

SIXTY-FOURTH DAY - APRIL 18, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 18, 2023

PRAYER

The prayer was offered by Senator Aguilar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

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 Day, Dover, Hunt, McKinney, Raybould, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB376e.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Committee [AM484](#), found on page 615, was offered.

Senator M. Cavanaugh requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

[FA56](#)

The First Division contains the contents of LB145 as amended by the committee amendments.

Senator Slama offered [AM1364](#), found on page 1139, to the first committee amendment.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2023, at 9:18 a.m. was the following: LB376e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator Slama renewed [AM1364](#), found on page 1139 and considered in this day's Journal, to the first committee amendment.

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Raybould filed the following amendment to [LB562](#):

[AM1378](#)

(Amendments to Standing Committee amendments, AM1248)

1 1. On page 5, strike lines 22 through 27 and insert the following
2 new subsection:
3 "(6) The department shall grant a waiver under this section if the
4 retail dealer meets the requirements in subsections (3), (4), and (5) of
5 this section. If the department denies a waiver under this section for a
6 failure to meet such requirements, the department shall give the retail
7 dealer ninety days after notifying the retail dealer of such denial to
8 comply with subsection (2) of section 4 of this act."

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator Slama renewed [AM1364](#), found on page 1139 and considered in this day's Journal, to the first committee amendment.

The Slama amendment, to the first committee amendment, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator McDonnell offered the following amendment, to the first committee amendment:

[AM1379](#)

(Amendments to Standing Committee amendments, AM484)

1 1. Insert the following new sections:
2 Sec. 78. Section 77-6832, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 77-6832 (1)(a) The credits prescribed in section 77-6831 for a year
5 shall be established by filing the forms required by the Tax Commissioner
6 with the income tax return for the taxable year which includes the end of
7 the year the credits were earned. The credits may be used and shall be
8 applied in the order in which they were first allowable under the ImagiNE
9 Nebraska Act. To the extent the taxpayer has credits under the Nebraska
10 Advantage Act or the Employment and Investment Growth Act still available
11 for use in a year or years which overlap the performance period or
12 carryover period of the ImagiNE Nebraska Act, the credits may be used and
13 shall be applied in the order in which they were first allowable, and
14 when there are credits of the same age, the older tax incentive program's
15 credits shall be applied first. The credits may be used after any other
16 nonrefundable credits to reduce the taxpayer's income tax liability
17 imposed by sections 77-2714 to 77-27135. Credits may be used beginning
18 with the taxable year which includes December 31 of the year the required
19 minimum levels were reached. The last year for which credits may be used
20 is the taxable year which includes December 31 of the last year of the
21 carryover period. Any decision on how part of the credit is applied shall
22 not limit how the remaining credit could be applied under this section.
23 (b) The taxpayer may use the credit provided in subsection (4) of
24 section 77-6831 (i) to reduce the taxpayer's income tax withholding
25 employer or payor tax liability under section 77-2756 or 77-2757, to the
26 extent such liability is attributable to the number of new employees
1 employed at the qualified location or locations, excluding any wages in
2 excess of one million dollars paid to any one employee during the year or
3 (ii) to reduce a qualified employee leasing company's income tax
4 withholding employer or payor tax liability under section 77-2756 or
5 77-2757, when the taxpayer is the client-lessee of such company, to the
6 extent such liability is attributable to the number of new employees
7 performing services for such client-lessee at the qualified location or
8 locations, excluding any wages in excess of one million dollars paid to
9 any one employee during the year. To the extent of the credit used, such
10 withholding shall not constitute public funds or state tax revenue and
11 shall not constitute a trust fund or be owned by the state. The use by
12 the taxpayer or the qualified employee leasing company of the credit
13 shall not change the amount that otherwise would be reported by the
14 taxpayer, or such qualified employee leasing company, to the employee
15 under section 77-2754 as income tax withheld and shall not reduce the
16 amount that otherwise would be allowed by the state as a refundable
17 credit on an employee's income tax return as income tax withheld under
18 section 77-2755. The amount of credits used against income tax
19 withholding shall not exceed the withholding attributable to the number
20 of new employees employed at the qualified location or locations or, for
21 a qualified employee leasing company, the number of new employees
22 performing services for the applicable client-lessee at the qualified
23 location or locations, excluding any wages in excess of one million
24 dollars paid to any one employee during the year. If the amount of credit

25 used by the taxpayer or the qualified employee leasing company against
26 income tax withholding exceeds such amount, the excess withholding shall
27 be returned to the Department of Revenue in the manner provided in
28 section 77-2756, such excess amount returned shall be considered unused,
29 and the amount of unused credits may be used as otherwise permitted in
30 this section or shall carry over to the extent authorized in subdivision
31 (1)(g) of this section.

1 (c) Credits may be used to obtain a refund of sales and use taxes
2 under the Local Option Revenue Act, the Nebraska Revenue Act of 1967, the
3 Qualified Judgment Payment Act, and sections 13-319, 13-324, and 13-2813
4 that are not subject to direct refund under section 77-6831 and that are
5 paid on purchases, including rentals, for use at a qualified location.

6 (d) The credits provided in subsections (4) and (5) of section
7 77-6831 may be used to repay a loan for job training or infrastructure
8 development as provided in section 77-6841.

9 (e) Credits may be used to obtain a payment from the state equal to
10 the amount which the taxpayer demonstrates to the director was paid by
11 the taxpayer after the date of the complete application for job training
12 and talent recruitment of employees who qualify in the number of new
13 employees, to the extent that proceeds from a loan described in section
14 77-6841 were not used to make such payments. For purposes of this
15 subdivision:

16 (i) Job training means training for a prospective or new employee
17 that is provided after the date of the complete application by a Nebraska
18 nonprofit college or university, a Nebraska public or private secondary
19 school, a Nebraska educational service unit, or a company that is not a
20 member of the taxpayer's unitary group or a related person to the
21 taxpayer; and

22 (ii) Talent recruitment means talent recruitment activities that
23 result in a newly recruited employee who is hired by the taxpayer after
24 the date of the complete application and who is paid compensation during
25 the year of hire at a rate equal to at least one hundred percent of the
26 Nebraska statewide average hourly wage for the year of application,
27 including marketing, relocation expenses, and search-firm fees. Talent
28 recruitment payments that may be reimbursed include, without limitation,
29 payment by the taxpayer, without repayment by the employee, of an
30 employee's student loans, an employee's tuition, and an employee's
31 downpayment on a primary residence in Nebraska. Talent recruitment
1 payments that may be reimbursed shall not include payments for the
2 recruitment of a person who constitutes a related person to the taxpayer
3 when the taxpayer is an individual or recruitment of a person who
4 constitutes a related person to an owner of the taxpayer when the
5 taxpayer is a partnership, a limited liability company, or a subchapter S
6 corporation.

7 (f) The credits provided in subsections (4) and (5) of section
8 77-6831 may be used to obtain a payment from the state equal to the
9 amount which the taxpayer demonstrates to the director was paid for
10 taxpayer-sponsored child care at the qualified location or locations
11 during the performance period and the carryover period.

12 (g) Credits may be carried over until fully utilized through the end
13 of the carryover period.

14 (h) A taxpayer that is also a Nebraska-based covered entity as
15 defined in 15 U.S.C. 4651 that qualifies under the Creating Helpful
16 Incentives to Produce Semiconductors (CHIPS) for America Act, Public Law
17 116-283, may use credits to obtain a payment from the state equal to the
18 amount which the taxpayer demonstrates to the director was paid by the
19 taxpayer after the date of the complete application to repay the
20 principal or interest on revenue bonds issued by an inland port authority
21 pursuant to section 13-3308.

22 (2)(a) No refund claims shall be filed until after the required

23 levels of employment and investment have been met.

24 (b) Refund claims shall be filed no more than once each quarter for
25 refunds under the ImagiNE Nebraska Act, except that any claim for a
26 refund in excess of twenty-five thousand dollars may be filed at any
27 time.

28 (c) Refund claims for materials purchased by a purchasing agent
29 shall include:

30 (i) A copy of the purchasing agent appointment;

31 (ii) The contract price; and

1 (iii)(A) For refunds under subdivision (2)(a)(iii) or (2)(a)(v) of
2 section 77-6831, a certification by the contractor or repairperson of the
3 percentage of the materials incorporated into or annexed to the qualified
4 location on which sales and use taxes were paid to Nebraska after
5 appointment as purchasing agent; or

6 (B) For refunds under subdivision (2)(a)(iv) of section 77-6831, a
7 certification by the contractor or repairperson of the percentage of the
8 contract price that represents the cost of materials annexed to the
9 qualified location and the percentage of the materials annexed to the
10 qualified location on which sales and use taxes were paid to Nebraska
11 after appointment as purchasing agent.

12 (d) All refund claims shall be filed, processed, and allowed as any
13 other claim under section 77-2708, except that the amounts allowed to be
14 refunded under the ImagiNE Nebraska Act shall be deemed to be
15 overpayments and shall be refunded notwithstanding any limitation in
16 subdivision (2)(a) of section 77-2708. The refund may be allowed if the
17 claim is filed within three years from the end of the year the required
18 levels of employment and investment are met or within the period set
19 forth in section 77-2708. Refunds shall be paid by the Tax Commissioner
20 within one hundred eighty days after receipt of the refund claim. Such
21 payments shall be subject to later recovery by the Tax Commissioner upon
22 audit.

23 (e) If a claim for a refund of sales and use taxes under the Local
24 Option Revenue Act, the Qualified Judgment Payment Act, or sections
25 13-319, 13-324, and 13-2813 of more than twenty-five thousand dollars is
26 filed by June 15 of a given year, the refund shall be made on or after
27 November 15 of the same year. If such a claim is filed on or after June
28 16 of a given year, the refund shall not be made until on or after
29 November 15 of the following year. The Tax Commissioner shall notify the
30 affected city, village, county, or municipal county of the amount of
31 refund claims of sales and use taxes under the Local Option Revenue Act,
1 the Qualified Judgment Payment Act, or sections 13-319, 13-324, and
2 13-2813 that are in excess of twenty-five thousand dollars on or before
3 July 1 of the year before the claims will be paid under this section.

4 (f) For refunds of sales and use taxes under the Local Option
5 Revenue Act, the deductions made by the Tax Commissioner for such refunds
6 shall be delayed in accordance with section 77-27,144.

7 (g) Interest shall not be allowed on any taxes refunded under the
8 ImagiNE Nebraska Act.

9 (3) The appointment of purchasing agents shall be recognized for the
10 purpose of changing the status of a contractor or repairperson as the
11 ultimate consumer of tangible personal property purchased after the date
12 of the appointment which is physically incorporated into or annexed at a
13 qualified location and becomes the property of the owner of the
14 improvement to real estate or the taxpayer. The purchasing agent shall be
15 jointly liable for the payment of the sales and use tax on the purchases
16 with the owner of the property.

17 (4) The determination of whether the application is complete,
18 whether a location is a qualified location, and whether to approve the
19 application and sign the agreement shall be made by the director. All
20 other interpretations of the ImagiNE Nebraska Act shall be made by the

21 Tax Commissioner. The Commissioner of Labor shall provide the director
22 with such information as the Department of Labor regularly receives with
23 respect to the taxpayer which the director requests from the Commissioner
24 of Labor in order to fulfill the director's duties under the act. The
25 director shall use such information to achieve efficiency in the
26 administration of the act.

27 (5) Once the director and the taxpayer have signed the agreement
28 under section 77-6828, the taxpayer, and its owners or members where
29 applicable, may report and claim and shall receive all incentives allowed
30 by the Imagine Nebraska Act, subject to the base authority limitations
31 provided in section 77-6839, without waiting for a determination by the
1 director or the Tax Commissioner or other taxing authority that the
2 taxpayer has met the required employment and investment levels or
3 otherwise qualifies, has qualified, or continues to qualify for such
4 incentives, provided that the tax return or claim has been signed by an
5 owner, member, manager, or officer of the taxpayer who declares under
6 penalties of perjury that he or she has examined the tax return or claim,
7 including accompanying schedules and statements, and to the best of his
8 or her knowledge and belief (a) the tax return or claim is correct and
9 complete in all material respects, (b) payment of the claim has not been
10 previously made by the state to the taxpayer, and (c) with respect to
11 sales or use tax refund claims, the taxpayer has not claimed or received
12 a refund of such tax from a retailer. The payment or allowance of such a
13 claim shall not prevent the director or the Tax Commissioner or other
14 taxing authority from recovering such payment, exemption, or allowance,
15 within the normal period provided by law, subject to normal appeal rights
16 of a taxpayer, if the director or Tax Commissioner or other taxing
17 authority determines upon review or audit that the taxpayer did not
18 qualify for such incentive or exemption.

19 (6) An audit of employment and investment thresholds and incentive
20 amounts shall be made by the Tax Commissioner to the extent and in the
21 manner determined by the Tax Commissioner. Upon request by the director
22 or the Tax Commissioner, the Commissioner of Labor shall report to the
23 director and the Tax Commissioner the employment data regularly reported
24 to the Department of Labor relating to number of employees and wages paid
25 for each taxpayer. The director and Tax Commissioner, to the extent they
26 determine appropriate, shall use such information to achieve efficiency
27 in the administration of the Imagine Nebraska Act. The Tax Commissioner
28 may recover any refund or part thereof which is erroneously made and any
29 credit or part thereof which is erroneously allowed by issuing a
30 deficiency determination within three years from the date of refund or
31 credit or within the period otherwise allowed for issuing a deficiency
1 determination, whichever expires later. The director shall not enter into
2 an agreement with any taxpayer unless the taxpayer agrees to
3 electronically verify the work eligibility status of all newly hired
4 employees employed in Nebraska within ninety days after the date of hire.
5 For purposes of calculating any tax incentive under the act, the hours
6 worked and compensation paid to an employee who has not been
7 electronically verified or who is not eligible to work in Nebraska shall
8 be excluded.

9 (7) A determination by the director that a location is not a
10 qualified location or a determination by the Tax Commissioner that a
11 taxpayer has failed to meet or maintain the required levels of employment
12 or investment for incentives, exemptions, or recapture, or does not
13 otherwise qualify for incentives or exemptions, may be protested by the
14 taxpayer to the Tax Commissioner within sixty days after the mailing to
15 the taxpayer of the written notice of the proposed determination by the
16 director or the Tax Commissioner, as applicable. If the notice of
17 proposed determination is not protested in writing by the taxpayer within
18 the sixty-day period, the proposed determination is a final

19 determination. If the notice is protested, the Tax Commissioner, after a
20 formal hearing by the Tax Commissioner or by an independent hearing
21 officer appointed by the Tax Commissioner, if requested by the taxpayer
22 in such protest, shall issue a written order resolving such protest. The
23 written order of the Tax Commissioner resolving a protest may be appealed
24 to the district court of Lancaster County in accordance with the
25 Administrative Procedure Act within thirty days after the issuance of the
26 order.

27 Sec. 79. Section 77-6841, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 77-6841 (1) The Legislature finds that providing job training is
30 critical to the public purpose of attracting and retaining businesses and
31 that the growth of high-paying jobs in Nebraska is limited by an unmet
1 need for workforce training and infrastructure development. The
2 Legislature further finds that many communities in Nebraska lack the
3 infrastructure, including broadband access, necessary to provide high-
4 paying jobs for residents. The Legislature further finds that workforce
5 training and infrastructure development help businesses and improve the
6 quality of life for workers and communities in Nebraska. Because there is
7 a statewide benefit from workforce training and infrastructure
8 development, the Legislature intends to provide a revolving loan program
9 as a rational means to address these needs.

10 (2) The Department of Economic Development shall establish and
11 administer a revolving loan program for workforce training and
12 infrastructure development expenses to be incurred by applicants for
13 incentives under the ImagiNE Nebraska Act.

14 (3) The ImagiNE Nebraska Revolving Loan Fund is hereby created. The
15 fund shall receive money from ~~transfers authorized by appropriations from~~
16 the Legislature, grants, private contributions, repayment of loans, and
17 all other sources. Any money in the fund available for investment shall
18 be invested by the state investment officer pursuant to the Nebraska
19 Capital Expansion Act and the Nebraska State Funds Investment Act. It is
20 the intent of the Legislature to transfer five million dollars from the
21 General Fund to the ImagiNE Nebraska Revolving Loan Fund for fiscal years
22 2022-23 and 2023-24 for purposes of carrying out the workforce training
23 and infrastructure development revolving loan program pursuant to the
24 ImagiNE Nebraska Act. It is the intent of the Legislature to appropriate
25 five million dollars for fiscal years 2022-23 and 2023-24 for purposes of
26 carrying out the workforce training and infrastructure development
27 revolving loan program pursuant to the ImagiNE Nebraska Act.

28 (4)(a) (4) The Department of Economic Development, as part of its
29 comprehensive business development strategy, shall administer the ImagiNE
30 Nebraska Revolving Loan Fund and may loan funds to applicants under the
31 ImagiNE Nebraska Act to secure new, high-paying jobs in Nebraska based on
1 the criteria established in sections 77-6842 and 77-6843. Loans made to
2 applicants under the ImagiNE Nebraska Act and interest on such loans may
3 be repaid using credits earned under the ImagiNE Nebraska Act. If that
4 occurs, the Department of Revenue shall certify the credit usage to the
5 State Treasurer, who shall, within thirty days, transfer the amount of
6 the credit used from the General Fund to the ImagiNE Nebraska Revolving
7 Loan Fund.

8 (b) (5) If a taxpayer with an agreement under the ImagiNE Nebraska
9 Act obtains a loan under this subsection ~~section~~ and fails to attain the
10 required minimum number of new employees, minimum compensation, and
11 minimum required cumulative investment necessary for that taxpayer to
12 earn a credit, the principal and interest of the loan shall be considered
13 an underpayment of tax and may be recovered by the Department of Revenue.

14 (c) (6) Whether repaid using credits or repaid directly by the
15 recipient of the loan, loans made from the ImagiNE Nebraska Revolving
16 Loan Fund shall be repaid with interest at the rate established in

17 section 45-102.

18 (5)(a) The Department of Economic Development shall award funds to
 19 match any federal grant, loan, loan guarantee, or other financial
 20 incentive for a project for which a Nebraska-based covered entity as
 21 defined in 15 U.S.C. 4651 qualifies under the Creating Helpful Incentives
 22 to Produce Semiconductors (CHIPS) for America Act, Public Law 116-283.

23 The amount of the award, when combined with all other eligible state
 24 funds and incentives, shall not exceed twenty-five percent of the total
 25 cost of the project. The department may waive any interest payments for
 26 qualifying projects.

27 (b) The Department of Economic Development shall approve any
 28 Nebraska-based covered entity that meets the eligibility requirements
 29 under the Creating Helpful Incentives to Produce Semiconductors (CHIPS)
 30 for America Act, Public Law 116-283, if the eligible project has a total

31 project cost in excess of fifty million dollars. The department shall
 1 award funds under this subsection upon receipt by an application of an
 2 award of federal or other funds. Fund sources include federal, local,
 3 private, and charitable contributions.

4 (c) An applicant shall apply to the Department of Economic
 5 Development for an award under this subsection. The applicant shall
 6 certify the investment made by the United States Government.

7 (d) Of the total funds awarded under this subsection and consistent
 8 with section 9902(a)(2)(B) of the Creating Helpful Incentives to Produce
 9 Semiconductors (CHIPS) for America Act, Public Law 116-283, five-tenths
 10 of one percent of the amount awarded under this subsection shall be
 11 awarded to an educational institution for the purpose of assisting a
 12 Nebraska-based covered entity with the obligations under the federal law
 13 for domestic semiconductor workforce development.

14 (e) An applicant may use award funds received under this subsection
 15 for:

16 (i) Public and private sector initiatives that will improve
 17 Nebraska's ability to attract microelectronic enterprises, especially
 18 those incentivized under the Creating Helpful Incentives to Produce
 19 Semiconductors (CHIPS) for America Act, Public Law 116-283, by making
 20 necessary investments to the semiconductor industry, including, but not
 21 limited to, grants for the establishment of private sector entities for
 22 such purposes within eligible economically disadvantaged areas in
 23 Nebraska, as set forth in section 9902(a)(2)(B) of the Creating Helpful
 24 Incentives to Produce Semiconductors (CHIPS) for America Act, Public Law
 25 116-283; and

26 (ii) A community college located in a city of the metropolitan class
 27 working in collaboration with private sector partners and any interested
 28 university, college, other community college, and technical school
 29 located in this state to support education expansion and curricula
 30 development in order to meet the needs of the domestic semiconductor
 31 workforce in Nebraska set forth in section 9902(a)(2)(B) of the Creating
 1 Helpful Incentives to Produce Semiconductors (CHIPS) for America Act,
 2 Public Law 116-283.

3 2. Correct the operative date and repealer sections so that the
 4 sections added by this amendment become operative on their effective date
 5 with the emergency clause.

6 3. Renumber the remaining sections and correct internal references
 7 accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Senator M. Cavanaugh requested a roll call vote on the McDonnell amendment, to the first committee amendment.

Voting in the affirmative, 41:

Aguilar	Brewer	Erdman	Lippincott	Slama
Albrecht	Briese	Halloran	Lowe	Vargas
Arch	Cavanaugh, J.	Hardin	McDonnell	von Gillern
Armendariz	Clements	Holdcroft	McKinney	Walz
Blood	Conrad	Hughes	Moser	Wayne
Bosn	Day	Ibach	Murman	
Bostar	DeKay	Jacobson	Raybould	
Bostelman	Dorn	Kauth	Riepe	
Brandt	Dungan	Linehan	Sanders	

Voting in the negative, 1:

Hunt

Present and not voting, 3:

Cavanaugh, M. DeBoer Fredrickson

Excused and not voting, 4:

Ballard Dover Hansen Wishart

The McDonnell amendment, to the first committee amendment, was adopted with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO957](#)

Reconsider the vote taken on AM1379.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 574. Placed on Final Reading.

LEGISLATIVE BILL 753. Placed on Final Reading.

LEGISLATIVE BILL 565. Placed on Select File with amendment.

[ER25](#)

1 1. On page 1, strike beginning with "hydrogen" in line 1 through
2 line 6 and insert "natural resources; to amend sections 70-619, 70-1001,
3 70-1001.01, and 70-1025, Reissue Revised Statutes of Nebraska, and
4 section 66-2301, Revised Statutes Cumulative Supplement, 2022; to adopt
5 the Public Water and Natural Resources Project Contracting Act; to state

6 legislative findings; to state intent regarding appropriations; to
7 provide for a grant program as prescribed; to provide powers and duties
8 for the Department of Economic Development; to adopt the Nuclear and
9 Hydrogen Development Act; to change eligibility qualifications for
10 members of the board of directors of a public power and irrigation
11 district, provisions relating to state policy, and requirements for an
12 annual report as prescribed; to define and redefine terms; to harmonize
13 provisions; to provide operative dates; to repeal the original sections;
14 and to declare an emergency."

LEGISLATIVE BILL 565A. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File with amendment.

[ER24](#)

1 1. On page 9, line 5, strike "subdivision" and insert "subsection".

LEGISLATIVE BILL 753A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 138A. Introduced by Bosn, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

VISITORS

Visitors to the Chamber were lineworkers from Lincoln Electric System and Omaha Public Power District; students from Cardinal Elementary, South Sioux City; students from St. Vincent de Paul, Omaha; students from Elkhorn High School; Seward County Leadership – Rising Stars.

RECESS

At 12:00 p.m., on a motion by Senator DeKay, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator B. Hansen presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Bosn, Bostar, Briese, Clements, Conrad, Day, Dover, Erdman, Hughes, Ibach, Jacobson, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 569. Placed on General File with amendment.

[AM971](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For purposes of this section:
4 (a) Immediate family member means a child residing in an official's
5 household, the spouse of an official, or an individual claimed by an
6 official or the official's spouse as a dependent for federal income tax
7 purposes; and
8 (b) Official means a member of a county board or a member of a
9 county planning commission.
10 (2) When the construction of any new electric generation facility is
11 being considered within a county, prior to project site selection or
12 approval of any contract by the county the county board shall:
13 (a) Conduct a public meeting announcing the proposed project; and
14 (b) If any official involved in the selection of such project site
15 or approval of such contract or an immediate family member of such
16 official holds, directly or indirectly, a financial interest in such
17 facility, or in the ownership or lease of any property within the county
18 where such facility will be constructed:
19 (i) Publish notice of the official's financial interest and whether
20 such official has indicated his or her intent to vote to select such
21 project site or approve such contract; and
22 (ii) Within ninety days after the publication of such notice, hold a
23 public meeting regarding the official's intention to vote to select such
24 project site or approve such contract.
25 (3) This section shall not affect the validity of any contract or
26 apply to the ownership or lease of any property existing on the effective
27 date of this act.
1 Sec. 2. Since an emergency exists, this act takes effect when passed
2 and approved according to law.

LEGISLATIVE BILL 624. Placed on General File with amendment.

[AM688](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-3710, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 81-3710 (1) The Nebraska Tourism Commission is created. ~~The terms of~~
6 ~~the members serving pursuant to subsection (2) of this section terminate~~
7 ~~thirty days after August 24, 2017. The terms of the members serving~~
8 ~~pursuant to subsection (3) of this section begin thirty days after August~~
9 ~~24, 2017. (2) Until thirty days after August 24, 2017, the commission~~
10 ~~shall consist of the following members: (a) One representative from the~~
11 ~~Game and Parks Commission; (b) One representative from the Nebraska~~
12 ~~Travel Association; (c) One representative from the Nebraska Hotel and~~
13 ~~Motel Association; (d) One representative from a tourism attraction that~~
14 ~~records at least two thousand out-of-state visitors per year; (e) One~~
15 ~~representative from the Nebraska Association of Convention and Visitors~~
16 ~~Bureaus; (f) One representative from the Western Nebraska Tourism~~
17 ~~Coalition; (g) One representative who resides in eastern Nebraska and is~~
18 ~~employed by a business that derives a majority of its revenue from out-~~
19 ~~of-state visitors; (h) One representative from the Central Nebraska~~
20 ~~Tourism Partnership; and (i) One representative of a business that~~

~~21 derives a majority of its revenue from out-of-state visitors. (3)(a) The~~
~~22 Governor shall, within thirty days after August 24, 2017, appoint the~~
~~23 members of the commission to begin serving at such time, prior to~~
~~24 approval by the Legislature. The members of the commission shall consist~~
~~25 of the Director of Economic Development and twelve eleven residents of~~
~~26 the State of Nebraska appointed by the Governor, to include one member~~
~~27 representing a state chamber of commerce organized under the Nebraska~~
~~1 Nonprofit Corporation Act, and one member appointed from each of the~~
~~2 eleven districts described in subsection (2) of this section. The members~~
~~3 appointed by the Governor shall be subject to approval by the majority of~~
~~4 the members of the Legislature. The term of the member representing a~~
~~5 state chamber of commerce shall be four years, and the terms of the~~
~~6 district members shall be as provided in subdivision (2)(b) of this~~
~~7 section. No appointed member may serve more than two successive terms.~~
~~8 Four of the district members shall have professional, volunteer, or~~
~~9 public service experience that contributes to the fiduciary and~~
~~10 governance duties of the commission. Seven of the district members shall~~
~~11 be affiliated with the tourism industry. One member shall be appointed~~
~~12 from each of the eleven districts designated in subdivision (b) of this~~
~~13 subsection.~~
~~14 (2)(a) (b) For purposes of this section, the state is hereby divided~~
~~15 into eleven districts. The limits and designations of the eleven~~
~~16 districts shall be as follows:~~
~~17 (i) District No. 1. Douglas County;~~
~~18 (ii) District No. 2. Lancaster County;~~
~~19 (iii) District No. 3. The counties of Richardson, Pawnee, Nemaha,~~
~~20 Johnson, Otoe, Gage, Saline, and Jefferson;~~
~~21 (iv) District No. 4. The counties of Cass and Sarpy;~~
~~22 (v) District No. 5. The counties of Saunders, Washington, Dodge,~~
~~23 Colfax, Stanton, Cuming, Burt, Thurston, Wayne, Cedar, Dixon, and Dakota;~~
~~24 (vi) District No. 6. The counties of Butler, Polk, Platte, Merrick,~~
~~25 Nance, Boone, Madison, Pierce, Antelope, Knox, Holt, and Boyd;~~
~~26 (vii) District No. 7. The counties of Thayer, Nuckolls, Webster,~~
~~27 Adams, Clay, Fillmore, Seward, York, Hamilton, Franklin, and Harlan;~~
~~28 (viii) District No. 8. The counties of Kearney, Phelps, Hall,~~
~~29 Howard, Greeley, Wheeler, Buffalo, Sherman, Valley, and Garfield;~~
~~30 (ix) District No. 9. The counties of Lincoln, Keya Paha, Rock,~~
~~31 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker,~~
~~1 Thomas, and Cherry;~~
~~2 (x) District No. 10. The counties of Furnas, Red Willow, Hitchcock,~~
~~3 Dundy, Chase, Hayes, Frontier, Gosper, Dawson, Perkins, and Keith; and~~
~~4 (xi) District No. 11. The counties of Deuel, Garden, Sheridan,~~
~~5 Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and~~
~~6 Kimball.~~
~~7 (b) (e) The Governor shall appoint members representing district~~
~~8 numbers 1, 6, 8, and 11 to serve for terms ending April 1, 2019; members~~
~~9 representing district numbers 2, 5, 7, and 10 to serve for terms ending~~
~~10 April 1, 2021; and members representing district numbers 3, 4, and 9 to~~
~~11 serve for terms ending April 1, 2023. The terms of their successors shall~~
~~12 be four years. The Governor shall appoint their successors with the~~
~~13 approval of the majority of the members of the Legislature. A person~~
~~14 appointed to serve pursuant to this subsection may serve only two~~
~~15 successive terms.~~
~~16 Sec. 2. Original section 81-3710, Revised Statutes Cumulative~~
~~17 Supplement, 2022, is repealed.~~

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO957](#), found and considered in this day's Journal, to reconsider the vote taken on AM1379.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

The M. Cavanaugh motion to reconsider failed with 2 ayes, 34 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment, to the first committee amendment:

[FA57](#)

On page 75, strike beginning with line 24 through line 22 on page 81.

PRESIDENT KELLY PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Senator Wayne requested a roll call vote on his amendment, to the first committee amendment.

Voting in the affirmative, 12:

Blood	DeBoer	Hunt	Vargas
Cavanaugh, J.	Erdman	McKinney	Walz
Conrad	Halloran	Raybould	Wayne

Voting in the negative, 17:

Aguilar	Ballard	Hardin	Lippincott	von Gillern
Albrecht	Clements	Holdcroft	Lowe	
Arch	DeKay	Jacobson	Sanders	
Armendariz	Dorn	Kauth	Slama	

Present and not voting, 17:

Bostar	Briese	Hansen	McDonnell	Wishart
Bostelman	Cavanaugh, M.	Hughes	Moser	
Brandt	Dungan	Ibach	Murman	
Brewer	Fredrickson	Linehan	Riepe	

Excused and not voting, 3:

Bosn Day Dover

The Wayne amendment, to the first committee amendment, lost with 12 ayes, 17 nays, 17 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Education

LEGISLATIVE BILL 356. Placed on General File.

LEGISLATIVE BILL 520. Placed on General File.

(Signed) Dave Murman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 99. Introduced by Fredrickson, 20.

WHEREAS, Jewish immigrants to the United States of America first arrived in the sixteenth century before the country even existed and played a central role in the creation, growth, freedom, prosperity, and strength of the United States of America; and

WHEREAS, the biblical and contemporary history of Jewish people and the enduring values of the Jewish faith were vital sources of inspiration for the founding of the United States of America, the civil rights movement, the United States of America's global leadership in the cause of freedom, the commitment of Americans to social justice, and many of the United States of America's most central tenets; and

WHEREAS, through core Jewish beliefs such as the creation of man in the image of God, the infinite value of every human life, the need for a weekly Sabbath, and the importance of education in the lives of children, the Jewish community has helped to define the United States of America's character and values; and

WHEREAS, Jewish residents of Nebraska, having first settled here in 1855, played a central role in the betterment of the state including the initial settlement and development of Nebraska, serving in public office, being lead scholars in numerous academic fields, and serving in the United States Armed Forces and the Nebraska National Guard; and

WHEREAS, for forty-two years, every President of the United States has declared a period of time for celebrating the history, heritage, and culture of the Jewish community and their contributions to the United States of America; and

WHEREAS, since 2006, the month of May has been declared by the President of the United States of America to be Jewish American Heritage Month, pursuant to a bipartisan resolution of Congress.

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

1. That the Legislature recognizes May 2023 as Jewish American Heritage Month in Nebraska.

2. That the Legislature encourages all people to take time this month to appropriately celebrate the history, heritage, and culture of the Jewish community and their contributions to the United States of America and Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO958](#)

Reconsider the vote taken on FA57.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

The M. Cavanaugh motion to reconsider failed with 7 ayes, 36 nays, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER ARCH PRESIDING

AMENDMENT - Print in Journal

Senator Lippincott filed the following amendment to [LB600](#):

[AM1390](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 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
 7 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
1 that is sufficient for the new business or business expansion;

2 (d) The cost-benefit analysis of the redevelopment plan approved
3 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. The Municipality Infrastructure Aid Fund is created. The
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 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.

EXECUTIVE BOARD REPORT

April 18, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2028
PO Box 94604
Lincoln, NE 68509

Dear Mr. Clerk:

Pursuant to Nebraska Revised Statute §50-1204, the Executive Board has appointed Senator Brandt to fill the vacant position on the Legislative Performance Audit Committee.

(Signed) Sincerely,
Senator Tom Briese
Chairman, Executive Board

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered [MO295](#), found on page 935, to bracket until June 1, 2023.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 35 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Walz offered the following amendment, to the first committee amendment:

[AM1383](#)

(Amendments to Standing Committee amendments, AM484)

1 1. Insert the following new sections:

2 Sec. 73. Section 58-201, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 58-201 Sections 58-201 to 58-272 and section 74 of this act shall be

5 known and may be cited as the Nebraska Investment Finance Authority Act.

6 Sec. 74. (1) For purposes of this section, Olmstead Plan means the

7 comprehensive strategic plan for providing services to individuals with

8 disabilities that was developed in accordance with section 81-6,122.

9 (2) In order to help fulfill one of the goals of the Olmstead Plan,

10 the authority shall use its best efforts to obtain state and federal

11 grants for the purpose of building safe, affordable, and accessible

12 housing for individuals with disabilities.

13 (3) The authority shall collaborate with the Department of Economic

14 Development and the Department of Health and Human Services in obtaining

15 such grants.

16 Sec. 75. (1) For purposes of this section, Olmstead Plan means the

17 comprehensive strategic plan for providing services to individuals with

18 disabilities that was developed in accordance with section 81-6,122.

19 (2) In order to help fulfill one of the goals of the Olmstead Plan,

20 the Department of Economic Development shall use its best efforts to

21 obtain state and federal grants for the purpose of building safe,

22 affordable, and accessible housing for individuals with disabilities.

23 (3) The Department of Economic Development shall collaborate with

24 the Nebraska Investment Finance Authority and the Department of Health

25 and Human Services in obtaining such grants. The Department of Economic

26 Development shall use its best efforts to coordinate and contract with

1 the Nebraska Investment Finance Authority to develop and administer grant

2 programs under this section.

3 Sec. 94. The Revisor of Statutes shall assign section 75 of this

4 act to Chapter 81, article 12.

5 2. Correct the operative date and repealer sections so that sections

6 73, 74, and 75 added by this amendment become operative three calendar

7 months after the adjournment of this legislative session. Correct the

8 operative date section so that section 94 added by this amendment becomes

9 operative on its effective date with the emergency clause.

10 3. Renumber the remaining sections and correct internal references

11 accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

The Walz amendment, to the first committee amendment, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO294](#), found on page 935, to recommit to Banking, Insurance and Commerce Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

The M. Cavanaugh motion to recommit to committee failed with 1 aye, 42 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to [LB16](#):

[FA58](#)

Strike Section 1.

Senator Briese filed the following amendment to [LB16](#):

[FA59](#)

Strike Section 1.

RESOLUTION

LEGISLATIVE RESOLUTION 100. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine future needs of Nebraska's correctional system and potential opportunities arising from decommissioning the Nebraska State Penitentiary.

The Department of Correctional Services has determined that the penitentiary is close to exceeding its useful life and could be decommissioned if replaced with a new prison facility. However, the department has stated that it has no long-term plans for the site of the penitentiary. Additionally, staffing shortages and physical space limitations remain long-term areas of concern for Nebraska's correctional facilities. These issues impact public safety and the provision of medical and behavioral health treatment for residents of the penitentiary.

This interim study shall examine possible uses for the penitentiary site and other state-owned sites occupied by the Department of Correctional Services. This study shall also include, but not be limited to:

(1) An examination of current facilities occupied by the Department of Correctional Services, including correctional institutions and administrative offices, and the department's 2022 Master Plan;

(2) A gathering of community input regarding potential uses for the site of the Nebraska State Penitentiary, such as:

(a) Alternative uses by state or local government agencies;

(b) Private development of all or part of the site; and

(c) Public-private partnerships;

(3) A collection of information on areas of unmet need, including shortages of medical, mental, and behavioral health providers; and

(4) A determination of potential uses for the site of the Nebraska State Penitentiary and other sites utilized by the department which would maximize the benefits of the sites to the people of Nebraska.

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

1. That the Judiciary Committee of the Legislature 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 683A. Introduced by Moser, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 683, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO959](#)

Reconsider the vote taken on MO294.

Pending.

EASE

The Legislature was at ease from 5:40 p.m. until 6:11 p.m.

PRESIDENT KELLY PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 92. The first committee amendment [FA56](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO959](#), found and considered in this day's Journal, to reconsider the vote taken on MO294.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 5 nays, and 30 not voting.

The M. Cavanaugh motion to reconsider failed with 2 ayes, 41 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO960](#)

Reconsider the vote taken on MO295.

The M. Cavanaugh motion to reconsider failed with 1 aye, 36 nays, 11 present and not voting, and 1 excused and not voting.

Senator Slama offered the following motion:

[MO961](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 35 ayes, 2 nays, and 12 not voting.

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

Voting in the affirmative, 48:

Aguilar	Briese	Dungan	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Erdman	Kauth	Sanders
Arch	Cavanaugh, M.	Fredrickson	Linchan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Bosn	Day	Hardin	McDonnell	Walz
Bostar	DeBoer	Holdcroft	McKinney	Wayne
Bostelman	DeKay	Hughes	Moser	Wishart
Brandt	Dorn	Hunt	Murman	
Brewer	Dover	Ibach	Raybould	

Voting in the negative, 0.

Excused and not voting, 1:

Blood

The Slama motion to invoke cloture prevailed with 48 ayes, 0 nays, and 1 excused and not voting.

The first committee amendment, [FA56](#), found in this day's Journal, was not further considered.

The original undivided committee amendment, [AM484](#), found on page 615, as amended, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

WITHDRAW - Motion to LB296

Senator Hunt withdrew [MO465](#), found on page 945, to recommit to Banking, Commerce and Insurance Committee, to LB296.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB296 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to insurance; to amend section 44-312,

Reissue Revised Statutes of Nebraska; to adopt the Pet Insurance Act; to change provisions relating to the reimbursement rate for telehealth service; to define terms; to require the use of a distinct National Provider Identifier as prescribed; to provide operative dates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Briese	Erdman	Linehan	Slama
Albrecht	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Arch	Clements	Halloran	Lowe	von Gillem
Armendariz	Conrad	Hansen	McDonnell	Walz
Ballard	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	
Brewer	Dungan	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 1:

Blood

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motions to LB775

Senator Hunt withdrew [MO848](#), found on page 974, to indefinitely postpone pursuant to Rule 6 Section 3(f), to LB775.

Senator Hunt withdrew [MO852](#), found on page 974, to recommit to committee, to LB775.

Senator Hunt withdrew [MO853](#), found on page 975, to bracket, to LB775.

Senator Hunt withdrew [MO854](#), found on page 974, to recommit to committee, to LB775.

Senator Lowe withdrew [MO855](#), found on page 976, to bracket, to LB775.

Senator Lowe withdrew [MO856](#), found on page 976, to recommit to committee, to LB775.

Senator Conrad withdrew [MO916](#), found on page 1044, to recommit to committee, to LB775.

WITHDRAW - Amendment to LB775

Senator Conrad withdrew [FA39](#), found on page 1044, to LB775.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB775 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 775.

A BILL FOR AN ACT relating to gambling; to amend sections 2-1205, 9-204, 9-204.04, 9-601, 9-603, 9-606, 9-607, 9-646.01, 9-651, 9-1103, 9-1106, 9-1110, 81-3717, and 81-3720, Reissue Revised Statutes of Nebraska; to change provisions relating to horseracing, the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Racetrack Gaming Act, and the Nebraska Visitors Development Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Briese	Erdman	Linchan	Slama
Albrecht	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Arch	Clements	Halloran	Lowe	von Gillern
Armendariz	Conrad	Hansen	McDonnell	Walz
Ballard	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	
Brewer	Dungan	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 1:

Blood

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB296 and LB775.

SELECT FILE

LEGISLATIVE BILL 565. [ER25](#), found on page 1163, was offered.

Senator M. Cavanaugh offered [MO936](#), found on page 1102, to bracket until June 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Hunt withdrew [MO653](#), found on page 961, to bracket.

Senator Hunt withdrew [MO652](#), found on page 961, to recommit to committee.

Senator Hunt withdrew [MO651](#), found on page 651, to indefinitely postpone.

ER25 was adopted.

Senator Bostelman offered [AM1314](#), found on page 1135.

Senator Hunt withdrew [MO649](#), found on page 961, to recommit to committee.

The Bostelman amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Blood name added to LB775.

VISITORS

Visitors to the Chamber were students and teachers from Belleaire Elementary; Bellevue; sponsors, teacher, and students from Burwell High School, Burwell.

ADJOURNMENT

At 7:31 p.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Wednesday, April 19, 2023.

Brandon Metzler
Clerk of the Legislature

