FOURTEENTH DAY - JANUARY 23, 2024

LEGISLATIVE JOURNAL

ONE HUNDRED EIGHTH LEGISLATURE SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska Tuesday, January 23, 2024

PRAYER

The prayer was offered by Doug Keener, Gering Zion Church, Gering.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Moser.

ROLL CALL

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

The roll was called and all members were present except Senators Bosn, Bostelman, M. Cavanaugh, Conrad, Day, DeBoer, Hunt, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

- LB/LR Committee
- LB1137 Urban Affairs (rereference)

(Signed) Raymond Aguilar, Chairperson Executive Board

MESSAGE(S) FROM THE GOVERNOR

January 16, 2024

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

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

Contingent upon your approval, as per §72-1240, the Nebraska Investment Council has appointed the following individual as State Investment Officer for the Nebraska Investment Council:

Ellen Hung, 1509 Country Lake Drive, Champaign, IL 61821

Ms. Hung's appointment was approved by this office on October 20, 2023, and is respectfully submitted for your consideration. Copies of her background information are included for your review.

(Signed) Sincerely, Jim Pillen Governor

Enclosures cc: Gail Werner-Robertson

MOTION(S) - Withdraw LR275CA

Senator Blood offered MO1174, found on page 487, to withdraw LR275CA.

The Blood motion to withdraw the resolution prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 52A. Title read. Considered.

Senator Lippincott offered AM2137, found on page 489.

The Lippincott amendment was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 140A. Title read. Considered.

Senator Brandt offered AM2087, found on page 478.

The Brandt amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications Room 1113 1:30 PM

Tuesday, January 30, 2024 Greg Wolford - State Highway Commission David Copple - State Highway Commission James Kindig - State Highway Commission Richard W. Meginnis - State Highway Commission LB1200 LB1108 LB1249

(Signed) Mike Moser, Chairperson

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Committee AM270, found on page 594, First Session, 2023, was offered.

Senator M. Cavanaugh asked unanimous consent to withdraw the following motions:

<u>MO487</u>, found on page 946, First Session, 2023, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

MO488, found on page 946, First Session, 2023, to recommit to committee.

MO489, found on page 946, First Session, 2023, to bracket.

MO490, found on page 946, First Session, 2023, to indefinitely postpone.

MO491, found on page 946, First Session, 2023, to recommit to committee.

MO492, found on page 946, First Session, 2023, to bracket.

MO493, found on page 946, First Session, 2023, to recommit to committee.

No objections. So ordered.

The committee amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator J. Cavanaugh filed the following amendment to <u>LB308</u>: AM2140

1 1. On page 4, line 25, strike "valid legal process" and insert "a

2 court order".

3 2. On page 5, line 13, after the period insert "Within thirty days

4 after receipt of any civil penalty amount, the Attorney General shall

5 remit such amount to the State Treasurer to be distributed in accordance

6 with Article VII, section 5, of the Constitution of Nebraska.".

GENERAL FILE

LEGISLATIVE BILL 664. Title read. Considered.

Senator Conrad asked unanimous consent to withdraw the following motions:

MO764, found on page 968, First Session, 2023, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

MO765, found on page 969, First Session, 2023, to recommit to committee.

MO766, found on page 969, First Session, 2023, to bracket.

MO767, found on page 968, First Session, 2023, to indefinitely postpone.

MO768, found on page 969, First Session, 2023, to recommit to committee.

MO769, found on page 969, First Session, 2023 to bracket.

MO770, found on page 969, First Session, 2023, to recommit to committee.

No objections. So ordered.

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

LEGISLATIVE BILL 43. Title read. Considered.

Committee AM2076, found on page 328, was offered.

Senator J. Cavanaugh offered <u>AM2081</u>, found on page 342, to the committee amendment.

Pending.

CORRECTED COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 600. Corrected amendment. AM2145

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

- Section 1. Sections 1 to 8 of this act shall be known and may be
 4 cited as the Municipality Infrastructure Aid Act.
 5 Sec. 2. For purposes of the Municipality Infrastructure Aid Act:
- 6 (1) Eligible grantee means a city of the first class, city of the
- second class, or village with a redevelopment plan approved under the
- 8 Community Development Law;
- 9 (2) Infrastructure includes water systems, sewer systems, roads,
- 10 bridges, and other site development activities; and 11 (3) Program means the Municipality Infrastructure Aid Program
- 12 created in section 3 of this act.
- 13 Sec. 3. The Municipality Infrastructure Aid Program is created. The
- 14 Department of Economic Development shall administer the program. The
- 15 purpose of the program is to finance infrastructure improvements in
- 16 cities of the first class, cities of the second class, and villages.
 17 Sec. 4. (1) Beginning July 1, 2023, an eligible grantee may apply
 18 to the Department of Economic Development for a grant under the
- 19 Municipality Infrastructure Aid Act on forms created by the department.
- 20 (2) To be eligible for a grant under the Municipality Infrastructure
- 21 Aid Act, an eligible grantee shall include the following in its
- 22 application:
- 23 (a) The infrastructure improvements that are a part of a
- 24 redevelopment plan approved under the Community Development Law;
- 25 (b) How the infrastructure improvements would attract and support

- 26 any new business or business expansion; 27 (c) How the infrastructure improvements would provide infrastructure
- that is sufficient for the new business or business expansion;
- 2 (d) The cost-benefit analysis of the redevelopment plan approved
- under the Community Development Law; and
- 4 (e) How the new business or business expansion would provide the 5 following:
- 6 (i) The creation of additional jobs in or near the eligible grantee; 7 (ii) The creation of high-quality jobs in or near the eligible
- 8 grantee;
- 9 (iii) Increased business investment in or near the eligible grantee;
- 10 and
- 11 (iv) Revitalization of rural and other distressed areas of the
- 12 state.
- 13 (3) A grant shall not be awarded to an eligible grantee if: 14 (a) The eligible grantee does not provide a positive cost-benefit
- 15 analysis of the redevelopment plan approved under the Community
- 16 Development Law; or
- 17 (b) The eligible grantee does not provide matching funds in the
- 18 amount of at least twenty-five percent of the amount of the grant.
- 19 (4) An eligible grantee shall not be awarded a grant of more than
- 20 five million dollars for any single application.
- 21 Sec. 5. The Department of Economic Development shall:
- 22 (1) Create an application process for an eligible grantee to apply 23 for a grant under the Municipality Infrastructure Aid Act;
- 24 (2) Establish a process for awarding grants under the Municipality 25 Infrastructure Aid Act and how grant money will be provided to a grant
- 26 recipient; and
- 27 (3) Create a process for recoupment of grant money that is not spent
- 28 for the purpose of a grant or if the grant recipient does not meet all

- 29 required obligations regarding the grant. 30 Sec. 6. The Department of Economic Development may consult with
- 31 statewide associations representing municipal officials, economic

1 developers, the Department of Transportation, and the Department of 2 Environment and Energy in order to carry out the Municipality 3 Infrastructure Aid Act. 4 Sec. 7. <u>The Municipality Infrastructure Aid Fund is created. The</u> 5 fund shall be administered by the Department of Economic Development and 6 shall be used for the purposes of the Municipality Infrastructure Aid 7 Act. The Municipality Infrastructure Aid Fund shall consist of money 8 transferred by the Legislature and money that was recouped under the 9 Municipality Infrastructure Aid Act. Any money in the fund available for 10 investment shall be invested by the state investment officer pursuant to 11 the Nebraska Capital Expansion Act and the Nebraska State Funds 12 Investment Act. Investment earnings from investment of money in the fund 13 shall be credited to the fund. 14 Sec. 8. The Department of Economic Development may adopt and 15 promulgate rules and regulations to carry out the Municipality 16 Infrastructure Aid Act. 17 Sec. 9. Section 84-612, Revised Statutes Cumulative Supplement, 18 2022, is amended to read: 19 84-612 (1) There is hereby created within the state treasury a fund 20 known as the Cash Reserve Fund which shall be under the direction of the 21 State Treasurer. The fund shall only be used pursuant to this section. 22 (2) The State Treasurer shall transfer funds from the Cash Reserve 23 Fund to the General Fund upon certification by the Director of 24 Administrative Services that the current cash balance in the General Fund 25 is inadequate to meet current obligations. Such certification shall 26 include the dollar amount to be transferred. Any transfers made pursuant 27 to this subsection shall be reversed upon notification by the Director of 28 Administrative Services that sufficient funds are available. 29 (3) In addition to receiving transfers from other funds, the Cash 30 Reserve Fund shall receive federal funds received by the State of 31 Nebraska for undesignated general government purposes, federal revenue 1 sharing, or general fiscal relief of the state. 2 (4) The State Treasurer shall transfer fifty-four million seven 3 hundred thousand dollars on or after July 1, 2019, but before June 15, 4 2021, from the Cash Reserve Fund to the Nebraska Capital Construction 5 Fund on such dates and in such amounts as directed by the budget 6 administrator of the budget division of the Department of Administrative 7 Services 8 (5) The State Treasurer shall transfer two hundred fifteen million 9 five hundred eighty thousand dollars from the Cash Reserve Fund to the 10 Nebraska Capital Construction Fund on or after July 1, 2022, but before 11 June 15, 2023, on such dates and in such amounts as directed by the 12 budget administrator of the budget division of the Department of 13 Administrative Services. 14 (6) The State Treasurer shall transfer fifty-three million five 15 hundred thousand dollars from the Cash Reserve Fund to the Perkins County 16 Canal Project Fund on or before June 30, 2023, on such dates and in such 17 amounts as directed by the budget administrator of the budget division of 18 the Department of Administrative Services. 19 (7) No funds shall be transferred from the Cash Reserve Fund to 20 fulfill the obligations created under the Nebraska Property Tax Incentive 21 Act unless the balance in the Cash Reserve Fund after such transfer will 22 be at least equal to five hundred million dollars. 23 (8) The State Treasurer shall transfer thirty million dollars from 24 the Cash Reserve Fund to the Military Base Development and Support Fund 25 on or before June 30, 2023, but not before July 1, 2022, on such dates 26 and in such amounts as directed by the budget administrator of the budget 27 division of the Department of Administrative Services. 28 (9) The State Treasurer shall transfer eight million three hundred 29 thousand dollars from the Cash Reserve Fund to the Trail Development and 30 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on 31 such dates and in such amounts as directed by the budget administrator of 1 the budget division of the Department of Administrative Services. 2 (10) The State Treasurer shall transfer fifty million dollars from

3 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after 4 July 1, 2022, but before July 15, 2023, on such dates and in such amounts 5 as directed by the budget administrator of the budget division of the 6 Department of Administrative Services.
 7 (11) The State Treasurer shall transfer thirty million dollars from 8 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on 9 or after July 1, 2022, but before July 15, 2023, on such dates and in 10 such amounts as directed by the budget administrator of the budget 11 division of the Department of Administrator Surgi 11 division of the Department of Administrative Services. 12 (12) The State Treasurer shall transfer twenty million dollars from 13 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July 14 1, 2022, but before June 15, 2023, on such dates and in such amounts as 15 directed by the budget administrator of the budget division of the 16 Department of Administrative Services. 17 (13) The State Treasurer shall transfer twenty million dollars from 18 the Cash Reserve Fund to the Middle Income Workforce Housing Investment 19 Fund on July 15, 2022, or as soon thereafter as administratively 20 possible, and in such amounts as directed by the budget administrator of 21 the budget division of the Department of Administrative Services. 22 (14) The State Treasurer shall transfer eighty million dollars from 23 the Cash Reserve Fund to the Jobs and Economic Development Initiative 24 Fund on or after July 1, 2022, but before July 15, 2023, on such dates 25 and in such amounts as directed by the budget administrator of the budget 26 division of the Department of Administrative Services. 27 (15) The State Treasurer shall transfer twenty million dollars from 28 the Cash Reserve Fund to the Site and Building Development Fund on July 29 15, 2022, or as soon thereafter as administratively possible, and in such 30 amounts as directed by the budget administrator of the budget division of 31 the Department of Administrative Services. 1 (16) The State Treasurer shall transfer fifty million dollars from 2 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund 3 on or after July 15, 2022, but before January 1, 2023, on such dates and 4 in such amounts as directed by the budget administrator of the budget 5 division of the Department of Administrative Services. 6 (17) The State Treasurer shall transfer fifteen million dollars from 7 the Cash Reserve Fund to the Site and Building Development Fund on or 8 before June 30, 2022, on such dates and in such amounts as directed by 9 the budget administrator of the budget division of the Department of 10 Administrative Services. 11 (18) The State Treasurer shall transfer fifty-five million dollars 12 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on 13 or before June 30, 2022, on such dates and in such amounts as directed by 14 the budget administrator of the budget division of the Department of 15 Administrative Services. 16 (19) The State Treasurer shall transfer ten million dollars from the 17 Cash Reserve Fund to the Municipality Infrastructure Aid Fund as soon as 18 administratively possible after the effective date of this act, on such 19 dates and in such amounts as directed by the budget administrator of the 20 budget division of the Department of Administrative Services. 21 Sec. 10. Original section 84-612, Revised Statutes Cumulative 22 Supplement, 2022, is repealed.

23 Sec. 11. Since an emergency exists, this act takes effect when

24 passed and approved according to law.

(Signed) Mike Moser, Chairperson

NOTICE OF COMMITTEE HEARING(S) Government, Military and Veterans Affairs

Room 1507 1:30 PM

Wednesday, January 31, 2024

LB861 LB1070 LB1068 Note: LB 1068 will be a combined hearing with LB 1152 LB1152 Note: LB 1152 will be a combined hearing with LB 1068

Room 1507 1:30 PM

Thursday, February 1, 2024 LB925 LB1169 LB887

Room 1507 1:30 PM

Friday, February 2, 2024 LB1018 LB1174 LB1082 LB1162

(Signed) Tom Brewer, Chairperson

Appropriations Room 1003 1:30 PM

Wednesday, January 31, 2024 Agency 11 - Attorney General Agency 14 - Public Service Commission Agency 41 - State Real Estate Commission Agency 54 - Historical Society, Nebraska State Agency 58 - Board of Engineers and Architects LB1077 LB1226

Room 1003 1:30 PM

Thursday, February 1, 2024

Agency 16 - Revenue, Department of

Agency 82 - Commission for the Deaf and Hard of Hearing

Agency 83 - Community College Aid

Agency 85 - Public Employees Retirement Board, Nebraska LB930

LB1242

Room 1003 1:30 PM

Friday, February 2, 2024

499

Agency 18 - Agriculture, Department of LB1179 LB1131 LB1234 LB1245

(Signed) Robert Clements, Chairperson

Health and Human Services Room 1510 1:30 PM

Wednesday, January 31, 2024 LB1035 LB1060 LB1171 LB1196 LB1215

Room 1510 1:30 PM

Thursday, February 1, 2024 LB905 LB910 LB952 LB1172 LB1214

Room 1510 1:30 PM

Friday, February 2, 2024 LB913 LB1003 LB1087 LB1187

(Signed) Ben Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB834: <u>AM2</u>141

1 1. Strike the original sections and insert the following new

2 sections:

- 3 Section 1. Section 38-129.01, Revised Statutes Cumulative 4 Supplement, 2022, is amended to read:
- 5 38-129.01 (1) The department, with the recommendation of the

6 appropriate board, shall issue a temporary credential to a military

7 spouse who complies with and meets the requirements of this section 8 pending issuance of the applicable credential under the Uniform

9 Credentialing Act. This section shall not apply to a license to practice

10 dentistry, including a resident temporary license under section 38-1123.

11 (2) A military spouse shall submit the following with his or her

12 application for the applicable credential:

13 (a) A copy of his or her military dependent identification card

14 which identifies him or her as the spouse of an active duty member of the 15 United States Armed Forces:

16 (b) A copy of his or her spouse's military orders reflecting an

17 active-duty assignment in Nebraska;

18 (c) A copy of his or her credential from another jurisdiction and 19 the applicable statutes, rules, and regulations governing the credential; 20 and

21 (d) A copy of his or her fingerprints for a criminal background

22 check if required under section 38-131.

23 (3) If the department, with the recommendation of the appropriate

24 board, determines that the applicant is the spouse of an active duty

25 member of the United States Armed Forces who is assigned to a duty

26 station in Nebraska, holds a valid credential in another jurisdiction

27 which has similar standards for the profession to the Uniform

1 Credentialing Act and the rules and regulations adopted and promulgated 2 under the act, and has submitted fingerprints for a criminal background

3 check if required under section 38-131, the department shall issue a

4 temporary credential to the applicant. The applicant shall not be

5 required to pay any fees pursuant to the Uniform Credentialing Act for 6 the temporary credential or the initial regular credential except the 7 actual cost of the fingerprinting and criminal background check for an 8 initial license under section 38-131.

9 (4) A temporary credential issued under this section shall be valid 10 until the application for the regular credential is approved or rejected, 11 not to exceed one year.

11 not to exceed one year. 12 Sec. 2. Section 38-1123, Reissue Revised Statutes of Nebraska, is 13 amended to read:

14 38-1123 (1) The department, with the recommendation of the board,

15 shall issue a resident temporary license to any person who (a)(i)

16 presents proof of graduation with a doctorate degree in dental surgery or 17 dental medicine from an accredited school or college of dentistry (a) has 18 met the requirements for a license to practice dentistry as set forth in 19 section 38-1117, (ii) (b) is enrolled in an accredited school or college 20 of dentistry for the purpose of completing a postgraduate or residency 21 program in dentistry, (iii) passes an examination approved by the board, 22 which shall consist of the National Board Dental Examination, Parts I and 23 II, or the Integrated National Board Dental Examination, as constructed 24 and administered by the American Dental Association Joint Commission on 25 National Dental Examinations, (iv) passes the practical examination 26 administered by the Central Regional Dental Testing Service, ADEX, or any 27 other regional or state practical examination approved by the board, and 28 (v) passes a jurisprudence examination based on Nebraska law and 29 administrative rules and regulations governing the practice of dentistry 30 and dental hygiene, or (b)(i) and (c) is licensed in another jurisdiction 31 under conditions which the board finds equivalent to the requirements of 1 the State of Nebraska for obtaining a license to practice dentistry and 2 (ii) passes a jurisprudence examination based on Nebraska law and 3 administrative rules and regulations governing the practice of dentistry 4 and dental hygiene.

5 (2) An accredited school or college of dentistry shall provide input

6 to the board annually for purposes of approving regional or state

7 practical examinations.

8 (3) (2) Any person who desires a resident temporary license shall

9 make application to the department. Such application shall be accompanied 10 by the required fee.

11 (4) (3) The resident temporary license shall be issued for a period

12 of one year and, upon application to the department, renewed annually

13 without the licensee having to pay a renewal fee.

- 14 (5) (4) The resident temporary licensee shall be entitled to
- 15 practice dentistry, including prescribing legend drugs and controlled 16 substances, only under the auspices of the postgraduate or residency
- 17 program in which he or she is enrolled.
- 18 (6) An applicant who is licensed pursuant to this section and has
- 19 completed a postgraduate or residency program in dentistry at an
- 20 accredited school or college of dentistry shall have demonstrated the
- 21 applicant's skill in clinical dentistry for purposes of section 38-1117.
- 22 Sec. 3. Original section 38-1123, Reissue Revised Statutes of
- 23 Nebraska, and section 38-129.01, Revised Statutes Cumulative Supplement,
- 24 2022, are repealed.

GENERAL FILE

LEGISLATIVE BILL 43. Committee AM2076, found on page 328 and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed AM2081, found on page 342 and considered in this day's Journal, to the committee amendment.

The J. Cavanaugh amendment, to the committee amendment, was withdrawn.

The committee amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 600. Title read. Considered.

Committee AM1390, found on page 1443, First Session, 2023, was not considered.

Committee AM2145, found in this day's Journal, was offered.

Senator Moser offered the following amendment to the committee amendment: AM2149

(Amendments to Standing Committee amendments, AM2145) 1 1. On page 1, line 17, strike "2023" and insert "2024".

The Moser amendment, to the committee amendment, was adopted with 40 aves, 0 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

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

NOTICE OF COMMITTEE HEARING(S)

Education Room 1525 1:30 PM

Tuesday, January 30, 2024 LB878 LB1259 LB1263 LB1386 LB1306 LB1081 LB1230 LB1329 LB1328 LB1331 LB1005 LB1160

(Signed) Dave Murman, Chairperson

Executive Board Room 2102 12:00 PM

Wednesday, January 31, 2024 LB1286 LB1104

Room 2102 12:00 PM

Thursday, February 1, 2024 LB1240 LB1020

(Signed) Raymond Aguilar, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brandt filed the following amendment to <u>LB140</u>: <u>FA206</u> On page 14, line 22, strike "January 1, 2024" and insert "January 1, 2025."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB16. Senator Fredrickson name added to LB16.

LB1377

503

Senator Vargas name added to LB600. Senator Conrad name added to LB864. Senator Moser name added to LB1035. Senator Hunt name added to LB1050. Senator Blood name added to LB1050.

VISITOR(S)

Visitor to the Chamber was Blake Holamp, Randolph.

ADJOURNMENT

At 11:35 a.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 2024.

Brandon Metzler Clerk of the Legislature