

TWENTY-FOURTH DAY - FEBRUARY 11, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 11, 2022

PRAYER

The prayer was offered by Pastor Kimberly Belken, Lutheran Church - Salem, Ponca.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator M. Cavanaugh who was excused; and Senators Bostar, Brewer, Day, Friesen, B. Hansen, Hunt, McCollister, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 2022, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amack, Angela K.
 Nebraska Professional Fire Fighters Association (NPFPA)
 Eickholt, Christopher/Spike
 Voices for Children in Nebraska
 Jaylem Dourousseau
 Students for Life Action
 Lily Branham
 Students for Life Action
 Moffat, Jared
 Marijuana Policy Project
 Moody, Randall
 Friends of the Nebraska Environmental Trust
 Nowka & Edwards
 Educational Testing Service
 Sharfstein, Daniela
 Jazz Pharmaceuticals, Inc. and its subsidiaries, including Greenwich
 Biosciences, Inc.
 Smoyer, Brent
 Rembolt Ludtke, LLP
 Todd-Harlin, Andrea
 Smart-Fill

ANNOUNCEMENT

The Chair announced the birthday of Senator M. Hansen.

MOTION(S) - Confirmation Report(s)

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 499 and 500:

Nebraska Game and Parks Commission
 Patrick L. Berggren

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Groene	McCollister	Slama
Albrecht	DeBoer	Hansen, M.	McKinney	Vargas
Arch	Dorn	Hilkemann	Morfeld	Walz
Blood	Flood	Kolterman	Moser	Wayne
Bostelman	Friesen	Lindstrom	Murman	Williams
Brandt	Geist	Linehan	Pahls	Wishart
Briese	Gragert	Lowe	Sanders	

Voting in the negative, 1:

Erdman

Present and not voting, 6:

Clements	Hilgers	Lathrop
Halloran	Hughes	McDonnell

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointment was confirmed with 34 ayes, 1 nay, 6 present and not voting, and 8 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 499 and 500:

Nebraska Game and Parks Commission
Douglas A. Zingula

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Hilkemann	McKinney	Vargas
Albrecht	DeBoer	Hughes	Morfeld	Walz
Arch	Dorn	Kolterman	Moser	Wayne
Blood	Flood	Lathrop	Murman	Williams
Bostelman	Gragert	Lindstrom	Pahls	Wishart
Brandt	Groene	Linehan	Sanders	
Briese	Hansen, M.	Lowe	Slama	

Voting in the negative, 1:

Erdman

Present and not voting, 7:

Clements	Geist	Hilgers	McDonnell
Friesen	Halloran	McCollister	

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointment was confirmed with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 345:

Climate Assessment Response Committee
Ervin L. Portis

Voting in the affirmative, 35:

Aguilar	Clements	Halloran	Linehan	Pahls
Albrecht	DeBoer	Hansen, M.	Lowe	Sanders
Arch	Dorn	Hilkemann	McCollister	Slama
Blood	Erdman	Hughes	McKinney	Vargas
Bostelman	Flood	Kolterman	Morfeld	Walz
Brandt	Gragert	Lathrop	Moser	Williams
Cavanaugh, J.	Groene	Lindstrom	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 6:

Briese	Geist	McDonnell
Friesen	Hilgers	Wayne

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointment was confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 502:

Nebraska Educational Telecommunications Commission
 Nicholas Baxter
 Darrin Scott Good

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, M.	McCollister	Slama
Arch	DeBoer	Hilkemann	McKinney	Vargas
Blood	Dorn	Hughes	Morfeld	Walz
Bostelman	Flood	Kolterman	Moser	Wayne
Brandt	Gragert	Lathrop	Murman	Williams
Briese	Groene	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 7:

Erdman	Geist	Lowe	Wishart
Friesen	Hilgers	McDonnell	

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointments were confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 504:

Tax Equalization and Review Commission
Robert W. Hotz

Voting in the affirmative, 33:

Aguilar	Cavanaugh, J.	Halloran	McCollister	Slama
Albrecht	Clements	Hansen, M.	McKinney	Vargas
Arch	DeBoer	Hilkemann	Morfeld	Walz
Blood	Dorn	Kolterman	Moser	Wayne
Bostelman	Flood	Lindstrom	Murman	Williams
Brandt	Gragert	Linehan	Pahls	
Briese	Groene	Lowe	Sanders	

Voting in the negative, 0.

Present and not voting, 8:

Erdman	Geist	Hughes	McDonnell
Friesen	Hilgers	Lathrop	Wishart

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator M. Hansen moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 504:

State Personnel Board
Jerry Lee Jensen

Voting in the affirmative, 31:

Aguilar	Cavanaugh, J.	Hilkemann	McKinney	Walz
Albrecht	DeBoer	Hughes	Morfeld	Wayne
Arch	Flood	Kolterman	Moser	Williams
Blood	Gragert	Lindstrom	Murman	
Bostelman	Groene	Linehan	Pahls	
Brandt	Halloran	McCollister	Sanders	
Briese	Hansen, M.	McDonnell	Slama	

Voting in the negative, 0.

Present and not voting, 10:

Clements	Erdman	Geist	Lathrop	Vargas
Dorn	Friesen	Hilgers	Lowe	Wishart

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, 77-2005.01, and 77-2006, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts as prescribed; to change the individuals who are considered to be relatives of a decedent; to require reports; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Aguilar	DeBoer	Hansen, M.	Lowe	Vargas
Albrecht	Dorn	Hilgers	McCollister	Walz
Arch	Flood	Hilkemann	McDonnell	Wayne
Blood	Friesen	Hughes	Morfeld	Williams
Bostelman	Geist	Kolterman	Moser	Wishart
Brandt	Gragert	Lathrop	Murman	
Briese	Groene	Lindstrom	Pahls	
Clements	Halloran	Linehan	Slama	

Voting in the negative, 1:

Erdman

Present and not voting, 3:

Cavanaugh, J. McKinney Sanders

Excused and not voting, 8:

Bostar	Cavanaugh, M.	Hansen, B.	Pansing Brooks
Brewer	Day	Hunt	Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB310.

GENERAL FILE

LEGISLATIVE BILL 890. Committee [AM1756](#), found on page 503 and considered on pages 527, 532, and 537, was renewed.

The Walz amendment, [FA71](#), found on page 527 and considered on pages 532 and 537, to the committee amendment, was renewed.

The Kolterman motion, [MO142](#), found and considered on page 537, was withdrawn.

Senator Friesen offered the following motion:

[MO143](#)

Bracket until April 1, 2022.

SPEAKER HILGERS PRESIDING

SENATOR HUGHES PRESIDING

Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 937. Placed on General File.**LEGISLATIVE BILL 988.** Placed on General File.**LEGISLATIVE BILL 991.** Placed on General File.

(Signed) John Stinner, Chairperson

Revenue

LEGISLATIVE BILL 776. Placed on General File.**LEGISLATIVE RESOLUTION 283CA.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 906. Placed on Select File with amendment.**ER102**

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. (1) For purposes of this section:4 (a) COVID-19 means the novel coronavirus identified as SARS-CoV-2;5 any disease caused by SARS-CoV-2, its viral fragments, or a virus6 mutation therefrom; and all conditions associated with the disease which7 are caused by SARS-CoV-2, its viral fragments, or a virus mutation8 therefrom;9 (b) Department means the Department of Health and Human Services;10 (c)(i) Employer means a person engaged in an industry who has one or11 more employees;12 (ii) Employer also includes any party whose business is financed in13 whole or in part under the Nebraska Investment Finance Authority Act14 regardless of the number of employees and includes the State of Nebraska,15 governmental agencies, and political subdivisions; and16 (iii) Employer does not include (A) the United States, a corporation17 wholly owned by the government of the United States, or an Indian tribe18 or (B) a bona fide private membership club, other than a labor19 organization, which is exempt from taxation under section 501(c) of the20 Internal Revenue Code;21 (d) Health care practitioner means a person licensed under (i) the22 Medicine and Surgery Practice Act to practice medicine and surgery or23 osteopathic medicine and surgery, (ii) the Medicine and Surgery Practice24 Act to practice as a physician assistant, or (iii) the Advanced Practice25 Registered Nurse Practice Act to practice as an advanced practice26 registered nurse;27 (e) Medicare-certified or medicaid-certified provider or supplier1 means any entity, including, but not limited to, a health care facility2 as defined in section 71-413, that is a medicare-certified or medicaid-3 certified provider or supplier and that is subject to the federal Centers4 for Medicare and Medicaid Services' COVID-19 health care staff5 vaccination requirements; and6 (f) Vaccine exemption form means the form created by the department7 under subsection (2) of this section.

8 (2)(a) The department shall develop a vaccine exemption form for an
9 individual to claim an exemption from receiving a COVID-19 vaccine as
10 provided in this section. The department shall make the form available on
11 the department's website within fifteen days after the effective date of
12 this act.
13 (b) The form shall include a declaration by the individual seeking
14 an exemption that:
15 (i) A health care practitioner has provided the individual with a
16 signed written statement that, in the health care practitioner's opinion,
17 (A) receiving a COVID-19 vaccine is medically contraindicated for the
18 individual or (B) medical necessity requires the individual to delay
19 receiving such vaccine; or
20 (ii) Receiving a COVID-19 vaccine would conflict with the
21 individual's sincerely held religious belief, practice, or observance.
22 (3) Subject to subsection (5) of this section, an employer that
23 requires applicants or employees to be vaccinated against COVID-19 shall
24 allow for an exemption to such requirement for an individual who provides
25 the employer with:
26 (a) A completed vaccine exemption form; and
27 (b) For an individual claiming an exemption based on the statement
28 of a health care practitioner, a copy of such signed written statement.
29 (4) An employer may require an employee granted an exemption under
30 this section to:
31 (a) Be periodically tested for COVID-19 at the employer's expense;
1 and
2 (b) Wear or use personal protective equipment provided by the
3 employer.
4 (5) A medicare-certified or medicaid-certified provider or supplier
5 or a federal contractor may require additional processes, documentation,
6 or accommodations as necessary to be in compliance with federal law and
7 to maintain compliance with the rules and regulations of the federal
8 Centers for Medicare and Medicaid Services.
9 Sec. 2. Since an emergency exists, this act takes effect when
10 passed and approved according to law.
11 2. On page 1, line 1, after the semicolon insert "to define terms";
12 and in line 3 strike "define terms" and insert "provide for conditional
13 requirements".

LEGISLATIVE BILL 700. Placed on Select File with amendment.

ER103

1 1. On page 1, line 1, after the comma insert "79-920,"; in line 3
2 after "79-921," insert "84-1301,"; in line 5 strike "79-9,117" and insert
3 "79-902, 79-978, 79-992.01, 79-9,117,"; in line 9 after the semicolon
4 insert "to define and redefine terms; to change provisions relating to
5 participation in certain plans as prescribed,"; in line 11 after the
6 semicolon insert "to change duties of certain employers,"; and in line 15
7 strike "to define terms,".

(Signed) Terrell McKinney, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Hughes - LB1015

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 2022, at 9:50 a.m. was the following: LB310.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Slama name added to LB1085.
Senator Groene name added to LR284.
Senator Williams name added to LR284.

VISITOR(S)

Visitors to the Chamber were students from Creighton University, Omaha; and Rachel Gibson with the League of Women Voters.

The Doctor of the Day was Dr. David Minnick of Broken Bow.

ADJOURNMENT

At 11:46 a.m., on a motion by Speaker Hilgers, the Legislature adjourned until 10:00 a.m., Monday, February 14, 2022.

Patrick J. O'Donnell
Clerk of the Legislature