

TWENTY-FIFTH DAY - FEBRUARY 14, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 2022

PRAYER

The prayer was offered by Pastor Brian Loy, O'Neill United Methodist, O'Neill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator McDonnell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator M. Cavanaugh who was excused; and Senators Albrecht, Bostar, Briese, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 549, line 19, insert the following:

PRESIDENT SIGNED

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

The Journal for the twenty-fourth day was approved as corrected.

MESSAGE(S) FROM THE GOVERNOR

February 9, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature

State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Douglas A. Bauer, DO, 21915 Granada St., Gretna, NE 68028

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Douglas Vander Broeck, DC, 6511 Shenandoah Drive, Lincoln, NE 68510

Joshua M. Vest, DPM, 9839 Thornwood Circle, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Brooke J. Fitzpatrick, 3605 South 95 Street, Omaha, NE 68124

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Frances Beurivage, 3726 Washington Street, Lincoln, NE 68506
Sandra Shaw, 312 E. Maple Street, Seward, NE 68434

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

James Schulz, 6601 South 66th Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Chad J. Tessman, 125 E. Liberty Drive, Henderson, NE 68371

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Jeffrey Wallman, M.D., 21470 South 120 Road, Filley, NE 68357

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Brandie S. Neemann, Department of Transportation, 1500 Highway 2,
Lincoln, NE 68509

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Edward R. Wootton, Sr., 804 W. Mission Avenue, Bellevue, NE 68005
Barbara J. Keegan, 302 Cheyenne Avenue, Hemingford, NE 69348
James A. Litchfield, 201 Highland Street, Wakefield, NE 68784

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB838:
AM1889

1 Strike the original section and insert the following new section:
 2 Section 1. (1) For purposes of this section:
 3 (a) Child care or education program means any of the following:
 4 (i) A child care program licensed under the Child Care Licensing Act
 5 which serves children from birth to kindergarten and participates in the
 6 Step Up to Quality Child Care Act;
 7 (ii) A prekindergarten service or program established pursuant to
 8 section 79-1104;
 9 (iii) A Head Start program pursuant to 42 U.S.C. 9831 et seq., as
 10 such sections existed on January 1, 2022; or
 11 (iv) An Early Head Start Program pursuant to 42 U.S.C. 9840a et
 12 seq., as such sections existed on January 1, 2022;
 13 (b) Full-time employee means an individual employed to work thirty
 14 or more hours each week;
 15 (c) Health insurance deductible means the amount required to be paid
 16 out of pocket before the health insurance provider begins to pay the
 17 costs associated with treatment; and
 18 (d) Health insurance premium means all money paid as a condition of
 19 receiving health insurance coverage from a health insurance provider.
 20 (2) The State Department of Education shall create a program to
 21 support the early childhood workforce. Support provided by the program
 22 may include, but is not limited to, paying for all or part of the
 23 following:
 24 (a) Health insurance premiums;
 25 (b) Health insurance deductibles; or
 26 (c) Other expenses related to health insurance.
 27 (3) The following individuals are eligible to receive support from
 1 the program described in subsection (2) of this section:
 2 (a) Any full-time employee at an entity that provides child care or
 3 education programs for children; and
 4 (b) Any self-employed individual who provides a child care or
 5 education program for children.
 6 (4) The department may contract with any third party to carry out
 7 this section.
 8 (5) It is the intent of the Legislature:
 9 (a) To appropriate fifteen million dollars from the General Fund
 10 each fiscal year to the State Department of Education, which shall only
 11 be used for the purpose of carrying out this section;
 12 (b) That any money appropriated to carry out this section that is
 13 not utilized in the fiscal year for which it is appropriated shall lapse
 14 and not be reappropriated for the following fiscal year; and
 15 (c) That any unused appropriation of money from a prior fiscal year
 16 shall not affect the amount appropriated in a subsequent fiscal year.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 291 and 292 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 291 and 292.

GENERAL FILE

LEGISLATIVE BILL 847. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Committee [AM301](#), found on page 783, First Session, 2021, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 704. Title read. Considered.

SENATOR HUGHES PRESIDING

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Senator Wayne requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 791. Title read. Considered.

SPEAKER HILGERS PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 592. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 754. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 758. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 892. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 685. Senator M. Cavanaugh withdrew her motion, [MO131](#), to bracket.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 767. [ER101](#), found on page 494, was adopted.

Senator Kolterman offered his amendment, [AM1753](#), found on page 542.

The Kolterman amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 906. [ER102](#), found on page 550, was offered.

SENATOR HUGHES PRESIDING

Senator Hunt requested a record vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 32:

Albrecht	Dorn	Hilgers	McKinney	Stinner
Arch	Erdman	Hilkemann	Moser	Walz
Bostar	Friesen	Hughes	Murman	Williams
Bostelman	Geist	Lindstrom	Pahls	Wishart
Brandt	Gragert	Linehan	Pansing Brooks	
Brewer	Halloran	Lowe	Sanders	
Clements	Hansen, B.	McDonnell	Slama	

Voting in the negative, 0.

Present and not voting, 12:

Blood	DeBoer	Hunt	McCollister
Cavanaugh, J.	Groene	Kolterman	Vargas
Day	Hansen, M.	Lathrop	Wayne

Excused and not voting, 5:

Aguilar	Briese	Cavanaugh, M.	Flood	Morfeld
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ER102 was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 294. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System, the Nebraska State Patrol Retirement System, and the Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out the provisions of section 13-2402, which requires the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions. The study shall include a public hearing for the presentation of reports by political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 296. Introduced by Stinner, 48.

WHEREAS, Zac Taylor played the position of quarterback for the Nebraska Cornhuskers in the 2005 and 2006 seasons; and

WHEREAS, during those two seasons, Taylor led the Nebraska Cornhuskers to 17 wins and the 2006 Big 12 North Division title; and

WHEREAS, in 2006, Taylor was named the Big 12 Offensive Player of the Year; and

WHEREAS, Taylor holds the All-Time Nebraska Cornhuskers records for most passes completed in one game (36), pass attempts in a game without an interception (55), passing touchdowns in one season (26), along with many other records; and

WHEREAS, Taylor entered the coaching profession, working as an assistant coach for multiple professional and college teams; and

WHEREAS, on February 4, 2019, Taylor was hired as the head coach of the Cincinnati Bengals football team in the National Football League; and

WHEREAS, Taylor is only the fifth Nebraska Cornhusker football player to be named a head coach in the National Football League; and

WHEREAS, on February 13, 2022, Taylor coached his team in Super Bowl LVI, becoming the first former Nebraska Cornhusker to reach a Super Bowl as a head coach.

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

1. That the Legislature recognizes and appreciates Zac Taylor's dedication and success at the University of Nebraska as a member of the Nebraska Cornhuskers football team.

2. That the Legislature congratulates Zac Taylor on reaching Super Bowl LVI as the head coach of the Cincinnati Bengals.

3. That copies of this resolution be sent to Zac Taylor and the University of Nebraska-Lincoln Athletic Department.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bauer, Douglas A. - State Board of Health - Health and Human Services
Beaurivage, Frances - Commission for the Deaf and Hard of Hearing -
Health and Human Services
Fitzpatrick, Brooke J. - Commission for the Deaf and Hard of Hearing -
Health and Human Services
Keegan, Barbara J. - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications
Litchfield, James A. - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications
Neemann, Brandie S. - Board of Public Roads Classifications and Standards
- Transportation and Telecommunications
Schulz, James - Public Employees Retirement Board - Nebraska Retirement
Systems
Shaw, Sandra - Commission for the Deaf and Hard of Hearing - Health and
Human Services
Tessman, Chad J. - Nebraska Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Vander Broeck, Douglas - State Board of Health - Health and Human
Services
Vest, Joshua M. - State Board of Health - Health and Human Services
Wallman, Jeffrey - Nebraska Rural Health Advisory Commission - Health
and Human Services
Wootton, Edward R., Sr. - Board of Public Roads Classifications and
Standards - Transportation and Telecommunications

(Signed) Dan Hughes, Chairperson
Executive Board

ANNOUNCEMENT(S)

Priority designation(s) received:

Bostelman - LB1099
Hunt - LB121

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB906:

[FA72](#)

Amend ER102:

Strike Sec. 4 lines 29-31 of page 2, lines 1-3 of page 3.

Strike on line 5 page 3 "~~or a federal contractor~~".

Senator Friesen filed the following amendment to LB906:

[AM1902](#)

1 1. Insert the following new section:

2 Sec. 2. (1) For purposes of this section:

3 (a) COVID-19 means the novel coronavirus identified as SARS-CoV-2;

4 any disease caused by SARS-CoV-2, its viral fragments, or a virus

5 mutation therefrom; and all conditions associated with the disease which

6 are caused by SARS-CoV-2, its viral fragments, or a virus mutation

7 therefrom; and

8 (b) Postsecondary institution has the same meaning as in section

9 85-2403.

10 (2) If a postsecondary institution enforces a COVID-19 vaccination

11 requirement, the postsecondary institution shall, for any student who

12 refuses to comply with such requirement:

13 (a) Refund any amount of such student's tuition or fees paid for any

14 credit hours commenced but not yet completed as of the time of the

15 student's refusal; and

16 (b) Transfer such student's earned credit hours to another

17 postsecondary institution as requested by the student.

18 2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB902.

Senator Sanders name added to LB1006.

Senator Murman name added to LB1270.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Tuesday, February 15, 2022, at 10:00 a.m., under the South Balcony.

VISITOR(S)

The Doctor of the Day was Dr. Charles Smith of Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Bostar, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 2022.

Patrick J. O'Donnell
Clerk of the Legislature