

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 11, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixth day of the One Hundred Eighth, First Session. Our chaplain today is Dr. Connie Dawson, Radiant Church, Lincoln, Nebraska. She is a guest of Senator Geist.

CONNIE DAWSON: Good morning. Let us pray. Heavenly Father, you are the Lord God Almighty, and you do big things in small ways. Through only one sentence spoken by the-- in the king's chamber, you used Elijah to stop the rain for three-and-a-half years and bring the nation to its knees; through a small boy with a sling and a stone, you slayed a giant and broke fear and intimidation off the nation and restored their courage and confidence to win a victorious battle. Father, your word is active and powerful. As bits are placed in the mouth of horses to turn them in your desired direction, I pray that you would put the words, your words, in the mouth of these senators. Many have described Nebraska as a small, insignificant, flyover state. But you, oh, God, delight in doing big things in small ways. In the discussion of every bill, in every debate, in every committee meeting, in every vote that is cast, may your word be established, your perfect will be done in this place, as it is decreed in heaven. Father, let your spirit come, breathe upon this 2023 Senate Session. Pur the word of the Lord in the hearts and the minds and the mouths of your senators to accomplish your will. Let such a powerful word come out of this place that it shifts the heart of this state and turns our nation back to righteousness. I pray a blessing over the senators and their families. We ask you to bless the work of their hands and grant them divine wisdom, knowledge and understanding to know your will. I pray that the eyes of their hearts would be open to know the love of God that surpasses knowledge, then that they may have a revelation of your love that is higher, wider, deeper, longer than they could ever imagine. Father, help every senator to know that your hand is upon them, that you see them, that you know their hearts and you know their needs. Though at times they may feel small in the grander schemes of things, remind them that you are with them and that you use ordinary people to do big things. Bless these senators who are willing to lay down their lives to serve the people of this state. This year, Father, do great things in and through these senators. We pray in Jesus's name, amen.

KELLY: I recognize Senator Brandt for the Pledge of Allegiance.

BRANDT: Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

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KELLY: Thank you. I call to order the sixth day of the One Hundred Eighth Legislative Session, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

KELLY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

KELLY: Thank you. Are there any messages, reports or announcements?

ASSISTANT CLERK: There are. The Agriculture Committee has selected Senator Ibach as Vice Chair for the coming session. In addition to that, I have a Reference Committee report for LB146 through LB205, plus various gubernatorial appointments; that will be placed in the Journal, Mr. President.

KELLY: Senator Erdman would like to recognize his guest today, Terry Jensen-- Jessen from Oshkosh, Nebraska, District 47. He's under the south balcony. Please welcome Terry Jessen. Senator Clements would like to recognize Dr. Dale Michels of Walton, Nebraska, serving as the physician of the day. Mr. Clerk, we will now proceed to the first item on the agenda. Mr. Clerk, new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB279, offered by Senator Kauth, it's a bill for a back-- for an act relating to banking and finance; to eliminate provisions relating to the report of loans, indebtedness, credit of executive officers of banks; to adopt federal updates to law relating to extension of credit; repeal original sections. LB280, by Senator Blood, it's a bill for an act relating to public health; to adopt the Interstate Massage Compact; change provisions relating to licensure and examination under the Massage Therapy Practice Act; repeal original sections. LB281, by Senator Jacobson, a bill for an act relating to appropriations; appropriate money to the Department of Economic Development to grant for youth outdoor education camp facilities; and declare an emergency. LB282, by Senator Riepe, is a bill for an act relating to claims against the state; to appropriate funds to the payment of certain claims; provide for payment of the claims; authorize agencies to write off certain claims as prescribed; declare an emergency. LB283, by Senator Riepe, it's a bill for an act relating to claims against the state; to disapprove certain claims. LB284, by Senator McKinney, it's a bill for an act relating to law enforcement; to adopt the Municipal Police

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Oversight Act; to require the city and county attorneys, the Attorney General to maintain public Brady and Giglio lists; to change and provide requirements for execution of no-knock search and arrest warrants; define terms; provide for exclusion of evidence; prohibit criminal justice agencies from collecting, assembling, or preserving data relating to individuals' purported gang status; to require deletion of records and notification of the subjects of such records; provide a duty for the Commission on Enforcement and Criminal Justice to require a bachelor's degree to gain admission to the law enforcement training academy; to require current law enforcement officers to obtain or begin obtaining a bachelor's degree by 2033; change provisions relating to enforcement officer records; to eliminate the offense of unlawful membership recruitment in an organization or association; provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal Section 28-1351. LB285, by Senator Walz, it's a bill for an act relating to schools; amends Section 79-10,137; to adopt School Community Eligibility Provision Maximization Act; repeal the original sections. LB286, by Senator Walz, it's a bill for an act relating to the Uniform Credentialing Act; provide for participation in a physician wellness program; provide an exemption from certain acts as prescribed; and to repeal the original sections. LB287, by Senator Brewer, it's a bill for an act relating to the Joint Public Agency Act; to prohibit any joint public agencies as prescribed; and to repeal the original sections. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next item on this morning's agenda is LR13, offered by Senator DeKay and a number of members: Whereas, Gary, Gregory, and Kelly Sage were born to Earnest and Eunice Sage in Niobrara, Nebraska; the Sage brothers enlisted in the United States Navy and-- and requested they be sta-- stationed aboard the same ship together, the Allen M. Sumner class destroyer, the USS Frank Evans; whereas, the Sage brothers and the crew performed their duties when the ship was assigned to provide naval gunfire support for American forces during Operation Daring Rebel along the coast of Vietnam in early May of 1969; whereas, the USS Frank Evans was ordered to operate in a multinational Southeast Asia Treaty Organization task force of forty ships-- for joint naval exercise Operation Sea Spirit; this was one of the largest naval exercises in the history of Southeast Asia Treaty Organization and served as a show of force demonstration towards North Vietnam and its allies operating in the region; whereas, the Frank Evans was-- screened [SIC] a multinational task force led by

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the Australian aircraft-- Melbourne. While taking up a new escort, the Frank Evans-- accidentally rammed and split in two by the HMAS Melbourne on June 3, 1969. At the time of the accident, task force was failing-- sailing on base course 220 degrees. The actual coordinates of the collision [INAUDIBLE] latitude-- north and longitude-- corresponds to a position-- 200 miles southeast of the Vietnam mainland; whereas, Boatswain's Mate 2nd Class Gary Sage, Radarman 3rd-- Gregory Sage, and Seaman Apprentice Kelly Sage were among the seventy-four sailors killed in this accident. In performing their duties aboard the Frank Evans, the lost [INAUDIBLE] served in the finest tradition of the United States Navy; whereas, it is appropriate that the Legislature honor and respect the sacrifices of our military servicemen and servicewomen-- therefore, be it resolved, that the Legislature supports action to include the names of the Sage brothers and the other seventy-one sailors on the USS Franklin [SIC] Evans killed on June 3, 1969, on the Vietnam Veterans Memorial Wall in the District of Columbia.

KELLY: Senator DeKay, you're op-- you're recognized to open on your resolution.

DeKAY: Thank you, Mr. President. And good morning, colleagues. I am introducing LR13 resolution on a premise of the fact that the Sage brothers and the other 71 sailors that were killed in an accident in a sea were not considered in the combat area for the Vietnam Wall. They had been in active duty along the southern Vietnam border, called out to sea for naval exercises and were planning on going back. They have been excluded from the Vietnam Wall because they were outside the combat zone at the time. But this is not a feel-good resolution. This is a right-thing-to-do resolution. And I do appreciate efforts of all 49 senators, including myself, for cosigning and bringing this resolution forward. And I appreciate the thoughtfulness and efforts of everybody involved, so thank you.

KELLY: Any discussion? Seeing none, Senator, you're recognized to-- Senator Holdcroft.

HOLDCROFT: Thank you, Mr. President. I'd like to just add a little bit more background on this particular resolution, because I'm very familiar with the-- the incident, as this is a classic example of-- that's-- that's covered in your basic surface warfare training in the United States Navy. The USS Evans was working with an Australian and New Zealand force in an exercise called Kangaroo. And it's a-- it's an annual event. It continues today. I've actually participated in the Kangaroo exercises and it-- it reinforces the-- the-- the bond between

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our-- our allies in the region. And in particular, in Vietnam, there were-- we-- we had great relationships between the-- the Australian Navies and the New Zealand Navies. Unfortunately, in this case, the USS Evans, this was late at night. The crew was asleep, the USS Melbourne, and it was the Evans' fault. They were-- they were maneuvering to a different location and they-- they inadvertently went in front of the-- the USS Melbourne, and the ship was actually cut in half, and the forward half of the ship rolled over and all hands were lost. So it's extremely important and, I think, appropriate that these names be listed in the memorial.

KELLY: Thank you, Senator Holdcroft. Any further debate? Senator DeKay to close.

DeKAY: Thank you, Senator Holdcroft, for your explanation more in depth on that. I do waive to close.

KELLY: Thank you, Senator DeKay. The question is the adoption of LR13. We'll [INAUDIBLE] for a voi-- voice vote-- machine vote. All those in favor, aye; all those opposed, nay. Call of the house. Question is, shall the house go under call? All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

ASSISTANT CLERK: 16 ayes, 7 nays to go under call, Mr. President.

CLERK: House is now under call.

KELLY: House is now under call. All un-- unexcused senators please check in. Senators, please record your presence. The house is under call. All unauthorized personnel please leave the floor. Senator Wayne, point of order.

WAYNE: I don't know how to say this, but I'm going to say it. If we're going to vote on a resolution, this has to be recommitted to a hearing at the committee level that would be Government Committee. Anything from this body that's voted on has to go through a committee process. That's why most of our resolutions are not voted on. But those that are controversial, such as Senator Halloran's resolution before Senator Blood's resolution, you have to go through a committee process. So there should be a public hearing on this if we're going to have a vote. Thank you, Mr. President.

KELLY: Will Senator Wayne and Speaker Arch please come forward? The Chair recognizes Senator Wayne.

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WAYNE: Based on the fact that all 49 senators signed the resolution, I do think there's an exception and there is a history of-- of when 49 senators sign on, of taking a vote on the floor, so I withdraw my objection.

KELLY: Thank you, Senator Wayne. Senator Day, please check in. Members, please return to your seats. We're taking a vote. All unexcused senators are now present. We have an open vote. Senator DeKay, will you take an open vote? Will you take call-in votes? Senators, please call in.

CLERK: Senator Wayne voting yes. Senator Machaela Cavanaugh voting yes. Senator Wayne voting yes. Senator McDonnell voting yes. Senator Machaela Cavanaugh voting yes. Senator Erdman voting yes. Senator Raybould voting yes. Senator McKinney voting yes. Senator Day voting yes. Senator John Cavanaugh voting yes. Senator Hunt voting yes. Senator Ben Hansen voting yes. Senator Sanders voting yes. Senator Lippincott voting yes. Senator Riepe voting yes. Vote is 47 ayes, 0 nays on the adoption of the resolution, Mr. President.

KELLY: Resolution is adopted. Raise the call. Mr. Clerk, new bills.

ASSISTANT CLERK: LB288, by Senator Bostelman, it's a bill for an act relating to motor vehicles; to require the Department of Motor Vehicles to establish and maintain an online verification system for accessing certain private passenger motor vehicle insurance and financial responsibility information; to authorize a disclosure under the Uniform Motor Vehicle Records Disclosure Act; repeal original sections. LB289, by Senator Bostelman, is a bill for an act relating to Municipal Cooperative Financing Act; to change provisions relating to the powers of an agency; to repeal the original sections. LB290, by Senator Cavanaugh, it's a bill for an act relating to dependent children program; to change requirements related to standard of need; repeal original sections. LB291, by Senator Machaela Cavanaugh, it's a bill for an act relating to the Uniform Credentialing Act; to require implicit bias, diversity, equity, and inclusion training for certain applicants and credential holders under the Uniform Credentialing Act. LB292, by Senator Machaela Cavanaugh, a bill for an act relating to the Jobs and Economic Development Initiative Act; to prohibit the use of eminent domain as prescribed; to harmonize provisions; repeal original sections. LB293, by Senator Machaela Cavanaugh, it's a bill for an act relating to state government; amends Section 73-504; to provide protest procedures for certain contracts for services; to harmonize duties for the Department of Administrative Services; harmonize provisions; repeal the original sections. LB294, by Senator

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Conrad, a bill for an act relating to revenue and taxation; to adopt the Child Credit Act [SIC]; to exempt certain tax credit refunds from the claims of creditors; to harmonize provisions; repeal the original sections. LB295, by Senator Conrad, it's a bill for an act relating to income taxes; to increase the Earned Income Tax Credit as prescribed; repeal original sections. LB296, by Senator Ballard, a bill for an act relating to insurance; to adopt the Pet Insurance Act; provide an operative date. LB297, Senator Sanders, a bill for an act relating to the Administrative Procedures Act; to adopt the Personal Privacy Protection Act; to harmonize provisions; provide an operative date; provide severability; and repeal the original sections. In addition, Mr. President, an announcement that the Rules Committee will meet under the south balcony at 10:45.

KELLY: Mr. Clerk, for an announcement.

ASSISTANT CLERK: Thank you, Mr. President. The Natural Resources Committee will meet at 11:00 a.m. in-- in Room 1525. The Business and Labor Committee will meet under the north balcony also at 11:00. And the General Affairs Committee will be meeting at 11:15 under the north balcony for purposes of selecting a Vice Chair. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Mr. Clerk, new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB298, by Senator Linehan, it's a bill for an act relating to education; to require collection and reporting of information regarding dyslexia in schools as prescribed; to require the State Department of Education to make a report to the Legislature. LB299, by Senator Linehan, it's a bill for an act relating to the Interlocal Cooperation Act; amends Section 13-809; to require approval of the voters for the issuance of certain bonds; repeal original sections; declare an emergency. LB300, by Senator Lineahn, it's a bill for an act relating to revenue and taxation; change provisions relating to sales and use tax exemptions for nonprofit organizations; provide an operative date; and repeal the original sections. LB301, by Senator Linehan, it's a bill for an act relating to Nebraska Liquor Control Act; change a tax on ready-to-drink cocktails; and repeal original sections. LB302, by Senator Linehan, it's a bill for an act relating to the Accountability and Disclosure Act; change requirements for certain persons holding elective office; and to provide requirements for public employees related to potential conflicts of interest; to harmonize provisions; repeal original sections. LB303, by Senator Linehan, it's a bill for an act relating to school funding; change provisions relating to an

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annual estimate for necessary funding under the Tax Equity and Educational Opportunities Support Act; and repeal the original sections. LB304, by Senator Linehan, is a bill for an act relating to political subdivisions; provide for disclosure of certain membership dues and lobbying fees paid as prescribed. LB305, by Senator Halloran, it's a bill for an act relating to grain warehouses; change provisions relating to storage rates and charges; and repeal original sections. LB306, by Senator Hunt, it's a bill for an act relating to infants and juveniles; to define terms; to state intent; to create the Nebraska Youth in Care Bill of Rights; and provide powers and duties. LB307, by Senator Hunt, is a bill for an act relating to the Uniform Controlled Substances Act; to authorize pharmacies and local public health programs to provide hypodermic syringes or needles to prevent the spread of infectious disease; and to repeal the original sections. LB308, by Senator Bostar, it's a bill for an act relating to public health and welfare; to adopt the Genetic Information Privacy Act. LB309, by Senator Bostar, a bill for an act relating to revenue and taxation; to change an interest rate relating to property tax refunds; and to repeal original sections. LB310, by Senator Conrad, a bill for an act relating to public assistance; change the maximum payment level for monthly assistance; and repeal the original section. LB311, by Senator Lowe, it's a bill for an act relating to the Nebraska Racetrack Gaming Act; to change dates of required market analysis and socioeconomic-impact studies; and repeal the original sections. LB312, by Senator Lowe, a bill for an act relating to political subdivisions; change provisions relating to withholding money due to noncompliance with budget limits and annual audits for certain political subdivisions; and to repeal the original sections. LB313, by Senator Lowe, it's a bill for an act relating to elections; change provisions relating to special elections and filling vacancies; and repeal original sections. LB314, by Senator Fredrickson, it's a bill for an act relating to firearms; to require dissemination of information regarding suicide prevention; requires suicide prevention training; harmonize provisions; and repeal original sections. LB315, by Senator Fredrickson, it's a bill for an act relating to public health and welfare; to prohibit providers of services relating to examination or treatment of injuries arising from sexual assault, domestic assault, child abuse, from taking action relating to victims' debt for such services. LB316, by Senator Fredrickson, a bill for an act relating to marriage; to change terminology; to harmonize provisions; repeal original sections. LB317, by Senator von Gillern, it's a bill for an act relating to county assessors; change provisions relating to the inspection of real property; and repeal the original sections. LB318, by Senator Bostar, a bill for an act relating to revenue and taxation;

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to adopt the Child Care Tax Credit Act; to authorize tax credits under and change provisions relating to the School Readiness Tax Credit Act; to harmonize provisions; and repeal original sections. LB319, by Senator Bostar, it's a bill for an act relating to childcare funding; to provide duties for the State Department of Education and the Department of Health and Human Services; provide for transfers of the Cash Reserve Fund; repeal the original section; declare an emergency. LB320, by Senator Brandt, it's a bill for an act relating to the Tax Equity and Educational Opportunities Support Act; change provisions relating to state aid value and the amount of state aid; create a fund; provide for transfers, distributions from the fund; to harmonize provisions; and repeal the original sections. LB321, by Senator Brandt, a bill for an act relating to the Nebraska Pure Food Act; redefine terms; change and provide provisions-- to certain [INAUDIBLE] sold directly to consumers; to construe intent; to provide for injunctive relief and a penalty; to harmonize provisions; repeal the original sections. LB322, by Senator Linehan, it's a bill for an act relating to the Joint Public Agency Act; to prohibit new joint public agencies forming for tax purposes as prescribed; and repeal the original sections. LB323, by Senator Linehan, it's a bill for an act relating to appropriation; to appropriate funds for a salary increase for legislative employees; define terms; provide an operative date; and to declare an emergency. LB324, by Senator Wishart, it's a bill for an act relating to the Special Education Act; change provisions relating to reimbursements; harmonize provisions; repeal the original sections. LB325, by Senator Dungan, it's a bill for an act relating to tort claims; change provisions relating to claims for certain intentional torts; to harmonize provisions; and repeal the original sections. LB326, by Senator Raybould, it's a bill for an act relating to Medical Assistance Act; to provide for eligibility for certain children; to harmonize provisions; provide an operative date; to repeal the original sections. Mr. President, that's all I have at this time.

KELLY: Senators, the Speaker contemplates an 11:30 adjournment. Please bring your bills forward. Senators, last call for bill introduction. Mr. Clerk, new bills.

ASSISTANT CLERK: Thank you, Mr. President. Before we commence with that, the Urban Affairs Committee will meet at 11:30 under the north balcony; that's Urban Affairs under the north balcony at 11:30. New bills: LB327, by Senator Raybould, it's a bill for an act relating to the Wage and Hour Act; to change provisions relating to the minimum wage; and to repeal original sections. LB328, by Senator Raybould, it's a bill for an act relating to missing and murdered indigenous

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persons; to create the Office of Liaison for Missing and Murdered Indigenous Persons. LB329, by Senator Raybould, it's a bill for an act relating to the Building Construction Act; to prohibit application of state building code in a manner that would prohibit or limit the use of certain refrigerant as prescribed; and to repeal original sections. LB330, by Senator DeBoer, it's a bill for an act relating to decedents' estates; to provide for the endorsement or negotiation of any instrument evidencing a claim [SIC] by a claiming successor; to repeal the original section; declare an emergency. LB331, by Senator DeBoer, it's a bill for an act relating to adoptions; to provide for adoption by two persons jointly; define terms; change provisions relating to consent of adoption, home studies, terminology; to eliminate obsolete provisions; to harmonize provisions; and repeal original sections. LB332, by Senator Linehan, it's a bill for an act relating to the Joint Public Agency Act; to prohibit new public agencies from forming for education purposes as prescribed; and repeal original sections. LB333, by Senator Conrad, a bill for an act relating to the Medical Assistance Act; to require a state plan amendment for coverage of planning services; and repeal original sections. LB334, by Senator McDonnell, is a bill for an act relating to treatment and corrections; to adopt the Reentry Housing Network Act; to provide a duty for the Department of Correctional Services and the Board of Parole; and repeal original sections. LB335, by Senator Halloran, is a bill for an act relating to healthcare; to adopt the Health Care Staffing Agency Registration Act. LB336, by Senator Halloran, is a bill for an act relating to agriculture; change provisions relating to the Nebraska Hemp Farming Act; to terminate the Nebraska Hemp Commission; to create a Hemp-- Nebraska Hemp Advisory Board; change the use of a fund; to eliminate a fee, a penalty, obsolete fund provisions; to harmonize provisions; repeal original sections; and declare an emergency. LB337, Senator Riepe, it's a bill for an act relating to mental health practitioners; to provide for confidentiality exception; and to repeal the original sections. New proposed constitutional amendments: LR17CA, by Senator McKinney, would eliminate the death penalty and commute sentences of death to life imprisonment. LR18CA, by Senator Hunt, is a proposed constitutional amendment to protect the right of reproductive freedom; LR19CA, a proposed constitutional amendment to protect individuals' rights to reproductive freedom and protect persons aiding and assisting pregnant individuals in exercising such right. LR20CA, by Senator Conrad, is a proposed constitutional amendment to prohibit infringement on individual privacy without a compelling state interest. In addition, Mr. President, the Natural Resources Committee has selected Senator Moser to serve as Vice Chair of that committee. Name adds for today:

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Senator Blood to LB20; Senator Briese to LB91 and to LB106 and LB107; Senator Lippincott to LB254. Reference Committee will be meeting in Room 1525 upon adjournment. And finally, a priority motion, Senator Hardin would move to adjourn until Thursday, January 12, 2023, 10:00 a.m.

KELLY: You heard the motion. All those in favor of adjournment say aye. Opposed, nay. We are adjourned.