

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 13, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Senator Halloran. Please rise.

HALLORAN: Good morning, colleagues. I'm going to draw my prayer this morning from the greatest source of inspiration for all prayer, specifically from Psalms 118:24: This is the day the Lord has made; we will rejoice and be glad in it. Amen.

KELLY: Thank you, Senator. Senator Clements for the pledge.

CLEMENTS: Thank you, Mr. President. Please 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 eighth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. 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: One correction this morning. On page 234, line 39, strike "Referred to the Executive Board" and insert "Laid Over." That's the only correction I have.

KELLY: Thank you. Senator Briese for an announcement.

BRIESE: Thank you, Mr. President. Good morning, colleagues. A final reminder that today at noon is the deadline to submit a bill request to the Bill Drafting staff in order to guarantee that the bill will be ready for introduction before adjournment on the 10th day. Requests received at-- excuse me, requests received after 12 noon today will be drafted if time permits. However, priority will be given to the requests received before the Friday-- before today's noon deadline. The Revisor of Statutes has advised that they have received nearly 1,200 drafting requests, including several hundred in the past few days. So we ask your patience and understanding as the Bill Drafters are working diligently to complete all drafts in time to be introduced next Wednesday. Thank you, Mr. President.

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KELLY: Thank you, Senator. Senator McDonnell for a message.

McDONNELL: Thank you, Mr. President. Point of personal privilege. On Monday, Shane Hunter started as our Fire Marshal for the state of Nebraska. I've known Shane for 30 years. He was an Omaha firefighter, retired as an assistant chief. He was-- served his country in the, in the Air Force. He was currently working at MUD as their-- one of their safety vice presidents. He was, he was very excited to be State Fire Marshal. And I thank Governor Pillen and his team for, for selecting Shane during that, that interview process. So on Wednesday, Shane found out that he has a major health issue and he had to resign as Fire Marshal. So I would like you to keep Shane and, and his family in your thoughts and prayers as he battles this, this health issue. But when he called to tell me-- he stopped by the office, I wasn't there, and then finally we, we spoke later on the phone. He was so grateful for his opportunity to serve for 72 hours. And I think that's a, a good example and very telling of Shane and something that we should all think about our opportunity to serve. And again, Shane calling to say thank you for the, the support and, and his opportunity to serve the citizens for 72 hours. So please keep Shane and his family in your thoughts and prayers. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Speaker Arch with a message.

ARCH: Thank you, Mr. President. As was the practice of our previous Speaker Hilgers, Friday is an opportunity to kind of tell you what's coming this next week. And there's been some changes so appreciate if you pay attention here. At the beginning of the session, I announced my intention that we'd begin debate on the motion to adopt permanent rules on Tuesday. Given, given what has been transpiring over the last few days and the hearings and so forth, this is not going to be happening. The Rules Committee's public hearing ended yesterday around 10:30 on 58 proposed rule changes, more than twice as many as ever has been received. So the committee members need more time to consider the proposals before holding an Executive Session. Senator Erdman, Chair of our Rules Committee, has scheduled the Executive Session for Tuesday afternoon. It's my expectation that the committee will be able to fill-- to file their rules report with the Clerk on Wednesday morning and provide a copy of all members that morning. On Tuesday and Wednesday, we'll convene at 10:00 for bill introduction. A reminder that Wednesday is the 10th day, the final day for bill introduction. Thursday morning, we will begin debate on the motion to adopt permanent rules. Thursday, we'll convene at 9:00 a.m., recess for lunch, continue to debate in the afternoon, and if necessary, we're going to need to continue debate into the evening. Hopefully not, but

if necessary. So I would ask that you arrange your schedule accordingly. My goal is to adopt permanent rules before we leave on Friday, if at all possible. On Day 1, we adopted temporary rules through the 12th day, which is Friday. So additionally, I want to share another announcement with the entire body that our public hearings this year will include an ADA accommodation of written testimony. ADA-qualified individuals can submit written testimony online in a format similar to our online comments portal. The qualified individuals submitting testimony in this manner will have their testimony included in the hearing transcript as public hearing testimony. The individual's name will also appear on the committee statement as though they had been in the hearing and testifying with a notation that the person submitted ADA accommodation written testimony. With a number of new committee Chairs this session, I wanted to preview the new system with them before announcing this new process to all members, and I shared the policy with the Chairs on Wednesday of this week. We have several new Chairs this year, wanted to be sure they understood the new system first since they and their committee staff will be responsible for implementation. Now next Wednesday, January 18 at 9:00 a.m. in Room 1525, I'll hold a briefing with staff and demonstration to familiarize all members and their staff with the ADA written testimony and process procedures. The briefing and demonstration will include the Legislature's online comments process. During the 2021 session, the Legislature tested a new system allowing the public to submit comments on every bill. Last session, the Legislature expanded the online public comments process to include the option for individuals to submit comments for the public hearing record on a bill. This briefing will allow new members to learn about the Legislature's submission of online comments process and serve as a refresher course for the senators and staff here last year. The online comments are searchable by date, bill, and district. It is a great resource allowing members to know the views of their constituents on all measures before the Legislature. So I would encourage you to attend that on, on Wednesday morning. And with that, thank you very much.

KELLY: Thank you, Mr. Speaker. Senator Geist would like to recognize Dr. George Voigtlander of Lincoln serving as the family physician of the day. Mr. Clerk, messages, reports, or announcements.

ASSISTANT CLERK: Thank you, Mr. President. I have a report of registered lobbyists as of January 12, 2023. That will be inserted in the Journal. In addition, an announcement that various agency reports submitted electronically have been filed with the Legislature and available through the website. I have a Reference Committee report for

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LB279 through LB337 plus four proposed constitutional amendments [LR17CA, LR18CA, LR19CA, LR20CA] and the reference of-- rereferencing of LB14, LB43, and LB73. Two gubernatorial appointments, those will be referred to the Reference Committee. In addition, various Vice Chairs have been selected: General Affairs has selected Senator Hughes; Business and Labor, Senator Ibach; Senator DeBoer for Vice Chair of Judiciary; Education, Senator Albrecht is Vice Chair. In addition, I have a notice of committee hearing from the General Affairs Committee of certain gubernatorial appointments. A communication from the Speaker that LR21 has been referred to the Reference Committee pursuant to the rules, and an announcement that the Urban Affairs Committee will be meeting under the north balcony at 10:30 a.m. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. We'll proceed to the first item on the agenda, introduction of new bills.

ASSISTANT CLERK: LB421 introduced by Senator Kauth. It's a bill for an act relating to local health directors; to provide procedures for directed health measures; and repeal the original sections. LB422, Senator Kauth, a bill for an act relating to Medicine and Surgery Practice Act; to exempt certain activities from disciplinary action; and repeal the original section. LB423, Senator DeBoer. It's a bill for an act to provide for umbrella and excess insurance coverage to be stacked with uninsured and underinsured motorist coverage. LB424, Senator DeBoer. It's a bill for an act relating to state government; to create the Department of Housing and Urban Development; provide duties; provide for a director and staff; create the Housing Advisory Commission; to change membership and duties in the Nebraska Investment Finance Authority; to remove obsolete provisions; to harmonize provisions; provide a duty for the Revisor of Statutes; and repeal the original sections. LB425, Senator Bostelman, is a bill for an act relating to Game and Parks; to change a quorum requirement for Game and Parks Commission meeting; change provisions relating to fees charged and permits issued by Game and Parks Commission as prescribed. LB426 by Senator Riepe. It's a bill for an act relating to the Nebraska Workers' Compensation Act; change the number of judges on the Nebraska Workers' Compensation Court; to eliminate obsolete provisions; declare an emergency. LB427 by Senator Riepe. It's a bill for an act relating to the Contractor Registration Act; to eliminate a definition and certain fees; to harmonize provisions; and repeal the original sections. LB428 by Senator Walz. It's a bill for an act relating to the Nebraska Emergency Management Agency; provide a dollar-for-dollar match for money for grants under the federal Hazard Mitigation Grant Program. LB429 by Senator Walz. It's a bill for an

act relating to the Tax Equity and Educational Opportunities Support Act; to create a fund; to use certain unused tax credit for school funding as prescribed; harmonize provisions; repeal the original sections. LB430 by Senator Walz. It's a bill for an act relating to the Uniform Credentialing Act; prohibit a multiple procedure payment reduction policy from being applied to physical therapy, occupational therapy, speech-language pathology services as prescribed. LB431 by Senator Halloran. It's a bill for an act relating to the Uniform Credentialing Act; change provisions relating to criminal history record information checks; and repeal the original section. LB432, Senator McKinney. It's a bill for an act relating to criminal justice; to adopt the Second Look Act; to change provisions regarding mandatory minimums, penalties and provisions relating to controlled substance, theft, burglary, sentencing, set asides, pretrial diversion; provide for release of medical treatment; provide for good time for offenders serving mandatory minimum terms; provide for parole for offenders who served 25 years of their sentences; change provisions relating to parole and medical parole; provide for a geriatric parole; provide duties for courts, the Board of Parole; and provide for applicability; define terms; harmonize provisions; provide severability; and repeal the original sections. LB433 by Senator Jacobson. It's a bill for an act relating to behavioral health services; provide duties regarding behavioral health funding as prescribed; provide for an appeal under the Administrative Procedure Act; repeal the original section; declare an emergency. LB434 by Senator Jacobson. It's a bill for an act relating to the Medical Assistance Act; to provide for long-term acute care hospitals to be enrolled as providers; to require submission of a state plan or waiver as prescribed; to harmonize provisions, repeal the original sections; declare an emergency. LB435 by Senator Geist. It's a bill for an act relating to juvenile justice; to provide for a court appointment of parental advisors in juvenile proceedings; provide duties for parental advisors, to require cooperation, provide for confidentiality; provide for relation of such provisions to the attorney-client privilege; to harmonize provisions; repeal the original sections. LB436, Senator Geist. It's a bill for an act relating to the Uniform Controlled Substances Act; to change provisions relating to schedules of controlled substances; to harmonize provisions; and repeal the original sections. LB437 by Senator Ballard. It's a bill for an act relating to insurance; to change the renewal period for business entity under the Insurance Producers Licensing Act from annual to biennial; provide an operative date; repeal the original section. LB438 by Senator Conrad. It's a bill for an act relating to civil procedure; to amend Section 25-323; change provisions and modernize language relating to third-party

practice; to harmonize provisions; and to repeal the original sections. LB439 by Senator Raybould. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Correctional Services for a pilot project for the provision of domestic violence programming for individuals committed to the Department of Correctional Services; and declare an emergency. LB440 by Senator Albrecht. It's a bill for an act relating to school funding; change provisions relating to certain school taxes and special funds; provide a termination date; to harmonize provisions; repeal the original sections; and declare an emergency. In addition to that, Mr. President, report from the Appropriations Committee that Senator Wishart has been selected as Vice Chair of that committee. That's all I have at this time.

KELLY: Mr. Clerk for an announcement.

ASSISTANT CLERK: Thank you, Mr. President. Reminder that the Urban Affairs Committee is meeting under the north balcony now. In addition to that, the Performance Audit Committee will meet at 10:45 under the south balcony. Thank you.

KELLY: Mr. Clerk, introduction of new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB441 offered by Senator Albrecht. It's a bill for an act relating to crimes and offenses; change provisions relating to defenses for offenses regarding obscene materials; harmonize provisions; repeal the original sections. LB442, Senator Albrecht. It's a bill for an act relating to the Livestock Growth Act; to state intent regarding a transfer of funds; repeal the original sections; declare an emergency. LB443, Senator Albrecht. It's a bill for an act relating to the Nebraska Workers' Compensation Act; change provisions relating to compensation for total disability; and repeal the original sections. LB444 by Senator Linehan. It's a bill for an act relating to postsecondary education; provide for a grant for certain activities in relation to postsecondary education institutions as prescribed; powers and duties for the Department of Economic Development; provide for transfer from the Cash Reserve Fund; and repeal the original sections. LB445, Senator Wayne. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Economic Development; declare an emergency. LB446, Senator DeBoer. It's a bill for an act relating to motor vehicles; to adopt the Peer-to-Peer Vehicle Sharing Program Act; provide an operative date. LB447 by Senator Bostar. It's a bill for an act relating to first responders; provide an income tax deduction for retired firefighters for health insurance premiums; to rename the Law

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Enforcement Education Act; change provisions of the act to include tuition waivers for professional firefighters and dependents of law enforcement officers and professional firefighters as prescribed; provide powers and duties for the Department of Revenue. LB448, Senator Bostar. It's a bill for an act relating to insurance; to prohibit certain provisions in a health plan in relation to clinician-administered drugs; define a term. LB449, Senator Brandt. It's a bill for an act relating to the Transportation Innovation Act; change provisions relating to the funds used to administer the County Bridge Match Program and termination date; to eliminate obsolete provisions; create County Bridge Match Fund; provide for grants, applications for grants, and an evaluation process through the County Bridge Match Program. LB450, Senator Brewer. It's bill for an act relating to the Integrated Solid Waste Management Act; prohibit land disposal of wind turbine blades and their component parts; and repeal the original sections. LB451, Senator Brewer. It's a bill for an act relating to health care facilities; provide for a grant to certain health care facilities; and to declare an emergency. LB452 by Senator Murman is a bill for an act relating to the Nebraska Liquor Control Act; change provisions relating to the microdistilleries; to authorize self-distribution of microdistilled products as prescribed; harmonize provisions; repeal the original sections. LB453, Senator DeKay. It's a bill for an act relating to transportation; to provide for the use of the Highway Cash Fund for administrative costs for the Division of Aeronautics for the Department of Transportation; change the required county contribution for bridge replacement; provide for adjustments to threshold amounts for road construction contracts; to harmonize provisions; repeal the original sections. LB454 by Senator DeKay. It's a bill for an act relating to roads; to require the Department of Transportation to plan, design, and purchase rights-of-way for U.S. Highway 81; declare legislative intent to appropriate funds. LB455 by Senator Wayne. It's a bill for an act relating to education; to require the State Department of Education to establish a grant program to provide and distribute a monthly nondigital publication to schools and homes. In addition, Mr. President, I have a notice of committee hearing from the Banking, Commerce and Insurance Committee. That's all I have at this time.

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

ASSISTANT CLERK: LB456 by Senator Brewer. It's a bill for an act relating to game animals; provide for claims for monetary compensation for damage caused by elk or mountain lions; to authorize the control of elk or mountain lion populations by counties as prescribed; change provisions related to the jurisdiction of district courts,

applicability of Game Law and the State Tort Claims Act as prescribed; and the duties to the Attorney General; harmonize provisions; and repeal the original sections. LB457 by Senator Holdcroft. It's a bill for an act relating to the Election Act; to provide requirements for paper ballots, vote scanning devices, vote tabulating equipment; to require video surveillance of voting; repeal the original sections. LB458 by Senator Ballard. It's a bill for an act relating to Prescription Drug Safety Act; to allow certain central fill pharmacies to deliver to a patient. LB459, Senator McDonnell. It's a bill for an act relating to the Firefighter Cancer Benefits Act; provide for reimbursement from the state as prescribed; to harmonize provisions; and repeal the original sections. LB460 by Senator McDonnell is a bill for an act relating to the Workers' Compensation Act; provide for reimbursement of mental health examination and resilience training. LB461 by Senator Arch is a bill relating to the Department of Administrative Services; to name an act; to change, transfer, and eliminate provisions relating to the materiel division of the Department of Administrative Services and procurement of services and personal property; provide, change, and eliminate definitions; to eliminate obsolete provisions; harmonize provisions; repeal the original sections. LB462 by Senator Conrad, a bill for an act relating to the Middle Income Workforce Housing Investment Act; to amend Section 81-1237, Revised Statutes Cumulative Supplement, 2022; to redefine a term; and repeal the original section. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senators, last call for bill introduction today. Mr. Clerk, new bills and an announcement.

ASSISTANT CLERK: Thank you, Mr. President. LB463 offered by the Health Committee. It's a bill for an act relating to the Health Care Facility Licensure Act; change provisions relating to an application for licensure to operate a health care facility or health care service; and repeal the original sections. LB464 by Senator Vargas. It's a bill for an act relating to first responders; change provisions relating to first responders' claim for mental injuries and mental illness under the Workers' Compensation Act; to transfer provisions to resilience training; harmonize provisions; and repeal the original sections. New resolutions, proposed constitutional amendments. LR22CA offered by Senator Dover and others is a proposed constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms. LR23CA offered by Senator Riepe is a proposed constitutional amendment to prohibit the levying of an inheritance tax by the state or any political subdivision thereof. LR24CA offered by Senator Albrecht. It is a proposed constitutional amendment to

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eliminate the State Board of Education and transfer the power to the Commissioner of Education to the Governor, and the power to issue revenue bonds to the Commissioner of Education at the direction of the Governor. LR25 offered by Senator Albrecht would extend condolences to the family of former Senator Pat Engel. LR26CA offered by Senator Day is a proposed constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska. In addition to that, I have notice of committee hearings from the Transportation Committee. Announcement that the Revenue Committee will meet upon adjournment in 1525. The Government Committee will hold an Executive Session on Tuesday, January 17 in Room 1507 following the morning adjournment. I have notice of committee hearing from the Education Committee. Name adds: Senator Day to LB10; Senator Hughes to LB314; Senator Kauth to LB315; Senator Wayne to LB323; Senator Machaela Cavanaugh, LB328; Senator Hardin to LB336; Senator DeKay to LB374; Senator John Cavanaugh to LB419; as well as Senator DeKay to LB419, Senator Bostar, and Senator Vargas all to LB419. Finally, Mr. President, priority motion. Senator Jacobson would move to adjourn till Tuesday, January 17, 2023, at 10:00 a.m.

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