

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 5, 2024

Rough Draft

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. "Good Grief" by Amanda Gorman, Call Us What We Carry. The origin of the word "trauma" is not just "wound," but "piercing" or "turning," as blades do when finding home. Grief commands its own grammar, structured by intimacy and imagination. We often say: we are beside ourselves with grief. We can't even imagine. This means anguish can call us to envision more than what we believed was carryable or even survivable. This is to say, there does not exist a good grief. There does exist a good grief. The hurt is how we know we are alive and awake. It clears us for all the exquisite, excruciating enormities to come. We are pierced by-- new by the turning forward. All that is grave need not be burden, an anguish. Call it, instead, an anchor, grief is grounding us in its sea. Despair exists-- exits us the same way it enters-- through-- turning through the mouth. Even now conviction works strange magic on our tongues. We are built up again by what we build/find/see/say/remember/know. What we carry means we survive, it is what survives us. We have survived us. Once we were alone, now we are beside ourselves. Where we once were barbed and brutal as blades, now we can only imagine.

KELLY: Thank you, Senator Cavanaugh. Senator Bosn, you're recognized for the Pledge of Allegiance.

BOSN: Thank you. Please join me. 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 third day of the One Hundred Eighth Legislature, Second 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: Are there any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. First, an announcement. The various agency reports that have been filed electronically are available on the Legislature's website. I have a Reference Committee report referring LB821 through. And finally, Mr. President, a series of motions relating to various rules changes offered by Senator Arch. Those will be printed in the Journal.

KELLY: Senator Aguilar, you're recognized for a message.

AGUILAR: Thank you, Mr. President. I will now read an excerpt from George W. Norris at the first Unicameral legislative session. Every professional lobbyist, every professional politician, and every representative of greed and monopoly is hoping and praying that your work will be a failure. Everything that special interests can do to embarrass you and to misinterpret your actions will be attempted. On the other hand, every lover of the fellow man, every person who wants to place our state on a higher standard of efficiency, every person who is anxious to bring about improvement in our state affairs, every patriot who wants to place our government on a higher level of good, every lover of human liberty and equal justice, and every believer in the business administration of state affairs, as distinguished from political machine control, is hoping, praying, and believing that your official work will be crowned with unlimited success and to the satisfaction and approval of believers in good government everywhere. You are members of the first Legislature of Nebraska to hold your positions without any partisan political obligation to any machine, to any boss, or to any alleged political leader. Your constituents do not expect perfection. They know that it is human to err, and they do-- but they do expect to have the right and have the right to expect absolute honesty, unlimited courage, and a reasonable degree of efficiency and wisdom. The people of Nebraska will not condemn you even if they do not agree with all your official actions. We realize that honest men, patriotic men, and wise men do not always agree. In fact, disagreement on things which are not fundamental (is) an evidence of courage and independence. We expect an economical and efficient administration and, above all, an honest administration free from any partisan bias, political prejudice, or improper motives. You have an opportunity to render a service to your fellow citizens what no other legislature has ever had. I believe you will meet your responsibilities with courage and ability. Thank you.

KELLY: Thank you, Senator Aguilar. Senator Bosn would like to recognize Dr. Voigtlander of Lincoln, Nebraska, who's serving as the

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physician of the day. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for items. Mr. Clerk for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB975 offered by Senator Ibach. It's a bill for the Shovel-Ready Capital Recovery and Investment Act; to redefine terms; and to repeal the original sections. LB976, offered by Senator Blood: a bill for an act relating to courts; to provide for an education and training program on child abuse and custody determination; provide powers and duties for the State Court Administrator. LB977 by Senator Blood. It's a bill for an act relating to discrimination; to prohibit discrimination based upon military or veteran status as prescribed; to transfer provisions; to define terms; to harmonize provisions; and repeal the original sections. LB978 by Senator DeBoer. It's a bill for an act relating to adoptions; to provide for adoption by a second adult person; define term; change provisions relating to consent for adoption, home studies, terminology; to eliminate obsolete provisions; harmonize provisions; repeal the original sections. LB979 by Senator DeBoer. It's a bill for an act relating to corrections and treatment; to require an annual report on active cases by the Department of Correctional Services, Office of Probation Administration, Division of Parole Supervision. LB980 by Senator McKinney: a bill for an act relating to the death penalty; change provisions relating to persons present at an execution; and to repeal the original section. LB981 by Senator Holdcroft. It's a bill for an act relating to gaming; change provisions relating to the Nebraska Lottery and Raffle Act, the Small Lottery and Raffle Act; to harmonize provisions; to eliminate provisions relating to small lotteries; repeal the original sections; and to outright repeal Section 9-510. LB982 offered by Senator Riepe. It's a bill for an act relating to public health and welfare; to provide for employment of nurse aides in intellectual and developmental disability facilities; and to repeal the original sections. LB983 by Senator John Cavanaugh. It's a bill for an act relating to criminal procedure; to provide duties and procedures relating to plea agreements and sentencing; and define term. LB984 by Senator Hardin. It's a bill for an act relating to health care; define terms; to prohibit certain actions relating to 340B entities; provide an injunction; provide severability. That's all I have at this time, Mr. President.

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

ASSISTANT CLERK: LB985 offered by Senator Linehan. It's a bill for an act relating to the Nebraska Teacher Recruitment and Retention Act;

change provisions relating to grant eligibility; repeal the original sections; declare an emergency. LB986 by Senator Linehan. It's a bill for an act relating to the Teach in Nebraska Today Act; to terminate provisions relating to loan repayment assistance under the act as prescribed; provide for grants to teachers under the act; to increase the program amount limitation; harmonize provisions; repeal the original sections. LB987 by Senator Linehan. It's a bill relating to the Quality Education Accountability Act; to require each public school and each approved-- [INAUDIBLE] private, denominational, parochial schools to administer an age-appropriate national assessment instrument to students in kindergarten through 12th grade each year; to require schools to submit testing data to the Department of Education; provide and change powers and duties of the State Department [SIC-- Board] of Education, State Department of Education; and harmonize provisions; repeal the original sections. LB988, offered by Senator Linehan, is a bill for an act relating to elections; provide, change, and eliminate provisions relating to elections for certain purposes; to require an election for issuance of bonds; harmonize provisions; repeal the original sections; and to declare an emergency. LB989, offered by Senator Dungan, is a bill, bill for an act relating to real property; to change and eliminate provisions related to the Real Property Appraiser Act, the Nebraska Appraisal Management Company Registration Act; provide civil and criminal immunity for the Real Property Appraiser Board; to define and redefine terms; to harmonize provisions; and repeal the original sections. LB990, [INAUDIBLE] by Senator Bostar, is a bill for an act relating to the Pharmacy Benefit Manager Licensure and Regulation Act; to define and redefine terms; to change provisions relating to the applicability of the act; [INAUDIBLE] certain acts by pharmacy benefit managers; to harmonize provisions; repeal the original sections. LB991 by Senator Bostar. It's a bill for an act relating to digital assets; to adopt the Blockchain Basics Act. LB992 by Senator Dungan. It's a bill for an act to define and redefine terms; change provisions relating to exemptions, qualification, credentials, scope of real property appraisal practice, terminology, continuing education, fees, directory of appraisers; to eliminate random fingerprint audit program; to harmonize provisions; repeal the original sections; declare an emergency. LB993, by Senator Ibach, is a bill for an act relating to apprenticeships; to adopt the Apprentice(ship) Grant Act. LB994 by Senator Wayne. It's a bill for an act relating to treatment and corrections; the Legislature shall have management, control, and governance [SIC] of the Department of Correctional Services; appoint the director of Correctional Services by the Legislature; provide a

duty for the Judiciary Committee; provide operative dates; and repeal the original sections. LB995 by Senator Wayne: a bill for an act relating to criminal procedure; to change provisions related to deferred judgments; and to repeal the original sections. LB996 by Senator Wayne: a bill for an act relating to treatment and corrections; provide the Department of Correctional Services shall operate county jails; provide a duty for the Judiciary Committee of the Legislature; harmonize provisions; provide an operative date; repeal the original sections. That's all I have at this time, Mr. President.

KELLY: Senator Machaela Cavanaugh announces some guests under the south balcony: her children, Della, Hattie, and Barry. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for more bills.

ASSISTANT CLERK: LB997 by Senator Ibach. It's a bill for an act relating to child care funding; to provide duties for the State Department of Education, Department of Health and Human Services; provide for a transfer from the Cash Reserve Fund; repeal the original section; declare an emergency. LB998, by Senator Conrad, is a bill for an act relating to state government; to adopt the State Acceptance of Gifts Act; to change and eliminate provisions relating to acceptance of gifts; harmonize provisions; provide an operative date; repeal the original sections. LB999 by Senator Ibach. It's a bill for an act relating to agriculture; to change federal references; to change provisions relating to the cultivation, possession, handling, transportation, processing, use, and consumption of hemp as prescribed; provide for an exception; [INAUDIBLE] terminate funds and make fund transfers; provide for reimbursement of certain licensee fees; to eliminate obsolete provisions; to redefine terms under the Controlled Substances Act; to eliminate provisions relating to industrial hemp; to harmonize provisions; and to repeal the original sections. LB1000 by Senator Brandt. It's a bill for an act relating to the state lottery; provide for the anonymity of winners of certain prizes; change public records disclosure as prescribed; harmonize provisions; repeal the original sections. LB1001, by Senator Conrad, is a bill for an act relating to the Game Law; to provide for a migratory waterfowl hunting season for veterans as prescribed; harmonize provisions; repeal the original sections. LB1002 by Senator Brandt. It's a bill for an act relating to revenue and taxation; change provisions relating to the total annual limited tax credits and limitation on new applications under the Nebraska Biodiesel Tax Credit Act; and to repeal the original sections. LB1003 by Senator Ben

Hansen. It's a bill for an act relating to child care licensure; to eliminate a requirement for cities, villages, and counties; and to repeal the original sections. LB1004 by Senator Hansen: a bill for an act relating to the Nebraska Rules of the Road; change provisions relating to protective helmets; to eliminate obsolete provisions; harmonize provisions; repeal the original sections. LB1005 by Senator Walz: a bill for an act relating to the Excellence in Teaching Act; provide a definition; change provisions relating to eligible use for the Excellence in Teaching Cash Fund; harmonize provisions; repeal the original sections. LB1006 by Senator Walz: bill for an act relating to the Tax Equity and Educational Opportunities Support Act; change provisions relating to allocated income tax funds; repeal the original sections. LB1007, by Senator Walz, is a bill for an act relating to public assistance; to require Medicaid eligibility for the aged, blind, and disabled recipients eligible for federal Supplemental Security Income Program; and repeal the original sections. LB1008 By Senator Walz: a bill for an act relating to appropriations; to appropriate funds for the State Department of Education for grants for security-related infrastructure projects; and transfer funds as prescribed. LB1009 by Senator Walz. It's a bill for an act relating to the Barber Act; to change provisions relating to examinations; to eliminate obsolete language; to harmonize provisions; repeal the original sections. LB1010 By Senator Walz: a bill for an act relating to education; to amend Sections 79-1021; provide for transfers to the Education Future Fund for reimbursement for special education; harmonize provisions; repeal the original sections. LB1011 by Senator Walz: a bill for an act relating to The Tax Equity and Educational Opportunities Support Act; define terms; provide for early child(hood) education aid; provide for a new allowance; to harmonize provisions; and repeal the original sections. LB1012 by Senator Walz: a bill for an act relating to schools; change provisions relating to certain tax levy and bonding authority of school districts; and repeal the original sections. LB1013 by Senator Walz: a bill for an act relating to schools; to create the Family Engagement Grant Program. LB1014 by Senator Walz: a bill for an act relating to the Psychology Practice Act; to change the requirements relating to school psychologists; and repeal the original sections. LB1015 by Senator Walz. It's a bill for an act relating to the Rural Health Systems and Professional Incentive Act; change provisions relating to loan repayments, financial assistance, loan repayment recipient agreement under the Rural Health Systems and Professional Incentive Act; provide for financial assistance in the form of loan repayments to dentists who agree to provide dental services to Medicaid patients as prescribed; harmonize

provisions; and to repeal the original sections. That, Mr. President, is all I have at this time.

KELLY: Senator Aguilar announces some guests in the north balcony: former Senators John McCollister and Senator Al Davis, as well as Cindy Maxwell-Ostdiek. Please stand and be recognized by your Nebraska Legislature. Senator von Gillern announces some guests under the south balcony: his wife, Mary; his grandson, Everett [PHONETIC]; and his granddaughter, Emmeline [PHONETIC]. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, new bills.

ASSISTANT CLERK: LB1016 offered by Senator Walz. It's a bill for an act relating to developmental disability services; to eliminate a termination date; and repeal the original sections. LB1017 by Senator Bosn. It's a bill for an act relating to workers' compensation; to change the schedule of compensation for loss of the use of more than one specific part of the body from injury or illness resulting in disability as prescribed. LB1018 by Senator Holdcroft: a bill for an act relating to government; provide that positions of public employment shall not require a postsecondary degree as prescribed; to require equal consideration for wages and benefits; and define terms. LB1019 by Senator Holdcroft: a bill for an act relating to revenue and taxation; change provisions relating to the correction of assessment and tax rolls; repeal the original section. LB1020 by Senator Machaela Cavanaugh: a bill for an act relating to public contracts; to require public contractors to provide information to members of the Legislature as prescribed. LB1021 by Senator Machaela Cavanaugh. It's a bill for an act relating to labor; to require city and county jails and the Department of Correctional Services to pay inmates the minimum amount for work by such inmates; provide that such employees and inmates are subject to the Wage and Hour Act; define and redefine terms; provide for bank accounts for inmates; change and eliminate provisions relating to the distribution of wages earned by inmates; provide duty for the Jail Standard Boards; to require payment of minimum wage to state and political subdivision employees; to eliminate obsolete and inconsistent provisions relating to the inmates of jails; harmonize provisions; and repeal the original sections. LB1022 by Senator Sanders. It's a bill for an act relating to film incentives; to adopt the Cast and Crew Nebraska Act; provide for tax credits; provide for grants; define terms; harmonize provisions; repeal the original sections. LB1023 by Senator von Gillern. It's a bill for act relating to revenue and taxation; to allow income tax deductions for the cost of certain property and-- [INAUDIBLE] certain research experimental expenditures as prescribed; harmonize

provisions; and to repeal the original sections. LB1024 by Senator Bostar. It's a bill for an act relating to the Health Carrier External Review Act; to amend Section 44-1308; change provisions relating to documents and information provided to an independent review organization; and repeal the original sections. LB1025 by Senator Bostar. It's a bill for an act relating to revenue and taxation; to adopt the Individuals with Intellectual and Developmental Disabilities Support Act; to provide tax credits; harmonize provisions; repeal the original sections. LB1026 by Senator Hardin. It's a bill for an act relating to a better life experience program; to exempt accounts from levy, execution, judgment, garnishment, and other judicial enforcement as prescribed; and to repeal the original sections. That's all I have at this time, Mr. President.

KELLY: Senators, we're about to close on bill introduction for the day. Please bring them forward if you have any. Mr. Clerk, new bills.

ASSISTANT CLERK: LB1027 offered by Senator Clements. It's a bill for an act relating to education; change provisions relating to schools which elect not to meet accreditation or approval requirements; and to repeal the original sections. LB1028 by Senator Clements. It's a bill for act relating to local public health departments; to require city-county health departments to obtain the approval of the Department of Health and Human Services in issuing directed health measures; to harmonize provisions; and repeal the original sections. LB1029 by Senator Conrad. It's a bill for an act to change provisions relating to compulsory attendance relating to illness; and to repeal the original sections. LB1030, by Senator Bostelman and others, is a bill to create a working group; change the County Bridge Match Program; provide for transfer of funds; repeal the original sections; declare an emergency. LB1031 by Senator Bostelman. It's a bill for an act relating to telecommunications and technology; to change speed test requirements for ongoing high-cost support from the Nebraska Telecommunications Universal Services Fund; change defined terms relating to the lease of dark fiber by any agency or political subdivision and broadband services; change legislative intent; harmonize provisions; repeal the original sections; declare an emergency. LB1032, by Senator Bostelman, is a bill for an act relating to the First Responder Recruitment and Retention Act; to redefine terms; repeal the original section. LB1033 by Senator Lippincott. It's a bill for an act relating to the Nebraska Rules of the Road; to provide for enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original sections. LB1034 by Senator Lippincott. It's a bill for an

act relating to schools; prohibit a school district from punishing an employee or prohibiting an employee from engaging in religious expression when an employee is on duty at school as prescribed. LB1035 by Senator Hughes. It's a bill for an act relating to public health and welfare; to adopt the Prescription Drug Donation Program Act. New resolution: LR277CA, offered by Senator Sanders, is a proposed constitutional amendment to provide for a minimum life sentence for criminal offenses regarding sex trafficking, labor trafficking, or paying for sex with a minor. In addition to that, Mr. President, I have a notice of a committee hearing from the Rules Committee. Amendment to be printed to LB970 is offered by Senator Hunt. Motions from Senator Kauth pertaining to LB953 and LB954. Priority bill designation: Senator Bosn will declare LB934 as her priority bill for the session. Name adds: Senator Vargas and Lippincott to LB31; Senator DeKay to LB51; Senator Brewer to LB137; Senator Lippincott to LB141; Senator Lippincott to LB200; Senator Aguilar to LB215; Senator Lippincott to LB241 and LB244; Senator Dungan to LB307; Senator Brewer to LB461; Senator Slama to LB575; Senator Lowe to LB685; Senator Brewer to LB771. Senator Holdcroft to LB821; Senator Hughes to LB822, as well as Senator Holdcroft to LB822. Senator Hughes to LB823; Senator Holdcroft, LB823; Senator Hughes to LB824; Senator Holdcroft to LB824 and LB826; Senator Ibach to LB826; Senator Lippincott to LB826; Senator Hughes to LB829, as well Senator Ibach to LB829; Senator Ibach to LB830; Senator Dorn to LB830; Senator von Gillern to LB832; Senator Holdcroft to LB832; Senator Lippincott to LB844; Senator Hughes to LB876; Senator Albrecht to LB876; Senator von Gillern to LB876, as well as Senator DeKay, Brewer, and Erdman, all to LB876; Senator Brewer to LB910; Senator Albrecht to LB933; Senator Hughes to LB933; Senator Ibach to LB933; Senator Blood to LB933; Senator Brewer to LB933; Senator Vargas to LB964; Senator von Gillern, LB974; Senator Lippincott to LR14CA. Senator Conrad to withdraw from LB968. Mr. President, the Reference Committee will be meeting upon adjournment in room 2102. I have a priority motion: Senator Sanders would move to adjourn until Monday, January 8, 2024 at 10:00 am.

KELLY: Speaker Arch, you're recognized for a message.

ARCH: Thank you, Mr. President. Several members have asked me about the schedule Monday, given the forecast for an impending winter storm expected to move into the central and eastern portion of the state late Sunday. The anticipated amount of snowfall at this point is, is unclear, but I do intend to keep to the plan schedule for Monday. The only business we have on the floor on Monday is bill introduction. By keeping to our 10:00 start time, I hope as many of you will be able to

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arrive outside of the normal commute drive time. We will need a quorum of 25 members to convene. Additionally, it's my intention to proceed with the Rules Committee hearing, which is scheduled to begin at 1:30 p.m. on Monday, as announced by Rules Committee Chair, Senator Erdman. The hearing will be available to view via streaming on your computer or in-- or our in-office closed circuit TVs. If the plan to proceed with both the morning session and/or the Rules Committee hearing changes, members will be notified, and the change will be published on the Legislature's website. Thank you, Mr. President.

KELLY: Thank you, Speaker Arch. Senators, the question is, shall we adjourn for the day? All those in favor say aye. All those opposed, nay. Motion carries. We are adjourned.