

THIRTIETH DAY - FEBRUARY 23, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 23, 2022

PRAYER

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Wayne.

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 Wishart who was excused; and Senators Bostar, Bostelman, M. Cavanaugh, Day, Hilkemann, McCollister, Morfeld, Pansing Brooks, Slama, Stinner, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

GENERAL FILE

LEGISLATIVE BILL 939. Committee [AM1780](#), found on page 506 and considered on page 582, was renewed.

The M. Hansen amendment, [AM1869](#), found on page 537 and considered on page 603, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 700. Placed on Final Reading.

LEGISLATIVE BILL 906. Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 806. Placed on General File with amendment.

[AM1979](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 31-201, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 31-201 (1) A landowner ~~Owners of land~~ may drain such landowner's
6 ~~land the same~~ in the general course of natural drainage by constructing
7 an open ditch or tile drain system wholly on the landowner's land to
8 ~~discharge, discharging~~ the water therefrom into any natural watercourse
9 or into any natural depression or draw; whereby such water may be carried
10 into some natural watercourse; ~~and when such drain or ditch is wholly on~~
11 ~~the owner's land, he shall not be liable in damages therefor to any~~
12 ~~person or corporation.~~
13 (2) A landowner shall not drain such landowner's land using any type
14 of pump or powered system if such drainage system would cause injury or
15 harm to any other person.
16 Sec. 2. Original section 31-201, Reissue Revised Statutes of
17 Nebraska, is repealed.

LEGISLATIVE BILL 981. Placed on General File with amendment.

[AM1993](#)

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. There is hereby appropriated (1) \$750,000 from the
4 General Fund for FY2022-23 and (2) \$750,000 from the General Fund for
5 FY2023-24 to the Game and Parks Commission, for Program 550.
6 There is included in the appropriation to this program for FY2022-23
7 \$750,000 for ongoing maintenance of the Cowboy Trail, which shall only be
8 used for such purpose. There is included in the appropriation to this
9 program for FY2023-24 \$750,000 for ongoing maintenance of the Cowboy
10 Trail, which shall only be used for such purpose.
11 Total expenditures for permanent and temporary salaries and per
12 diems from funds appropriated in this section shall not exceed \$91,140
13 for FY2022-23 or \$91,140 for FY2023-24.

LEGISLATIVE BILL 1102. Placed on General File with amendment.

[AM1893](#)

1 1. On page 2, line 7, after "release" insert "in conformance with
2 applicable federal and state environmental standards and substantive
3 requirements"; and in line 22 after "to" insert "plant or animal life,"
4 and after "property" insert an underscored comma.
5 2. On page 3, line 9, after the period insert "On or before June 30,
6 2023, the State Treasurer shall transfer three hundred thousand dollars
7 from the General Fund to the Nebraska Environmental Response Cash Fund on
8 such date as directed by the budget administrator of the budget division
9 of the Department of Administrative Services."; and in line 27 strike
10 "assess" and insert "pay" and after "costs" insert "assessed".
11 3. On page 5, lines 12 and 17, strike "party" and insert "person";

12 and in line 15 strike "unless waived by the director" and insert "of such
13 section".

(Signed) Bruce Bostelman, Chairperson

General Affairs

LEGISLATIVE BILL 1236. Placed on General File with amendment.
[AM1986](#) is available in the Bill Room.

(Signed) Tom Briese, Chairperson

Urban Affairs

LEGISLATIVE BILL 727. Placed on General File.

(Signed) Justin Wayne, Chairperson

Revenue

LEGISLATIVE BILL 165. Placed on General File with amendment.

[AM2003](#)

- 1 1. Strike original section 6 and insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. On page 3, lines 9 and 12, strike "twenty", show as stricken, and
- 5 insert "fifty".
- 6 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 853. Placed on General File with amendment.

[AM1601](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-3506, Revised Statutes Cumulative Supplement,
- 4 2020, is amended to read:
- 5 77-3506 (1) All homesteads in this state shall be assessed for
- 6 taxation the same as other property, except that:
- 7 (a) ~~There there~~ shall be exempt from taxation, on any homestead
- 8 described in subdivision (2)(a), (b), (c), or (d) subsection (2) of this
- 9 section, one hundred percent of the exempt amount; and -
- 10 (b) There shall be exempt from taxation, on any homestead described
- 11 in subdivision (2)(e) of this section, an amount equal to the exempt
- 12 amount multiplied by the applicable percentage from subsection (3) of
- 13 this section. Such percentage shall be based on the disability percentage
- 14 of the veteran.
- 15 (2) The exemption described in subsection (1) of this section shall
- 16 apply to homesteads of:
- 17 (a) A veteran who was discharged or otherwise separated with a
- 18 characterization of honorable or general (under honorable conditions),
- 19 who is drawing compensation from the United States Department of Veterans
- 20 Affairs because of a one hundred percent service-connected disability,
- 21 and who is not eligible for total exemption under sections 77-3526 to
- 22 77-3528, an unremarried surviving spouse of such a veteran, or a
- 23 surviving spouse of such a veteran who remarries after attaining the age
- 24 of fifty-seven years;

25 (b) An unremarried surviving spouse of any veteran, including a
 26 veteran other than a veteran described in section 80-401.01, who was
 27 discharged or otherwise separated with a characterization of honorable or
 1 general (under honorable conditions) and who died because of a service-
 2 connected disability or a surviving spouse of such a veteran who
 3 remarries after attaining the age of fifty-seven years;
 4 (c) An unremarried surviving spouse of a serviceman or servicewoman,
 5 including a veteran other than a veteran described in section 80-401.01,
 6 whose death while on active duty was service-connected or a surviving
 7 spouse of such a serviceman or servicewoman who remarries after attaining
 8 the age of fifty-seven years; ~~and~~
 9 (d) An unremarried surviving spouse of a serviceman or servicewoman
 10 who died while on active duty during the periods described in section
 11 80-401.01 or a surviving spouse of such a serviceman or servicewoman who
 12 remarries after attaining the age of fifty-seven years; ~~and~~ -
 13 (e) Beginning January 1, 2023, a veteran who was discharged or
 14 otherwise separated with a characterization of honorable or general
 15 (under honorable conditions), who is drawing compensation from the United
 16 States Department of Veterans Affairs because the veteran is at least
 17 fifty percent disabled but less than one hundred percent disabled due to
 18 a service-connected disability, and who is not eligible for total
 19 exemption under sections 77-3526 to 77-3528, an unremarried surviving
 20 spouse of such a veteran, or a surviving spouse of such a veteran who
 21 remarries after attaining the age of fifty-seven years.
 22 (3) For a claimant described in subdivision (2)(e) of this section,
 23 the exempt amount shall be multiplied by the percentage in Column B which
 24 corresponds with the veteran's disability percentage in Column A in the
 25 table found in this subsection.

26	Column A	Column B
27	Disability Percentage	Percentage To Apply To
28	Of Veteran	Exempt Amount
29	At least 90% but less than 100% disabled	90
30	At least 80% but less than 90% disabled	80
1	At least 70% but less than 80% disabled	70
2	At least 60% but less than 70% disabled	60
3	At least 50% but less than 60% disabled	50

4 (4) (3) Application for exemption under this section shall include
 5 certification of the status set forth in subsection (2) of this section
 6 from the United States Department of Veterans Affairs. Such certification
 7 shall not be required in succeeding years if no change in status has
 8 occurred, except that the county assessor or the Tax Commissioner may
 9 request such certification to verify that no change in status has
 10 occurred.

11 Sec. 2. Original section 77-3506, Revised Statutes Cumulative
 12 Supplement, 2020, is repealed.

LEGISLATIVE BILL 1273. Placed on General File with amendment.
[AM2005](#)

1 1. Insert the following new section:
 2 Sec. 2. Section 85-2603, Revised Statutes Cumulative Supplement,
 3 2020, is amended to read:
 4 85-2603 (1) A law enforcement officer shall be entitled to a waiver
 5 of one hundred ~~thirty~~ percent of the resident tuition charges of any
 6 state university, state college, or community college if the officer:
 7 (a) Maintains satisfactory performance with his or her law
 8 enforcement agency;
 9 (b) Meets all admission requirements of the state university, state
 10 college, or community college; and
 11 (c) Pursues studies leading to a degree that relates to a career in
 12 law enforcement from an associate degree program or a baccalaureate

13 degree program.

14 The officer may receive the tuition waiver for up to five years if
15 he or she otherwise continues to be eligible for participation.

16 (2) The state university, state college, or community college shall
17 waive one hundred thirty percent of the officer's tuition remaining due
18 after subtracting awarded federal financial aid grants and state
19 scholarships and grants for an eligible law enforcement officer during
20 the time the officer is enrolled. To remain eligible, the officer must
21 comply with all requirements of the institution for continued attendance
22 and award of an associate degree or a baccalaureate degree.

23 (3) An application for the tuition waiver shall include a
24 verification of the law enforcement officer's satisfactory performance as
25 a law enforcement officer. It shall be the responsibility of the officer
26 to obtain a certificate of verification from his or her superior officer
27 in such officer's law enforcement agency attesting to such officer's
1 satisfactory performance. The officer shall include the certificate of
2 verification when applying to the state university, state college, or
3 community college in order to obtain tuition waiver upon initial
4 enrollment.

5 (4) Within forty-five days after receipt of a completed application,
6 the state university, state college, or community college shall send
7 written notice of the law enforcement officer's eligibility or
8 ineligibility for the tuition waiver. If the officer is determined not to
9 be eligible for the tuition waiver, the notice shall include the reason
10 or reasons for such determination and an indication that an appeal of the
11 determination may be made pursuant to the Administrative Procedure Act.
12 2. Renumber the remaining section and correct the repealer
13 accordingly.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB1024:
AM1989

(Amendments to Standing Committee amendments, AM1920)

1 1. On page 3, line 6, strike "two" and insert "three".

GENERAL FILE

LEGISLATIVE BILL 939. Committee AM1780, found on page 506 and
considered on page 582 and in this day's Journal, was renewed.

The M. Hansen amendment, AM1869, found on page 537 and considered on
page 603 and in this day's Journal, to the committee amendment, was
renewed.

SENATOR WILLIAMS PRESIDING

Senator M. Hansen moved for a call of the house. The motion prevailed
with 20 ayes, 7 nays, and 21 not voting.

Senator Linehan requested a roll call vote on the M. Hansen amendment.

Voting in the affirmative, 2:

Hansen, M. Hunt

Voting in the negative, 42:

Aguilar	Cavanaugh, M.	Gragert	Lowe	Slama
Albrecht	Clements	Halloran	McCollister	Stinner
Arch	Day	Hansen, B.	McDonnell	Vargas
Blood	DeBoer	Hilgers	McKinney	Walz
Bostelman	Dorn	Hilkemann	Moser	Wayne
Brandt	Erdman	Hughes	Murman	Williams
Brewer	Flood	Kolterman	Pahls	
Briese	Friesen	Lathrop	Pansing Brooks	
Cavanaugh, J.	Geist	Linehan	Sanders	

Present and not voting, 1:

Morfeld

Excused and not voting, 3:

Bostar Lindstrom Wishart

The M. Hansen amendment lost with 2 ayes, 42 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Hansen offered his amendment, [AM1868](#), found on page 537, to the committee amendment.

Pending.

UNANIMOUS CONSENT - Room Change

Senator Bostelman asked unanimous consent that the Natural Resources Committee conduct its hearing on Wednesday, February 23, 2022, in Room 1003 instead of Room 1525. No objections. So ordered.

MOTION - Suspend Rules

Speaker Hilgers offered the following motion:

Suspend Rule 3, Sec. 14, to permit cancellation of public hearings on the following bills: LB784 and LB1179 in less than seven days.

The Hilgers motion to suspend the rules prevailed with 34 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525 1:30 PM

Monday, February 28, 2022
LB1179 (cancel)

(Signed) Lynne Walz, Chairperson

Revenue
Room 1524 1:30 PM

Thursday, February 24, 2022
LB784 (cancel)

(Signed) Lou Ann Linehan, Chairperson

ANNOUNCEMENT(S)

Speaker priority bill/resolution designations are as follows:
LBs 344, 436, 596, 661, 698, 729, 769, 777, 804, 820, 840, 864, 887, 888,
896, 902, 998, 1016, 1065, 1102, 1112, 1130, 1246, 1273, and LR283CA.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510 1:30 PM

Thursday, March 3, 2022
Alysson Muotri - Stem Cell Research Advisory Committee
Roger D. Wells - Nebraska Rural Health Advisory Commission
Claire C. Bazata - Nebraska Child Abuse Prevention Fund Board
Rebecca A. Schroeder - Nebraska Rural Health Advisory Commission
Cherlyn Hunt - Nebraska Rural Health Advisory Commission
Jeffrey D. Harrison - Nebraska Rural Health Advisory Commission

(Signed) John Arch, Chairperson

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 805. Placed on General File with amendment.
[AM1976](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

Revenue

LEGISLATIVE BILL 1150. Placed on General File with amendment.
[AM2009](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB1216:
AM1949

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 30-2627, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 30-2627 (a) Except as provided in subsection (b) of this section,
6 any ~~Any~~ competent person or the Public Guardian may be appointed guardian
7 of a person alleged to be incapacitated, ~~except that~~
8 (b) Except as provided in subsection (c) of this section, it shall
9 be unlawful for any agency providing residential care in an institution
10 or community-based program, or any owner, part owner, manager,
11 administrator, employee, or spouse of an owner, part owner, manager,
12 administrator, or employee of any nursing home, room and board home,
13 assisted-living facility, or institution engaged in the care, treatment,
14 or housing of any person physically or mentally handicapped, infirm, or
15 aged to be appointed guardian of any such person residing, being under
16 care, receiving treatment, or being housed in any such home, facility, or
17 institution within the State of Nebraska.
18 (c)(1) Nothing in this subsection (b) of this section shall prevent:
19 (i) The ~~the~~ spouse, adult child, parent, or other relative of the
20 person alleged to be incapacitated from being appointed guardian; or
21 (ii) The ~~prevent the~~ guardian officer for one of the Nebraska
22 veterans homes as provided in section 80-327 from being appointed
23 guardian or conservator for the person alleged to be incapacitated.
24 (2)(i) Nothing in subsection (b) of this section shall prevent an
25 individual from being employed by, or an independent provider at, an
26 institution, program, home, or facility described in subsection (b) of
27 this section if such individual is:
28 (A) A guardian or if such individual has a power of attorney for a
29 person who is alleged to be incapacitated and who is residing, being
30 under care, receiving treatment, or being housed in such institution,
31 program, home, or facility; and
32 (B) The spouse, adult child, parent, or other relative of the
33 allegedly incapacitated person.
34 (ii) An employee or independent provider described in this
35 subdivision (c)(2) may be subject to increased monitoring and checks by
36 the Office of the Public Guardian.
37 (d) It shall be unlawful for any county attorney or deputy county
38 attorney appointed as guardian for a person alleged to be incapacitated
39 to circumvent his or her duties or the rights of the ward pursuant to the
40 Nebraska Mental Health Commitment Act by consenting to inpatient or
41 outpatient psychiatric treatment over the objection of the ward.
42 (e) (f) Persons who are not disqualified under subsection (b) (f) of
43 this section and who exhibit the ability to exercise the powers to be
44 assigned by the court have priority for appointment as guardian in the
45 following order:
46 (1) A person nominated most recently by one of the following
47 methods:
48 (i) A person nominated by the incapacitated person in a power of
49 attorney or a durable power of attorney;
50 (ii) A person acting under a power of attorney or durable power of
51 attorney; or
52 (iii) A person nominated by an attorney in fact who is given power
53 to nominate in a power of attorney or a durable power of attorney

27 executed by the incapacitated person;
 28 (2) The spouse of the incapacitated person;
 29 (3) An adult child of the incapacitated person;
 30 (4) A parent of the incapacitated person, including a person
 31 nominated by will or other writing signed by a deceased parent;
 1 (5) Any relative of the incapacitated person with whom he or she has
 2 resided for more than six months prior to the filing of the petition;
 3 (6) A person nominated by the person who is caring for him or her or
 4 paying benefits to him or her;
 5 (7) The Public Guardian.
 6 (f) ~~(e)~~ When appointing a guardian, the court shall take into
 7 consideration the expressed wishes of the allegedly incapacitated person.
 8 The court, acting in the best interest of the incapacitated person, may
 9 pass over a person having priority and appoint a person having lower
 10 priority or no priority. With respect to persons having equal priority,
 11 the court shall select the person it deems best qualified to serve.
 12 (g) ~~(d)~~ In its order of appointment, unless waived by the court, the
 13 court shall require any person appointed as guardian to successfully
 14 complete within three months of such appointment a training program
 15 approved by the Public Guardian. If the person appointed as guardian does
 16 not complete the training program, the court shall issue an order to show
 17 cause why such person should not be removed as guardian.
 18 (h) ~~(e)~~ The court may require a guardian to furnish a bond in an
 19 amount and conditioned in accordance with the provisions of sections
 20 30-2640 and 30-2641. The Public Guardian shall not be required to post
 21 bond.
 22 Sec. 2. Section 30-2639, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 30-2639 (a) Except as provided in subsection (b) of this section,
 25 the court may appoint an individual, a corporation with general power
 26 to serve as trustee, or the Public Guardian as conservator of the estate
 27 of a protected person, ~~except that~~
 28 (b) Except as provided in subsection (c) of this section, it shall
 29 be unlawful for any agency providing residential care in an institution
 30 or community-based program or any owner, part owner, manager,
 31 administrator, employee, or spouse of an owner, part owner, manager,
 1 administrator, or employee of any nursing home, room and board home,
 2 assisted-living facility, or institution engaged in the care, treatment,
 3 or housing of any person physically or mentally handicapped, infirm, or
 4 aged to be appointed conservator of any such person residing, being under
 5 care, receiving treatment, or being housed in any such home, facility, or
 6 institution within the State of Nebraska.
 7 (1) Nothing in subsection (b) of this section ~~subsection~~ shall
 8 prevent the spouse, adult child, parent, or other relative of the person
 9 in need of protection from being appointed conservator.
 10 (2)(i) Nothing in subsection (b) of this section shall prevent an
 11 individual from being employed by, or an independent provider at, an
 12 institution, program, home, or facility described in subsection (b) of
 13 this section if such individual is:
 14 (A) A conservator or such individual has a power of attorney for a
 15 person who is alleged to be incapacitated and who is residing, being
 16 under care, receiving treatment, or being housed in such institution,
 17 program, home, or facility; and
 18 (B) The spouse, adult child, parent, or other relative of the
 19 allegedly incapacitated person.
 20 (ii) An employee or independent provider described in this
 21 subdivision (c)(2) may be subject to increased monitoring and checks by
 22 the Office of the Public Guardian.
 23 (d) ~~(b)~~ Persons who are not disqualified under subsection (b) ~~(a)~~ of
 24 this section and who exhibit the ability to exercise the powers to be

25 assigned by the court have priority for appointment as conservator in the
26 following order:

27 (1) A person nominated most recently by one of the following
28 methods:

29 (i) A person nominated by the protected person in a power of
30 attorney or durable power of attorney;

31 (ii) A person acting under a power of attorney or durable power of
1 attorney; or

2 (iii) A person nominated by an attorney in fact who is given power
3 to nominate in a power of attorney or a durable power of attorney
4 executed by the protected person;

5 (2) A conservator, guardian of property, or other like fiduciary
6 appointed or recognized by the appropriate court of any other
7 jurisdiction in which the protected person resides;

8 (3) An individual or corporation nominated by the protected person
9 if he or she is fourteen or more years of age and has, in the opinion of
10 the court, sufficient mental capacity to make an intelligent choice;

11 (4) The spouse of the protected person;

12 (5) An adult child of the protected person;

13 (6) A parent of the protected person or a person nominated by the
14 will of a deceased parent;

15 (7) Any relative of the protected person with whom he or she has
16 resided for more than six months prior to the filing of the petition;

17 (8) A person nominated by the person who is caring for him or her or
18 paying benefits to him or her;

19 (9) The Public Guardian.

20 ~~(e)~~ (e) When appointing a conservator, the court shall take into
21 consideration the expressed wishes of the person to be protected. A
22 person having priority listed in subdivision (2), (4), (5), (6), or (7)
23 of subsection ~~(d)~~ (b) of this section may nominate in writing a person to
24 serve in his or her stead. With respect to persons having equal priority,
25 the court shall select the person it deems best qualified of those
26 willing to serve. The court, acting in the best interest of the protected
27 person, may pass over a person having priority and appoint a person
28 having lower priority or no priority.

29 ~~(f)~~ (f) In its order of appointment, unless waived by the court, the
30 court shall require any person appointed as conservator to successfully
31 complete within three months of such appointment a training program
1 approved by the Public Guardian. If the person appointed as conservator
2 does not complete the training program, the court shall issue an order to
3 show cause why such person should not be removed as conservator.

4 Sec. 3. Original sections 30-2627 and 30-2639, Reissue Revised
5 Statutes of Nebraska, are repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB933.

Senator Wayne name added to LB1065.

Senator Wishart name added to LB1275.

VISITOR(S)

Visitors to the Chamber were Elkhorn Rural Public Power District Board of Director, Battle Creek.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 2022.

Patrick J. O'Donnell
Clerk of the Legislature

