenile pretrial diversion programs to appointed counsel, guardian ad litem, recoupment of certain costs; prohibit imposition of fines as a penalty in juvenile proceedings, to eliminate obsolete provisions; harmonize provisions; and repeal the original sections. LB1090, by Senator Ballard. It's bill for an act relating to appropriations; amends Laws 2023, LB814; to appropriate funds to the Department of Administrative Services; and repeal the original sections. That, Mr. President, is all I have at this time.

KELLY: Thank you, Mr. Clerk. Senators, please bring your bills forward. Last call. Mr. Clerk for new bills and other items.

CLERK: Thank you, Mr. President. LB1091, introduced by Senator Murman, is a bill for an act relating to education; requires a school board or board of education that grants access by a professional employees' organization to a school employee's physical or electronic mailbox or a meeting to also grant such access to any other such organization that request access; prohibits a school board or board of education from designating any day or break in the school calendar using the name of any professional employees' organization. LB1092 introduced by Senator Murman, is a bill for an act relating to civil liability; adopts the Online Age Verification Liability Act. LB1093, introduced by Senator Bostar. It's a bill for an act relating to first responders; amends Sections 81-1401, 81-1403 and 81-1414, as well as sections 85-2601, 85-2602, 85-2603, 85-2603.01, and 85-2605; provides for limited law enforcement officer certificates for federally trained investigators employed by state agencies; changes eligibility requirements under the First Responder Recruitment and Retention Act; provides duties for public postsecondary institutions and Department of Revenue; defines and redefines terms; harmonizes provisions; and repeals the original section. LB1094, introduced by Senator Bostar, is a bill for an act relating to insurance; limits the out-of-pocket cost of medically necessary epinephrine injectors to a covered individual as prescribed; and requires coverage of certain generic and authorized generic inhaled prescription corticosteroid medication as prescribed. LB1095, introduced by Senator Dorn, is a bill for an act relating to

motor fuels; amends Section 66-2210, 66-2211, 66- 2215, and 77-7011; changes the E-15 Access Standard Act as prescribed; change provisions relating to tax credits under the Nebraska Biodiesel Tax Credit Act; and repeals the original section. LB1096, introduced by Senator Armendariz. It's a bill for an act relating to the Uniform Deceptive Trade Practices Act; amends Sections 87-302; provides that certain conduct relating to depictions of sexually explicit or obscene material or material harmful to minors is a deceptive trade practice; defines terms; harmonize provisions; provides severability; and repeals the original section. LB1097, introduced by Senator DeKay. It's a bill for an act relating to criminal procedure; amends Sections 29-1832; changes the requirement relating to reimbursement by the Health-- Department of Health and Human Services for mentally incompetent defendants; and repeals the original section. LB1098, introduced by Senator DeKay, is a bill for an act relating to protection orders; amends Sections 28-311.02, 28-311.05, 42-901, 42-905, 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, and 43-2,107, and 60-3209; Section 25-2740, 28-311.04, 28-311.12, 28-358.01, 28-1206, 29-404.02, 29-422, 29-2292, 42-924.02, 20-- 42-925, 42-926, 43-1609, and 43-1611, Sections 28-1205, 42-903 and 42-924; adopts the Protection Orders Act; extends the initial period of protection orders; defines terms; provides penalties; provides for powers and duties relating to such orders; transfers provisions; harmonize provisions; repeals the original section; outright repeals Sections 28-311.10, Sections 28-311.09 and 28-311.11. LB1099, introduced by Senator McDonnell, is a bill for an act relating to appropriations; changes the use of reappropriated funds as prescribed; and declares an emergency. LB1100, introduced by Senator McDonnell is a bill for an act relating to Medical Assistance [SIC]; amends Sections 44-32,108 [SIC-44-32,180], 44-4726, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, 68-986, 68-987, 68-988, and 71-8506; defines and eliminates terms; changes references to the inter-- intergovernmental transfer program and capital-- capitation payments and then provides for the certify-- for a certified public expenditure program; changes department duties and powers as prescribed; decreases an administrative fee; updates federal references; changes a provision relating to managed care contacts [SIC]; harmonize provisions; repeals the original section; declares an emergency. LB1101, introduced by Senator Hardin, is a bill for an act relating to education; requires that a memorandum of understanding regarding the Public Health Early Admission Student Track Program and the Rural Health Opportunities Program; provides for tuition waivers to eligible students as prescribed; and states intent regarding appropriations. LB1102,

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introduced by Senator Conrad. It's a bill for an act relating to missing persons; declares October 17 as Nebraska Missing Persons Day. Few items, Mr. President. Amendments to be printed: Senator Brewer to LB252, Senator Blood to LB823, Senator Blood to LB561, Senator Bostelman to LB61, Senator McKinney to LB164. Additionally, your Committee on Government, Military and Veterans Affairs, chaired by Senator Brewer, reports LB43 to General File with committee amendments. Notice of hearing from the Urban Affairs Committee, concerning AM2075. The Rules Committee met this morning and advanced the following proposed rule changes: Proposed Rule Change number 13, 15, 16, 18, 19, 20, 21, 24, 27 and 30. Reference Committee will meet upon adjournment in room 2102. Name adds: Senator Raybould, LB174; Hunt, LB830; Dungan, LB830; Cavanaugh-- John Cavanaugh, LB830; Kauth, LB876; Moser, LB876; Linehan, Dover, also LB876; Meyer to LB925; Senator Dungan to LB933; Halloran and Ibach to LB984; Senator Brewer, LB999; Frederickson, LB1035; DeKay, LB1061; Senator John Cavanaugh to LR275CA; Senator Blood, name withdraw from LB999. That's all I have at this time, Mr. President.

KELLY: Speak-- Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. I want to let the body know that we will be convening at 1:30 p.m. tomorrow instead of the originally announced time of 9 a.m. This morning, the Rules Committee met in Executive Session. As you just heard, for two hours, we were able to address 14 of the 34 proposed rule changes. Senator Erdman is providing each of you the, the the-- a copy of the proposed rule changes advanced out of the committee this morning, and in the form agreed to by the committee. These proposed rules will also be printed in today's Journal, available sometime after adjournment today. Because the committee has another 20 proposed rule changes to discuss, it is my intention to reconvene the body at 1:30 p.m. tomorrow, instead of the originally announced 9 a.m., and this will allow the Rules Committee to use tomorrow morning to meet in Executive Session to hopefully discuss the remaining proposed rule changes. Tomorrow will be a check-in day with bill introduction. We won't pick up the rules debate tomorrow. I hope to schedule the debate on the proposed rule changes once the Rules Committee has had time to discuss all the proposed rule changes, and in that way I can order them correctly. At this time, I anticipate that to be Thursday morning. Before concluding, I just want to thank Senator Erdman for his efficiently run hearing held in the rules-- on the rules yesterday afternoon. It was productive and valuable. Good discussion. I also want to thank all the senators who weighed in on the proposed rule changes prior to the

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hearing, and in particular for Senator John Cavanaugh's thoughtful input on providing alternatives to two of my proposed rule changes. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk for items.

CLERK: Mr. President, priority motion. Senator Conrad would move the-- to adjourn the body until Wednesday, January 10, 2024 at 1:30 p.m.

KELLY: The question is, shall the Legislature adjourn for the day? All those in favor say aye. Those opposed, nay. We are adjourned for the day.