

FORTY-FOURTH DAY - MARCH 17, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 2022

PRAYER

The prayer was offered by Senator Williams.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Friesen.

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 Lindstrom who was excused; and Senators Arch, Blood, Bostar, Briese, Day, B. Hansen, M. Hansen, Hunt, McKinney, Morfeld, Pansing Brooks, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-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 March 16, 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

Greene, Steven
 Aunt Bertha
 Husch Blackwell Strategies
 Grand Island Area Economic Development Corporation

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR329 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR329.

GENERAL FILE

LEGISLATIVE BILL 1011. Considered.

Committee [AM1999](#), found on page 812, and considered on pages 866, 868, and 872, was renewed.

Senator Lathrop renewed his amendment, [FA76](#), found on page 772 and considered on page 884, to the committee amendment.

Senator Stinner offered the following motion:

[MO160](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house.

Senator Stinner requested a roll call vote, in reverse order, on the motion to place the house under call.

The motion to place the house under call prevailed with 30 ayes, 2 nays, and 17 not voting.

Senator Stinner requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:

Aguilar	Clements	Halloran	Lathrop	Pansing Brooks
Albrecht	Day	Hansen, B.	Lowe	Sanders
Arch	DeBoer	Hilgers	McCollister	Slama
Bostar	Dorn	Hilkemann	McDonnell	Stinner
Bostelman	Erdman	Hughes	Morfeld	Vargas
Brandt	Flood	Hunt	Moser	Walz
Brewer	Geist	Jacobson	Murman	Williams
Briese	Gragert	Kolterman	Pahls	Wishart

Voting in the negative, 4:

Friesen Linehan McKinney Wayne

Present and not voting, 2:

Cavanaugh, J. Cavanaugh, M.

Excused and not voting, 3:

Blood Hansen, M. Lindstrom

The Stinner motion to invoke cloture prevailed with 40 ayes, 4 nays, 2 present and not voting, and 3 excused and not voting.

The Lathrop amendment lost with 6 ayes, 36 nays, 4 present and not voting, and 3 excused and not voting.

Senator Wayne requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 41:

Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	Morfeld	Walz
Bostar	Dorn	Hughes	Moser	Williams
Bostelman	Erdman	Hunt	Murman	Wishart
Brandt	Flood	Jacobson	Pahls	
Brewer	Geist	Kolterman	Pansing Brooks	
Briese	Gragert	Lathrop	Sanders	
Cavanaugh, J.	Halloran	Lowe	Slama	

Voting in the negative, 5:

Cavanaugh, M. Friesen Linehan McKinney Wayne

Excused and not voting, 3:

Blood Hansen, M. Lindstrom

The committee amendment was adopted with 41 ayes, 5 nays, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 6 nays, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1013. Senator Wayne offered his motion, [MO152](#), found on page 805, to indefinitely postpone pursuant to Rule 6, Section 3(f).

SPEAKER HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 1262. Placed on General File with amendment.
[AM2411](#)

1 1. On page 2, strike beginning with "the" in line 17 through line 31
2 and insert "projects at recreation areas in this state that comply with
3 the federal American Rescue Plan Act of 2021, including, but not limited
4 to, investments in water, sewer, or broadband infrastructure and projects
5 that respond to a negative economic impact."

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525 12:00 PM

Wednesday, March 30, 2022
James Schulz - Public Employees Retirement Board
Richard A. DeFusco - Nebraska Investment Council
Presentation of annual report by the Nebraska Investment Council pursuant
to section 72-1243(3)
Presentation of annual report of the Nebraska Public Employees Retirement
Systems pursuant to section 84-1503(3)

(Signed) Mark Kolterman, Chairperson

Executive Board
Room 1524 12:00 PM

Monday, March 28, 2022
LR307

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1013. Senator Wayne renewed his motion, [MO152](#), found on page 805 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Section 3(f).

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1012. Placed on Select File with amendment.

[ER148](#)

1 1. On page 1 strike beginning with "section" in line 1 through line
2 7 and insert "sections 81-1210.02 and 81-12,145, Reissue Revised Statutes
3 of Nebraska, sections 75-1101, 81-829.33, 81-1210.01, 81-1210.04,
4 81-12,153, 81-12,154, 81-12,156, 81-12,162, and 83-904, Revised Statutes
5 Cumulative Supplement, 2020, and sections 71-7611, 81-12,147, 81-12,148,
6 81-12,149, 81-12,213, 81-12,218, 82-331, 83-973, 85-424, and 86-324,
7 Revised Statutes Supplement, 2021; to provide for and change fund
8 transfer provisions; to create and change permitted uses of funds; to
9 provide for and change grant provisions; to change provisions relating to
10 internship programs, capital construction, the Business Innovation Act,
11 and the Nebraska Rural Projects Act; to eliminate provisions regarding
12 state agency postage reimbursement and obsolete provisions regarding fund
13 transfers; to harmonize provisions; to repeal the original sections; to
14 outright repeal section 81-167, Reissue Revised Statutes of Nebraska; and
15 to declare an emergency."

LEGISLATIVE BILL 1082. Placed on Select File with amendment.

[ER147](#)

1 1. On page 1, line 2, after "Nebraska" insert ", and section 37-201,
2 Revised Statutes Supplement, 2021".
3 2. On page 2, lines 3, 14, 23, and 26; and page 3, line 10, strike
4 "Game and Parks Commission" and insert "commission".

LEGISLATIVE BILL 1137. Placed on Select File with amendment.

[ER146](#)

1 1. On page 1, line 1, after "the" insert "Nebraska".
2 2. On page 4, line 22, strike "this" and insert "the".

LEGISLATIVE BILL 742. Placed on Select File.

LEGISLATIVE BILL 983. Placed on Select File.

LEGISLATIVE BILL 908. Placed on Select File.

LEGISLATIVE BILL 856. Placed on Select File.

LEGISLATIVE BILL 1007. Placed on Select File.

LEGISLATIVE BILL 829. Placed on Select File.

LEGISLATIVE BILL 851. Placed on Select File.

LEGISLATIVE BILL 1124. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File with amendment.

[ER149](#)

1 1. On page 1, line 1, after "amend" insert "section 79-848, Reissue
2 Revised Statutes of Nebraska, and"; in line 4 after the semicolon insert
3 "to harmonize provisions;"; and in line 5 strike "section" and insert
4 "sections".

(Signed) Terrell McKinney, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1013. Senator Wayne renewed his motion, [MO152](#), found on page 805 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Section 3(f).

SENATOR WILLIAMS PRESIDING

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

Senator Wayne moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The motion to cease debate prevailed with 34 ayes, 11 nays, and 4 not voting.

The Wayne motion to indefinitely postpone failed with 10 ayes, 30 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

Committee [AM2001](#), found on page 813, was offered.

Senator Lathrop offered his amendment, [FA80](#), found on page 786, to the committee amendment.

SENATOR HUGHES PRESIDING

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 848A. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, One Hundred Seventh Legislature, Second Session, 2022.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 342. Introduced by Albrecht, 17.

WHEREAS, the land-grant college system was established by the passage of the Morrill Act, which was signed into law on July 2, 1862, by President Abraham Lincoln; and

WHEREAS, in 1914, the Smith-Lever Act became law and provided federal support for land-grant universities to establish Cooperative Extension Services to bring learning opportunities to all residents; and

WHEREAS, the Cooperative Extension Service of the University of Nebraska-Lincoln (Nebraska Extension) provides extension services to the people of Nebraska. As the university's front door across Nebraska, Nebraska Extension's role has expanded to multiple subject areas and reaches both urban and rural audiences. The goal of Nebraska Extension is to translate scientific discoveries for practical application, engage target audiences to create solutions to vexing problems, and change lives through learning opportunities; and

WHEREAS, the Nebraska Association of County Extension Boards was established in 1972 to support Nebraska Extension across all ninety-three Nebraska counties; and

WHEREAS, more than five hundred fifty members representing all ninety-three Nebraska counties comprise the Nebraska Association of County Extension Boards; and

WHEREAS, the Nebraska Association of County Extension Boards is celebrating fifty years of strong grassroots support for and service to Nebraska Extension, the counties served by the boards, and the people of Nebraska.

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

1. That the Legislature recognizes the Nebraska Association of County Extension Boards for fifty years of leadership representing all ninety-three Nebraska counties and supporting Nebraska Extension and the people of Nebraska.

2. That a copy of this resolution be sent to Nebraska Association of County Extension Boards President-Elect Ryan Ridenour.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to [LB512](#):

[AM2387](#)

(Amendments to Standing Committee amendments, AM1620)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike original section 6 and insert the following new sections:

3 Sec. 6. Section 81-829.39, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 81-829.39 For purposes of the Emergency Management Act, unless the

6 context otherwise requires:

7 (1) Civil defense emergency means an emergency declared by the

8 President of the United States or Congress pursuant to applicable federal

9 law finding that an attack upon the United States has occurred or is

10 anticipated and that the national safety therefor requires the invocation

11 of the emergency authority provided for by federal law. Civil defense
 12 emergency also means an enemy attack or other hostile action within the
 13 State of Nebraska or a determination by the President of the United
 14 States that any attack has been made upon or is anticipated within a
 15 designated geographic area which includes all or a part of the State of
 16 Nebraska. Any such emergency shall terminate in the manner provided by
 17 federal law or by proclamation of the Governor or resolution of the
 18 Legislature terminating such emergency;

19 (2) ~~(1)~~ Disability has the same meaning as in 42 U.S.C. 12102, as such
 20 ~~section existed on January 1, 2022;~~

21 (3) ~~(2)~~ Disaster means any event or the imminent threat thereof
 22 causing widespread or severe damage, injury, or loss of life or property
 23 resulting from any natural or manmade cause;

24 (4) ~~(3)~~ Emergency means any event or the imminent threat thereof
 25 causing serious damage, injury, or loss of life or property resulting
 26 from any natural or manmade cause which, in the determination of the
 1 Governor or the principal executive officer of a local government,
 2 requires immediate action to accomplish the purposes of the Emergency
 3 Management Act and to effectively respond to the event or threat of the
 4 event;

5 (5) ~~(4)~~ Emergency management means the preparation for and the
 6 carrying out of all emergency functions, other than functions for which
 7 military forces are primarily responsible, to mitigate, prevent,
 8 minimize, respond to, and recover from injury and damage resulting from
 9 disasters, emergencies, or civil defense emergencies. Emergency
 10 management functions include, but need not be limited to, firefighting
 11 services, police services, medical and health services, search and rescue
 12 services, engineering services, communications and warning systems,
 13 radiological preparedness, hazardous materials response, evacuation of
 14 persons from stricken areas, emergency welfare services, emergency
 15 transportation services, restoration of public utility services, and
 16 other functions related to civilian protection, together with all other
 17 activities necessary or incidental to the preparation for and carrying
 18 out of the functions listed in this subdivision;

19 (6) ~~(5)~~ Emergency management worker includes any full-time or part-
 20 time paid, volunteer, or auxiliary employee of this state or other
 21 states, territories, or possessions of the federal government or any
 22 neighboring country or of any political subdivision thereof, of the
 23 District of Columbia, or of any agency or organization performing
 24 emergency management services at any place in this state subject to the
 25 order or control of or pursuant to a request of the state government or
 26 any political subdivision thereof and also includes instructors and
 27 students in emergency management educational programs approved by the
 28 Nebraska Emergency Management Agency or otherwise under the provisions of
 29 the Emergency Management Act;

30 (7) ~~(6)~~ Functional needs means additional needs before, during, and
 31 after a disaster or an emergency in one or more functional areas,
 1 including, but not limited to, maintaining independence, communication,
 2 transportation, safety, support, and health care;

3 (8) ~~(7)~~ Hazard mitigation means measures which will eliminate or
 4 reduce the potential for damage to an area or facility from the effects
 5 of a future disaster, emergency, or civil defense emergency;

6 (9) ~~(8)~~ Local government means a county, village, or city of any
 7 class;

8 (10) ~~(9)~~ Political subdivision means a city, village, county, school
 9 district, public power district, natural resources district, and any
 10 other unit of government below the state level, including any entity
 11 created pursuant to the Interlocal Cooperation Act or the Joint Public
 12 Agency Act;

13 (11) ~~(10)~~ Principal executive officer means the mayor in a city of

14 any class or the elected chairperson of the governing body of a village
15 or county;

16 ~~(12) (40)~~ State emergency response team means an organization for
17 emergency management established in accordance with the provisions of
18 sections 81-829.52 to 81-829.54 by state authority to supplement city,
19 village, county, or interjurisdictional emergency management
20 organizations in a stricken area; and

21 ~~(13) (44)~~ Technological hazard means a hazard emanating from the
22 manufacture, transportation, and use of such substances as radioactive
23 materials, chemicals, explosives, flammables, agricultural pesticides,
24 herbicides, disease agents, oil spills, and debris from space.

25 Sec. 7. Section 81-829.41, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-829.41 (1) The Nebraska Emergency Management Agency shall be
28 maintained in the office of the Adjutant General. The Adjutant General
29 shall be the director of the agency, shall administer the Emergency
30 Management Act subject to the direction and control of the Governor, and
31 shall receive such compensation for these services as shall be determined
1 by the Governor. The agency shall have an assistant director and such
2 other professional, technical, secretarial, and clerical employees as are
3 necessary for the performance of its functions.

4 (2) The agency shall maintain an emergency operations plan and keep
5 it current. The plan may include, but need not be limited to:

6 (a) A history of Nebraska disasters, emergencies, and civil defense
7 emergencies;

8 (b) An analysis of past and potential disasters, emergencies, and
9 civil defense emergencies, including an identification of the functions
10 and resources required to cope with such occurrences. The expected
11 frequency of occurrence, along with the severity of effect, shall
12 indicate the priority of preparedness efforts of the emergency management
13 organizations of the state;

14 (c) Measures to be undertaken to accomplish damage assessment and
15 situation analysis, warning, direction and control, coordination of
16 operating forces, emergency resource management, emergency information
17 and official instructions, communications and other necessary support to
18 emergency response operations, and coordination and cooperation of
19 federal, state, local, and nongovernmental agencies so as to provide a
20 prompt and effective response to disasters, emergencies, and civil
21 defense emergencies to prevent and minimize the injury and damage;

22 (d) The provision of relief and recovery assistance to individuals,
23 political subdivisions of the state, and state agencies;

24 (e) Identification of areas of the state particularly vulnerable to
25 disaster, emergency, or civil defense emergency;

26 (f) Recommendations for preventive and preparedness measures
27 designed to eliminate or reduce disasters, emergencies, or civil defense
28 emergencies or their impact, including, but not limited to, zoning,
29 building, and other land-use control, and safety measures for securing
30 mobile homes or other nonpermanent or semipermanent structures;

31 (g) Authorization and procedures for the erection or other
1 construction of temporary works designed to protect against or mitigate
2 danger, damage, or loss from flood, conflagration, or other disaster,
3 emergency, or civil defense emergency;

4 (h) Assistance in designing city, village, county, and
5 interjurisdictional emergency operations plans;

6 (i) Preparation and distribution to the appropriate state and
7 political subdivision officials of catalogs of federal, state, and
8 private disaster assistance programs; and

9 (j) Other necessary matters.

10 (3) The Nebraska Emergency Management Agency shall take an integral
11 part in the development and revision of city, village, county, and

12 interjurisdictional emergency operations plans prepared under section
13 81-829.46. It shall employ or otherwise secure the services of
14 professional and technical personnel capable of providing expert
15 assistance to political subdivisions and to city, village, county, and
16 interjurisdictional emergency management organizations. Such personnel
17 shall consult with such political subdivisions and organizations on a
18 regularly scheduled basis and shall make field examinations of the areas,
19 circumstances, and conditions to which particular city, village, county,
20 and interjurisdictional emergency operations plans are intended to apply
21 and may suggest or require revisions.

22 (4) In preparing and revising the Nebraska emergency operations
23 plans, the agency shall seek the advice and assistance of other agencies
24 of government and the private sector, including organizations providing
25 advocacy or other services to persons with disabilities or who have
26 functional needs. In advising city, village, county, and
27 interjurisdictional emergency management organizations, the Nebraska
28 Emergency Management Agency shall encourage them to also seek advice from
29 these sources.

30 (5) The Nebraska emergency operations plans or any part thereof may
31 be incorporated in rules or regulations of the agency.

1 (6) The agency shall:

2 (a) Determine the requirements of the state and its political
3 subdivisions for basic necessities such as food, clothing, and shelter in
4 various disaster, emergency, or civil defense emergency situations;

5 (b) Procure and pre-position emergency supplies, materials, and
6 equipment;

7 (c) Adopt and promulgate rules and regulations setting out standards
8 and requirements for city, village, county, and interjurisdictional
9 emergency operations plans;

10 (d) Periodically review city, village, county, and
11 interjurisdictional emergency operations plans;

12 (e) Provide for state emergency response teams;

13 (f) Establish and operate or assist local governments, their
14 emergency management organizations, and interjurisdictional emergency
15 management organizations in establishing and operating training programs
16 and programs of public information;

17 (g) Make surveys of such industries, resources, and facilities, both
18 public and private, within the state as are necessary to carry out the
19 purposes of the Emergency Management Act;

20 (h) Plan and make arrangements for the availability and use of any
21 private facilities, services, and property and, if necessary and if in
22 fact used, provide for payment for use under terms and conditions agreed
23 upon;

24 (i) Establish a register of persons and organizations with training
25 and skills important in disaster prevention, mitigation, preparedness,
26 response, and recovery and emergency management;

27 (j) Establish a register of mobile and construction equipment and
28 temporary housing available for use in a disaster or emergency;

29 (k) Prepare for issuance by the Governor proclamations, orders,
30 rules, and regulations as are necessary or appropriate in coping with
31 disasters, emergencies, and civil defense emergencies;

1 (l) Cooperate with the federal government and any public or private
2 agency or entity in achieving any purpose of the act and in implementing
3 programs for disaster prevention, mitigation, preparedness, response, and
4 recovery and emergency management;

5 (m) Coordinate state emergency response as directed by the Governor;

6 (n) Cooperate with other emergency management agencies and public
7 agencies in the development of emergency management registries which
8 include persons with disabilities or who have functional needs and the
9 families and guardians of such persons for purposes of planning for

10 assistance for such persons and their families and guardians before,
11 during, and after a disaster or other emergency. Participation in an
12 emergency management registry by persons with functional needs and their
13 families shall be voluntary. Information obtained by emergency management
14 agencies or other public agencies for such purposes shall not be
15 considered a public record under section 84-712.01. All information
16 acquired pursuant to this subdivision is confidential and shall not be
17 disclosed or released except to other agencies which have a legitimate
18 and official interest in the information for carrying out the purposes of
19 this subdivision. Any person acquiring information pursuant to this
20 subdivision who intentionally discloses or releases such information in
21 violation of this subdivision is guilty of a Class III misdemeanor; and
22 (o) Do other things necessary, incidental, or appropriate for the
23 implementation of the act.
24 Sec. 8. Original sections 81-829.39 and 81-829.41, Reissue Revised
25 Statutes of Nebraska, are repealed.

Senator Aguilar filed the following amendment to [LB1012](#):

[AM2425](#)

(Amendments to Standing Committee amendments, AM2000)

1 1. On page 24, strike beginning with "For" in line 25 through the
2 period in line 29 and show as stricken.

Senator J. Cavanaugh filed the following amendment to [LB939](#):

[AM2433](#) is available in the Bill Room.

Senator J. Cavanaugh filed the following amendment to [LB939](#):

[AM2432](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1013. Senator Lathrop renewed his amendment, [FA80](#), found on page 786 and considered in this day's Journal, to the committee amendment.

SPEAKER HILGERS PRESIDING

Pending.

VISITOR(S)

Visitors to the Chamber were Alex and Mac Sissel, and Elum Schaefer from Fremont Middle School and Johnson Crossing, Fremont; fourth-grade students and their teachers from St. Wenceslaus, Wahoo; fourth- and fifth-grade students and their teachers from Guardian Angels Central, West Point; fifth-grade students and their teachers from Norfolk Middle School, Norfolk; and seventh- and twelfth-grade students and their teachers from Cambridge Public Schools, Cambridge.

The Doctor of the Day was Dr. Dale Michels of Walton.

ADJOURNMENT

At 3:16 p.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 2022.

Patrick J. O'Donnell
Clerk of the Legislature