

TWENTY-SEVENTH DAY - FEBRUARY 13, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 2023

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Day, DeBoer, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 33. Placed on General File.

(Signed) Terrell McKinney, Chairperson

Revenue

LEGISLATIVE BILL 28. Placed on General File with amendment.

[AM351](#)

1 I. Strike original section 1 and insert the following new section:
2 Section 1. Section 77-5015, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-5015 (1) In any case appealed to the commission, all parties

5 shall be afforded an opportunity for hearing after reasonable notice. The
 6 notice shall state the time and place of the hearing. Opportunity shall
 7 be afforded all parties to present evidence and argument. The commission
 8 shall prepare an official record, which includes testimony and exhibits,
 9 in each case, but it shall not be necessary to transcribe the record of
 10 the proceedings unless requested for purposes of rehearing, in which
 11 event the transcript and record shall be furnished by the commission upon
 12 request and tender of the cost of preparation.

13 (2)(a) If the commission has not reached a decision on an appeal by
 14 the date when the first half of the following year's property taxes
 15 become delinquent, then the assessed value of the property for the year
 16 in question shall be reset to the previous year's assessed value and
 17 shall remain at such value until a decision has been made.

18 (b) If the commission reaches a decision on an appeal after the
 19 property taxes for the property become delinquent and if the commission
 20 determines that the assessed value of the property is higher than the
 21 value of the previous year's assessed value, then interest shall accrue
 22 on the difference in the value between the previous year's assessed value
 23 and the assessed value determined by the commission. The interest rate
 24 shall be the rate set in section 45-103 plus three percent, and the
 25 interest shall accrue from the date that the property taxes became
 26 delinquent.

27 (3) Informal disposition may also be made of any case by
 1 stipulation, agreed settlement, consent order, or default.

(Signed) Lou Ann Linehan, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Begley, David D. - Nebraska Power Review Board - Natural Resources
 Cordes, Scott C. - State Fire Marshal - Government, Military and Veterans
 Affairs
 Hughes, Dan - Game and Parks Commission - Natural Resources
 Peterson, Carter - Board of Trustees of the Nebraska State Colleges -
 Education
 Reynaga, Adolfo "Danny" - Board of Trustees of the Nebraska State
 Colleges - Education
 Weber, Tamara D. - Coordinating Commission for Postsecondary Education
 - Education
 Zoeller, Kenny - Director, Policy Research - Government, Military and
 Veterans Affairs

(Signed) Tom Briese, Chairperson
 Executive Board

AMENDMENTS - Print in Journal

Senator Raybould filed the following amendment to [LB194](#):
[AM342](#) is available in the Bill Room.

Senator Holdcroft filed the following amendment to [LB730](#):
[AM312](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 6 of this act shall be known and may be
4 cited as the Fair Access to Financial Services Act.
5 Sec. 2. The Legislature recognizes the rights of Nebraska
6 residents, including the freedom of speech and association, and that such
7 rights may be infringed if banks, credit unions, or insurance providers
8 limit access to financial products or services for any reason other than
9 objective financial criteria. The protection of the rights of Nebraska
10 residents and businesses, including financial freedom, is a fundamental
11 role of government, and any limitations on access to financial products
12 or services based on nontraditional criteria not only threatens the
13 rights and proper privileges of Nebraska residents and businesses, but
14 also is a menace to the institutions and foundation of a free democratic
15 state and a threat to the peace, order, health, safety, and general
16 welfare of the state and its residents.
17 Sec. 3. For purposes of the Fair Access to Financial Services Act:
18 (1) Environmental, social, and governance criteria means an
19 investment strategy that encourages an organization to act responsibly
20 based on the organization's environmental footprint, stance on social
21 issues, and internal corporate governance; and
22 (2) Person means any natural person, partnership, corporation, or
23 other business or legal entity.
24 Sec. 4. (1) To provide fair access to financial products and
25 services, a bank shall not, except as otherwise provided in the act:
26 (a) Deny any person a financial product or service the bank offers
27 except to the extent justified by such person's documented failure to
1 meet quantitative, impartial, and risk-based financial standards
2 established in advance by the bank;
3 (b) Deny any person a financial product or service the bank offers,
4 other than as provided in subdivision (a) of this subsection, when the
5 effect of the denial is to prevent, limit, or otherwise disadvantage the
6 person:
7 (i) From entering or competing in a market or business segment; or
8 (ii) In such a way that benefits another person or business activity
9 in which the bank has a financial interest; and
10 (c) Deny, in coordination with another person, any person a
11 financial product or service the bank offers.
12 (2) A bank that utilizes standards or guidelines based on subjective
13 measures such as environmental, social, and governance criteria, or
14 political and ideological factors shall:
15 (a) Disclose to any state authority that oversees the bank the
16 specific standards, guidelines, and criteria used by the bank to
17 determine access or denial of a financial product or service to a person
18 in this state;
19 (b) Comply with any rules and regulations adopted and promulgated by
20 any state authority that oversees the bank; and
21 (c) Disclose to any person denied a financial product or service the
22 specific data, information, criteria, and standards used to support such
23 denial. Such disclosure shall be in bold fourteen-point type.
24 Sec. 5. A credit union may not deny membership, a loan, or services
25 to a person that meets the scope and field of membership for that credit
26 union, based solely on subjective measures such as environmental, social,
27 and governance criteria, or political and ideological factors without
28 actual notice delivered to the person of the measures, criteria, or
29 factors used in making the denial.
30 Sec. 6. An insurance provider may not refuse to insure and may not
31 charge a different rate solely in consideration of the risks relating to
1 environmental, social, and governance criteria, diversity, equity, and
2 inclusion policies, or political and ideological factors, unless the

3 refusal or different rate is the result of the application of sound
4 underwriting and actuarial principles related to actual or reasonably
5 anticipated loss experience.

Senator J. Cavanaugh filed the following amendment to LB753:
AM353

(Amendments to Standing Committee amendments, AM338)

1 1. On page 4, line 4, after the semicolon insert "and"; and strike
2 lines 9 through 17.

ANNOUNCEMENT

Priority designation received:

Dorn - LB562

MOTION- Confirmation Report

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Department of Environment and Energy
James Reed Macy

Senator Blood offered the following motion:

Recommit the nomination of James Reed Macy to the Natural Resources Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

The Chair declared the call raised.

Senator McDonnell moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the McDonnell motion.

Senator Bostelman challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 22 ayes, 14 nays, and 13 not voting.

The Bostelman motion to overrule the Chair prevailed with 32 ayes, 12 nays, 2 present and not voting, and 3 excused and not voting.

The Chair was overruled.

The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 10 nays, and 8 not voting.

Senator Hunt requested a roll call vote on the motion to recommit to committee.

Senator Blood requested the roll vote be in reverse order on the motion to recommit to committee.

Voting in the affirmative, 10:

Blood	Conrad	Fredrickson	McKinney	Vargas
Cavanaugh, J.	Dungan	Hunt	Raybould	Wayne

Voting in the negative, 33:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Clements	Hansen	Linehan	Sanders
Arch	DeKay	Hardin	Lippincott	Slama
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	Wishart
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Present and not voting, 3:

Cavanaugh, M.	DeBoer	Walz
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Excused and not voting, 3:

Bostar	Briese	Day
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The Blood motion to recommit to committee failed with 10 ayes, 33 nays, 3 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS
Judiciary

- LEGISLATIVE BILL 77.** Placed on General File.
- LEGISLATIVE BILL 81.** Placed on General File.
- LEGISLATIVE BILL 83.** Placed on General File.
- LEGISLATIVE BILL 183.** Placed on General File.

(Signed) Justin Wayne, Chairperson

Revenue

- LEGISLATIVE BILL 300.** Placed on General File.
- LEGISLATIVE BILL 384.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to [LB79](#):
[AM314](#) is available in the Bill Room.

Senator M. Cavanaugh. filed the following amendment to [LB77](#):
[AM157](#)

1 1. Strike original sections 1, 2, 3, 4, and 5 and insert the
2 following new section:
3 Section 1. Section 18-1703, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 18-1703 (1) The Legislature finds and declares that the regulation
6 of the ownership, possession, storage, transportation, sale, and transfer
7 of firearms and other weapons is a matter of both statewide and local
8 concern.
9 (2) All counties, cities, and villages shall have the power to:
10 (a) Regulate the ownership, possession, storage, transportation,
11 sale, or transfer of firearms or other weapons, except for the carrying
12 of a concealed handgun in compliance with the Concealed Handgun Permit
13 Act; and
14 (b) Require registration of firearms or other weapons.
15 ~~Cities and villages shall not have the power to regulate the~~
16 ~~ownership, possession, or transportation of a concealed handgun, as such~~
17 ~~ownership, possession, or transportation is authorized under the~~
18 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~
19 ~~and shall not have the power to require registration of a concealed~~
20 ~~handgun owned, possessed, or transported by a permit holder under the act.~~
21 ~~Any existing city or village ordinance, permit, or regulation regulating~~
22 ~~the ownership, possession, or transportation of a concealed handgun, as~~
23 ~~such ownership, possession, or transportation is authorized under the~~
24 ~~act, except as expressly provided under state law, and any existing city~~
25 ~~or village ordinance, permit, or regulation requiring the registration of~~
26 ~~a concealed handgun owned, possessed, or transported by a permit holder~~
27 ~~under the act, is declared to be null and void as against any~~
1 ~~permit holder possessing a valid permit under the act.~~
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

Senator M.Cavanaugh filed the following amendment to [LB77](#):
[AM158](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM159](#)

1 1. On page 15, lines 7 and 10; page 19, line 30; page 20, line 28;
2 page 21, line 7; and page 22, line 12, strike "1" and insert "30".

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM160](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM161](#)

1 1. On page 20, line 7, strike "(2), (3), and (4)" and insert "(2)
2 and (3)"; strike lines 15 through 17; in line 18 strike "(3)" and insert
3 "(2)"; in line 25 strike "(4)" and insert "(3)"; and in line 29 strike
4 "(5)" and insert "(4)".

Senator Fredrickson filed the following amendment to LB626:

AM343

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. Insert the following new section:
- 4 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 5 upon detection of a fetal heartbeat, would be legally allowed to choose
- 6 to terminate such person's pregnancy and who is accordingly compelled by
- 7 the state to carry the pregnancy to term and give birth to a child, is
- 8 entitled to be compensated by the state for reasonable living, legal,
- 9 medical, and psychological expenses that are directly related to
- 10 prenatal, intrapartum, and postpartum periods.
- 11 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM344

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. Insert the following new section:
- 4 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 5 upon detection of a fetal heartbeat, would be legally allowed to choose
- 6 to terminate such person's pregnancy and who is accordingly compelled by
- 7 the state to carry the pregnancy to term and give birth to a child, shall
- 8 be automatically eligible for any public assistance program for children
- 9 or families, including, but not limited to, the Temporary Assistance for
- 10 Needy Families program, the Supplemental Nutrition Assistance Program,
- 11 and the Special Supplemental Nutrition Program for Women, Infants, and
- 12 Children. Any such public assistance benefits shall not be reduced or
- 13 suspended before the child reaches eighteen years of age.
- 14 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM345

- 1 1. Insert the following new section:
- 2 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 3 upon detection of a fetal heartbeat, would be legally allowed to choose
- 4 to terminate such person's pregnancy and who is accordingly compelled by
- 5 the state to carry the pregnancy to term and give birth to a child, is
- 6 entitled to reimbursement from the state for all associated funeral and
- 7 burial expenses if such person, fetus, or both, die during the
- 8 gestational period or during labor and delivery.
- 9 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM346

- 1 1. Insert the following new section:
- 2 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 3 upon detection of a fetal heartbeat, would be legally allowed to choose
- 4 to terminate such person's pregnancy and who is accordingly compelled by
- 5 the state to carry the pregnancy to term and give birth to a child, is
- 6 entitled to reimbursement from the state for all costs associated with
- 7 the health, dental, and vision insurance for the child until the age of
- 8 eighteen, including payment of any premiums, copays, deductibles, and
- 9 other expenses.
- 10 2. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB485:

AM269

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 73-501, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 73-501 (1) The purposes of sections 73-501 to 73-510 are to
 6 establish a standardized, open, and fair process for selection of
 7 contractual services, using performance-based contracting methods to the
 8 maximum extent practicable, and to create an accurate reporting of
 9 expended funds for contractual services. This process shall promote a
 10 standardized method of selection for state contracts for services,
 11 assuring a fair assessment of qualifications and capabilities for project
 12 completion. There shall also be an accountable, efficient reporting
 13 method of expenditures for these services.
 14 (2) The provisions of sections 73-501 to 73-510 shall not apply to
 15 contracts for services executed for the purpose of managing educational
 16 lands by the Board of Educational Lands and Funds, pursuant to sections
 17 72-201 to 72-251 and Article VII, section 6, of the Constitution of
 18 Nebraska.
 19 Sec. 2. Section 73-502, Reissue Revised Statutes of Nebraska, is
 20 amended to read:
 21 73-502 For purposes of sections 73-501 to 73-510:
 22 (1) Contract for services means any contract that directly engages
 23 the time or effort of an independent contractor whose purpose is to
 24 perform an identifiable task, study, or report rather than to furnish an
 25 end item of supply, goods, equipment, or material;
 26 (2) Division means the materiel division of the Department of
 27 Administrative Services;
 1 (3) Emergency means necessary to meet an urgent or unexpected
 2 requirement or when health and public safety or the conservation of
 3 public resources is at risk;
 4 (4) Occasional means seasonal, irregular, or fluctuating in nature;
 5 (5) Sole source means of such a unique nature that the contractor
 6 selected is clearly and justifiably the only practicable source to
 7 provide the service. Determination that the contractor selected is
 8 justifiably the sole source is based on either the uniqueness of the
 9 service or sole availability at the location required;
 10 (6) State agency means any agency, board, or commission of this
 11 state, including any officer or state agency established by the
 12 Constitution of Nebraska other than the University of Nebraska, the
 13 Nebraska state colleges, the courts, or the Legislature; ~~or any officer~~
 14 or state agency established by the Constitution of Nebraska; and
 15 (7) State agency director means (a) for contracts entered into by a
 16 state agency other than an officer or agency established by the
 17 Constitution of Nebraska, the director or executive head of the agency,
 18 (b) for contracts entered into by a board, commission, or department
 19 established by the Constitution of Nebraska, the designee of the board,
 20 commission, or department, and (c) for contracts entered into by any
 21 other state constitutional officer, the state constitutional officer or
 22 the designee of the state constitutional officer; and
 23 (8) ~~(7)~~ Temporary means a finite period of time with respect to a
 24 specific task or result relating to a contract for services.
 25 Sec. 3. Original sections 73-501 and 73-502, Reissue Revised
 26 Statutes of Nebraska, are repealed.

MOTIONS - Print in Journal

Senator Hardin filed the following motion to LB594:

MO30

Withdraw LB594.

AMENDMENT - Print in Journal

Senator Walz filed the following amendment to [LB278](#):

[AM125](#)

1 1. On page 2, line 12, after "with" insert "the Department of
2 Economic Development and"; in line 21 after "with" insert "the Nebraska
3 Investment Finance Authority and"; and in line 22 after the period insert
4 "The Department of Economic Development shall use its best efforts to
5 coordinate and contract with the Nebraska Investment Finance Authority to
6 develop and administer grant programs under this section."

MOTIONS - Print in Journal

Senator Wayne filed the following motion to [LB476](#):

[MO31](#)

Withdraw LB476.

Senator M. Cavanaugh filed the following motion:

Reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525 1:30 PM

Tuesday, February 21, 2023

LB222

LB231

LB386

LB455

LB705

LB702

LB701

(Signed) Dave Murman, Chairperson

Banking, Commerce and Insurance

Room 1507 1:30 PM

Tuesday, March 7, 2023

LB594 (cancel)

(Signed) Julie Slama, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39. Introduced by Briese, 41.

WHEREAS, on January 29, 2023, a seven-month-old boy, the youngest of three children kidnapped over that weekend, spent more than two hours

outside on a deck in near zero degrees temperature before being rescued; and

WHEREAS, the baby was left outside the home of Chuck and Susanne Sorahan near Alda, Nebraska, at 3:12 a.m. by two suspects in a car theft and kidnapping; and

WHEREAS, Chuck Sorahan, awakened by an alert asking people to look for the child, found the baby outside at 5:25 a.m. and along with his wife Susanne took the baby inside their home and warmed and cared for the child; and

WHEREAS, the baby survived this near-tragedy thanks to the alertness, dedication, and care of Chuck and Susanne Sorahan.

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

1. That the Legislature offers its gratitude to Chuck and Susanne Sorahan for saving the seven-month-old boy.
2. That a copy of this resolution be sent to Chuck and Susanne Sorahan.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator DeBoer name added to LB11.
 Senator Aguilar name added to LB254.
 Senator Linehan name added to LB274.
 Senator Dorn name added to LB274.
 Senator Halloran name added to LB397.
 Senator Brewer name added to LB735.
 Senator Lippincott name added to LR23CA.

VISITORS

Visitors to the Chamber were Megan Boldt, Marley Boldt, Mya Boldt, and Merritt Boldt, Lincoln; and Eddie Goff, Steven Dillman, and Mike Sidlo, Hastings.

The Doctor of the Day was Dr. Joe Miller of Omaha.

ADJOURNMENT

At 12:39 p.m., Speaker Arch moved to adjourn the Legislature until 9:00 a.m., Tuesday, February 14, 2023.

Senator M. Cavanaugh requested a record vote on the motion to adjourn.

Voting in the affirmative, 30:

Arch	Clements	Fredrickson	Kauth	Murman
Armendariz	DeBoer	Geist	Linehan	Raybould
Ballard	DeKay	Halloran	Lippincott	Riepe
Blood	Dover	Holdcroft	McDonnell	Slama
Brandt	Dungan	Hughes	McKinney	Vargas
Brewer	Erdman	Jacobson	Moser	Walz

Voting in the negative, 13:

Aguilar	Cavanaugh, J.	Hansen	Lowe	Wayne
Albrecht	Cavanaugh, M.	Hunt	Sanders	
Bostelman	Conrad	Ibach	von Gillern	

Present and not voting, 3:

Dorn	Hardin	Wishart
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Excused and not voting, 3:

Bostar	Briese	Day
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The Arch motion to adjourn prevailed with 30 ayes, 13 nays, 3 present and not voting, and 3 excused and not voting.

Brandon Metzler
Clerk of the Legislature

