

TWENTY-SIXTH DAY - FEBRUARY 15, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 15, 2022

PRAYER

The prayer was offered by Reverend Becky Whitehead, Unity of Omaha, Omaha.

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., Senator Williams presiding.

The roll was called and all members were present except Senators Bostar, Bostelman, Briese, M. Cavanaugh, Day, Flood, Lathrop, Linehan, Morfeld, Pansing Brooks, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 717. Placed on General File.

LEGISLATIVE BILL 1137. Placed on General File.

LEGISLATIVE BILL 512. Placed on General File with amendment.

[AM1620](#)

1 1. Strike original section 6.

2 2. On page 2, strike lines 7 through 11 and insert the following new
3 subdivision:

4 "(2) Critical infrastructure utility worker means an essential

5 critical infrastructure worker identified in the Guidance on the

6 Essential Critical Infrastructure Workforce, Version 4.0, as released on

7 August 18, 2020, by the United States Department of Homeland Security
8 Cybersecurity and Infrastructure Security Agency:"
9 3. On page 3, line 16, after the semicolon insert "and"; strike
10 lines 17 through 19; in line 20 strike "(3)" and insert "(2)", and in
11 line 22 after "workers" insert "in accordance with federal law and
12 regulations regarding eligibility".

LEGISLATIVE BILL 780. Placed on General File with amendment.

[AM1645](#)

1 1. On page 3, line 14, strike "county superintendent" and insert
2 "superintendent of the school district in which the child resides".

(Signed) Ben Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525 1:30 PM

Wednesday, February 23, 2022

Paul E. Strommen - Nebraska Oil and Gas Conservation Commission

Dallen R. Juelfs - Nebraska Oil and Gas Conservation Commission

(Signed) Bruce Bostelman, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Blood - LR263CA

SELECT FILE

LEGISLATIVE BILL 906. Senator Groene offered his amendment, [FA72](#),
found on page 563.

SENATOR HUGHES PRESIDING

Senator M. Hansen offered the following motion:

[MO144](#)

Recommit to Health and Human Services Committee.

Senator Blood offered the following motion:

[MO145](#)

Bracket until April 20, 2022.

SPEAKER HILGERS PRESIDING

Senator Blood withdrew her motion to bracket.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

DeBoer - LB1241

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 23, 2022

Ann Ashford - Nebraska Accountability and Disclosure Commission
LB793
LB794

Thursday, February 24, 2022

LB965
LB1077

Friday, February 25, 2022

LB1134
LB1139

Wednesday, March 2, 2022

LB1181
LB1123
LB1121

(Signed) Tom Brewer, Chairperson

Education
Room 1525 1:30 PM

Tuesday, February 22, 2022

AM1889 to LB838
LB1027
LB852
LB1211
LB1212

(Signed) Lynne Walz, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 767A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, One Hundred Seventh Legislature, Second Session, 2022.

LEGISLATIVE BILL 776A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 776, One Hundred Seventh Legislature, Second Session, 2022.

SELECT FILE

LEGISLATIVE BILL 906. Senator Groene renewed his amendment, [FA72](#), found on page 563 and considered in this day's Journal.

Senator M. Hansen renewed his motion, [MO144](#), found in this day's Journal, to recommit to Health and Human Services Committee.

Senator M. Hansen withdrew his motion to recommit to committee.

Senator Erdman moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

The Groene amendment lost with 18 ayes, 20 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Friesen offered his amendment, [AM1902](#), found on page 563.

Senator Friesen withdrew his amendment.

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Appropriations - LB1014
Stinner - LB1068

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1099. Placed on General File with amendment. [AM1895](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. (1) The Department of Economic Development shall create
- 4 the Nebraska Hydrogen Hub Industry Work Group. The Governor shall appoint

5 members to the work group that include, but are not limited to,
6 representatives from the following sectors: (a) Manufacturing or
7 industry, (b) agriculture, (c) transportation, and (d) energy. The work
8 group may include a representative of a clean hydrogen manufacturer.
9 (2) The purpose of the work group is to develop and draft a
10 competitive proposal which may be submitted to the United States
11 Department of Energy to be selected as one of the four regional clean
12 hydrogen hubs authorized under the federal Infrastructure Investment and
13 Jobs Act, Public Law 117-58.
14 (3) The Department of Economic Development may contract with private
15 consultants to create the competitive proposal. Specifically, the work
16 group shall determine how to maximize the state's geographic location to
17 connect a nationwide hydrogen network. Additionally, the work group shall
18 build a plan to make the case for an agricultural-based clean hydrogen
19 hub, expanding the existing eligible purposes.
20 Sec. 2. Since an emergency exists, this act takes effect when
21 passed and approved according to law.

(Signed) Bruce Bostelman, Chairperson

Education

LEGISLATIVE BILL 887. Placed on General File.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dennis A. Headrick - Coordinating Commission for Postsecondary Education

Aye: 7. Day, Linehan, Morfeld, Murman, Pansing Brooks, Sanders, Walz.
Nay: 0. Absent: 0. Present and not voting: 1. McKinney.

(Signed) Lynne Walz, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525 1:30 PM

Monday, February 28, 2022

LB1034
LB1251
LB1179
LB912

Tuesday, March 1, 2022

LB1078
LB711
LB1157
LR278CA
LB1143

(Signed) Lynne Walz, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to LB906:

[AM1923](#)

(Amendments to E&R amendments, ER102)

1 1. On page 1, line 10, strike "one" and insert "fifteen".

Senator Hunt filed the following amendment to LB906:

[AM1925](#)

(Amendments to E & R amendments, ER102)

1 1. On page 2, line 29, strike "may" and insert "shall".

Senator Hunt filed the following amendment to LB906:

[AM1927](#)

(Amendments to E&R amendments, ER102)

1 1. On page 2, line 22, strike "(3)" and insert "(3)(a)"; in line 26
 2 strike "(a)" and insert "(i)"; in line 27 strike "(b)" and insert "(ii)";
 3 and after line 28 insert the following new subdivision:
 4 "(b) If such exemption is granted, the employer shall provide hazard
 5 pay in addition to regular wages to all employees who are in compliance
 6 with the requirement to be vaccinated against COVID-19 in compensation
 7 for the health risk of forced exposure to the unvaccinated individual."

Senator Hunt filed the following amendment to LB906:

[AM1926](#)

(Amendments to E&R amendments, ER102)

1 1. On page 2, line 22, after the comma insert "and except as
 2 provided in subsection (6) of this section."
 3 2. On page 3, after line 8 insert the following new subsection:
 4 "(6) An employer is not required to grant an exemption under
 5 subsection (3) of this section if it would pose an undue hardship upon
 6 the employer."

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 691. Placed on General File.

LEGISLATIVE BILL 742. Placed on General File.

LEGISLATIVE BILL 765. Placed on General File.

LEGISLATIVE BILL 787. Placed on General File.

LEGISLATIVE BILL 983. Placed on General File.

LEGISLATIVE BILL 1122. Placed on General File.

LEGISLATIVE BILL 1178. Placed on General File.

LEGISLATIVE BILL 1037. Placed on General File with amendment.

[AM1887](#)

1 1. Insert the following new sections:
 2 Sec. 2. Section 81-153, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 81-153 The materiel division shall have the power and duty to:

5 (1) Purchase or contract for, in the name of the state, the personal
6 property required by the using agencies and the state;
7 (2) Promulgate, apply, and enforce standard specifications
8 established as provided in section 81-154;
9 (3) Sell and dispose of personal property that is not needed by the
10 state or its using agencies as provided in section 81-161.04 or initiate
11 trade-ins when determined to be in the best interest of the state;
12 (4) Determine the utility, quality, fitness, and suitability of all
13 personal property tendered or furnished;
14 (5) Make rules and regulations consistent with sections 81-145 to
15 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions
16 thereof. Such rules and regulations shall include provisions for
17 modifying and terminating purchase contracts and the cost principles to
18 be used in such modification or termination;
19 (6) Employ such clerical, technical, and other assistants as may be
20 necessary to properly administer such sections, fix their compensation,
21 and prescribe their duties in connection therewith, subject to existing
22 laws and appropriations;
23 (7) Allow the purchase of personal property without competitive
24 bidding when the price has been established by the federal General
25 Services Administration or to allow the purchase of personal property by
26 participation in a contract competitively bid by another state or group
27 of states, a group of states and any political subdivision of any other
1 state, or a cooperative purchasing organization on behalf of a group of
2 states. The division may also give consideration to a sheltered workshop
3 pursuant to section 48-1503 in making such purchases;
4 (8) Enter into any personal property lease agreement when it appears
5 to be in the best interest of the state; ~~and~~
6 (9) Negotiate purchases and contracts when conditions exist to
7 defeat the purpose and principles of public competitive bidding; ~~and~~ -
8 (10) Obtain an electronic procurement system, which shall be funded
9 or paid for by providing the system provider with, as determined by the
10 materiel administrator, a percentage or portion of identified
11 transactions. Such percentage or portion may be collected by the system
12 provider from contractors and bidders.
13 Sec. 3. Section 81-1120, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 81-1120 (1) There is hereby created the Materiel Division Revolving
16 Fund. The fund shall be administered by the materiel division of the
17 Department of Administrative Services. The fund shall consist of (a) fees
18 paid for printing, copying, central supply, and mailing services provided
19 to state agencies and local subdivisions by the division, ~~and~~ (b)
20 assessments charged by the materiel administrator to state agencies,
21 boards, and commissions for purchasing services provided by the division,
22 ~~and~~ (c) any money collected pursuant to subdivision (10) of section
23 81-153. Such assessments shall be adequate to cover actual and necessary
24 expenses that are associated with providing the service and not otherwise
25 covered by the money collected pursuant to subdivision (10) of section
26 81-153. The fund shall be used to pay for expenses incurred by the
27 division to provide such services.
28 (2) State agencies, boards, and commissions shall make the materiel
29 division assessment payments to the fund no later than August 1 of each
30 year, or in four equal payments to be made no later than August 1,
31 October 1, February 1, and April 1 of each year, at the discretion of the
1 materiel administrator.
2 (3) Any money in the fund available for investment shall be invested
3 by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.
5 Sec. 4. Sections 2, 3, and 5 of this act become operative three
6 calendar months after the adjournment of this legislative session. The

7 other sections of this act become operative on their effective date.
8 Sec. 5. Original sections 81-153 and 81-1120, Reissue Revised
9 Statutes of Nebraska, are repealed.
10 2. Renumber the remaining section accordingly.

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENT(S)

Senator Bostelman announced the Natural Resources Committee will hold an executive session Wednesday, February 16, 2022, following the hearing in Room 1525.

Senator B. Hansen announced the Business and Labor Committee will hold an executive session Thursday, February 17, 2022, at 12:00 p.m., in Room 1524.

VISITOR(S)

Visitors to the Chamber were a group of high school students from Blair; and a group from the League of Women Voters of Nebraska.

The Doctor of the Day was Dr. Brett Copley of Syracuse.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 2022.

Patrick J. O'Donnell
Clerk of the Legislature