

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 12, 2023

Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventh day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Pastor Doyle Karst, Christ Lutheran Church of Pickrell, Nebraska. He is Senator Dorn's guest and from that district. Pastor Karst.

PASTOR KARST: Let us pray. We thank you, Lord God, for the gift of government, for the ability to develop policy with conversations. Please guide our senators. Keep them safe as they travel. Be with their families when they're away. Bless them, oh Lord, with the kind of clear thinking you would have them. Bless their hearts with peace. Guide, oh Lord, our staff that they would be able to share their information with purpose and, and accuracy. Guide us, oh Lord, that we may do good things for the benefit of our people. Thank you for this gift of grace. May your spirit of peace be in this Chamber and this house. Guide them, oh Lord, with your special will. We thank you for hearing our prayers and for your grace. In the Lord's name, we pray. Amen.

KELLY: Senator Brewer with the pledge.

BREWER: Join me in the pledge. 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.

KELLY: Thank you. I call to order the seventh day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

KELLY: Thank you. Are there any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, there are. Reference Committee reports on the referencing of LB206 through LB278, as well as a report from the Executive Board on the appointments to the various special committees that will be inserted in the Journal. That's all I have at this time.

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KELLY: Thank you, Mr. Clerk. Senator Albrecht would like us to recognize Dr. David Hoelting of Pender, Nebraska, serving as the physician of the day. Please welcome Dr. Hoelting. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR13. Mr. Clerk-- Senator Briese has an announcement.

BRIESE: Thank you, Mr. President, and good morning, colleagues. Just a quick reminder that the mandatory workplace harassment policy training for both senators and staff will be held tomorrow. The training for senators will be held from 8:30 a.m. to 10:00 a.m. in room 1524. Staff will have two options to attend training. The first session will be in the morning from 10:30 to noon. The second session will be in the afternoon from 1:00 to 2:30. Staff need only attend one session, but because space is limited, we ask that staff plan accordingly to be able to attend either session if the room happens to be full for the first session and please contact my office for any additional questions. Thank you, Mr. President.

KELLY: Thank you, Senator Briese. Mr. Clerk, we'll now proceed to the first item on the agenda.

ASSISTANT CLERK: Mr. President, new bills. LB338 offered by Senator McKinney. It's a bill for an act relating to criminal justice; to require open court hours in certain counties; change provisions relating to mandatory minimum sentences, penalties and warrants for failure to appear; use of electronic or global-positioning monitoring or home confinement during pretrial release; require sentencing credit for time monitored or under home confinement; provide for a non-imprisonment sentences for caregivers as prescribed; to automatically suspend child support obligations for defendants of one or more imprisonment; change provisions relating to probation sanctions and revocations, suspension of operator's license under the License Suspension Act for all sanctions and violations; define and redefine terms; provide for applicability; and harmonize provisions; and repeal the original sections. LB339 by Senator McKinney is a bill for an act relating to juveniles; to change provisions relating to sentences for crimes committed by persons under 22 years of age; to extend jurisdiction under the Nebraska Juvenile Code to 22 years of age; provide requirements for custodial interrogations of juveniles, young adults; define terms; prohibit the use of certain statements in court proceedings; provide for using and reimbursing day reporting and evening reporting centers for juveniles; prohibit sending juveniles out of state as prescribed; to establish the family resource and

juvenile assessment center pilot program; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections. LB340 by Senator McKinney. It's a bill for an act relating to the Student Discipline Act; change provisions relating to expelled students; and repeal the original sections. LB341 by Senator Halloran is a bill for an act relating to civil actions; to adopt the State and Political Subdivisions Child Sexual Abuse Liability Act; to change provisions relating to a statute of limitations for actions by child sexual abuse victims; to exempt actions from the Political Subdivisions Tort Claims Act and the State Tort Claims Act; harmonize provisions; and repeal the original section. LB342 by Senator Hardin is a bill for an act relating to home inspection; to change provisions relating to home inspector registration, change information reporting; repeal the original sections. LB343, Senator Slama. It's a bill for an act relating to government; to prohibit public contracts with companies that boycott Israel as prescribed; define terms; and provide severability. LB344 by Senator Armendariz. It's bill for an act relating to the Nebraska Property Tax Incentive Act; to exclude certain delinquent taxes from qualifying for tax credit; and to repeal the original sections. Mr. President, that's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Lowe would like to recognize a group in the nor-- in the balcony, Leadership Nebraska, the Class of XIV. There are 25 of them today from all across Nebraska. Please recognize that group. Mr. Clerk, new bills.

ASSISTANT CLERK: Mr. President, thank you. Prior to reading title on those new bills, two Executive Sessions: Judiciary will meet under the south balcony at 10:30; General Affairs will meet under the north balcony at 10:30. That's Judiciary, south balcony, 10:30; General Affairs, north balcony, also at 10:30. New bills. LB345 by Senator Armendariz. It's a bill for an act relating to the Health Care Facility Licensure Act; amend sections 71-401, 71-403; define a term; repeal the original sections. LB346 by Senator Brandt. It's a bill for an act relating to the Local Option Municipal Economic Development Act; to redefine a qualifying business as prescribed; to repeal the original sections. LB347 by Senator John Cavanaugh. It's a bill for an act relating to scrap metal recycling; change provisions relating to the purchase and payment of certain regulated metal property; provide a restriction on the sale of catalytic converters; change penalty; harmonize provisions; and repeal the original section. LB348, Senator Wayne, a bill for an act relating to treatment and corrections; provide powers and duties for the Board of Parole, the office of Probation Administration, the office of Inspector General of the

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Nebraska Correctional System, Public Counsel, the Division of Parole Supervision, the Department of Correctional Services; change provisions relating to escape from official detention; provide for access to presentence investigation reports from the Department of Correctional Services and the Board of Parole; require reports; redefine terms; repeal the original sections, and to outright repeal Section 83-933. LB349 by Senator Wayne. It's a bill for an act relating to the Business Innovation Act; to provide a requirement relating to the selection of projects; change funding limitations as prescribed; to eliminate obsolete provisions; provide an operative date; repeal the original sections; declare an emergency. LB350 by Senator Wayne, a bill for an act relating to revenue and taxation; to adopt the Pioneer Economic Tax Credit Act; to harmonize provisions; provide an operative date; to repeal original sections. LB351 by Senator Wayne, a bill for an act relating to the Nebraska Hospital-Medical Liability Act; to increase and eliminate limits on medical malpractice liability; change provisions relating to proof of financial responsibility and the Excess Liability Fund; provide applicability; harmonize provisions; and repeal the original sections. LB352 by Senator Wayne, a bill for an act relating to criminal justice; change provisions regarding problem-solving courts, mandatory minimums, penalties, provisions relating to controlled substances, theft, burglary, sentencing set asides, restitution, pretrial diversion, parole; provide for applicability; state legislative intent regarding appropriations; create pilot programs to create the Justice Reinvestment Oversight Task Force, terminate the Committee on Justice and Reinvestment Oversight; provide for parole for geriatric offenders; define terms; to provide duties for the courts, the probation administrator, the Board of Parole, Division of Parole Supervision, the State Court Administrator, the Rural Health Systems and Professional Incentive Act; to harmonize provisions; repeal the original sections. LB353 by Senator Raybould is a bill for an act relating to nursing facilities; provide for grants for certain projects relating to long-term care facility capacity; provide duties for the Department of Health and Human Services; state intent regarding appropriations; declare an emergency. LB354 by Senator Raybould. It's a bill for an act relating to insurance; to amend Section 44-6412; to change underinsured motor vehicle insurance provisions relating to offers and agreements to settle; and repeal the original sections. LB355 by Senator Raybould is a bill for an act relating to transportation network companies; to amend Section 75-333; change a requirement relating to uninsured and underinsured motorist

coverage; and to repeal original sections. Mr. President, that's all I have at this time.

KELLY: Mr. Clerk, new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB356 offered by Senator Walz. It's a bill for an act relating to the Nebraska Opportunity Grant Act; define and redefine terms; repeal the original sections. LB357 by Senator Walz. It's a bill for an act relating to Disabled Persons and Family Support Act; to change the maximum support allowable under the Disabled Persons and Family Support Act. LB358 by Senator Walz is a bill for an act relating to the Medical Assistance Act; to state legislative intent for dental service reimbursement; repeal the original sections. LB359 by Senator Hughes is a bill for an act relating to the Nebraska Broadband Bridge Act; change provisions relating to the application deadlines; and repeal the original sections. LB360 by Senator Machaela Cavanaugh is a bill for an act relating to government; to change provisions relating to the Public Council; harmonize provisions; and repeal the original sections. LB361 by Senator Dorn is a bill for an act relating to Precision Agriculture Infrastructure Grant Act; to change provisions of the Precision Agriculture Infrastructure Grant Program; to state legislative intent; to appropriate money; to repeal the original section; declare an emergency. LB362, Senator Dorn, is a bill for an act relating to appropriations; to state intent regarding a rate increase for behavioral health services; declare an emergency. LB363 by Senator Dorn, a bill for an act relating to courts; change provisions relating to consolidation of county offices, duties of counties to supply materials, residency requirement for elected clerks of the district court; provide for transitioning the duties of clerk of the district court in certain counties to clerk magistrates; change certain county employees to state employees; change provisions relating to elections for clerks of the district court, court fees, reimbursement of cost, provide for the enforcement of child, spousal, and medical support; to harmonize provisions; and repeal the original sections. LB364 by Senator Hunt is a bill for an act relating to elections; provide for election of election commissioners; change and eliminate provisions relating to official bonds, consolidation of county offices, deputy county clerks for elections, civil service commissions, chief deputy election commissioners, removal from office, and vacancies; harmonize provisions; repeal the original sections. LB365 by Senator Hunt is a bill for an act relating to elections; permit counties to conduct elections by mail; and repeal the original sections. LB366 by Senator Conrad is a bill for an act relating to public records; provide the

recordings from body-worn cameras of peace officers depicting the death of a person being apprehended or in custody of public records; change public record provisions relating to residents, nonresidents, fees, and remedies; define a term; repeal the original section. LB367 by Senator Conrad is a bill for an act relating to labor; to adopt the Fair Chance Hiring Act; prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and repeal the original sections. LB368 by Senator Conrad is a bill for an act relating to criminal justice; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and state intent regarding appropriations. LB369 by Senator Linehan is a bill for an act relating to property taxes; change provisions relating to net book value; provide an operative date; repeal the original section. LB370 by Senator Linehan is a bill for an act relating to property taxes; to require a notice regarding availability of certain tax credits; and repeal the original sections. LB371 by Senator Murman is the bill for an act relating to crime and offenses; to prohibit a person under 19 years of age or under 21 years of age from being present at a drag show as prescribed; define a term; provide a penalty; prohibit a state agency from using state funds to host a drag show. LB372 by Senator Murman, a bill for an act relating to schools; change provisions regarding part-time enrollment; provide duties regarding extracurricular activities as prescribed; repeal the original sections. LB373 by Senator Murman is a bill for an act relating to appropriations; to state intent regarding appropriations to the University of Nebraska. LB374 by Senator Murman. It's a bill for an act relating to schools; to adopt the Parents' Bill of Rights and Academic Transparency Act; to eliminate provisions relating to parental involvement in public schools; provide an operative date; and to outright repeal various sections. LB375 by Senator Lowe is a bill for an act relating to the Nebraska Liquor Control Act; to allow certain licensees to purchase alcoholic liquor for resale from a gas station, grocery store, liquor store, or similar establishment under certain circumstances; provide powers and duties; to harmonize provisions; repeal the original section. LB376 by Senator Lowe. It's a bill for an act relating to the Nebraska Liquor Control Act; to require a licensed manufacturer, licensed wholesaler, or holder of a shipping license to submit a report and applicable fees to the Nebraska Liquor Control Commission. LB377 by Senator Lowe is a bill for an act relating to the Liquor Control Act; to amend Section 53-124; change provisions relating to special designated licenses; and

repeal the original sections. That's all I have at this time, Mr. President.

KELLY: Mr. Clerk for more new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB378 by Senator McDonnell is a bill for an act relating to retirement; to change retirement system participation provisions relating to alien and lawful presence; eliminate obsolete provisions; harmonize provisions; and repeal the original sections; declare an emergency. LB379 By Senator Conrad. It's a bill for an act relating to civil actions; change provisions relating to civil liability; repeal the original sections. LB380 by Senator Conrad. It's a bill for an act relating to the Nebraska Fair Employment Practice Act; prohibit discrimination for exercise of rights under the Nebraska Workers' Compensation Act; provide for jury trials; to harmonize provisions; and repeal the original sections. LB381 by Senator Machaela Cavanaugh. It's a bill for an act relating to revenue and taxation; to adopt the Mental Health Wellness Act; to authorize county sales and use taxes as prescribed; harmonize provisions; and repeal the original sections. LB382 by Senator Bostar is a bill for an act relating to law enforcement; provide powers and duties for University of Nebraska police departments and police officers as prescribed; provide and change definitions; to harmonize provisions; repeal the original sections. LB383 by Senator Bostar, a bill for an act relating to insurance; change provisions relating to coverage for screenings of colorectal cancer; repeal the original sections. LB384 by Senator Bostar, a bill for an act relating to revenue and taxation; to create a fund to authorize the use of funds for certain infrastructure projects; to repeal the original section; declare an emergency. LB385, Senator Linehan. It's a bill for an act relating to education; to adopt the Nebraska Teacher Recruitment and Retention Act. LB386 by Senator Linehan, a bill for an act relating to schools; to prohibit changes to the base limitation and local effort rate calculation as prescribed; and repeal the original sections. LB387 by Senator Linehan is a bill for an act relating to income taxes; change provisions relating to certain tax rates; repeal the original sections. LB388 by Senator Linehan. It's a bill for an act relating to sales and use taxes; to amend section 77-2701; to change provisions regarding a commencement date; and to repeal the original sections. LB389 by Senator Linehan is a bill for an act relating to the Community Development Law; to restrict the use of tax-increment financing as prescribed; and to repeal the original sections. LB390 by Senator Clements is a bill for an act relating to elections; change provisions relating to delivery of ballots for early voting; provide

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for a return of a ballot for early voting by a voter-appointed agent; to change an agent restriction; to repeal the original section. That's all I have at this time, Mr. President.

KELLY: Senators, please get your bills in. We anticipate an adjournment at 11:30. Mr. Clerk for some announcements.

ASSISTANT CLERK: Thank you, Mr. President. The Education Committee will hold an Executive Session upon adjournment under the north balcony, and the Planning Committee will also meet at 11:30 under the north balcony.

KELLY: New bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB391 offered by Senator Day. It's a bill for an act relating to pregnancy; to state intent; provide criminal and civil immunity for pregnancy outcomes as prescribed. LB392 by Senator Ballard. It's a bill for an act relating to insurance to authorize the electronic delivery of certain health benefit documents as prescribed. LB393 by Senator Erdman. It's a bill for an act relating to agriculture; provide reporting requirements relating to planting seed corn; provide a duty for the Director of Agriculture; change and provide working conditions, requirements for detasseling and roguing; provide penalties; harmonize provisions; repeal the original sections. LB394 by Senator Erdman. It's a bill for an act relating to eminent domain; change provisions relating to eminent domain; repeal the original section; declare an emergency. LB395 by Senator Erdman is a bill for an act relating to Nebraska Oil and Gas Conservation Commission; change provisions relating to the compensation of members of the commission; repeal the original sections. LB396 by Senator Erdman. It's a bill for an act relating to natural resources districts; to provide augmentation projects and require the sale of overlying surface interest and the retention of groundwater rights as prescribed. LB397 by Senator Erdman, a bill for an act relating to the Game and Parks Commission; to provide for the relocation of commission headquarters as prescribed; and repeal the original sections. LB398 by Senator Erdman is a bill for an act relating to the Game and Parks Commission; to change provisions relating to certain payments in lieu of taxes; provide an operative date; repeal the original sections. LB399 by Senator Brewer, a bill for an act relating to the Power Review Board; to provide procedures relating to board approval of an application for construction of a privately developed renewable energy generation facilities; change provisions relating to unauthorized construction of certain

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facilities; harmonize provisions; and repeal the original sections. LB400 by Senator Brewer. It's a bill for an act relating to the Game Law; to adopt the Nebraska Pheasant Restoration Act; to harmonize provisions; and repeal the original sections. LB401 by Senator Dorn. It's a bill for an act relating to appropriations; to state intent regarding appropriations; declare an emergency. LB402 by Senator Ballard. It's a bill for an act relating to the Health Care Facility Licensure Act; to amend Section 71-417; to redefine terms; repeal the original sections. LB403 by Senator Vargas. It's a bill for an act relating to the Nebraska Liquor Control Act; change provisions relating to a craft brewery license; repeal the original sections. LB404 by Senator Vargas. It's a bill for an act relating to liquor; define, redefine terms; change provisions relating to agreements between wholesalers and suppliers for the distribution of beer as prescribed; to harmonize provisions; and repeal the original sections. LB405 by Senator Vargas is a bill for an act relating to Non-English-Speaking Workers Protection Act; to define terms; change provisions relating to a report, the powers and duties of the meatpacking industry worker rights coordinator and the Commissioner of Labor; to require certain disclosures by meatpacking operations; provide for confidentiality; and harmonize provisions; provide severability; and repeal the original sections. LB406 by Senator Brandt. It's a bill for an act relating to retirement; to change retirement system contribution rates for firefighters of cities of the first class; and to repeal the original sections. LB407 by Senator Linehan is a bill for an act relating to the Nebraska Transformational Projects Act; to extend an application deadline; repeal the original sections. LB408 by Senator Machaela Cavanaugh is a bill for an act relating to the Nebraska Political Accountability and Disclosure Act; to amend Section 49-1499; change provisions relating to certain conflicts of interest; repeal the original sections. LB409 by Senator Machaela Cavanaugh is a bill for an act relating to the Nebraska Political Accountability and Disclosure Act; to change provisions relating to individuals required to file a statement of financial interest; harmonize provisions; repeal the original sections. LB410 by Senator Machaela Cavanaugh. It's a bill for an act relating to the Nebraska Political Accountability and Disclosure Act; change provisions relating to certain conflicts of interest; to repeal the original sections. LB411 by Senator Dungan, a bill for an act relating to appropriations; to appropriate funds for Wyuka Cemetery; and declare an emergency. LB412 by Senator Geist is a bill for an act relating to the Broadband Bridge Act; to provide for certain administration of federal funds by the Public Service Commission as

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prescribed. LB413 by Senator Blood is a bill for an act relating to education; to adopt the Interstate Teacher Mobility Compact; to redefine terms; provide powers to the State Board of Education; and repeal the original section. LB414 by Senator Conrad is a bill for an act relating to schools; to change provisions relating to the enrollment option program; to harmonize provisions; repeal the original sections. LB415 by Senator Dorn is a bill for an act relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services; and declare an emergency. LB416 by Senator Kauth is a bill for an act relating to revenue and taxation; to amend Section 77-2733; change provisions relating to taxation of nonresident income; provide an operative date; repeal the original sections. LB417 by Senator McDonnell is a bill for an act relating to the Nebraska Commission on Law Enforcement and Criminal Justice; provide for authority for a leadership academy; repeal the original section; declare an emergency. LB418 by Senator Dungan, a bill for an act relating to the Motor Vehicle Safety Responsibility Act; to require certain policies issued by insurers to comply with federal minimum levels of financial responsibility for motor carriers as prescribed. LB419 by Senator Wishart. It's a bill for an act relating the Medical Assistance Act; to require submission of a state plan amendment to extend postpartum coverage; repeal the original section. LB420 by Senator Raybould. It's a bill for an act relating to public assistance; to repeal-- to change funding for county offices; provide an operative date; to repeal the original sections. In addition to that, Mr. President, new resolution, LR21, offered by Senator Brewer. It provides for the creation of a special committee. Series of motions: Senator Conrad would move to indefinitely postpone LB327 after the bill is read. Senator Hunt to indefinitely postpone LB371. Announcement of Vice Chairs: Vice Chair of the Rules Committee is Senator DeBoer; Senator Moser, who has been selected as Vice Chair of Transportation; Banking has selected Senator Jacobson. Senator DeBoer has been elected Chair of the Planning Committee, and Senator Vargas has been elected as Vice Chair. Announcements: the Retirement Committee will meet on Friday, January 13 at 10:30 a.m. under the south balcony, the Appropriations Committee will hold their Executive Session on Friday morning at 10:15, Education Committee will meet in Executive Session upon adjournment under the north balcony, Planning Committee-- Reference Committee will be meeting in Room 1525 upon adjournment, and the Rules Committee will hold an Executive Session tomorrow morning immediately following check-in. Series of name adds: Senator Conrad to LB18 and LB19; Senator Dungan to LB20; Senator Raybould to LB20; Senator Hunt, Day, and Conrad all to LB20; Senator

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Raybould to LB22; Senator Conrad to LB22; Senator Brewer to LB31; Senator Jacobson to LB108; Senator Hunt to LB323; Senator Briese to LB323; Senator Hunt to LB328; Senator Conrad to LB328. And finally, Mr. President, Senator Machaela Cavanaugh would move to adjourn until Friday, January 13, 2023, at 10:00 a.m.

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