

# EXECUTIVE BOARD OF THE NEBRASKA LEGISLATURE

## SUMMARY OF 2023 LEGISLATION

### One Hundred Eighth Legislature First Session

#### Committee Members

Senator Tom Briese, Chairperson, District 41  
Senator Raymond Aguilar, Vice-Chairperson, District 35  
Senator John Arch, District 14  
Senator Beau Ballard, District 21  
Senator Eliot Bostar, District 29  
Senator John Lowe, District 37  
Senator Merv Riepe, District 12  
Senator Julie Slama, District 1  
Senator Tony Vargas, District 7  
Senator Robert Clements, District 2 (non-voting)

#### Committee Staff

Trevor Fitzgerald, Legal Counsel  
Sally Schultz, Committee Clerk

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**LIST OF BILLS AND RESOLUTIONS REFERENCED TO THE  
EXECUTIVE BOARD**

One Hundred Eighth Legislature, First Session

- LB 39** (Blood) Require disability impact statements for certain legislation  
**Held in Committee (page 9)**
- LB 54** (McKinney) Require the office of Legislative Research to prepare racial impact statements for legislative bills  
**Held in Committee (page 9)**
- LB 90** (Dorn) Change provisions relating to tax incentive performance audits  
**Indefinitely Postponed (page 12)**  
*Portions/Provisions of LB 90 were amended into LB 254*
- LB 215** (Briese) Provide, change, eliminate, and transfer provisions regarding the offices of Inspector General of Child Welfare and Inspector General of the Nebraska Correctional System  
**Held in Committee (pages 9-10)**
- LB 254** (Brewer) Require the Legislative Council to develop and maintain a publicly accessible digital Internet archive of closed-captioned video coverage of the Legislature and change powers and duties of the Nebraska Educational Telecommunications Commission  
**Enacted (pages 5-6)**  
*Portions/Provisions of LB 90 and LB 552 were amended into LB 254*
- LB 552** (Cavanaugh, J.) Change requirements for the Legislative Mental Health Care Capacity Strategic Planning Committee  
**Indefinitely Postponed (page 12)**  
*Portions/Provisions of LB 552 were amended into LB 254*
- LB 566** (Bostelman) Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation  
**General File (page 7)**
- LB 696** (Conrad) Provide for legislative oversight of the settlement funds administered by the Attorney General  
**Held in Committee (page 10)**

- LB 713** (Cavanaugh, J.) Provide a correctional forecasting tool for the Committee on Justice Reinvestment Oversight  
**Held in Committee (page 10)**
- LR 2CA** (Erdman) Constitutional amendments to change from a unicameral legislature to a bicameral legislature, provide for election of members of the Legislature on a partisan ballot, require election of legislative officers and committee chairpersons by a public vote, and require all meetings of the Legislature to be open to the public  
**Held in Committee (page 11)**
- LR 5** (Blood) Legislative Resolution to ratify an amendment to the Constitution of the United States relating to the regulation of child labor  
**Held in Committee (page 11)**
- LR 21** (Brewer) Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee  
**General File (page 8)**
- LR 22CA** (Dover) Constitutional amendment to change legislative term limits to three consecutive terms  
**General File (page 8)**

## BILL SUMMARIES: BILLS ENACTED

**LB 254 (Brewer) Require the Legislative Council to develop and maintain a publicly accessible digital Internet archive of closed-captioned video coverage of the Legislature and change powers and duties of the Nebraska Educational Telecommunications Commission**

LB 254 requires that the Legislative Council, through the Executive Board, develop and maintain a publicly accessible, digital Internet archive of closed-captioned video coverage of the Legislature, including all floor debate and public committee hearings, beginning with coverage of the 109<sup>th</sup> Legislature, First Session in January 2025, or as soon as live, closed-captioned video coverage of the Legislature is available for use, whichever is sooner.

LB 254 also requires that the Nebraska Educational Telecommunications Commission provide live, closed-captioned video coverage of the Legislature, including all floor debate and public committee hearings, beginning with coverage of the 109<sup>th</sup> Legislature, First Session in January 2025, or as soon as the commission has closed-captioning capabilities, whichever is sooner.

All applicable historical video coverage of the Legislature would be collected and added to the digital archive as available, and would consist only of video coverage of the Legislature captured by the Nebraska Educational Telecommunications Commission and closed-captioned prior to January 1, 2025.

The committee amendment, AM 698, is a white-copy amendment that replaces the bill. The amendment makes several changes, including: 1) requiring that the Executive Board develop policies and procedures surrounding the creation and ongoing usage of the publicly accessible, digital Internet archive of closed-captioned video coverage of the Legislature; 2) providing that audio and video recordings of proceedings of the Legislature are not official records of such proceedings and shall not be admissible in any proceeding as evidence of legislative history, action, or intent; 3) providing that audio and video recordings of the Legislature shall not be used, reproduced, or redistributed without express permission by the Legislative Council and in accordance with policies developed by the Executive Board; 4) striking references to potential funding under the American Rescue Plan Act of 2021; and 5) adding the Emergency Clause.

On General File, LB 254 was further amended with AM 1377, which incorporated the provisions of LB 90 (as amended) into the bill.

LB 90, as amended, amends the Legislative Performance Audit Act to remove the Nebraska Advantage Act from the list of tax incentive programs to be regularly audited by the Legislative Auditor. The Nebraska Advantage Act sunset and was repealed with the ImagineNE Nebraska Act in 2020.

LB 90, as amended, also updates the definitions of high-tech firms and renewable energy firms under the Legislative Performance Audit Act.

On Select File, LB 254 was further amended with AM 1460, which required that closed-captioned video coverage of the Legislature shall include closed captioning in both English and Spanish, and AM 1461, which incorporated the provisions of LB 552 (as amended by AM 391) into the bill.

LB 552, as amended, extends deadlines for the Legislative Mental Health Care Capacity Strategic Planning Committee to contract with an independent consultant, and requires that the contract with the independent consultant be based on competitive bids and subject to the approval of the Executive Board.

LB 552, as amended, also extends the termination date for the Legislative Mental Health Care Capacity Strategic Planning Committee.

LB 254 contains the Emergency Clause.

**BILL SUMMARIES: BILLS ON GENERAL FILE**

**LB 566 (Bostelman) Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation**

LB 566 requires that the Natural Resources Committee conduct a study to examine the economic impacts of increased reliance on renewable energy generation for the generation of electricity in Nebraska.

Under the bill, the committee may contract with an outside consultant to assist in the study, subject to the approval of the Executive Board and not to exceed a cost of \$30,000.

LB 566 contains the Emergency Clause.

## **BILL SUMMARIES: RESOLUTIONS ON GENERAL FILE**

### **LR 21 (Brewer) Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee**

LR 21 creates the Small Modular Nuclear Reactor Study Committee as a special committee of the Legislature. The special committee would be tasked with studying the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska.

The committee amendment, AM 478, specifies that in addition to the Chairpersons of the Natural Resources; Government, Military, & Veterans Affairs; Transportation & Telecommunications; and Appropriations Committees, the Small Modular Nuclear Reactor Study Committee shall have three additional members of the Legislature appointed by the Chairperson of the Executive Board.

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### **LR 22CA (Dover) Constitutional amendment to change legislative term limits to three consecutive terms**

LR 22CA proposes an amendment to Article III, Section 12 of the Nebraska State Constitution to change the limit on legislative terms from two consecutive terms to three consecutive terms.

The proposed amendment would be submitted to the voters at the general election in November 2024.



## BILL SUMMARIES: BILLS HELD IN COMMITTEE

### **LB 39 (Blood) Require disability impact statements for certain legislation**

LB 39 requires the preparation of disability impact statements by the Legislative Research Office for certain legislative bills as designated by the Executive Board, beginning with the 108<sup>th</sup> Legislature, Second Session. The Legislative Research Office may request the cooperation of any state agency, political subdivision, accredited academic institution, or subject-matter expert in the preparation of a disability impact statement.

Under the bill, the Director of Research shall develop a process and procedures by which to request, compile, prepare, and update demographic data and other information used in disability impact statements and submit a report on such process and procedures to the Executive Board no later than December 15, 2023. The Director of Research may seek and accept gifts, grants, and donations from any public or private entity for the purpose of training staff or purchasing technology to carry out the provisions of the bill, with the approval of the Executive Board.

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### **LB 54 (McKinney) Require the office of Legislative Research to prepare racial impact statements for legislative bills**

LB 54 requires the preparation of racial impact statements by the Legislative Research Office for certain legislative bills as designated by the Executive Board, beginning with the 108<sup>th</sup> Legislature, Second Session. The Legislative Research Office may request the cooperation of any state agency, political subdivision, accredited academic institution, or subject-matter expert in the preparation of a racial impact statement or the collection of any data or information necessary to prepare a racial impact statement.

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### **LB 215 (Briese) Provide, change, eliminate, and transfer provisions regarding the offices of Inspector General of Child Welfare and Inspector General of the Nebraska Correctional System**

LB 215 amends both the Office of Inspector General of Nebraska Child Welfare Act and the Office of the Inspector General of the Nebraska

Correctional System Act in order to make procedural and technical clarifications identified by the Inspectors General and the Public Counsel/Ombudsman.

Technical changes in LB 215 include: 1) clarifying the duties of the Offices of Inspectors General; 2) clarifying redundant or confusing language; 3) clarifying and changing the timeframe for responses to Inspector General reports; 4) requiring that both Inspectors General refer any actions warranting criminal or disciplinary proceedings to the appropriate authorities; 5) aligning notice requirements with the duties of the Inspector General of Nebraska Child Welfare; 6) clarifying that the Inspector General of the Nebraska Correctional System may review medical records of deceased inmates; and 7) reordering and harmonizing sections for clarity.

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**LB 696 (Conrad) Provide for legislative oversight of the settlement funds administered by the Attorney General**

LB 696 provides that funds in the State Settlement Cash Fund shall be subject to legislative review and shall be appropriated and expended for allowable legal purposes as determined by the Legislature. Under the bill, the State Settlement Cash Fund shall only be appropriated to a separate and distinct budget program and such appropriations shall only be expended from a separate and distinct budget subprogram and shall not be commingled with any other funds.

LB 696 also clarifies provisions related to the State Settlement Trust Fund.

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**LB 713 (Cavanaugh, J.) Provide a correctional forecasting tool for the Committee on Justice Reinvestment Oversight**

LB 713 requires that the Committee on Justice Reinvestment Oversight contract with an academic institution in Nebraska to develop a forecasting tool to analyze the impacts of proposed changes to sentencing, programming, community supervision, and other aspects of the state's criminal justice system.

LB 713 contains the Emergency Clause.

## BILL SUMMARIES: RESOLUTIONS HELD IN COMMITTEE

**LR 2CA (Erdman) Constitutional amendments to change from a unicameral legislature to a bicameral legislature, provide for election of members of the Legislature on a partisan ballot, require election of legislative officers and committee chairpersons by a public vote, and require all meetings of the Legislature to be open to the public**

LR 2CA proposes three separate amendments to the Nebraska State Constitution.

The first proposed amendment amends Article III, Sections 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 17, 22, 24, and 27; Article IV, Sections 1, 4, 7, 10, 12, 15, 16, and 27; Article V, Section 5; Article VII, Sections 10 and 14; Article XIII, Section 1; and Article XVI, Sections 1 and 2 of the Nebraska State Constitution to change the Nebraska Legislature from a unicameral legislature to a bicameral legislature.

The second proposed amendment amends Article III, Section 7 of the Nebraska State Constitution to change elections for members of the Legislature from a nonpartisan ballot to a partisan ballot.

The third proposed amendment amends Article III, Sections 10 and 11 of the Nebraska State Constitution to require election of legislature officers and committee chairpersons by public vote and require all meetings of the Legislature to be open to the public.

The proposed amendments would be submitted to the voters at the general election in November 2024.

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**LR 5 (Blood) Legislative Resolution to ratify an amendment to the Constitution of the United States relating to the regulation of child labor**

LR 5 ratifies a proposed amendment to the United States Constitution authorizing Congress to regulate child labor.

The proposed amendment was approved by both the House of Representatives and the United State Senate in 1924. Under the proposed amendment, Congress would have the explicit authority to limit, regulate, and prohibit the labor of persons under the age of 18.

## BILL SUMMARIES: BILLS INDEFINITELY POSTPONED

### **LB 90 (Dorn) Change provisions relating to tax incentive performance audits**

LB 90 amends the Legislative Performance Audit Act to remove the Nebraska Advantage Act and the Nebraska Job Creation and Mainstreet Revitalization Act from the list of tax incentive programs to be regularly audited by the Legislative Auditor. The Nebraska Advantage Act sunset and was replaced with the ImagiNE Nebraska Act in 2020, while the Nebraska Job Creation and Mainstreet Revitalization Act sunset in 2021.

LB 90 also updates the definitions of high-tech firm and renewable energy firm under the Legislative Performance Audit Act.

The committee amendment, AM 327, updates the definition of renewable energy firm to reference updates classifications under the North American Industry Classification System (NAICS).

*Portions/Provisions of LB 90 were amended into LB 254.*

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### **LB 552 (Cavanaugh, J.) Change requirements for the Legislative Mental Health Care Capacity Strategic Planning Committee**

LB 552 extends deadlines for the Legislative Mental Health Care Capacity Strategic Planning Committee to contract with an independent consultant.

LB 552 also extends the termination date for the Legislative Mental Health Care Capacity Strategic Planning Committee.

The committee amendment, AM 391, requires that the contract with the independent consultant be based on competitive bids and subject to the approval of the Executive Board.

AM 391 also adds the Emergency Clause.

*Portions/Provisions of LB 552 were amended into LB 254.*

## LIST OF 2023 EXECUTIVE BOARD INTERIM STUDIES

One Hundred Eighth Legislature, First Session

- LR 135<sup>1</sup> (Brandt) Interim study to create a Select Committee to examine the current use of technology in the Legislature and to identify ways to improve it
- LR 164 (Dorn) Interim study on improving the handicapped accessibility of parking, entryways, and interior spaces around the Nebraska State Capitol
- LR 178<sup>2</sup> (Brewer) Interim study to create a Select Committee to examine the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska
- LR 179 (Arch) Interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government
- LR 188 (Briese) Interim study to examine issues related to the committee system of the Legislature and the referencing of legislative bills by the Reference Committee of the Legislature

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<sup>1</sup> Referred to Select Interim Committee

<sup>2</sup> Referred to Select Interim Committee

# INDEX OF 2023 EXECUTIVE BOARD BILLS AND RESOLUTIONS BY SUBJECT

One Hundred Eighth Legislature, First Session

## Legislative Constitutional Provisions

**LR 2CA** (Erdman) Constitutional amendments to change from a unicameral legislature to a bicameral legislature, provide for election of members of the Legislature on a partisan ballot, require election of legislative officers and committee chairpersons by a public vote, and require all meetings of the Legislature to be open to the public

## Legislative Council

**LB 254** (Brewer) Require the Legislative Council to develop and maintain a publicly accessible digital Internet archive of closed-captioned video coverage of the Legislature and change powers and duties of the Nebraska Educational Telecommunications Commission

**LB 696** (Conrad) Provide for legislative oversight of the settlement funds administered by the Attorney General

## Legislative Divisions

**LB 39** (Blood) Require disability impact statements for certain legislation

**LB 54** (McKinney) Require the office of Legislative Research to prepare racial impact statements for legislative bills

**LB 90** (Dorn) Change provisions relating to tax incentive performance audits

**LB 215** (Briese) Provide, change, eliminate, and transfer provisions regarding the offices of Inspector General of Child Welfare and Inspector General of the Nebraska Correctional System

## Ratification of Federal Constitutional Amendments

**LR 5** (Blood) Legislative Resolution to ratify an amendment to the Constitution of the United States relating to the regulation of child labor

### Special Committees & Task Forces

- LB 552** (Cavanaugh, J.) Change requirements for the Legislative Mental Health Care Capacity Strategic Planning Committee
- LB 566** (Bostelman) Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation
- LB 713** (Cavanaugh, J.) Provide a correctional forecasting tool for the Committee on Justice Reinvestment Oversight
- LR 21** (Brewer) Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee

### Term Limits

- LR 22CA** (Dover) Constitutional amendment to change legislative term limits to three consecutive terms

## DETAILED INDEX OF EXECUTIVE BOARD BILLS AND RESOLUTIONS

One Hundred Eighth Legislature, Second Session

Bill #	Introducer	One-liner	Hearing Date	Committee Action	Status
LB 39	Blood	Require disability impact statements for certain legislation	1/27/23	Held	In Committee
LB 54	McKinney	Require the office of Legislative Research to prepare racial impact statements for legislative bills	1/27/23	Held	In Committee
LB 90 <sup>3</sup>	Dorn	Change provisions relating to tax incentive performance audits	2/10/23	Advanced w/ AM 327	Indefinitely Postponed – Sine Die on 6/1/23 (In LB 254)
LB 215	Briese	Provide, change, eliminate, and transfer provisions regarding the offices of Inspector General of Child Welfare and Inspector General of the Nebraska Correctional System	2/3/23	Held	In Committee
LB 254 <sup>4</sup>	Brewer	Require the Legislative Council to develop and maintain a publicly accessible digital Internet archive of closed-captioned video coverage of the Legislature and change powers and duties of the Nebraska Educational Telecommunications Commission	2/10/23	Advanced w/ AM 698	Approved by Governor on 5/26/23
LB 552 <sup>5</sup>	Cavanaugh, J.	Change requirements for the Legislative Mental Health Care Capacity Strategic Planning Committee	2/3/23	Advanced w/ AM 391	Indefinitely Postponed – Sine Die on 6/1/23 (In LB 254)
LB 566	Bostelman	Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation	2/24/23	Advanced	General File
LB 696	Conrad	Provide for legislative oversight of the settlement funds administered by the Attorney General	3/9/23	Held	In Committee
LB 713	Cavanaugh, J.	Provide a correctional forecasting tool for the Committee on Justice Reinvestment Oversight	2/3/23	Held	In Committee

<sup>3</sup> Legislative Performance Audit Committee priority bill

<sup>4</sup> Executive Board priority bill

<sup>5</sup> Executive Board priority bill



LR 2CA	Erdman	Constitutional amendments to change from a unicameral legislature to a bicameral legislature, provide for election of members of the Legislature on a partisan ballot, require election of legislative officers and committee chairpersons by a public vote, and require all meetings of the Legislature to be open to the public	3/9/23	Held	In Committee
LR 5	Blood	Legislative Resolution to ratify an amendment to the Constitution of the United States relating to the regulation of child labor	3/3/23	Held	In Committee
LR 21	Brewer	Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee	2/24/23	Advanced w/ AM 478	General File
LR 22CA <sup>6</sup>	Dover	Constitutional amendment to change legislative term limits to three consecutive terms	3/3/23	Advanced	General File

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<sup>6</sup> Dover priority resolution