

**SEVENTY-SIXTH DAY - MAY 10, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 10, 2023

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Holdcroft.

**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 Bostar, Day, Dover, Hunt, Raybould, Slama, and Walz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**AMENDMENT - Print in Journal**

Senator Holdcroft filed the following amendment to LB157:  
[AM1660](#)

(Amendments to Standing Committee amendments, AM1525)

1 1. Insert the following new section:  
2 Sec. 7. Section 52-401, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 52-401 (1) Whenever any person employs a physician, nurse,  
5 chiropractor, ~~or hospital, or provider of emergency medical service~~ to  
6 perform professional ~~service~~ or services of any nature, in the treatment  
7 of or in connection with an injury, and such injured person claims  
8 damages from the party causing the injury, such physician, nurse,  
9 chiropractor, ~~or hospital, or provider of emergency medical service~~ as  
10 ~~the case may be~~, shall have a lien upon any sum awarded the injured  
11 person in judgment or obtained by settlement or compromise on the amount

12 due for the usual and customary charges of such physician, nurse,  
 13 chiropractor, ~~or hospital, or provider of emergency medical service~~  
 14 applicable at the ~~time~~ times services are performed, except that no such  
 15 lien shall be valid against anyone ~~covered coming~~ under the Nebraska  
 16 Workers' Compensation Act. For persons covered under private medical  
 17 insurance or another private health benefit plan, the amount of the lien  
 18 shall be reduced by the contracted discount or other limitation which  
 19 would have been applied had the claim been submitted for reimbursement to  
 20 the medical insurer or administrator of such other health benefit plan.  
 21 The measure of damages for medical expenses in personal injury claims  
 22 shall be the private party rate, not the discounted amount.  
 23 (2) In order to prosecute such lien, it shall be necessary for such  
 24 physician, nurse, chiropractor, ~~or hospital, or provider of emergency~~  
 25 medical service to serve a written notice upon the person or corporation  
 26 from whom damages are claimed that such physician, nurse, chiropractor,  
 1 ~~or hospital, or provider of emergency medical service~~ claims a lien for  
 2 such services and stating the amount due and the nature of such services,  
 3 except that whenever an action is pending in court for the recovery of  
 4 such damages, it shall be sufficient to file the notice of such lien in  
 5 the pending action.  
 6 (3) A physician, nurse, chiropractor, ~~or hospital, or provider of~~  
 7 emergency medical service claiming a lien under this section shall not be  
 8 liable for attorney's fees and costs incurred by the injured person in  
 9 securing the judgment, settlement, or compromise, but the lien of the  
 10 injured person's attorney shall have precedence over the lien created by  
 11 this section.  
 12 (4) Upon a written request and with the injured person's consent, a  
 13 lienholder shall provide medical records, answers to interrogatories,  
 14 depositions, or any expert medical testimony related to the recovery of  
 15 damages within its custody and control at a reasonable charge to the  
 16 injured person.  
 17 (5) For purposes of this section, provider of emergency medical  
 18 service means a public entity that provides emergency medical service as  
 19 defined in section 38-1207.  
 20 2. Correct the operative date and repealer sections so that the  
 21 section added by this amendment becomes operative three calendar months  
 22 after the adjournment of this legislative session.  
 23 3. Renumber the remaining sections and correct internal references  
 24 accordingly.

### SELECT FILE

LEGISLATIVE BILL 814. [ER31](#), found on page 1385, was offered.

ER31 was adopted.

Pending.

### AMENDMENT - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB574](#):  
[AM1474](#)

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 38-179, Revised Statutes Cumulative Supplement,  
 4 2022, is amended to read:

5 38-179 For purposes of section 38-178, unprofessional conduct means  
 6 any departure from or failure to conform to the standards of acceptable  
 7 and prevailing practice of a profession or the ethics of the profession,  
 8 regardless of whether a person, consumer, or entity is injured, or  
 9 conduct that is likely to deceive or defraud the public or is detrimental  
 10 to the public interest, including, but not limited to:  
 11 (1) Receipt of fees on the assurance that an incurable disease can  
 12 be permanently cured;  
 13 (2) Division of fees, or agreeing to split or divide the fees,  
 14 received for professional services with any person for bringing or  
 15 referring a consumer other than (a) with a partner or employee of the  
 16 applicant or credential holder or his or her office or clinic, (b) with a  
 17 landlord of the applicant or credential holder pursuant to a written  
 18 agreement that provides for payment of rent based on gross receipts, or  
 19 (c) with a former partner or employee of the applicant or credential  
 20 holder based on a retirement plan or separation agreement;  
 21 (3) Obtaining any fee for professional services by fraud, deceit, or  
 22 misrepresentation, including, but not limited to, falsification of third-  
 23 party claim documents;  
 24 (4) Cheating on or attempting to subvert the credentialing  
 25 examination;  
 26 (5) Assisting in the care or treatment of a consumer without the  
 1 consent of such consumer or his or her legal representative;  
 2 (6) Use of any letters, words, or terms, either as a prefix, affix,  
 3 or suffix, on stationery, in advertisements, or otherwise, indicating  
 4 that such person is entitled to practice a profession for which he or she  
 5 is not credentialed;  
 6 (7) Performing, procuring, or aiding and abetting in the performance  
 7 or procurement of a criminal abortion;  
 8 (8) Knowingly disclosing confidential information except as  
 9 otherwise permitted by law;  
 10 (9) Commission of any act of sexual abuse, misconduct, or  
 11 exploitation related to the practice of the profession of the applicant  
 12 or credential holder;  
 13 (10) Failure to keep and maintain adequate records of treatment or  
 14 service;  
 15 (11) Prescribing, administering, distributing, dispensing, giving,  
 16 or selling any controlled substance or other drug recognized as addictive  
 17 or dangerous for other than a medically accepted therapeutic purpose;  
 18 (12) Prescribing any controlled substance to (a) oneself or (b)  
 19 except in the case of a medical emergency (i) one's spouse, (ii) one's  
 20 child, (iii) one's parent, (iv) one's sibling, or (v) any other person  
 21 living in the same household as the prescriber;  
 22 (13) Failure to comply with any federal, state, or municipal law,  
 23 ordinance, rule, or regulation that pertains to the applicable  
 24 profession;  
 25 (14) Disruptive behavior, whether verbal or physical, which  
 26 interferes with consumer care or could reasonably be expected to  
 27 interfere with such care; ~~and~~  
 28 (15) Performing gender-affirming surgery or providing gender-  
 29 affirming medical treatment for an individual younger than nineteen years  
 30 of age in violation of section 2 of this act; and  
 31 (16) (45) Such other acts as may be defined in rules and  
 1 regulations.  
 2 Nothing in this section shall be construed to exclude determination  
 3 of additional conduct that is unprofessional by adjudication in  
 4 individual contested cases.  
 5 Sec. 2. (1) For purposes of this section:  
 6 (a) Gender-affirming surgery means surgery to affirm a person's  
 7 gender identity for the treatment of gender incongruence;

8 (b) Gender-affirming medical treatment means medical interventions  
9 directly provided by a health care practitioner to treat gender  
10 incongruence, including physician services, hospital services, or  
11 prescribing of medications. Gender-affirming medical treatment does not  
12 include mental or behavioral health care services or gender-affirming  
13 surgery;  
14 (c) Gender incongruence means a diagnostic term that describes an  
15 individual's marked and persistent experience of an incompatibility  
16 between that individual's gender identity and the gender expected of such  
17 individual based on such individual's birth-assigned sex; and  
18 (d) Health care practitioner means a physician, physician assistant,  
19 advanced practice registered nurse, or nurse practitioner licensed or  
20 certified under the Uniform Credentialing Act.  
21 (2) No health care practitioner shall perform gender-affirming  
22 surgery in this state for an individual younger than nineteen years of  
23 age unless the following criteria are met:  
24 (a) The parent or guardian of such individual has provided voluntary  
25 and informed written consent. A health care practitioner shall make an  
26 effort to seek consent from all parents or guardians of the patient and  
27 shall document such efforts;  
28 (b) The patient demonstrates the emotional and cognitive maturity  
29 required to provide informed assent for the surgery;  
30 (c) The patient meets the diagnostic criteria of gender incongruence  
31 and gender incongruence is marked and sustained over time;  
1 (d) The patient has written documentation recommending gender-  
2 affirming surgery from at least two licensed mental health professionals,  
3 psychologists, or psychiatrists who are not part of the same clinic as  
4 each other;  
5 (e) The patient has been informed of the reproductive effects,  
6 including the potential loss of fertility and the available options to  
7 preserve fertility, as well as any other potential side effects or  
8 consequences of such surgery;  
9 (f) The patient has reached the Tanner stage two of puberty;  
10 (g) Mental health concerns, if any, that may interfere with  
11 diagnostic clarity, capacity to consent, or gender-affirming surgery have  
12 been addressed sufficiently so that such surgery can be provided  
13 optimally; and  
14 (h) The patient has been under the care of a health care  
15 practitioner, licensed mental health provider, psychologist, or  
16 psychiatrist for the treatment of gender incongruence for at least twelve  
17 month prior to surgery.  
18 (3) No health care practitioner shall provide irreversible gender-  
19 affirming medical treatment for an individual younger than nineteen years  
20 of age unless the following criteria are met:  
21 (a) The parent or guardian of such individual has provided voluntary  
22 and informed written consent. A health care practitioner shall make an  
23 effort to seek consent from all parents or guardians of the patient and  
24 shall document such efforts;  
25 (b) The patient demonstrates the emotional and cognitive maturity  
26 required to provide informed assent for the treatment;  
27 (c) The patient meets the diagnostic criteria of gender incongruence  
28 and gender incongruence is marked and sustained over time;  
29 (d) The patient has written documentation recommending gender-  
30 affirming medical treatment from at least two licensed mental health  
31 professionals, psychologists, or psychiatrists that are not part of the  
1 same clinic as each other;  
2 (e) The patient has been informed of the reproductive effects,  
3 including the potential loss of fertility and the available options to  
4 preserve fertility, as well as any other potential side effects or  
5 consequences of such treatment;

6 (f) The patient has reached the Tanner stage two of puberty; and  
 7 (g) Mental health concerns, if any, that may interfere with  
 8 diagnostic clarity, capacity to consent, or gender-affirming medical  
 9 treatment have been addressed sufficiently so that such medical treatment  
 10 can be provided optimally.  
 11 (4) The intentional and knowing performance of gender-affirming  
 12 surgery or irreversible gender-affirming medical treatment by a health  
 13 care practitioner for an individual younger than nineteen years of age in  
 14 violation of subsection (2) or (3) of this section shall be considered  
 15 unprofessional conduct as defined in section 38-179.  
 16 (5) The denial of consent for gender-affirming surgery or gender-  
 17 affirming medical treatment by a parent or guardian of an individual  
 18 younger than nineteen years of age shall not require mandatory reporting  
 19 under 28-711.  
 20 Sec. 3. This act becomes operative on October 1, 2023.  
 21 Sec. 4. Original section 38-179, Revised Statutes Cumulative  
 22 Supplement, 2022, is repealed.  
 23 2. On page 1, strike beginning with "to" in line 2 through line 4  
 24 and insert "to prohibit performing gender-affirming surgery or gender-  
 25 affirming medical treatment for an individual younger than nineteen years  
 26 of age as prescribed; to change provisions relating to unprofessional  
 27 conduct under the Uniform Credentialing Act; to harmonize provisions; to  
 28 provide an operative date; and to repeal the original section."

### SELECT FILE

**LEGISLATIVE BILL 814.** Senator Clements offered the following amendment:

[AM1730](#) is available in the Bill Room.

The Clements amendment was adopted with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

### COMMITTEE REPORT

Transportation and Telecommunications

**LEGISLATIVE BILL 600.** Placed on General File with amendment.

[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  
28 that is sufficient for the new business or business expansion;

29 (d) The cost-benefit analysis of the redevelopment plan approved  
30 under the Community Development Law; and

31 (e) How the new business or business expansion would provide the  
32 following:

33 (i) The creation of additional jobs in or near the eligible grantee;

34 (ii) The creation of high-quality jobs in or near the eligible  
35 grantee;

36 (iii) Increased business investment in or near the eligible grantee;  
37 and

38 (iv) Revitalization of rural and other distressed areas of the  
39 state.

40 (3) A grant shall not be awarded to an eligible grantee if:

41 (a) The eligible grantee does not provide a positive cost-benefit  
42 analysis of the redevelopment plan approved under the Community  
43 Development Law; or

44 (b) The eligible grantee does not provide matching funds in the  
45 amount of at least twenty-five percent of the amount of the grant.

46 (4) An eligible grantee shall not be awarded a grant of more than  
47 five million dollars for any single application.

48 Sec. 5. The Department of Economic Development shall:

49 (1) Create an application process for an eligible grantee to apply  
50 for a grant under the Municipality Infrastructure Aid Act;

51 (2) Establish a process for awarding grants under the Municipality  
52 Infrastructure Aid Act and how grant money will be provided to a grant  
53 recipient; and

54 (3) Create a process for recoupment of grant money that is not spent  
55 for the purpose of a grant or if the grant recipient does not meet all  
56 required obligations regarding the grant.

57 Sec. 6. The Department of Economic Development may consult with  
58 statewide associations representing municipal officials, economic  
59 developers, the Department of Transportation, and the Department of  
60 Environment and Energy in order to carry out the Municipality  
61 Infrastructure Aid Act.

62 Sec. 7. The Municipality Infrastructure Aid Fund is created. The  
63 fund shall be administered by the Department of Economic Development and  
64 shall be used for the purposes of the Municipality Infrastructure Aid  
65 Act. The Municipality Infrastructure Aid Fund shall consist of money  
66 transferred by the Legislature and money that was recouped under the  
67 Municipality Infrastructure Aid Act. Any money in the fund available for  
68 investment shall be invested by the state investment officer pursuant to  
69 the Nebraska Capital Expansion Act and the Nebraska State Funds  
70 Investment Act. Investment earnings from investment of money in the fund  
71 shall be credited to the fund.

72 Sec. 8. The Department of Economic Development may adopt and  
73 promulgate rules and regulations to carry out the Municipality  
74 Infrastructure Aid Act.

75 Sec. 9. Section 84-612, Revised Statutes Cumulative Supplement,  
76 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.

(Signed) Mike Moser, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 138.** Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the meaning of affordable housing in Nebraska. In order to carry out the purpose of this resolution, the committee shall hold a public hearing, with the intention of asking testifiers what their view of affordable housing includes, evaluating what other states are doing to make improvements to affordable housing, and reviewing possible solutions to Nebraska housing that is unaffordable.

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



1. That the Urban Affairs 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.

**LEGISLATIVE RESOLUTION 139.** Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for home inspectors found in sections 76-3601 to 76-3606 in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Urban Affairs 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.

**LEGISLATIVE RESOLUTION 140.** Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs 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.

**LEGISLATIVE RESOLUTION 141.** Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the reports received under the Municipal Density and Missing Middle Housing Act. The Municipal Density and Missing Middle Housing

Act requires that cities of the metropolitan class, cities of the primary class, and cities of the first class with a population of at least twenty thousand inhabitants, submit a report to the Urban Affairs Committee of the Legislature every two years detailing the city's efforts to address the availability of and incentives for affordable housing through its zoning codes, ordinances, and regulations. In order to carry out the purpose of this resolution, the committee shall hold one or more public hearings for the presentation of reports by cities required under the act.

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

1. That the Urban Affairs 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.

#### SELECT FILE

**LEGISLATIVE BILL 814.** Senator DeBoer offered [AM1662](#), found on page 1425.

The DeBoer amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator McKinney offered [AM1668](#), found on page 1401.

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

Senator Jacobson offered the following amendment:

[AM1734](#)

(Amendments to E & R amendments, ER31)

1 1. On page 42, strike lines 16 through 31 and insert the following  
 2 new paragraph:  
 3 "Whenever circumstances occur during the budget year that impact the  
 4 initial projected behavioral health region budget, the Behavioral Health  
 5 Regional Governing Board may request a reassignment of funds to  
 6 accommodate emerging needs identified by the behavioral health region to  
 7 maximize the ability of the region to implement new behavioral health  
 8 services and supports or expand capacity in existing services. The  
 9 Division of Behavioral Health shall approve all such requests which  
 10 comply with all state and federal requirements. The Division of  
 11 Behavioral Health shall approve or deny such requests in writing within  
 12 thirty days."

The Jacobson amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Clements offered the following amendment:

[AM1736](#)

(Amendments to Clements amendments, AM1730)

- 1 1. On page 6, line 30, strike "182,837,350" and insert
- 2 "183,837,350".
- 3 2. On page 7, line 1, strike "67,010,814" and insert "66,010,814";
- 4 strike beginning with "\$182,837,350" in line 3 through the last quotation
- 5 mark in line 4 and insert "\$183,837,350"; and strike beginning with
- 6 "federal" in line 8 through "funds" in line 9 and insert "General Funds".

The Clements amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Clements withdrew [AM1673](#), found on page 1431.

Senator B. Hansen withdrew [AM1578](#), found on page 1343.

Senator B. Hansen withdrew [AM1604](#), found on page 1433.

Senator Wayne offered [AM1653](#), found on page 1428.

The Wayne amendment was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Senator Wayne offered the following amendment:

[FA112](#)

On Line 4, after "for," insert "the purpose of," then strike "construction of an additional building." On Line 4, insert "up to" after "which" and before "\$2,000,000."

The Wayne amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Senator Conrad offered the following amendment:

[AM1671](#) is available in the Bill Room.

Pending.

#### **COMMITTEE REPORT** Business and Labor

**LEGISLATIVE BILL 56.** Placed on General File with amendment.

[AM721](#)

- 1 1. On page 3, line 14, strike "ten" and insert "twenty".

(Signed) Merv Riepe, Chairperson

#### **AMENDMENTS - Print in Journal**

Senator Raybould filed the following amendment to [LB754](#):

[AM1651](#)

(Amendments to Standing Committee amendments, AM906)

- 1 1. On page 8, lines 10 and 17, after the comma insert "except as
- 2 otherwise provided in subsection (8) of this section."
- 3 2. On page 10, after line 18 insert the following new subsection:
- 4 "(8) If the actual General Fund net receipts for the most recently
- 5 completed fiscal year are less than or equal to the actual General Fund
- 6 net receipts for the previous fiscal year increased by the inflation
- 7 adjustment percentage, then any rate reduction scheduled to begin
- 8 pursuant to subdivision (2)(b) or (2)(c) of this section for the
- 9 immediately following January 1 shall be suspended. Such suspension shall
- 10 end when the actual General Fund net receipts for the most recently
- 11 completed fiscal year are more than the actual General Fund net receipts
- 12 for the previous fiscal year increased by the inflation adjustment
- 13 percentage. When that occurs, the suspended rate reduction shall go into
- 14 effect on the immediately following January 1 and any subsequent
- 15 reductions to the relevant rate shall go into effect on a modified
- 16 schedule that takes into account any suspensions occurring under this
- 17 subsection. For purposes of this subsection, inflation adjustment
- 18 percentage means the percentage change in the Consumer Price Index for
- 19 All Urban Consumers for the twelve-month period ending on the immediately
- 20 preceding December 31."
- 21 3. On page 42, line 1, strike "subsection (2)", show as stricken,
- 22 and insert "subsections (2) and (5)".
- 23 4. On page 44, after line 1 insert the following new subsection:
- 24 "(5) If the actual General Fund net receipts for the most recently
- 25 completed fiscal year are less than or equal to the actual General Fund
- 26 net receipts for the previous fiscal year increased by the inflation
- 1 adjustment percentage, then the rate reduction scheduled to begin
- 2 pursuant to subsection (1) of this section for the immediately following
- 3 January 1 shall be suspended. Such suspension shall end when the actual
- 4 General Fund net receipts for the most recently completed fiscal year are
- 5 more than the actual General Fund net receipts for the previous fiscal
- 6 year increased by the inflation adjustment percentage. When that occurs,
- 7 the suspended rate reduction shall go into effect on the immediately
- 8 following January 1. Any subsequent rate reductions under subsection (1)
- 9 of this section shall go into effect on a modified schedule that takes
- 10 into account any suspensions occurring under this subsection. For
- 11 purposes of this subsection, inflation adjustment percentage means the
- 12 percentage change in the Consumer Price Index for All Urban Consumers for
- 13 the twelve-month period ending on the immediately preceding December
- 14 31."

Senator Raybould filed the following amendment to [LB754](#):  
[AM1650](#)

(Amendments to Standing Committee amendments, AM906)

- 1 1. On page 8, lines 10 and 17, after the comma insert "except as
- 2 otherwise provided in subsection (8) of this section."
- 3 2. On page 10, after line 18 insert the following new subsection:
- 4 "(8)(a) On or before July 15 of each year, the Tax Commissioner
- 5 shall certify any rate reduction scheduled to begin pursuant to
- 6 subdivision (2)(b) or (2)(c) of this section for the immediately
- 7 following January 1 if:
- 8 (i) The actual General Fund net receipts for the most recently
- 9 completed fiscal year are equal to or greater than the actual General
- 10 Fund net receipts for the previous fiscal year increased by the inflation
- 11 percentage plus three percent;
- 12 (ii) The balance of the Cash Reserve Fund is at least equal to
- 13 sixteen percent of the total General Fund expenditures for the most
- 14 recently completed fiscal year; and
- 15 (iii) The actual General Fund net receipts for the second most

16 recently completed fiscal year are at least equal to ninety-eight percent  
 17 of the actual General Fund net receipts for the third most recently  
 18 completed fiscal year.  
 19 (b) If the conditions in subdivision (8)(a) of this section are not  
 20 met, the Tax Commissioner shall suspend the relevant rate reduction until  
 21 such time as the conditions in subdivision (8)(a) of this section are  
 22 met. When that occurs, the suspended rate reduction shall go into effect  
 23 on the immediately following January 1 and any subsequent reductions to  
 24 the relevant rate shall go into effect on a modified schedule that takes  
 25 into account any suspensions occurring under this subsection.  
 26 (c) For purposes of this subsection, inflation percentage means the  
 1 percentage change in the Consumer Price Index for All Urban Consumers for  
 2 the twelve-month period ending on the immediately preceding December  
 3 31."  
 4 3. On page 42, line 1, strike "subsection (2)", show as stricken,  
 5 and insert "subsections (2) and (5)".  
 6 4. On page 44, after line 1 insert the following new subsection:  
 7 "(5)(a) On or before July 15, 2023, and on or before July 15 of each  
 8 year thereafter, the Tax Commissioner shall certify the rate reduction  
 9 scheduled to begin pursuant to subsection (1) of this section for the  
 10 immediately following January 1 if:  
 11 (i) The actual General Fund net receipts for the most recently  
 12 completed fiscal year are equal to or greater than the actual General  
 13 Fund net receipts for the previous fiscal year increased by the inflation  
 14 percentage plus three percent;  
 15 (ii) The balance of the Cash Reserve Fund is at least equal to  
 16 sixteen percent of the total General Fund expenditures for the most  
 17 recently completed fiscal year; and  
 18 (iii) The actual General Fund net receipts for the second most  
 19 recently completed fiscal year are at least equal to ninety-eight percent  
 20 of the actual General Fund net receipts for the third most recently  
 21 completed fiscal year.  
 22 (b) If the conditions in subdivision (5)(a) of this section are not  
 23 met, the Tax Commissioner shall suspend the rate reduction scheduled to  
 24 begin pursuant to subsection (1) of this section for the immediately  
 25 following January 1. Such suspension shall end when the conditions in  
 26 subdivision (5)(a) of this section are met. When that occurs, the  
 27 suspended rate reduction shall go into effect on the immediately  
 28 following January 1. Any subsequent rate reductions under subsection (1)  
 29 of this section shall go into effect on a modified schedule that takes  
 30 into account any suspensions occurring under this subsection.  
 31 (c) For purposes of this subsection, inflation percentage means the  
 1 percentage change in the Consumer Price Index for All Urban Consumers for  
 2 the twelve-month period ending on the immediately preceding December  
 3 31."

Senator Blood filed the following amendment to [LB298](#):  
[AM1691](#) is available in the Bill Room.

### VISITORS

Visitors to the Chamber were students from DC West Elementary, Valley; students, teachers and sponsor from North Star High School, Lincoln; students from Oakland Craig Elementary, Oakland; students from Fillmore Central Elementary, Geneva.

**RECESS**

At 11:59 a.m., on a motion by Senator Lowe, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Albrecht, Arch, Bostar, M. Cavanaugh, Day, Dungan, Fredrickson, B. Hansen, Hughes, Hunt, Ibach, Kauth, Linehan, Slama, Vargas, von Gillern, and Walz who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 814.** Senator Conrad renewed [AM1671](#), found and considered in this day's Journal.

The Conrad amendment was withdrawn.

Senator Arch moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

The Chair declared the call raised.

Senator Wayne offered [AM1663](#), found on page 1427.

Senator Wayne moved for a call of the house. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Wayne amendment was adopted with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator B. Hansen offered the following amendment:

[AM1714](#)

(Amendments to E & R amendments, ER31)

1 1. On page 145, line 22, strike "14,271,875" and insert  
2 "22,271,875"; and in line 25 strike "84,137,755" and insert "92,137,755".  
3 2. On page 146, line 5, strike "\$7,000,000" and insert  
4 "\$15,000,000"; and after line 18 insert the following new paragraph:  
5 "There is included in the amount shown as aid for this program for  
6 FY2023-24 \$8,000,000 General Funds to provide a grant to a city of the  
7 first class. Such grant shall be provided for the purposes of (1)  
8 expanding a municipal drinking water treatment plant and all related  
9 appurtenances, settling basins, pumps, storage tanks, and water  
10 distribution facilities, including costs for the acquisition of land

11 needed for the purpose of locating eligible project components, and (2)  
 12 supporting the additional demand for processing agricultural products,  
 13 enhanced water quality, creation of new capital investment, and creation  
 14 of new jobs in the State of Nebraska."

Senator B. Hansen moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The B. Hansen amendment lost with 19 ayes, 16 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator B. Hansen withdrew the following amendment:

[AM1715](#)

(Amendments to E & R amendments, ER31)

1 1. On page 18, strike line 28 and insert "FEDERAL FUND est.  
 2 43,048,380 43,745,679"; and strike line 30 and insert "PROGRAM TOTAL  
 3 73,349,174 74,531,347".  
 4 2. On page 19, line 30; and page 20, line 2, after "Funds" insert  
 5 "and \$2,000,000 Federal Funds".  
 6 3. On page 20, after line 6 insert the following new paragraph:  
 7 "There is included in the amount shown as aid for this program  
 8 \$2,000,000 Federal Funds for FY2023-24 and \$2,000,000 Federal Funds for  
 9 FY2024-25 for grants to educational service units for costs of providing  
 10 or accessing mapping data."

Speaker Arch offered the following motion:

[MO1039](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Slama
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Clements	Hansen	Lowe	von Gillern
Ballard	Day	Hardin	McDonnell	Walz
Blood	DeBoer	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Erdman	Kauth	Sanders	

Voting in the negative, 2:

Cavanaugh, M. McKinney

Present and not voting, 2:

Cavanaugh, J.     Hunt

Excused and not voting, 4:

Albrecht     Conrad     Dungan     Wayne

The Arch motion to invoke cloture prevailed with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

#### **AMENDMENT - Print in Journal**

Senator M. Cavanaugh filed the following amendment to [LB814](#): [AM1740](#) is available in the Bill Room.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 142.** Introduced by Day, 49.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine Nebraska's policies relating to veterans and to evaluate the competitiveness of Nebraska for veterans and current service members when choosing where to live after retirement. As of 2020, Nebraska had 126,951 veterans, 39,888 of which are experiencing a service-connected disability. Additionally, Nebraska is home to 5,849 active duty service members. Making Nebraska an appealing destination for these service members to live after retirement can be part of the solution for increasing the population and economic growth in the state. An evaluation of the state's policies might help determine if Nebraska is working towards becoming a welcoming and prosperous place for Nebraska's existing veterans.

Improving the quality of life for veterans can be achieved in a number of areas through legislation, including reducing tax rates on retirement and other income relative to other states; increasing access to housing, medical care, mental health care, and employment; and reducing barriers for spousal employment.

This interim study shall include, but need not be limited to, an examination of the following:

- (1) Competitiveness of the cost of living for veterans in Nebraska compared to other states;
- (2) Challenges faced by veterans in Nebraska;
- (3) The current taxes paid by veterans in Nebraska;
- (4) Strategies to lower the tax burden paid by veterans in Nebraska;



(5) Strategies other states have utilized to attract retired service members to live in such states;

(6) Employment opportunities and challenges for veterans and their spouses, including occupational license reciprocity and temporary occupational licenses;

(7) Housing challenges for veterans, including access, affordability, and source-of-income discrimination relating to obtaining loans; and

(8) Areas of potential legislation relating to the mental health of veterans, including barriers to care, access to mental health care, representation on mental health boards, and suicide prevention.

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

1. That the Government, Military and Veterans Affairs 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.

### SELECT FILE

**LEGISLATIVE BILL 818.** [ER32](#), found on page 1400, was offered.

ER32 was adopted.

Senator Clements withdrew [AM1674](#), found on page 1431.

Senator B. Hansen withdrew [AM1601](#), found on page 1433.

Senator Clements offered the following amendment:

[AM1729](#)

(Amendments to E & R amendments, ER32)

1 1. On page 41, lines 29 and 30, strike "six hundred ten million one  
2 hundred twenty-five thousand" and insert "four hundred forty million".

### SPEAKER ARCH PRESIDING

### SENATOR DORN PRESIDING

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

The Clements amendment was adopted with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENTS - Print in Journal**

Senator M. Cavanaugh filed the following amendment to LB552:

[AM1719](#)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB552:

[AM1718](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB531:

[AM1723](#)

(Amendments to Standing Committee amendments, AM1222)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB531:

[AM1722](#)

(Amendments to Standing Committee amendments, AM1222)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB754:

[AM1721](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB754:

[AM1720](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Strike section 1.

**SELECT FILE**

**LEGISLATIVE BILL 818.** Senator Clements offered the following amendment:

[AM1745](#)

(Amendments to E&R amendments, ER32)

1 1. Purpose: Agency 72 — Department of Economic Development: Strike  
2 use of the Site and Building Development Fund for a grant to a city of  
3 the first class for riverfront improvement projects.

4 Amendment:

5 a. On page 24, strike beginning with "A" in line 3 through "(k)" in  
6 line 8; in line 15 strike "(l)" and insert "(k)"; and in line 20 strike  
7 "(m)" and insert "(l)".

8 2. Purpose: Agency 33 — Game and Parks Commission: Strike transfers  
9 from the State Park Cash Revolving Fund.

10 Amendment:

11 a. Strike sections 9 and 10; and

12 b. Renumber the remaining sections and correct the repealer and

13 internal references accordingly.

14 3. Purpose: Agency 72 — Department of Economic Development: Strike  
15 additional grant amount for county agricultural society.

16 Amendment:

17 a. On page 33, lines 26 and 28, strike the new matter and reinstate

18 the stricken matter.  
19 4. Purpose: Agency 13 – State Department of Education: Change a  
20 permitted use of the Education Future Fund.  
21 Amendment:  
22 a. On page 20, strike lines 17 and 18 and insert the following new  
23 subdivision:  
24 "(b) To fund reimbursements related to special education under  
25 section 79-1142."  
26 5. Purpose: Clarify organizations receiving grants of federal  
1 Temporary Assistance for Needy Families funds.  
2 Amendment:  
3 a. On page 46, line 20, strike "that provide food assistance" and  
4 insert "holding a certificate of exemption under section 501(c)(3) of the  
5 Internal Revenue Code that distribute food in ten or more counties in  
6 Nebraska and qualify for the Emergency Food Assistance Program  
7 administered by the United States Department of Agriculture".

## SENATOR DEBOER PRESIDING

Pending.

## EASE

The Legislature was at ease from 5:25 p.m. until 6:03 p.m.

## SENATOR DORN PRESIDING

## SENATOR DEBOER PRESIDING

## SELECT FILE

**LEGISLATIVE BILL 818.** Senator Clements renewed [AM1745](#), found and considered in this day's Journal.

Senator B. Hansen moved for a call of the house. The motion prevailed with 19 ayes, 6 nays, and 24 not voting.

The Clements amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bostelman offered [AM1623](#), found on page 1391.

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

Senator M. Cavanaugh offered the following amendment:  
[AM1727](#)

(Amendments to E & R amendments, ER32)

1 1. Strike section 2.

Speaker Arch offered the following motion:

[MO1038](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Arch	Briese	Fredrickson	Linehan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bosn	DeKay	Holdcroft	Moser	Wishart
Bostar	Dorn	Hughes	Murman	
Bostelman	Dover	Ibach	Raybould	
Brandt	Dungan	Jacobson	Riepe	
Brewer	Erdman	Kauth	Sanders	

Voting in the negative, 1:

Hunt

Present and not voting, 4:

Cavanaugh, J.    Cavanaugh, M.    Day            Wayne

Excused and not voting, 3:

Aguilar            Albrecht            McKinney

The Arch motion to invoke cloture prevailed with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The M. Cavanaugh amendment lost with 1 aye, 38 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**SPEAKER ARCH PRESIDING**

**AMENDMENTS - Print in Journal**

Senator Bostar filed the following amendment to [LB727](#):

[AM1747](#)

1 1. Strike section 1.

Senator Bostar filed the following amendment to LB727:  
[AM1750](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator B. Hansen filed the following amendment to LB818:  
[AM1728](#)

(Amendments to E & R amendments, ER32)

1 1. Insert the following new section:

2 Sec. 45. (1) For purposes of this section:

3 (a) Mapping data means maps relating to a school building or school  
 4 property with data for an efficient emergency response to such school  
 5 building or school property that meets the requirements of this section;

6 and

7 (b) Public safety agency means a local agency consisting of members  
 8 who serve a public or governmental agency or political subdivision in an  
 9 official capacity, with or without compensation, as either a peace  
 10 officer, a firefighter, or an emergency care provider.

11 (2)(a) A school board of a school district or a governing authority  
 12 of a private, denominational, or parochial school in this state may vote  
 13 to adopt a policy in accordance with this section to provide mapping data  
 14 to public safety agencies for use in response to emergencies.

15 (b) A school board or a governing authority that adopts such policy  
 16 shall provide mapping data in an electronic or digital format to assist  
 17 public safety agencies in responding to an emergency at a school.

18 (c) The mapping data shall, at a minimum, meet all of the following  
 19 requirements:

20 (i) Be compatible with and able to be integrated into software  
 21 platforms used by public safety agencies that provide emergency services  
 22 to the specific school for which the data is provided without requiring  
 23 either of the following:

24 (A) The purchase of additional software by such public safety  
 25 agencies; and

26 (B) The integration of third-party software to view the data;  
 1 (ii) Be a finished map product in a file format easily accessible  
 2 using a standard or open-source file reader, depending on the needs of  
 3 the school and the public safety agency;

4 (iii) Be provided in a printable format;

5 (iv) Be verified for accuracy, during production and annually,  
 6 through a walk-through of school buildings and grounds;

7 (v) Give an indication of what direction is true north;

8 (vi) Be overlaid on current aerial imagery or plans of school  
 9 buildings;

10 (vii) Contain site-specific labeling that matches the structure of  
 11 school buildings, including room labels, hallway names, external door or  
 12 stairwell numbers, locations of hazards, key utility locations, key  
 13 boxes, automated external defibrillators, and trauma kits using standard  
 14 labeling rules set by the State Department of Education;

15 (viii) Contain site-specific labeling that matches the school  
 16 grounds, including parking areas, athletic fields, surrounding roads, and  
 17 neighboring properties using standard labeling rules set by the State  
 18 Department of Education; and

19 (ix) Be overlaid with a grid and coordinates.

20 (3) The school board of each school district and the governing  
 21 authority of each private, denominational, or parochial school that  
 22 adopts a policy in accordance with this section shall annually (a)  
 23 certify to the appropriate public safety agencies that the mapping data  
 24 required to be provided under subsection (2) of this section is accurate

25 or (b) if such information has changed, provide the appropriate public  
 26 safety agencies with updated mapping data.  
 27 (4) A school board of a school district or a governing authority of  
 28 a private, denominational, or parochial school that adopts a policy in  
 29 accordance with this section and a public safety agency providing  
 30 services to a school that adopts such policy may apply to the appropriate  
 31 educational service unit for the educational service unit to pay for the  
 1 costs of and facilitate the implementation of mapping data in accordance  
 2 with this section for such school district, school, or public safety  
 3 agency. Such application shall include a copy of the appropriate school  
 4 policy, a quote from a vendor on the price to provide such mapping data  
 5 that meets the requirements of subdivision (2)(c) of this section, and  
 6 any other information required by the educational service unit.  
 7 (5) An educational service unit may apply to the State Department of  
 8 Education, on forms and in a manner prescribed by the department, for a  
 9 grant to cover the costs of providing payments to vendors on behalf of a  
 10 school district, school, or public safety agency within such educational  
 11 service unit's geographical area in order for such school district,  
 12 school, or public safety agency to provide or access mapping data in  
 13 accordance with this section. The educational service unit shall include  
 14 with such application the information provided to the educational service  
 15 unit by the school district, school, or public safety agency and any  
 16 other information required by the department.  
 17 (6) It is the intent of the Legislature that grants awarded pursuant  
 18 to this section shall be funded first using federal funds from the  
 19 federal Elementary and Secondary School Emergency Relief Fund and, if  
 20 additional funding is needed, then using General Funds.  
 21 (7) The State Board of Education may adopt and promulgate rules and  
 22 regulations to carry out this section.  
 23 2. Renumber the remaining sections accordingly.

Senator M. Cavanaugh filed the following amendment to LB243:

FA113

Strike Section 1.

#### SELECT FILE

**LEGISLATIVE BILL 243.** Senator M. Cavanaugh offered MO169, found on page 925, to bracket until June 2, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 10 ayes, 3 nays, and 36 not voting.

The M. Cavanaugh motion to bracket failed with 1 aye, 26 nays, 10 present and not voting, and 12 excused and not voting.

Pending.

#### AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB243:

AM1432

(Amendments to E&R amendments, ER21)

1 1. On page 32, line 18, reinstate the stricken matter beginning with  
 2 "except" through "exceed" and after "exceed" insert "seven"; and in line  
 3 19 reinstate the stricken matter.

Senator Briese filed the following amendment to [LB243](#):  
[AM1743](#) is available in the Bill Room.

#### **MOTIONS - Print in Journal**

Senator Briese filed the following motion to [LB243](#):  
[MO1040](#)  
Bracket until May 16, 2023.

Senator Briese filed the following motion to [LB243](#):  
[MO1041](#)  
Recommit to the Revenue Committee.

Senator Briese filed the following motion to [LB243](#):  
[MO1042](#)  
Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to [LB243](#):  
[MO1043](#)  
Reconsider the vote on MO169.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 143.** Introduced by Brewer, 43; Cavanaugh, J., 9; Conrad, 46; DeKay, 40; Dungan, 26; Wayne, 13.

**PURPOSE:** The purpose of this resolution is to propose an interim study to review applicable court precedent related to the Nebraska Indian Child Welfare Act to determine whether a legislative response is appropriate in order to clarify the law and to ensure that the protections, provisions, and intent of the act are fulfilled.

The Nebraska Indian Child Welfare Act governs child custody proceedings and is intended to protect the best interest of Indian children and promote the stability and security of Indian tribes and families. Specifically in the act, section 43-1502 provides that it is "the policy of the state to cooperate fully with Indian tribes in Nebraska in order to ensure that the intent and provisions of the federal Indian Child Welfare Act are enforced". This expression of legislative intent further provides that "[t]he state is committed to protecting the essential tribal relations and best interests of an Indian child by promoting practices consistent with the federal Indian Child Welfare Act". Despite this policy statement, Indian families and children continue to exist within Nebraska's child welfare system at disproportionate rates, threatening the stability and security of Indian tribes and families.

The study should also focus on how state courts interact with tribal representatives and tribal courts to ensure the state is respecting the sovereignty of Indian tribes and examine the relationship between federal and state law to ensure that all laws intended to effectuate rights and legal

protections for Indian children are being effectively realized and implemented.

In order to carry out the purposes of this resolution, the committee may consult with any tribal, public, and private stakeholders the committee deems necessary; may utilize existing and past studies, reports, and data relating to compliance with the Nebraska Indian Child Welfare Act; and, if feasible, should conduct at least one public hearing on an Indian reservation to ensure the committee has full access to the collective experience and expertise of tribes in effectuating the act.

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.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Vargas name added to LB80.  
Senator Vargas name added to LB130.  
Senator Vargas name added to LB249.  
Senator Vargas name added to LB274.  
Senator Vargas name added to LB503.  
Senator Vargas name added to LB512.  
Senator Vargas name added to LB596.  
Senator Bosn name added to LR130.

#### **VISITORS**

Visitors to the Chamber were Sharon Fenn, Lincoln; students from Amherst Public Schools, Amherst; students from St. Paul Public, St. Paul.

#### **ADJOURNMENT**

At 9:20 p.m., on a motion by Senator Bosn, the Legislature adjourned until 9:00 a.m., Thursday, May 11, 2023.

Brandon Metzler  
Clerk of the Legislature