

FIFTY-FOURTH DAY - APRIL 3, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 2024

PRAYER

The prayer was offered by Johnny Walker, West First Chapel, Trenton.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Moser.

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 Armendariz and Raybould who were excused; and Senators Conrad, Day, Dover, Hansen, Hunt, Kauth, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

AMENDMENT(S) - Print in Journal

Senator Dungan filed the following amendment to LB20:

[FA336](#)

Strike lines 3-10 on page 2.

Senator J. Cavanaugh filed the following amendment to LB20:

[FA337](#)

Strike the enacting clause.

Senator J. Cavanaugh filed the following amendment to LB20:

[FA338](#)

Strike the enacting clause.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1317. Placed on General File with amendment. [AM3246](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1331. Senator M. Cavanaugh offered [MO1213](#), found on page 885, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Murman opened on his bill, LB1331.

Senator M. Cavanaugh opened on her motion, MO1213.

Pending.

Senator Aguilar moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

POINT(S) OF PERSONAL PRIVILEGE

Senator Aguilar took a point of personal privilege.

EXECUTIVE BOARD COMMUNICATION

During the evening debate of LB 441 on March 18, 2024, Senator Steve Halloran read from a committee transcript, which in turn was quoting a book that recounted an explicit act of sexual violence. During this floor speech, the names of members of the Legislature were interjected in the passage being read.

On the morning of Wednesday, March 20, 2024, the Chair of the Executive Board of the Nebraska Legislative Council announced that he had launched an investigation under the Legislature's workforce harassment policy into the conduct of Senator Halloran. A Special Personnel Panel was appointed by Chairman Aguilar, and the Panel retained outside counsel to conduct the formal investigation. In particular, the Panel requested an investigation into whether Senator Steve Halloran's conduct on March 18, 2024 during floor debate violated the Nebraska Legislature's Workplace Harassment Policy and/or constituted sex discrimination, and what options the Legislature may have to address any violations of improper conduct.

During the investigation, outside counsel found that "Senator Halloran's conduct and comments give rise to a violation of the Legislature's Workplace Harassment Policy." This finding was "irrespective of Senator Halloran's post facto explanation to the media that he was referencing

Senator John Cavanaugh, not Senator Machaela Cavanaugh, to get his attention".

In summarizing the findings in the Investigative Report, the outside counsel found that while "Senator Halloran engaged in protected activity under the First Amendment" there are internal "remedial actions" the Nebraska Legislature may utilize. In discussing these actions, outside counsel noted that:

Given that Senator Halloran's conduct gives rise to violations of the Legislature's Workplace Harassment Policy, we find the Special Personnel Panel, Executive Board, and Legislature may, in their discretion, censure or reprimand Senator Halloran for his conduct and comments on March 18, 2024.

Having witnessed the actions of Senator Halloran, in conjunction with the findings of the Investigative Report, the undersigned members of the Executive Board formally deplore the "unacceptable conduct" of Senator Halloran and find that his remarks were not only unbecoming of a member of the Nebraska Legislature and contrary to all senatorial traditions of decorum, but clearly violated the Nebraska Legislature's Workplace Harassment Policy.

It is hereby declared that the undersigned condemn the conduct of Senator Halloran, when he interjected the names of fellow members of the Legislature in a sexually explicit passage. This letter of reprimand shall stand in the permanent record as intent of this Executive Board of the 108th Legislature that conduct and comments, such as those by Senator Halloran, should never be tolerated, and that the Nebraska Legislature should seek to foster a future work environment that respects the dignity of all members of the Legislature and restores the confidence of the people of the state in the Legislature.

(Signed) Senator Ray Aguilar
Chairperson, Executive Board
District 35

(Signed) Senator John Arch
Speaker of the Legislature
District 14

(Signed) Senator Beau Ballard
District 21

(Signed) Senator Eliot Bostar
District 29

(Signed) Senator Mike Jacobson
District 42

(Signed) Senator Merv Riepe
District 12

(Signed) Senator Julie Slama
District 1

(Signed) Senator Tony Vargas
District 7

POINT(S) OF PERSONAL PRIVILEGE

Senator M. Cavanaugh took a point of personal privilege.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1331. Senator M. Cavanaugh renewed [MO1213](#), found on page 885 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Linehan moved the previous question. The question is, "Shall the debate now close?"

Senator Linehan moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The motion to cease debate prevailed with 34 ayes, 2 nays, and 13 not voting.

The M. Cavanaugh motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f) failed with 0 ayes, 36 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Dungan filed the following amendment to [LB20](#):

[FA339](#)

Strike lines 18-22 on page 2.

Senator von Gillern filed the following amendment to [LB1023A](#):

[AM3276](#)

1 1. On page 2, line 1, strike "[\\$175,899](#)" and insert "[\\$242,573](#)".

Senator Lowe filed the following amendment to [LB685A](#):

[AM3277](#)

(Amendments to Final Reading copy)

1 1. On page 2, line 1, strike "[\\$2,596,870](#)" and insert "[\\$1,596,870](#)".

Senator Hunt filed the following amendment to [LB287](#):

[FA340](#)

Strike the enacting clause.

Senator Hunt filed the following amendment to [LB541](#):

[FA341](#)

Strike the enacting clause.

MOTION(S) - Print in Journal

Senator Hunt filed the following motion to [LB287](#):

[MO1325](#)

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Hunt filed the following motion to [LB541](#):

[MO1326](#)

Indefinitely postpone.

Senator Hunt filed the following motion to [LB541](#):

[MO1327](#)

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Hunt filed the following motion to [LB541](#):

[MO1328](#)

Recommit to the Government, Military and Veterans Affairs Committee.

NOTICE OF COMMITTEE HEARING(S)

Agriculture
Room 2102 1:15 PM

Wednesday, April 10, 2024

Brenda R. Masek - Nebraska Brand Committee

(Signed) Steve Halloran, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 464. Introduced by Slama, 1.

WHEREAS, the 2024 Nebraska School Activities Association Boys Basketball State Championships were held from March 6 through March 9, 2024; and

WHEREAS, the Johnson-Brock Public School Eagles boys basketball team were seeking another Class D-1 State Basketball Championship title to complete its undefeated season; and

WHEREAS, the Eagles locked down the Ainsworth Bulldogs, with a focus on defense, and won the championship game by a score of 52-45; and

WHEREAS, the Eagles coach Lucus Dalinghaus told the team to play their game and the team delivered a complete and undefeated season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of the state.

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

1. That the Legislature congratulates the Johnson-Brock Eagles boy basketball team on winning the Class D-1 Boys State Basketball Championship and for achieving an undefeated season.

2. That copies of this resolution be sent to Coach Lucus Dalinghaus and Johnson-Brock Public School.

Laid over.

LEGISLATIVE RESOLUTION 465. Introduced by Albrecht, 17.

WHEREAS, the University of Nebraska-Lincoln's President's Scholarship is dedicated to keeping the best and brightest students in Nebraska; and

WHEREAS, Pender High School senior Caleb Kelly scored a perfect thirty-six on the ACT securing one of the first President's Scholarships; and

WHEREAS, the President's Scholarship allows the recipient to attend the University of Nebraska with minimal cost, awarding the student coverage of tuition, room and board, as well as providing the student with a five thousand dollar annual stipend; and

WHEREAS, the President's Scholarship allows Caleb to pursue a major in computer science and physics at the University of Nebraska-Lincoln's Jeffery S. Raikes School of Computer Science and Management as well as minoring in business; and

WHEREAS, Caleb's hard work and commitment has awarded him the President's Scholarship.

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

1. That the Legislature congratulates Caleb Kelly for earning the University of Nebraska-Lincoln's President's Scholarship.

2. That a copy of this resolution be sent to Caleb Kelly.

Laid over.

LEGISLATIVE RESOLUTION 466. Introduced by Albrecht, 17.

WHEREAS, the 2024 Nebraska School Activities Association Girls Basketball State Championships were held from February 28 through March 2, 2024; and

WHEREAS, the Pender High School Pendragons girls basketball team were seeking the Class D-1 Girls State Basketball Championship title after winning the Class C-2 title last year; and

WHEREAS, the Pendragons defeated the Southern Valley Eagles by a score of 39-25, the second lowest total in a D-1 Girls State Championship game; and

WHEREAS, the Pendragons played a control game, worked the ball around, and gained the advantage into the fourth quarter unfazed; and

WHEREAS, the Pendragons' Coach Jason Dolliver said the team delivered on controlling three things: playing great defense, rebounding, and working together on both ends of the court; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Pender High School Pendragons girls basketball team on winning the Class D-1 Girls State Basketball Championship.

2. That copies of this resolution be sent to Coach Jason Dolliver and Pender High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1331. Senator M. Cavanaugh offered the following motion:

[MO1329](#)

Reconsider the vote taken on MO1213.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 388. Placed on Select File with amendment.

[ER122](#)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 77-2701.02, Revised Statutes Supplement, 2023, is

4 amended to read:

5 77-2701.02 Pursuant to section 77-2715.01:

6 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to

7 section 77-2703 shall be five percent;

8 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the

9 sales tax levied pursuant to section 77-2703 shall be four and one-half

10 percent;

11 (3) Commencing July 1, 1999, and until the start of the first

12 calendar quarter after July 20, 2002, the rate of the sales tax levied

13 pursuant to section 77-2703 shall be five percent;

14 (4) Commencing ~~October 1 on the start of the first calendar quarter~~
 15 ~~after July 20, 2002~~, the rate of the sales tax levied pursuant to section
 16 77-2703 shall be five and one-half percent; and
 17 (5) Commencing July 1, 2023, the rate of the sales tax levied
 18 pursuant to section 77-2703 shall be five and one-half percent, except
 19 that such rate shall be two and three-quarters percent on transactions
 20 occurring within a good life district as defined in section 77-4403.
 21 Sec. 2. Original section 77-2701.02, Revised Statutes Supplement,
 22 2023, is repealed.
 23 2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
 24 and insert "Revised Statutes Supplement, 2023".

LEGISLATIVE BILL 388A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

MOTION(S) - Print in Journal

Senator Linehan filed the following motion to LB388:
[MO1332](#)
 Indefinitely postpone.

Senator Linehan filed the following motion to LB388:
[MO1333](#)
 Recommit to the Revenue Committee.

Senator Linehan filed the following motion to LB388:
[MO1334](#)
 Bracket until April 18, 2024.

Senator M. Cavanaugh filed the following motion:
 Suspend Rule 2, Secs. 8 and 9 to allow for the censure of Senator Steve
 Halloran for words spoken during debate on LB441.

VISITOR(S)

Visitors to the Chamber were Jordan Vogler, Elmwood-Murdock School,
 Bobby Navarro, Georgia; students from Friend Public Schools, Friend;
 students from Sterling Elementary, Sterling; members of NREA; students
 from Whitetail Creek Elementary, Omaha; students from across Nebraska
 on their Sophomore Pilgrimage; students and teachers from East High
 School, Lincoln; students, teachers, and parents from Schuyler Community
 Schools, Schuyler.

RECESS

At 12:02 p.m., on a motion by Senator von Gillern, the Legislature recessed
 until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Dorn presiding.

ROLL CALL

The roll was called and all members were present except Senator Raybould who was excused; and Senators Arch, Bostar, Bostelman, Brewer, Conrad, Dover, Hansen, Hardin, Hughes, Ibach, and Slama who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 467. Introduced by Dungan, 26.

WHEREAS, former University of Nebraska football running back Rex Burkhead announced his retirement from the National Football League on February 5, 2024; and

WHEREAS, Burkhead is on the Team Jack Foundation board of directors and was instrumental in the foundation's inception; and

WHEREAS, in college, Burkhead amassed three thousand three hundred twenty-nine rushing yards and thirty touchdowns on six hundred and thirty-five carries and five hundred and seven receiving yards and five touchdowns on sixty receptions; and

WHEREAS, Burkhead was drafted in the sixth round of the 2013 National Football League Draft by the Cincinnati Bengals; and

WHEREAS, Burkhead played ten years in the National Football League for three different organizations: the Cincinnati Bengals, the New England Patriots, and the Houston Texans; and

WHEREAS, Burkhead rushed for forty-three yards and led all running backs with 6.1 yards per carry in Super Bowl LIII helping the New England Patriots win the game; and

WHEREAS, Burkhead accumulated two thousand fifty-eight rushing yards, one thousand six hundred ninety-six receiving yards, and twenty-nine total touchdowns in his professional career; and

WHEREAS, Burkhead has inspired countless Nebraskans with his conduct on the field accompanied by his off-the-field service to the Team Jack Foundation and other organizations.

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

1. That the Legislature congratulates Rex Burkhead on a successful and impactful football career.
2. That a copy of the resolution be sent to Rex Burkhead.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1331. Senator M. Cavanaugh renewed [MO1329](#), found and considered in this day's Journal, to reconsider the vote taken on MO1213.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 24 nays, 16 present and not voting, and 9 excused and not voting.

Title read. Considered.

Committee [AM3313](#), found on page 1427, was offered.

Senator Murman moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Dungan requested a roll call vote on the committee amendment.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 1:

Raybould

The committee amendment was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Murman offered [AM2474](#), found on page 720.

The Murman amendment was withdrawn.

Senator Dungan withdrew [FA324](#), found on page 1336.

Senator Murman withdrew [AM3264](#), found on page 1373.

Senator M. Cavanaugh asked unanimous to withdraw the following motions:

[MO1215](#), found on page 885, to bracket.

[MO1214](#), found on page 885, to recommit to committee.

No objections. So ordered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1331A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 233. Title read. Considered.

Committee [AM2064](#), found on page 669, was offered.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

[AM3338](#)

(Amendments to Standing Committee amendments, AM2064)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 43-512, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-512 (1) Any dependent child as defined in section 43-504 or any
- 6 relative or eligible caretaker of such a dependent child may file with
- 7 the Department of Health and Human Services a written application for
- 8 financial assistance for such child on forms furnished by the department.
- 9 (2) The department, through its agents and employees, shall make
- 10 such investigation pursuant to the application as it deems necessary or
- 11 as may be required by the county attorney or authorized attorney. If the
- 12 investigation or the application for financial assistance discloses that
- 13 such child has a parent or stepparent who is able to contribute to the
- 14 support of such child and has failed to do so, a copy of the finding of
- 15 such investigation and a copy of the application shall immediately be
- 16 filed with the county attorney or authorized attorney.
- 17 (3) The department shall make a finding as to whether the
- 18 application referred to in subsection (1) of this section should be
- 19 allowed or denied. If the department finds that the application should be
- 20 allowed, the department shall further find the amount of monthly
- 21 assistance which should be paid with reference to such dependent child.
- 22 Except as may be otherwise provided, payments shall be made by unit size
- 23 and shall be consistent with subdivisions (1)(p), (1)(q), (1)(t), and (1)
- 24 (u), and (1)(v) of section 68-1713. Beginning on August 30, 2015, the
- 25 maximum payment level for monthly assistance shall be fifty-five percent
- 26 of the standard of need described in section 43-513.
- 1 No payments shall be made for amounts totaling less than ten dollars
- 2 per month except in the recovery of overpayments.
- 3 (4) The amount which shall be paid as assistance with respect to a
- 4 dependent child shall be based in each case upon the conditions disclosed

5 by the investigation made by the department. An appeal shall lie from the
6 finding made in each case to the chief executive officer of the
7 department or his or her designated representative. Such appeal may be
8 taken by any taxpayer or by any relative of such child. Proceedings for
9 and upon appeal shall be conducted in the same manner as provided for in
10 section 68-1016.

11 (5)(a) For the purpose of preventing dependency, the department
12 shall adopt and promulgate rules and regulations providing for services
13 to former and potential recipients of aid to dependent children and
14 medical assistance benefits. The department shall adopt and promulgate
15 rules and regulations establishing programs and cooperating with programs
16 of work incentive, work experience, job training, and education. The
17 provisions of this section with regard to determination of need, amount
18 of payment, maximum payment, and method of payment shall not be
19 applicable to families or children included in such programs. Income and
20 assets described in section 68-1201 shall not be included in
21 determination of need under this section.

22 (b) If a recipient of aid to dependent children becomes ineligible
23 for aid to dependent children as a result of increased hours of
24 employment or increased income from employment after having participated
25 in any of the programs established pursuant to subdivision (a) of this
26 subsection, the recipient may be eligible for the following benefits, as
27 provided in rules and regulations of the department in accordance with
28 sections 402, 417, and 1925 of the federal Social Security Act, as
29 amended, Public Law 100-485, in order to help the family during the
30 transition from public assistance to independence:

31 (i) An ongoing transitional payment that is intended to meet the
1 family's ongoing basic needs which may include food, clothing, shelter,
2 utilities, household goods, personal care items, and general incidental
3 expenses during the five months following the time the family becomes
4 ineligible for assistance under the aid to dependent children program, if
5 the family's earned income is at or below one hundred eighty-five percent
6 of the federal poverty level at the time the family becomes ineligible
7 for the aid to dependent children program. Payments shall be made in five
8 monthly payments, each equal to one-fifth of the aid to dependent
9 children payment standard for the family's size at the time the family
10 becomes ineligible for the aid to dependent children program. If during
11 the five-month period, (A) the family's earnings exceed one hundred
12 eighty-five percent of the federal poverty level, (B) the family members
13 are no longer working, (C) the family ceases to be Nebraska residents,
14 (D) there is no longer a minor child in the family's household, or (E)
15 the family again becomes eligible for the aid to dependent children
16 program, the family shall become ineligible for any remaining
17 transitional benefits under this subdivision;

18 (ii) Child care as provided in subdivision (1)(c) of section
19 68-1724; and

20 (iii) Except as may be provided in accordance with subsection (2) of
21 section 68-1713 and subdivision (1)(c) of section 68-1724, medical
22 assistance for up to twelve months after the month the recipient becomes
23 employed and is no longer eligible for aid to dependent children.

24 (6) For purposes of sections 43-512 to 43-512.18:

25 (a) Authorized attorney shall mean an attorney, employed by the
26 county subject to the approval of the county board, employed by the
27 department, or appointed by the court, who is authorized to investigate
28 and prosecute child, spousal, and medical support cases. An authorized
29 attorney shall represent the state as provided in section 43-512.03;

30 (b) Child support shall be defined as provided in section 43-1705;

31 (c) Medical support shall include all expenses associated with the
1 birth of a child, cash medical support as defined in section 42-369,
2 health care coverage as defined in section 44-3,144, and medical and

3 hospital insurance coverage or membership in a health maintenance
4 organization or preferred provider organization;
5 (d) Spousal support shall be defined as provided in section 43-1715;
6 (e) State Disbursement Unit shall be defined as provided in section
7 43-3341; and
8 (f) Support shall be defined as provided in section 43-3313.
9 Sec. 2. Section 43-512.07, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 43-512.07 (1) Any action, payment, aid, or assistance listed in this
12 subsection shall constitute an assignment by operation of law to the
13 Department of Health and Human Services of any right to spousal or
14 medical support, when ordered by the court, and to child support, whether
15 or not ordered by the court, which a person may have in his or her own
16 behalf or on behalf of any other person for whom such person receives
17 such payments, aid, or assistance:
18 (a) Application for and acceptance of one or more aid to dependent
19 children payments by a parent, another relative, or a custodian;
20 (b) Receipt of aid by or on behalf of any dependent child as defined
21 in section 43-504; or
22 (c) Receipt of aid from child welfare funds.
23 The assignment under this section is the right to support payments
24 that become due while the person is receiving payments, aid, or
25 assistance listed in this subsection. The department shall be entitled to
26 retain such ~~child~~, spousal, or other support up to the amount of
27 payments, aid, or assistance provided to a recipient. For purposes of
28 this section, the right to receive child support shall belong to the
29 child and the assignment shall be effective as to any such support even
30 if the recipient of the payments, aid, or assistance is not the same as
31 the payee of court-ordered support.
1 (2) After notification of the State Disbursement Unit receiving the
2 child, spousal, or other support payments made pursuant to a court order
3 that the person for whom such support is ordered is a recipient of
4 payments, aid, or assistance listed in subsection (1) of this section,
5 the department shall also give notice to the payee named in the court
6 order at his or her last-known address.
7 (3) Upon written or other notification from the department or from
8 another state of such assignment of child, spousal, or other support
9 payments, the State Disbursement Unit shall transmit the support payments
10 received to the department or the other state without the requirement of
11 a subsequent order by the court. The State Disbursement Unit shall
12 continue to transmit the support payments for as long as the payments,
13 aid, or assistance listed in subsection (1) of this section continues.
14 (4) Any court-ordered child, spousal, or other support remaining
15 unpaid for the months during which such payments, aid, or assistance was
16 made shall constitute a debt and a continuing assignment at the
17 termination of payments, aid, or assistance listed in subsection (1) of
18 this section, collectible by the department or other state as
19 reimbursement for such payments, aid, or assistance. The continuing
20 assignment shall only apply to support payments made during a calendar
21 period which exceed the specific amount of support ordered for that
22 period. When payments, aid, or assistance listed in subsection (1) of
23 this section have ceased and upon notice by the department or the other
24 state, the State Disbursement Unit shall continue to transmit to the
25 department or the other state any support payments received in excess of
26 the amount of support ordered for that specific calendar period until
27 notified by the department or the other state that the debt has been paid
28 in full.
29 (5) Beginning July 1, 2026, the department shall pass through an
30 amount not exceeding one hundred dollars per month, or in the case of a
31 family with two or more children, an amount not exceeding two hundred

1 dollars per month, to the recipient of any payments, aid, or assistance
2 listed in subdivision (1)(a) of this section, from the current child
3 support collected pursuant to the assignment. Such pass-through amounts
4 shall not be considered income for the purpose of calculating a
5 recipient's eligibility for assistance. The department shall disregard
6 the amount of child support passed through to the recipient in
7 calculating the amount of the recipient's monthly assistance payment.
 8 Sec. 3. Section 68-1201, Revised Statutes Cumulative Supplement,
 9 2022, is amended to read:

10 68-1201 (1) In determining eligibility for the program for aid to
 11 dependent children pursuant to section 43-512 as administered by the
 12 State of Nebraska pursuant to the federal Temporary Assistance for Needy
 13 Families program, 42 U.S.C. 601 et seq., for the low-income home energy
 14 assistance program administered by the State of Nebraska pursuant to the
 15 federal Energy Policy Act of 2005, 42 U.S.C. 8621 to 8630, for the
 16 Supplemental Nutrition Assistance Program administered by the State of
 17 Nebraska pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C.
 18 2011 et seq., and for the child care subsidy program established pursuant
 19 to section 68-1202, the following shall not be included in determining
 20 assets or income:

21 (a) (1) Assets in or income from an educational savings account, a
 22 Coverdell educational savings account described in 26 U.S.C. 530, a
 23 qualified tuition program established pursuant to 26 U.S.C. 529, or any
 24 similar savings account or plan established to save for qualified higher
 25 education expenses as defined in section 85-1802;

26 (b) (2) Income from scholarships or grants related to postsecondary
 27 education, whether merit-based, need-based, or a combination thereof;
 28 (c) (3) Income from postsecondary educational work-study programs,
 29 whether federally funded, funded by a postsecondary educational
 30 institution, or funded from any other source;

31 (d) (4) Assets in or income from an account under a qualified
 1 program as provided in section 77-1402;

2 (e) (5) Income received for participation in grant-funded research
 3 on the impact that income has on the development of children in low-
 4 income families, except that such exclusion of income must not exceed
 5 four thousand dollars per year for a maximum of eight years and such
 6 exclusion shall only be made if the exclusion is permissible under
 7 federal law for each program referenced in this section. No such
 8 exclusion shall be made for such income on or after December 31, 2026;
 9 and

10 (f) (6) Income from any tax credits received pursuant to the School
 11 Readiness Tax Credit Act.

12 (2) In determining eligibility for the program for aid to dependent
13 children pursuant to section 43-512 as administered by the State of
14 Nebraska pursuant to the federal Temporary Assistance for Needy Families
15 program, 42 U.S.C. 601 et seq., passed-through child support as described
16 in section 43-512.07, shall not be included in determining assets or
17 income.

18 Sec. 4. Section 68-1713, Reissue Revised Statutes of Nebraska, is
 19 amended to read:

20 68-1713 (1) The Department of Health and Human Services shall
 21 implement the following policies:

22 (a) Permit Work Experience in Private for-Profit Enterprises;

23 (b) Permit Job Search;

24 (c) Permit Employment to be Considered a Program Component;

25 (d) Make Sanctions More Stringent to Emphasize Participant

26 Obligations;

27 (e) Alternative Hearing Process;

28 (f) Permit Adults in Two-Parent Households to Participate in

29 Activities Based on Their Self-Sufficiency Needs;

30 (g) Eliminate Exemptions for Individuals with Children Between the
31 Ages of 12 Weeks and Age Six;
1 (h) Providing Poor Working Families with Transitional Child Care to
2 Ease the Transition from Welfare to Self-Sufficiency;
3 (i) Provide Transitional Health Care for 12 Months After Termination
4 of ADC if funding for such transitional medical assistance is available
5 under Title XIX of the federal Social Security Act, as amended, as
6 described in section 68-906;
7 (j) Require Adults to Ensure that Children in the Family Unit Attend
8 School;
9 (k) Encourage Minor Parents to Live with Their Parents;
10 (l) Establish a Resource Limit of \$4,000 for a single individual and
11 \$6,000 for two or more individuals for ADC;
12 (m) Exclude the Value of One Vehicle Per Family When Determining ADC
13 Eligibility;
14 (n) Exclude the Cash Value of Life Insurance Policies in Calculating
15 Resources for ADC;
16 (o) Establish the Supplemental Nutrition Assistance Program as a
17 Continuous Benefit with Eligibility Reevaluated with Yearly
18 Redeterminations;
19 (p) Establish a Budget the Gap Methodology Whereby Countable Earned
20 Income is Subtracted from the Standard of the Need and Payment is Based
21 on the Difference or Maximum Payment Level, Whichever is Less. That this
22 Gap be Established at a Level that Encourages Work but at Least at a
23 Level that Ensures that Those Currently Eligible for ADC do not Lose
24 Eligibility Because of the Adoption of this Methodology;
25 (q) Adopt an Earned Income Disregard described in section 68-1726 in
26 the ADC Program, One Hundred Dollars in the Related Medical Assistance
27 Program, and Income and Assets Described in section 68-1201;
28 (r) Disregard Financial Assistance Described in section 68-1201 and
29 Other Financial Assistance Intended for Books, Tuition, or Other Self-
30 Sufficiency Related Use;
31 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of Work
1 Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP
2 Eligibility;
3 (t) Make ADC a Time-Limited Program; ~~and~~
4 (u) Adopt an Unearned Income Disregard described in section 68-1201
5 in the ADC Program, the Supplemental Nutrition Assistance Program, and
6 the Child Care Subsidy Program established pursuant to section 68-1202;
7 ~~and~~ -
8 (v) Adopt a child support disregard described pursuant to section
9 43-512.07.
10 (2) The Department of Health and Human Services shall (a) apply for
11 a waiver to allow for a sliding-fee schedule for the population served by
12 the caretaker relative program or (b) pursue other public or private
13 mechanisms, to provide for transitional health care benefits to
14 individuals and families who do not qualify for cash assistance. It is
15 the intent of the Legislature that transitional health care coverage be
16 made available on a sliding-scale basis to individuals and families with
17 incomes up to one hundred eighty-five percent of the federal poverty
18 level if other health care coverage is not available.
19 Sec. 5. Original sections 43-512, 43-512.07, and 68-1713, Reissue
20 Revised Statutes of Nebraska, and section 68-1201, Revised Statutes
21 Cumulative Supplement, 2022, are repealed.

The J. Cavanaugh amendment, to the committee amendment, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 233A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB993:
AM2899

(Amendments to Standing Committee amendments, AM2373)

1 1. Strike amendments 1, 2, and 3 and insert the following new
2 amendment:
3 1. Strike the original sections and all amendments thereto and
4 insert the following new sections:
5 Section 1. Sections 1 to 10 of this act shall be known and may be
6 cited as the Apprenticeship Grant Act.
7 Sec. 2. The purpose of the Apprenticeship Grant Act is to provide
8 underemployed and unemployed individuals with job training and classroom
9 instruction opportunities in order to earn a livable wage and reduce
10 their reliance on economic assistance programs and increase the number of
11 Nebraska businesses willing to offer apprenticeships to Nebraska workers.
12 Sec. 3. For purposes of the Apprenticeship Grant Act, unless the
13 context otherwise requires:
14 (1) Apprentice means any person who participates in an
15 apprenticeship;
16 (2) Apprenticeship means supervised on-the-job training with
17 technical classroom instruction on subjects related to the apprentice's
18 chosen occupation;
19 (3) Covered entity has the same meaning as in 15 U.S.C. 4651;
20 (4) Department means the Department of Economic Development;
21 (5) Economic assistance program includes aid to dependent children;
22 aid to the aged, blind, and disabled; the Supplemental Nutrition
23 Assistance Program; medicaid; child care; emergency assistance; energy
24 assistance; social services block grants; and other similar programs
25 administered by the Department of Health and Human Services;
26 (6) Registered apprenticeship program means an apprenticeship
1 program registered under the National Apprenticeship Act, 29 U.S.C. 50 et
2 seq.; and
3 (7) SNAP Next Step Program has the same meaning as in section
4 68-1017.02.
5 Sec. 4. (1) A business may apply to the department for a grant to
6 assist in providing an information technology apprenticeship, an
7 agriculture or diesel mechanic apprenticeship, or a semiconductor worker
8 program apprenticeship if:
9 (a) The business certifies that:
10 (i) The apprenticeship is part of a registered apprenticeship
11 program;
12 (ii) The apprenticeship is part of a micro credential program at an
13 institution of higher education that has a curriculum developed to meet
14 the demand for microchip fabrication and microelectronics manufacturing
15 in Nebraska. Such program shall meet the requirements of the federal

16 CHIPS Act of 2022, Public Law 117-167; or

17 (iii) The business is a Nebraska-based covered entity and the
18 apprentice has completed a micro credential program described in
19 subdivision (a)(ii) of this subsection and has an income below two
20 hundred percent of the federal poverty level;

21 (b) The apprentice participates in the SNAP Next Step Program or
22 programs affiliated with the Nebraska Workforce Innovation and
23 Opportunity Act;

24 (c) The business intends to offer the apprentice full-time
25 employment upon the successful completion of the apprenticeship that
26 includes a wage sufficient to reduce participation in economic assistance
27 programs; and

28 (d) The apprenticeship will be completed within the State of
29 Nebraska.

30 (2)(a) The department may provide grants for apprenticeships to any
31 business to reimburse the costs for:

1 (i) Wages for apprentices; or

2 (ii) Tuition for apprentices to participate in classroom instruction
3 at institutions of higher education.

4 (b) The maximum grant award per apprentice under this section is
5 thirty-seven thousand dollars.

6 (3) A business may apply for no more than one grant for the same
7 apprentice and shall not be awarded more than five grants total in any
8 twelve-month period.

9 Sec. 5. (1) An apprentice may apply to the department for a grant to
10 pay for child care costs while training as an apprentice in a building or
11 construction trade. To qualify for such grant the apprentice shall be:

12 (a) Represented by an organization described in section 501(c)(5) of
13 the Internal Revenue Code of 1986; and

14 (b) Employed by a redeveloper, contractor, or subcontractor that is
15 participating in a registered apprenticeship program with a training
16 facility located in Nebraska.

17 (2)(a) The department may provide grants to apprentices to pay child
18 care costs.

19 (b) The maximum total amount of any grants awarded per apprentice
20 under this section is thirty-seven thousand dollars.

21 (3) The department shall recover any grant awarded to an apprentice
22 under this section if such apprentice does not complete the
23 apprenticeship in which the apprentice was participating at the time of
24 receiving the grant.

25 Sec. 6. (1) The department shall, to the extent possible, assure
26 that the distribution of grants under the Apprenticeship Grant Act
27 provides equitable access to the grants by all geographic areas of the
28 state.

29 (2) The department shall not award more than four million dollars of
30 grants under the Apprenticeship Grant Act in any one fiscal year.

31 (3) The department shall develop a qualified action plan by January
1 1 of each odd-numbered year. The plan shall, at a minimum, set forth the
2 department's priorities and selection criteria for awarding grants for
3 apprenticeships. The department shall submit the plan to the Governor for
4 approval.

5 (4) The department shall execute memorandums of understanding with
6 the Department of Labor and the Department of Health and Human Services
7 before December 31, 2024, to ensure the exchange of data regarding

8 registered apprenticeship programs and the SNAP Next Step Program. The
9 memorandum of understanding with the Department of Health and Human

10 Services shall require the Department of Health and Human Services to
11 provide de-identified data concerning the number of Supplemental

12 Nutrition Assistance Program recipients that find self-sufficient
13 employment and the estimated savings to the Supplemental Nutrition

14 Assistance Program.

15 (5) The department shall submit an annual report to the Governor and
 16 the Legislature on or before October 1, 2025, and on or before October 1
 17 of each year thereafter which includes, but is not necessarily limited
 18 to, a description of the demand for apprenticeship grants under the
 19 Apprenticeship Grant Act from all geographic regions in Nebraska, a
 20 listing of the recipients and amounts of apprenticeship grants awarded in
 21 the previous fiscal year, the number of apprentices that were employed by
 22 grant recipients upon the completion of an apprenticeship in the previous
 23 fiscal year, and de-identified data regarding the number of Supplemental
 24 Nutrition Assistance Program recipients that find self-sufficient
 25 employment and the estimated savings to the Supplemental Nutrition
 26 Assistance Program. The report submitted to the Legislature shall be
 27 submitted electronically. The department may require recipients to
 28 provide periodic performance reports to enable the department to fulfill
 29 the requirements of this subsection. The report shall contain no
 30 information that is protected by state or federal confidentiality laws.

31 Sec. 7. (1) The Apprenticeship Advisory Board is created for the
 1 purpose of carrying out the Apprenticeship Grant Act.

2 (2) The board shall consist of five members appointed by the
 3 Director of Economic Development as follows:

4 (a) One member affiliated with a nonprofit organization that (i) is
 5 headquartered in Nebraska and (ii) represents any organization
 6 participating in a registered apprenticeship program;

7 (b) One member affiliated with a building and trade construction
 8 council that operates in Nebraska;

9 (c) One member affiliated with a registered apprenticeship program;

10 (d) One member affiliated with an equipment dealer association that
 11 operates in Nebraska; and

12 (e) One member affiliated with an institution of higher education
 13 that participates in a micro credential program for microchip fabrication
 14 and microelectronics manufacturing.

15 (3) No member of the board shall receive any pay or compensation for
 16 any services rendered as a member of the board.

17 Sec. 8. The department may adopt and promulgate rules and
 18 regulations to govern the award and disbursement of grants pursuant to
 19 the Apprenticeship Grant Act.

20 Sec. 9. (1) The Apprenticeship Nebraska Cash Fund is created. The
 21 fund shall be used to carry out the Apprenticeship Grant Act. The fund
 22 shall consist of money transferred to the fund by the Legislature and
 23 money donated as gifts, bequests, or other contributions from public or
 24 private entities. Any money in the fund available for investment shall be
 25 invested by the state investment officer pursuant to the Nebraska Capital
 26 Expansion Act and the Nebraska State Funds Investment Act.

27 (2) The department, or any entity with which the department
 28 contracts for such purpose, may use up to five percent of any
 29 appropriation to carry out the Apprenticeship Grant Act for
 30 administrative services.

31 (3) The State Treasurer shall transfer any money in the
 1 Apprenticeship Nebraska Cash Fund on June 30, 2030, to the General Fund.

2 Sec. 10. The Apprenticeship Grant Act terminates on June 30, 2030.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 468. Introduced by Linchan, 39;
 Armendariz, 18; Dover, 19; von Gillern, 4.

WHEREAS, the 2024 Nebraska School Activities Association Girls Basketball State Championships were held from February 28 through March 2, 2024 at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Elkhorn North High School Wolves girls basketball team were seeking their fourth consecutive Class B State Championship title in just four years of existence; and

WHEREAS, the Wolves rallied after being behind by nine points to defeat the Omaha Skutt SkyHawks by a score of 49-47; and

WHEREAS, the championship game was tied at 47-47 with nine seconds remaining, and the Wolves pulled ahead by scoring two free throws, which sealed the victory; and

WHEREAS, this is the third year in a row in which the Wolves defeated the SkyHawks in the Class B Girls State Basketball Championship game; and

WHEREAS, the Wolves' Head Coach Ann Prince credited the four-peat victory to mental toughness, grit, perseverance, and the team's belief in each other; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Elkhorn North High School Wolves girls basketball team on winning their fourth consecutive Class B Girls State Basketball Championship.

2. That copies of this resolution be sent to Head Coach Ann Prince and Elkhorn North High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 631. Title read. Considered.

Committee [AM2098](#), found on page 728, was offered.

Senator Conrad asked unanimous consent to withdraw the following motions:

[MO743](#), found on page 968, First Session, 2023, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

[MO744](#), found on page 968, First Session, 2023, to recommit to committee.

[MO745](#), found on page 969, First Session, 2023, to bracket.

No objections. So ordered.

Senator McKinney offered [AM3262](#), found on page 1404, to the committee amendment.

The McKinney amendment, to the committee amendment, was adopted with 29 ayes, 7 nays, 12 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 8 nays, 7 present and not voting, and 1 excused and not voting.

Senator McKinney withdrew [AM147](#), found on page 666, First Session, 2023.

Advanced to Enrollment and Review Initial with 30 ayes, 7 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 631A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB541](#):

[FA343](#)

Strike Section 1.

Senator Hunt filed the following amendment to [LB541](#):

[FA345](#)

On page 5, line 28, change "even" to "add".

Senator Conrad filed the following amendment to [LB541](#):

[FA348](#)

On page 2, line 22, after "in" insert "all".

Senator Conrad filed the following amendment to [LB541](#):

[FA349](#)

On page 6, line 3, strike "that" and insert "which".

Senator Day filed the following amendment to [LB126A](#):

[AM3275](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated (1) \$382,617 from the
 4 General Fund for FY2024-25 and (2) \$24,975 from the General Fund for
 5 FY2025-26 to the Department of Revenue, for Program 102, to aid in
 6 carrying out the provisions of Legislative Bill 126, One Hundred Eighth
 7 Legislature, Second Session, 2024.
 8 No expenditures for permanent and temporary salaries and per diems
 9 for state employees shall be made from funds appropriated in this
 10 section.
 11 Sec. 2. There is hereby appropriated (1) \$-0- from the General Fund
 12 for FY2024-25 and (2) \$71,260,000 from the General Fund for FY2025-26 to
 13 the Department of Revenue, for Program 108, to aid in carrying out the
 14 provisions of Legislative Bill 126, One Hundred Eighth Legislature.

15 Second Session, 2024.

16 There is included in the appropriation to this program for FY2024-25
17 \$-0- General Funds for state aid, which shall only be used for such
18 purpose. There is included in the appropriation to this program for
19 FY2025-26 \$71,260,000 General Funds for state aid, which shall only be
20 used for such purpose.
21 No expenditures for permanent and temporary salaries and per diems
22 for state employees shall be made from funds appropriated in this
23 section.

Senator Wayne filed the following amendment to LB253:
[AM3321](#) is available in the Bill Room.

MOTION(S) - Print in Journal

Senator M. Cavanaugh filed the following motion to LB541:
[MO1335](#)
Bracket until April 18, 2024.

Senator M. Cavanaugh filed the following motion to LB764:
[MO1336](#)
Bracket until April 18, 2024.

Senator M. Cavanaugh filed the following motion to LB764:
[MO1337](#)
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh filed the following motion to LB764:
[MO1338](#)
Recommit to the Government, Military and Veterans Affairs Committee.

Senator Day filed the following motion to LB126:
[MO1342](#)
Recommit to the Revenue Committee.

Senator Day filed the following motion to LB126:
[MO1343](#)
Indefinitely postpone.

Senator Day filed the following motion to LB126:
[MO1344](#)
Bracket until April 18, 2024.

Senator Linehan filed the following motion to LB937:
[MO1345](#)
Indefinitely postpone.

Senator Linehan filed the following motion to LB937:
[MO1346](#)
Bracket until April 18, 2024.

Senator Linehan filed the following motion to [LB937](#):
[MO1347](#)
Recommit to the Revenue Committee.

Senator Linehan filed the following motion to [LB1317](#):
[MO1348](#)
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Linehan filed the following motion to [LB1317](#):
[MO1349](#)
Bracket until April 18, 2024.

Senator Linehan filed the following motion to [LB1317](#):
[MO1350](#)
Recommit to the Revenue Committee.

Senator von Gillern filed the following motion to [LB1023](#):
[MO1351](#)
Bracket until April 18, 2024.

Senator von Gillern filed the following motion to [LB1023](#):
[MO1352](#)
Recommit to the Revenue Committee.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Larry Mohrman - Nebraska Natural Resources Commission
John Shadle - Nebraska Natural Resources Commission

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jill Becker - Environmental Quality Council
Brad Bird - Environmental Quality Council
Kurt Bogner - Environmental Quality Council
Seth B. Harder - Environmental Quality Council
Lisa A. Lunz - Environmental Quality Council
Lynn Mayhew - Environmental Quality Council
Marty Stange - Environmental Quality Council
James E. Theiler - Environmental Quality Council

Allison Willis - Environmental Quality Council

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1300. Senator M. Cavanaugh offered the following motion:

[MO1339](#)

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Bostar opened on his bill, LB1300.

Senator M. Cavanaugh opened on her motion, MO1339.

Pending.

SELECT FILE

LEGISLATIVE BILL 262A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 287A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1200A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1355A. Senator Vargas offered [AM3231](#), found on page 1440.

The Vargas amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 852. [ER97](#), found on page 1138, was offered.

ER97 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1088. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1306. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1306A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1030. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1027. [ER106](#), found on page 1364, was offered.

ER106 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1027A. Senator Clements offered the following motion:

[MO1353](#)

Indefinitely postpone.

Senator Clements asked unanimous consent to withdraw his motion to indefinitely postpone.

No objections. So ordered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1051. [ER110](#), found on page 1367, was offered.

ER110 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 874. [ER111](#), found on page 1367, was offered.

ER111 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1393. [ER100](#), found on page 1259, was offered.

ER100 was adopted.

Senator Conrad asked unanimous consent to withdraw [MO1271](#), found on page 1126, to indefinitely postpone.

No objections. So ordered.

Senator Hansen offered [AM3278](#), found on page 1381.

The Hansen amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Conrad asked unanimous consent to withdraw [AM3305](#), found on page 1443, and replace it with substitute amendment, [FA350](#). No objections. So ordered.

[FA350](#)

1. On page 6, line 1, after "48-3604" insert "(1)"; in line 9 strike "Unless", show as stricken, and insert "Except as provided in subsection (2) of this section, or unless"; and after line 17 insert the following new subsection: 2.) If any contract or agreement is entered into by an entity subject to the public records act for the use of a student-athlete's name, image, or likeness rights or athletic reputation, such contract or agreement shall be subject to the public records act.

The Conrad amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SENATOR VON GILLERN PRESIDING

Senator Conrad offered [AM3306](#), found on page 1443.

SENATOR DORN PRESIDING

The Conrad amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 876. Senator Holdcroft offered [AM3211](#), found on page 1313.

Senator Holdcroft offered [AM3224](#), found on page 1320, to his amendment.

Senator Conrad requested a ruling of the Chair on whether the Holdcroft amendment is germane to the bill.

Senator Conrad withdrew her request for a ruling from the Chair.

The Holdcroft amendment, to his amendment, was withdrawn.

The Holdcroft amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 876A. Senator Holdcroft offered [AM3273](#), found on page 1429.

The Holdcroft amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 162. Placed on General File with amendment.

[AM3249](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2023, is
4 amended to read:
5 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
6 and section 2 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.
8 Sec. 2. (1) It shall be unlawful for any person to knowingly and
9 intentionally remove or damage an electronic monitoring device when such
10 device is required to be worn or used by such person pursuant to an order
11 from a county or district court, from the Department of Correctional
12 Services, or from the Board of Parole.
13 (2) For purposes of this section, electronic monitoring device means
14 a device worn by or affixed to a person which is used to track the
15 physical location of such person.
16 (3) A violation of this section is a Class I misdemeanor.
17 Sec. 3. Original section 28-101, Revised Statutes Supplement, 2023,
18 is repealed.

LEGISLATIVE BILL 1126. Placed on General File with amendment.

[AM3261](#) is available in the Bill Room.

LEGISLATIVE BILL 1195. Placed on General File with amendment.

[AM3291](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator von Gillern filed the following amendment to [LB1023](#):

[AM3220](#)

(Amendments to Standing Committee amendments, AM3034)

1 1. Strike section 3 and insert the following new sections:
2 Sec. 3. (1) For taxable years beginning or deemed to begin on or
3 after January 1, 2025, under the Internal Revenue Code of 1986, as
4 amended, an employer that pays relocation expenses for a qualifying
5 employee shall be eligible to receive a credit that may be used to offset
6 any income taxes due under the Nebraska Revenue Act of 1967, any premium
7 and related retaliatory taxes due under section 44-150, 77-908, or

8 81-523, or any franchise taxes due under sections 77-3801 to 77-3807.

9 (2) The credit provided in this section shall be a refundable credit
10 in an amount equal to fifty percent of the relocation expenses that were
11 paid by the employer for a qualifying employee during the taxable year,
12 not to exceed a maximum credit of five thousand dollars per qualifying
13 employee.

14 (3) No credit shall be granted under this section unless the
15 qualifying employee will receive an annual salary of at least seventy
16 thousand dollars per year and not more than two hundred fifty thousand
17 dollars per year.

18 (4) Any credit claimed by an employer under this section shall be
19 recaptured by the department if the qualifying employee moves out of the
20 state within two years after the credit is claimed. Any amount required
21 to be recaptured shall be deemed an underpayment of tax and shall be due
22 and payable on the tax return that is due immediately following the loss
23 of residency.

24 (5) Notwithstanding any other limitation contained in the laws of
25 this state, collection of any taxes deemed to be an underpayment by this
26 section shall be allowed for a period of three years following the due
1 date of the recaptured taxes.

2 (6) For taxable years beginning or deemed to begin on or after
3 January 1, 2026, under the Internal Revenue Code of 1986, as amended, the
4 department shall adjust the dollar amounts provided in subsection (3) of
5 this section by the same percentage used to adjust individual income tax
6 brackets under subsection (3) of section 77-2715.03.

7 (7) An employer shall apply for the credit provided in this section
8 by submitting an application to the department on a form prescribed by
9 the department. Subject to subsection (8) of this section, if the
10 department determines that the employer qualifies for tax credits under
11 this section, the department shall approve the application and certify
12 the amount of credits approved to the employer.

13 (8) The department shall consider applications in the order in which
14 they are received and may approve tax credits under this section in any
15 year until the aggregate limit allowed under section 4 of this act has
16 been reached.

17 (9) An employer shall claim any tax credits granted under this
18 section by attaching the tax credit certification received from the
19 department under subsection (7) of this section to the employer's tax
20 return.

21 (10) An employer claiming a tax credit under the Relocation
22 Incentive Act against any premium and related retaliatory taxes due under
23 section 44-150, 77-908, or 81-523 shall not be required to pay any
24 additional retaliatory tax as a result of claiming the tax credit. The
25 tax credit may fully offset any retaliatory tax imposed under Nebraska
26 law. Any tax credit claimed shall be considered a payment of tax for
27 purposes of subsection (1) of section 77-2734.03.

28 Sec. 7. Section 77-908, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 77-908 Every insurance company organized under the stock, mutual,
31 assessment, or reciprocal plan, except fraternal benefit societies, which
1 is transacting business in this state shall, on or before March 1 of each
2 year, pay a tax to the director of one percent of the gross amount of
3 direct writing premiums received by it during the preceding calendar year
4 for business done in this state, except that (1) for group sickness and
5 accident insurance the rate of such tax shall be five-tenths of one
6 percent and (2) for property and casualty insurance, excluding individual
7 sickness and accident insurance, the rate of such tax shall be one
8 percent. A captive insurer authorized under the Captive Insurers Act that
9 is transacting business in this state shall, on or before March 1 of each
10 year, pay to the director a tax of one-fourth of one percent of the gross
11 amount of direct writing premiums received by such insurer during the
12 preceding calendar year for business transacted in the state. The taxable
13 premiums shall include premiums paid on the lives of persons residing in
14 this state and premiums paid for risks located in this state whether the

15 insurance was written in this state or not, including that portion of a
16 group premium paid which represents the premium for insurance on Nebraska
17 residents or risks located in Nebraska included within the group when the
18 number of lives in the group exceeds five hundred. The tax shall also
19 apply to premiums received by domestic companies for insurance written on
20 individuals residing outside this state or risks located outside this
21 state if no comparable tax is paid by the direct writing domestic company
22 to any other appropriate taxing authority. Companies whose scheme of
23 operation contemplates the return of a portion of premiums to
24 policyholders, without such policyholders being claimants under the terms
25 of their policies, may deduct such return premiums or dividends from
26 their gross premiums for the purpose of tax calculations. Any such
27 insurance company shall receive a credit on the tax imposed as provided
28 in the Community Development Assistance Act, the Nebraska Job Creation
29 and Mainstreet Revitalization Act, the New Markets Job Growth Investment
30 Act, the Nebraska Higher Blend Tax Credit Act, the Relocation Incentive
31 Act, and the Affordable Housing Tax Credit Act.

1 Sec. 15. Section 77-3806, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 77-3806 (1) The tax return shall be filed and the total amount of
4 the franchise tax shall be due on the fifteenth day of the third month
5 after the end of the taxable year. No extension of time to pay the tax
6 shall be granted. If the Tax Commissioner determines that the amount of
7 tax can be computed from available information filed by the financial
8 institutions with either state or federal regulatory agencies, the Tax
9 Commissioner may, by regulation, waive the requirement for the financial
10 institutions to file returns.

11 (2) Sections 77-2714 to 77-27,135 relating to deficiencies,
12 penalties, interest, the collection of delinquent amounts, and appeal
13 procedures for the tax imposed by section 77-2734.02 shall also apply to
14 the tax imposed by section 77-3802. If the filing of a return is waived
15 by the Tax Commissioner, the payment of the tax shall be considered the
16 filing of a return for purposes of sections 77-2714 to 77-27,135.

17 (3) No refund of the tax imposed by section 77-3802 shall be allowed
18 unless a claim for such refund is filed within ninety days of the date on
19 which (a) the tax is due or was paid, whichever is later, (b) a change is
20 made to the amount of deposits or the net financial income of the
21 financial institution by a state or federal regulatory agency, or (c) the
22 Nebraska Investment Finance Authority issues an eligibility statement to
23 the financial institution pursuant to the Affordable Housing Tax Credit
24 Act.

25 (4) Any such financial institution shall receive a credit on the
26 franchise tax as provided under the Affordable Housing Tax Credit Act,
27 the Community Development Assistance Act, the Nebraska Higher Blend Tax
28 Credit Act, the Nebraska Job Creation and Mainstreet Revitalization Act,
29 the Nebraska Property Tax Incentive Act, the Relocation Incentive Act,
30 and the New Markets Job Growth Investment Act.

31 Sec. 17. Section 81-523, Revised Statutes Cumulative Supplement,
1 2022, is amended to read:

2 81-523 (1) For the purpose of maintaining the office of the State
3 Fire Marshal and such other fire prevention activities as the Governor
4 may direct, every foreign and alien insurance company including
5 nonresident attorneys for subscribers to reciprocal insurance exchanges
6 shall, on or before March 1, pay a tax to the Director of Insurance of
7 three-fourths of one percent of the gross direct writing premiums and
8 assessments received by each of such companies during the preceding
9 calendar year for fire insurance business done in this state.

10 (2) For the purpose set forth in subsection (1) of this section,
11 every domestic insurance company including resident attorneys for
12 subscribers to reciprocal insurance exchanges shall, on or before March
13 1, pay a tax to the Director of Insurance of three-eighths of one percent
14 of the gross direct writing premiums and assessments received by each of
15 such companies during the preceding calendar year for fire insurance
16 business done in this state.

17 (3) The term fire insurance business, as used in subsections (1),
18 (2), and (4) of this section, shall include, but not be limited to,
19 premiums of policies on fire risks on automobiles, whether written under
20 floater form or otherwise.
21 (4) Return premiums on fire insurance business, subject to the fire
22 insurance tax, in accordance with subsections (1) and (2) of this
23 section, may be deducted from the gross direct writing premiums for the
24 purpose of the tax calculations provided for by subsections (1) and (2)
25 of this section. In the case of mutual companies and assessment
26 associations, the dividends paid or credited to policyholders or members
27 in this state shall be construed to be return premiums.
28 (5) Any tax collected pursuant to subsections (1) and (2) of this
29 section shall be remitted to the State Treasurer for credit to the
30 General Fund.
31 (6) An insurance company described in this section shall receive a
1 credit on the tax imposed under this section as provided in the
2 Affordable Housing Tax Credit Act and the Relocation Incentive Act.
3 2. Correct the operative date and repealer sections so that the
4 sections added by this amendment become operative on their effective
5 date.
6 3. Renumber the remaining sections and correct internal references
7 accordingly.

GENERAL FILE

LEGISLATIVE BILL 399. Committee [AM2702](#), found on page 856 and considered on page 1438, was renewed.

Senator J. Cavanaugh renewed [MO1323](#), found and considered on page 1439, to reconsider the vote taken on MO1231.

SENATOR VON GILLERN PRESIDING

Senator J. Cavanaugh asked unanimous consent to withdraw his motion to reconsider.

No objections. So ordered.

Senator J. Cavanaugh asked unanimous consent to withdraw [MO1324](#), found on page 1444, to bracket.

No objections. So ordered.

Senator Dungan withdrew [FA330](#), found on page 1444, to the committee amendment.

Senator Dungan withdrew [FA331](#), found on page 1444, to the committee amendment.

Senator Bostar offered [AM3296](#), found on page 1443, to the committee amendment.

The Bostar amendment, to the committee amendment, was withdrawn.

Senator Blood withdrew [AM3053](#), found on page 1144, to the committee amendment.

Senator Dungan withdrew [AM2804](#), found on page 1028, to the committee amendment.

Senator Brewer offered [AM2912](#), found on page 992, to the committee amendment.

The Brewer amendment, to the committee amendment, was withdrawn.

Senator Fredrickson withdrew [AM2848](#), found on page 926, to the committee amendment.

Senator Brewer offered the following amendment to the committee amendment:

[AM3336](#)

(Amendments to Standing Committee amendments, AM2702)

- 1 1. Strike sections 3 and 4 and insert the following new section:
- 2 Sec. 3. Section 70-1014.02, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 70-1014.02 (1) The Legislature finds that:
- 5 (a) Nebraska has the authority as a sovereign state to protect its
- 6 land, natural resources, and cultural resources for economic and
- 7 aesthetic purposes for the benefit of its residents and future
- 8 generations by regulation of energy generation projects;
- 9 (b) The unique terrain and ecology of the Nebraska Sandhills provide
- 10 an irreplaceable habitat for millions of migratory birds and other
- 11 wildlife every year and serve as the home to numerous ranchers and
- 12 farmers;
- 13 (c) The grasslands of the Nebraska Sandhills and other natural
- 14 resources in Nebraska will become increasingly valuable, both
- 15 economically and strategically, as the demand for food and energy
- 16 increases; and
- 17 (d) The Nebraska Sandhills are home to priceless archaeological
- 18 sites of historical and cultural significance to American Indians.
- 19 (2)(a) A privately developed renewable energy generation facility
- 20 that meets the requirements of this section is exempt from sections
- 21 70-1012 to 70-1014.01 if, no less than thirty days prior to the
- 22 commencement of construction, the owner of the facility:
- 23 (i) Notifies the board in writing of its intent to commence
- 24 construction of a privately developed renewable energy generation
- 25 facility;
- 26 (ii) Certifies to the board that the facility will meet the
- 1 requirements for a privately developed renewable energy generation
- 2 facility;
- 3 (iii) Certifies to the board that the private electric supplier will
- 4 (A) comply with any decommissioning requirements adopted by the local
- 5 governmental entities having jurisdiction over the privately developed
- 6 renewable energy generation facility and (B) except as otherwise provided
- 7 in subdivision (b) of this subsection, submit a decommissioning plan to
- 8 the board obligating the private electric supplier to bear all costs of
- 9 decommissioning the privately developed renewable energy generation
- 10 facility and requiring that the private electric supplier post a security
- 11 bond or other instrument, no later than the ~~third~~ ~~year~~ year following
- 12 commercial operation, securing the costs of decommissioning the facility

13 and provide a copy of the bond or instrument to the board;
 14 (iv) Certifies to the board that the private electric supplier has
 15 entered into or prior to commencing construction will enter into a joint
 16 transmission development agreement pursuant to subdivision (c) of this
 17 subsection with the electric supplier owning the transmission facilities
 18 of sixty thousand volts or greater to which the privately developed
 19 renewable energy generation facility will interconnect; ~~and~~
 20 (v) Certifies to the board that the private electric supplier has
 21 consulted with the Game and Parks Commission to identify potential
 22 measures to avoid, minimize, and mitigate impacts to species identified
 23 under subsection (1) or (2) of section 37-806 during the project planning
 24 and design phases, if possible, but in no event later than the
 25 commencement of construction; ~~and~~ -
 26 (vi) For a proposed privately developed renewable energy generation
 27 facility that has a generating capacity that is greater than ten
 28 megawatts, certifies to the board that the private electric supplier has
 29 held at least one public meeting with advanced publicized notice in one
 30 of the counties in which the proposed facility will be located at which
 31 (A) the private electric supplier explains the need for the proposed
 1 facility and the type of facility and (B) real property owners in any of
 2 the counties in which the proposed facility will be located are provided
 3 an opportunity to comment on the proposed facility. The private electric
 4 supplier shall provide a report to the board containing the minutes of
 5 any such meeting and how many people commented on the proposed facility.
 6 Documentation received at any such meeting shall be made available to the
 7 board upon its request. A meeting described in this subdivision is not
 8 subject to the requirements described in subdivision (2)(b)(iv) of
 9 section 84-1411.
 10 (b) The board may bring an action in the name of the State of
 11 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
 12 subsection, ~~except that such subdivision - Subdivision (a)(iii)(B) of~~
 13 ~~this subsection~~ does not apply if a local government entity with the
 14 authority to create requirements for decommissioning has enacted
 15 decommissioning requirements for the applicable jurisdiction.
 16 (c) ~~A~~ The joint transmission development agreement shall be entered
 17 into to address construction, ownership, operation, and maintenance of
 18 such additions or upgrades to the transmission facilities as required for
 19 the privately developed renewable energy generation facility. The joint
 20 transmission development agreement shall be negotiated and executed
 21 contemporaneously with the generator interconnection agreement or other
 22 directives of the applicable regional transmission organization with
 23 jurisdiction over the addition or upgrade of transmission, upon terms
 24 consistent with prudent electric utility practices for the
 25 interconnection of renewable generation facilities, the electric
 26 supplier's reasonable transmission interconnection requirements, and
 27 applicable transmission design and construction standards. The electric
 28 supplier shall have the right to purchase and own transmission facilities
 29 as set forth in the joint transmission development agreement. The private
 30 electric supplier of the privately developed renewable energy generation
 31 facility shall have the right to construct any necessary facilities or
 1 improvements set forth in the joint transmission development agreement
 2 pursuant to the standards set forth in the agreement at the private
 3 electric supplier's cost.
 4 (3) Within ten days after receipt of a written notice complying with
 5 subsection (2) of this section, the executive director of the board shall
 6 issue a written acknowledgment that the privately developed renewable
 7 energy generation facility is exempt from sections 70-1012 to 70-1014.01
 8 if such facility remains in compliance with the requirements of this
 9 section.
 10 (4) The exemption allowed under this section for a privately

11 developed renewable energy generation facility shall extend to and exempt
 12 all private electric suppliers owning any interest in the facility,
 13 including any successor private electric supplier which subsequently
 14 acquires any interest in the facility.
 15 (5) No property owned, used, or operated as part of a privately
 16 developed renewable energy generation facility shall be subject to
 17 eminent domain by a consumer-owned electric supplier operating in the
 18 State of Nebraska. Nothing in this section shall be construed to grant
 19 the power of eminent domain to a private electric supplier or limit the
 20 rights of any entity to acquire any public, municipal, or utility right-
 21 of-way across property owned, used, or operated as part of a privately
 22 developed renewable energy generation facility as long as the right-of-
 23 way does not prevent the operation of or access to the privately
 24 developed renewable energy generation facility.
 25 (6) Only a consumer-owned electric supplier operating in the State
 26 of Nebraska may exercise eminent domain authority to acquire the land
 27 rights necessary for the construction of transmission lines and related
 28 facilities. There is a rebuttable presumption that the exercise of
 29 eminent domain to provide needed transmission lines and related
 30 facilities for a privately developed renewable energy generation facility
 31 is a public use.
 1 (7) Nothing in this section shall be construed to authorize a
 2 private electric supplier to sell or deliver electricity at retail in
 3 Nebraska.
 4 (8) Nothing in this section shall be construed to limit the
 5 authority of or require a consumer-owned electric supplier operating in
 6 the State of Nebraska to enter into a joint agreement with a private
 7 electric supplier to develop, construct, and jointly own a privately
 8 developed renewable energy generation facility.
 9 2. On page 3, line 25, strike "may" and insert "shall".
 10 3. Renumber the remaining sections and correct the repealer
 11 accordingly.

The Brewer amendment, to the committee amendment, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator J. Cavanaugh offered the following amendment to the Brewer amendment:

[FA351](#)

On page 2, line 11 of AM3336, strike "third" and insert "sixth".

The J. Cavanaugh amendment, to the Brewer amendment, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

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

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator McKinney filed the following amendment to [LB164](#):
[AM3323](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1300. Senator M. Cavanaugh renewed [MO1339](#), found and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

EASE

The Legislature was at ease from 5:57 p.m. until 6:30 p.m.

SPEAKER ARCH PRESIDING**SENATOR VON GILLERN PRESIDING****GENERAL FILE**

LEGISLATIVE BILL 1300. Senator M. Cavanaugh renewed [MO1339](#), found and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Voting in the affirmative, 1:

Blood

Voting in the negative, 41:

Albrecht	Conrad	Halloran	Lowe	Vargas
Arch	Day	Hardin	McDonnell	von Gillern
Ballard	DeBoer	Holdcroft	McKinney	Walz
Bosn	DeKay	Hughes	Meyer	Wayne
Bostar	Dorn	Ibach	Moser	Wishart
Bostelman	Dover	Jacobson	Murman	
Brandt	Dungan	Kauth	Riepe	
Brewer	Erdman	Linehan	Sanders	
Clements	Fredrickson	Lippincott	Slama	

Present and not voting, 3:

Cavanaugh, J. Cavanaugh, M. Hunt

Excused and not voting, 4:

Aguilar Armendariz Hansen Raybould

The M. Cavanaugh motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f) failed with 1 aye, 41 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1357](#)

Reconsider the vote taken on MO1339.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to reconsider.

No objections. So ordered.

Title read. Considered.

Committee [AM3227](#), found on page 1328, was offered.

Senator M. Cavanaugh offered the following motion:

[MO1341](#)

Bracket until April 18, 2024.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to bracket.

No objections. So ordered.

Senator Slama offered the following amendment to the committee amendment:

[AM3339](#)

(Amendments to Standing Committee amendments, AM3227)

1 1. Insert the following new sections:

2 Sec. 47. Section 32-710, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 32-710 Each political party shall hold a state convention biennially

5 on a date to be fixed by the state central committee but not later than

6 September 1. Candidates for elective offices may be nominated at such

7 conventions pursuant to section 32-627 or 32-721. Such nominations shall

8 be certified to the Secretary of State by the chairperson and secretary

9 of the convention. The certificates shall have the same force and effect

10 as nominations in primary elections. A political party may not nominate a

11 candidate at the convention for an office for which the party did not

12 nominate a candidate at the primary election except as provided for new

13 political parties in section 32-621. The convention shall formulate and

14 promulgate a state platform, select a state central committee, select

15 electors for President and Vice President of the United States, and

16 transact the business which is properly before it. ~~One presidential~~

17 elector shall be chosen from each congressional district, and two

18 ~~presidential electors shall be chosen at large.~~ The officers of the
19 convention shall certify the names of the electors to the Governor and
20 Secretary of State.

21 Sec. 48. Section 32-713, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-713 (1) The certificates of appointment for presidential electors
24 shall be served by the Governor on each person appointed. The Governor
25 shall notify the presidential electors to be at the State Capitol at noon
26 on the first Monday after the second Wednesday in December after
1 appointment and report to the Governor at his or her office in the
2 capitol as being in attendance. The Governor shall serve the certificates
3 of appointment by registered or certified mail. In submitting this
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the
5 Governor shall certify this state's presidential electors and state in
6 the certificate that:

7 (a) The presidential electors will serve as presidential electors
8 unless a vacancy occurs in the office of presidential elector before the
9 end of the meeting at which the presidential electors cast their votes,
10 in which case a substitute presidential elector will fill the vacancy;
11 and

12 (b) If a substitute presidential elector is appointed to fill a
13 vacancy, the Governor will submit an amended certificate of ascertainment
14 stating the names on the final list of this state's presidential
15 electors.

16 (2) The presidential electors shall convene at 2 p.m. of such Monday
17 at the Governor's office in the capitol. Each presidential elector shall
18 execute the following pledge: As a presidential elector duly selected (or
19 appointed) for this position, I agree to serve and to mark my ballots for
20 President and Vice President for the presidential and vice-presidential
21 candidates who received the highest number of votes in the state ~~if I am~~
22 ~~an at-large presidential elector or the highest number of votes in my~~
23 ~~congressional district if I am a congressional district presidential~~
24 ~~elector.~~

25 Sec. 49. Section 32-714, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-714 (1) The Governor shall provide each presidential elector with
28 a list of all the presidential electors. If any presidential elector is
29 absent or if there is a deficiency in the proper number of presidential
30 electors, those present shall elect from the citizens of the state so
31 many persons as will supply the deficiency and immediately issue a
1 certificate of election, signed by those present or a majority of them,
2 to the person or persons so chosen. In case of failure to elect as
3 required in this subsection by 3 p.m. of such day or in case of a vacancy
4 created under subsection (4) of this section, the Governor shall fill the
5 vacancies by appointment. Each appointee shall execute the pledge in
6 section 32-713. After all vacancies are filled, the presidential electors
7 shall proceed with the election of a President of the United States and a
8 Vice President of the United States and certify their votes in conformity
9 with the Constitution and laws of the United States.

10 (2) The Secretary of State shall provide each presidential elector
11 with a presidential and vice-presidential ballot. Each at-large
12 presidential elector shall mark his or her ballot for the presidential
13 and vice-presidential candidates who received the highest number of votes
14 in the state and consistent with his or her pledge. ~~Each congressional~~
15 ~~district presidential elector shall mark his or her ballot for the~~
16 ~~presidential and vice-presidential candidates who received the highest~~
17 ~~number of votes in his or her congressional district and consistent with~~
18 ~~his or her pledge.~~

19 (3) Each presidential elector shall present the completed ballot to
20 the Secretary of State. The Secretary of State shall examine each ballot

21 and accept as cast each ballot marked by a presidential elector
 22 consistent with his or her pledge. The Secretary of State shall not
 23 accept and shall not count the ballot if the presidential elector has not
 24 marked the ballot or has marked the ballot in violation of his or her
 25 pledge.

26 (4) A presidential elector who refuses to present a ballot, who
 27 attempts to present an unmarked ballot, or who attempts to present a
 28 ballot marked in violation of his or her pledge vacates the office of
 29 presidential elector.

30 Sec. 50. Section 32-1038, Reissue Revised Statutes of Nebraska, is
 31 amended to read:

1 32-1038 (1) The board of state canvassers shall authorize the
 2 Secretary of State to open the abstracts of votes from the various
 3 counties and prepare an abstract stating the number of ballots cast for
 4 each office, the names of all the persons voted for, for what office they
 5 respectively received the votes, and the number of votes each received.
 6 The abstract shall be signed by the members of the board and shall have
 7 the seal of the state affixed by the Secretary of State. The canvass of
 8 the votes for candidates for President and Vice President of the United
 9 States and the return thereof shall be a canvass and return of the votes
 10 cast for the presidential electors of the same party or group of
 11 petitioners respectively, and the certificate of such election made by
 12 the Governor shall be in accord with such return. Receipt by the
 13 presidential electors of a party or a group of petitioners of the highest
 14 number of votes statewide shall constitute election of the two at-large
 15 presidential electors of that party or group of petitioners. ~~Receipt by~~
 16 ~~the presidential electors of a party or a group of petitioners of the~~
 17 ~~highest number of votes in a congressional district shall constitute~~
 18 ~~election of the congressional district presidential elector of that party~~
 19 ~~or group of petitioners.~~

20 (2) The board of state canvassers shall determine from the completed
 21 abstract the names of those candidates who have been nominated or
 22 elected. If any two or more persons are returned with an equal and the
 23 highest number of votes, the board of state canvassers shall decide by
 24 lot which of such persons is elected except for officers elected to the
 25 executive branch. The board of state canvassers shall also declare those
 26 measures carried which have received the required percentage of votes as
 27 provided by law.

28 2. Renumber the remaining sections and correct internal references
 29 accordingly.

30 3. Correct the operative date and repealer sections so that the
 31 sections added by this amendment become operative on their effective date
 1 with the emergency clause.

Senator Bostar requested a ruling of the Chair on whether the Slama amendment is germane to the bill.

The Chair ruled the Slama amendment is not germane to the bill.

Senator Slama challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Bostar requested a roll call vote, in reverse order, on the motion to overrule the Chair.

Voting in the affirmative, 9:

Ballard	Bostelman	Erdman	Murman	Slama
Bosn	Dover	Lippincott	Riepe	

Voting in the negative, 36:

Albrecht	Clements	Halloran	Linehan	von Gillern
Arch	Conrad	Hardin	Lowe	Walz
Blood	Day	Holdcroft	McDonnell	Wayne
Bostar	DeBoer	Hughes	McKinney	Wishart
Brandt	DeKay	Hunt	Meyer	
Brewer	Dorn	Ibach	Moser	
Cavanaugh, J.	Dungan	Jacobson	Sanders	
Cavanaugh, M.	Fredrickson	Kauth	Vargas	

Excused and not voting, 4:

Aguilar	Armendariz	Hansen	Raybould
---------	------------	--------	----------

The Slama motion to overrule the Chair failed with 9 ayes, 36 nays, and 4 excused and not voting.

The Chair was sustained.

Senator McDonnell offered the following amendment to the committee amendment:

[AM3317](#)

(Amendments to Standing Committee amendments, AM3227)

1 1. On page 31, line 19, strike "average percentage" and insert
2 "cumulative".

The McDonnell amendment, to the committee amendment, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

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

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1300A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

MOTION(S) - Print in Journal

Senator Linehan filed the following motion to [LB233](#):

[MO1354](#)

Recommit to the Health and Human Services Committee.

Senator Erdman filed the following motion to [LB233](#):
[MO1355](#)
Bracket until April 18, 2024.

Senator Linehan filed the following motion to [LB233](#):
[MO1356](#)
Indefinitely postpone.

Senator von Gillern filed the following motion to [LB840](#):
[MO1358](#)
Indefinitely postpone.

Senator von Gillern filed the following motion to [LB840](#):
[MO1359](#)
Recommit to the Urban Affairs Committee.

Senator von Gillern filed the following motion to [LB840](#):
[MO1360](#)
Bracket until April 18, 2024.

AMENDMENT(S) - Print in Journal

Senator Conrad filed the following amendment to [LB1393](#):
[AM3353](#)

1 1. Strike the Conrad amendment, FA350.
2 2. On page 6, line 1, after "48-3604" insert "(1)"; in line 9 strike
3 "Unless", show as stricken, and insert "Except as provided in subsection
4 (2) of this section, or unless"; and after line 17 insert the following
5 new subsection:
6 "(2) If any contract or agreement is entered into by an entity
7 subject to sections 84-712 to 84-712.09 for the use of a student-
8 athlete's name, image, or likeness rights or athletic reputation, such
9 contract or agreement shall be considered a public record subject to
10 sections 84-712 to 84-712.09."

Senator McDonnell filed the following amendment to [LB840](#):
[AM3208](#)

(Amendments to E&R amendments, ER102)

1 1. Insert the following new section:
2 Sec. 6. (1) In alignment with the Poverty Elimination Action Plan
3 Act's goals, and to maximize economic benefits for residents of high-
4 poverty zones, qualified census tracts, and economic redevelopment areas,
5 all construction projects initiated, funded, or incentivized under a
6 city's poverty elimination action plan shall incorporate detailed project
7 labor agreement provisions. Such provisions are aimed at leveraging
8 project labor agreements to fulfill the act's objectives and contribute
9 to the broader redevelopment efforts.
10 (2) For purposes of this section, a project labor agreement is a
11 pre-hire collective bargaining agreement with one or more labor unions,
12 setting forth employment terms and conditions for a specific construction
13 project. The intent behind a project labor agreement includes:
14 (a) Ensuring that all construction activities tied to the poverty
15 elimination action plan adhere to the highest standards of quality,
16 efficiency, and safety, thereby reflecting the project's commitment to
17 excellence;

18 (b) Guaranteeing that workers on such construction projects are
 19 compensated at prevailing wage rates, in line with the rates for similar
 20 construction work in the locality, as determined by the United States
 21 Secretary of Labor in accordance with Subchapter IV of 40 U.S.C. 31,
 22 ensuring fair compensation for labor; and
 23 (c) Promoting substantial participation of the local workforce,
 24 particularly emphasizing the engagement of qualified apprentices from
 25 within the community, especially those residing in high-poverty areas,
 26 qualified census tracts, and economic redevelopment areas. Such approach
 1 aims to provide direct employment opportunities to those most affected by
 2 poverty and foster local economic development.
 3 (3) Each project labor agreement shall integrate apprenticeship
 4 training programs that are essential for equipping local residents with
 5 the necessary skills and credentials for sustainable careers in the
 6 construction sector and beyond. Such programs should:
 7 (a) Offer a comprehensive pathway for individuals, particularly from
 8 marginalized communities, to gain the requisite skills and experience for
 9 long-term employment in the construction field;
 10 (b) Blend practical, onsite training with academic instruction,
 11 adhering to the apprenticeship standards set by the United States
 12 Department of Labor or the Nebraska Department of Labor, ensuring a well-
 13 rounded education and training experience; and
 14 (c) Encourage diversity and inclusivity within the construction
 15 workforce by establishing specific recruitment and training objectives
 16 for women, people of color, veterans, and other traditionally
 17 underrepresented groups to promote equity in employment opportunities.
 18 (4) A city shall ensure that a project labor agreement embedded
 19 within the poverty elimination action plan incorporates effective
 20 monitoring mechanisms to enforce compliance with the terms of such
 21 agreement, particularly terms pertaining to local hiring practices, wage
 22 standards, and apprenticeship training commitments.
 23 (5) The impact of project labor agreements on achieving the Poverty
 24 Elimination Action Plan Act's goals, including their effectiveness in
 25 fostering local employment and skill development, shall be evaluated as
 26 part of the biennial review conducted by the Urban Affairs Committee of
 27 the Legislature for each city's action plan, ensuring accountability and
 28 continuous improvement in project outcomes.
 29 2. On page 1, line 3, strike "5" and insert "6".
 30 3. On page 4, line 2, strike "12 and 13" and insert "13 and 14".
 31 4. Renumber the remaining sections accordingly.

Senator von Gillern filed the following amendment to LB840:

[FA352](#)

Delete section 6.

Senator M. Cavanaugh filed the following amendment to LB1300:

[FA346](#)

Strike Section 1.

Senator M. Cavanaugh filed the following amendment to LB1300:

[FA347](#)

Strike Section 2.

GENERAL FILE

LEGISLATIVE BILL 1363. Title read. Considered.

Committee [AM3250](#), found on page 1401, was offered.

Senator Linehan moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator McDonnell requested a roll call vote on the committee amendment.

Voting in the affirmative, 15:

Albrecht	Brandt	Dungan	Linehan	Murman
Arch	Brewer	Hunt	McDonnell	Sanders
Bostar	DeKay	Kauth	Meyer	von Gillern

Voting in the negative, 22:

Ballard	Conrad	Hardin	Lippincott	Walz
Bosn	Dorn	Holdcroft	Lowe	Wayne
Bostelman	Dover	Hughes	McKinney	
Cavanaugh, J.	Erdman	Ibach	Riepe	
Clements	Halloran	Jacobson	Vargas	

Present and not voting, 2:

DeBoer Fredrickson

Excused and not voting, 10:

Aguilar	Blood	Day	Moser	Slama
Armendariz	Cavanaugh, M.	Hansen	Raybould	Wishart

The committee amendment lost with 15 ayes, 22 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following motion:

[MO1361](#)

Reconsider the vote on AM3250.

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB25](#):

[AM3327](#)

(Amendments to Standing Committee amendments, AM440)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new

3 sections:

4 Section 1. Sections 1 to 6 of this act shall be known and may be

5 cited as the State and Political Subdivisions Child Sexual Abuse

6 Liability Act.

7 Sec. 2. The Legislature hereby declares that the state, state
8 agencies, and political subdivisions shall be liable in a similar manner
9 and to a similar extent as a private individual or entity under like
10 circumstances for tort claims arising out of child sexual abuse.
11 Sec. 3. For purposes of the State and Political Subdivisions Child
12 Sexual Abuse Liability Act:
13 (1) Child sexual abuse means conduct that amounts to a violation of
14 section 28-319.01 or 28-320.01;
15 (2)(a) Employee, with reference to a political subdivision, has the
16 same meaning as in section 13-903.
17 (b) Employee, with reference to a state agency, has the same meaning
18 as in section 81-8.210;
19 (3) Political subdivision has the same meaning as in section 13-903;
20 (4) State agency has the same meaning as in section 81-8.210; and
21 (5) Tort claim means any claim against a political subdivision or
22 state agency for money only on account of personal injury or death,
23 caused by the negligent or wrongful act or omission of any official or
24 employee of the political subdivision or state agency, while acting
25 within the scope of his or her office or employment, under circumstances
26 in which the political subdivision or state agency, if a private person,
1 would be liable to the claimant for such injury or death.
2 Sec. 4. An individual who is a victim of child sexual abuse may
3 bring a tort claim arising from such child sexual abuse against a
4 political subdivision or a state agency.
5 Sec. 5. The State and Political Subdivisions Child Sexual Abuse
6 Liability Act constitutes a waiver of the sovereign immunity of the state
7 and all political subdivisions, and an action under the act is not
8 subject to the State Tort Claims Act or the Political Subdivisions Tort
9 Claims Act or the limitations or requirements in such acts, including,
10 but not limited to, limits on recoverable damages, limits on the
11 availability of a jury trial, notice requirements, and statutes of
12 limitations.
13 Sec. 6. (1) Criminal prosecution under section 28-319.01 or
14 28-320.01 is not required to maintain a civil action under the State and
15 Political Subdivisions Child Sexual Abuse Liability Act.
16 (2) The remedy provided in the State and Political Subdivisions
17 Child Sexual Abuse Liability Act is cumulative and shall be in addition
18 to any other remedies provided by law.
19 (3) No writ of execution shall issue against the state, a state
20 agency, or a political subdivision for a tort claim under the State and
21 Political Subdivisions Child Sexual Abuse Liability Act.
22 (4) Punitive damages shall not be awarded in an action against a
23 political subdivision or state agency under the State and Political
24 Subdivisions Child Sexual Abuse Liability Act.
25 Sec. 7. Section 13-901, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 13-901 Sections 13-901 to 13-928 and section 8 of this act shall be
28 known and may be cited as the Political Subdivisions Tort Claims Act.
29 Sec. 8. An action under the State and Political Subdivisions Child
30 Sexual Abuse Liability Act is not subject to the Political Subdivisions
31 Tort Claims Act.
1 Sec. 9. Section 25-228, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:
3 25-228 (1) ~~Notwithstanding any other provision of law:~~
4 (1) ~~(a)~~ There shall not be any time limitation for an action against
5 the individual or individuals directly causing an injury or injuries
6 suffered by a plaintiff when the plaintiff was a victim of a violation of
7 section 28-319.01 or 28-320.01 if such violation occurred ~~(a)~~ ~~(i)~~ on or
8 after August 24, 2017, or ~~(b)~~ ~~(ii)~~ prior to August 24, 2017, if such
9 action was not previously time barred, ~~and~~

10 (2) (b) An action against any person or entity other than the
 11 individual directly causing an injury or injuries suffered by a plaintiff
 12 when the plaintiff was a victim of a violation of section 28-319.01 or
 13 28-320.01, including an action under the State and Political Subdivisions
 14 Child Sexual Abuse Liability Act, may only be brought within twelve years
 15 after the plaintiff's twenty-first birthday.
 16 (3) (2) Criminal prosecution of a defendant under section 28-319.01
 17 or 28-320.01 is not required to maintain a civil action for violation of
 18 such sections.
 19 Sec. 10. Section 81-8,235, Reissue Revised Statutes of Nebraska, is
 20 amended to read:
 21 81-8,235 Sections 81-8,209 to 81-8,235 and section 11 of this act
 22 shall be known and may be cited as the State Tort Claims Act.
 23 Sec. 11. An action under the State and Political Subdivisions Child
 24 Sexual Abuse Liability Act is not subject to the State Tort Claims Act.
 25 Sec. 12. Original sections 13-901 and 81-8,235, Reissue Revised
 26 Statutes of Nebraska, and section 25-228, Revised Statutes Cumulative
 27 Supplement, 2022, are repealed.

Senator Wayne filed the following amendment to LB25:
AM3328

(Amendments to Standing Committee amendments, AM440)

1 1. Strike amendment 1 and insert the following new amendment:
 2 1. Strike the original sections and insert the following new
 3 sections:
 4 Section 1. Section 13-910, Reissue Revised Statutes of Nebraska, is
 5 amended to read:
 6 13-910 The Political Subdivisions Tort Claims Act and sections
 7 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply to:
 8 (1) Any claim based upon an act or omission of an employee of a
 9 political subdivision, exercising due care, in the execution of a
 10 statute, ordinance, or officially adopted resolution, rule, or
 11 regulation, whether or not such statute, ordinance, resolution, rule, or
 12 regulation is valid;
 13 (2) Any claim based upon the exercise or performance of or the
 14 failure to exercise or perform a discretionary function or duty on the
 15 part of the political subdivision or an employee of the political
 16 subdivision, whether or not the discretion is abused;
 17 (3) Any claim based upon the failure to make an inspection or making
 18 an inadequate or negligent inspection of any property other than property
 19 owned by or leased to such political subdivision to determine whether the
 20 property complies with or violates any statute, ordinance, rule, or
 21 regulation or contains a hazard to public health or safety unless the
 22 political subdivision had reasonable notice of such hazard or the failure
 23 to inspect or inadequate or negligent inspection constitutes a reckless
 24 disregard for public health or safety;
 25 (4) Any claim based upon the issuance, denial, suspension, or
 26 revocation of or failure or refusal to issue, deny, suspend, or revoke
 1 any permit, license, certificate, or order. Nothing in this subdivision
 2 shall be construed to limit a political subdivision's liability for any
 3 claim based upon the negligent execution by an employee of the political
 4 subdivision in the issuance of a certificate of title under the Motor
 5 Vehicle Certificate of Title Act and the State Boat Act except when such
 6 title is issued upon an application filed electronically by an approved
 7 licensed dealer participating in the electronic dealer services system
 8 pursuant to section 60-1507;
 9 (5) Any claim arising with respect to the assessment or collection
 10 of any tax or fee or the detention of any goods or merchandise by any law
 11 enforcement officer;
 12 (6) Any claim caused by the imposition or establishment of a

13 quarantine by the state or a political subdivision, whether such
14 quarantine relates to persons or property;
15 (7) Any claim arising out of the following acts: Assault assault,
16 battery, false arrest, false imprisonment, malicious prosecution, abuse
17 of process, libel, slander, misrepresentation, deceit, or interference
18 with contract rights. ~~This , except that this~~ subdivision does not apply
19 to a claim; ~~under~~
20 (a) Under the Healthy Pregnancies for Incarcerated Women Act; or
21 (b) When the harm caused by an intentional tort is a proximate
22 result of the failure of a political subdivision or an employee of the
23 political subdivision to exercise reasonable care to either:
24 (i) Control a person over whom it has taken charge; or
25 (ii) Protect a person who is in the political subdivision's care,
26 custody, or control from harm caused by a non-employee actor;
27 (8) Any claim by an employee of the political subdivision which is
28 covered by the Nebraska Workers' Compensation Act;
29 (9) Any claim arising out of the malfunction, destruction, or
30 unauthorized removal of any traffic or road sign, signal, or warning
31 device unless it is not corrected by the political subdivision
1 responsible within a reasonable time after actual or constructive notice
2 of such malfunction, destruction, or removal. Nothing in this subdivision
3 shall give rise to liability arising from an act or omission of any
4 political subdivision in placing or removing any traffic or road signs,
5 signals, or warning devices when such placement or removal is the result
6 of a discretionary act of the political subdivision;
7 (10) Any claim arising out of snow or ice conditions or other
8 temporary conditions caused by nature on any highway as defined in
9 section 60-624, bridge, public thoroughfare, or other public place due to
10 weather conditions. Nothing in this subdivision shall be construed to
11 limit a political subdivision's liability for any claim arising out of
12 the operation of a motor vehicle by an employee of the political
13 subdivision while acting within the course and scope of his or her
14 employment by the political subdivision;
15 (11) Any claim arising out of the plan or design for the
16 construction of or an improvement to any highway as defined in such
17 section or bridge, either in original construction or any improvement
18 thereto, if the plan or design is approved in advance of the construction
19 or improvement by the governing body of the political subdivision or some
20 other body or employee exercising discretionary authority to give such
21 approval;
22 (12) Any claim arising out of the alleged insufficiency or want of
23 repair of any highway as defined in such section, bridge, or other public
24 thoroughfare. Insufficiency or want of repair shall be construed to refer
25 to the general or overall condition and shall not refer to a spot or
26 localized defect. A political subdivision shall be deemed to waive its
27 immunity for a claim due to a spot or localized defect only if (a) the
28 political subdivision has had actual or constructive notice of the defect
29 within a reasonable time to allow repair prior to the incident giving
30 rise to the claim or (b) the claim arose during the time specified in a
31 notice provided by the political subdivision pursuant to subsection (3)
1 of section 39-1359 and the state or political subdivision had actual or
2 constructive notice; or
3 (13)(a) Any claim relating to recreational activities for which no
4 fee is charged (i) resulting from the inherent risk of the recreational
5 activity, (ii) arising out of a spot or localized defect of the premises
6 unless the spot or localized defect is not corrected by the political
7 subdivision leasing, owning, or in control of the premises within a
8 reasonable time after actual or constructive notice of the spot or
9 localized defect, or (iii) arising out of the design of a skatepark or
10 bicycle motocross park constructed for purposes of skateboarding, inline

11 skating, bicycling, or scootering that was constructed or reconstructed,
 12 reasonably and in good faith, in accordance with generally recognized
 13 engineering or safety standards or design theories in existence at the
 14 time of the construction or reconstruction. For purposes of this
 15 subdivision, a political subdivision shall be charged with constructive
 16 notice only when the failure to discover the spot or localized defect of
 17 the premises is the result of gross negligence.

18 (b) For purposes of this subdivision:

19 (i) Recreational activities include, but are not limited to, whether
 20 as a participant or spectator: Hunting, fishing, swimming, boating,
 21 camping, picnicking, hiking, walking, running, horseback riding, use of
 22 trails, nature study, waterskiing, winter sports, use of playground
 23 equipment, biking, roller blading, skateboarding, golfing, athletic
 24 contests; visiting, viewing, or enjoying entertainment events, festivals,
 25 or historical, archaeological, scenic, or scientific sites; and similar
 26 leisure activities;

27 (ii) Inherent risk of recreational activities means those risks that
 28 are characteristic of, intrinsic to, or an integral part of the activity;

29 (iii) Gross negligence means the absence of even slight care in the
 30 performance of a duty involving an unreasonable risk of harm; and

31 (iv) Fee means a fee to participate in or be a spectator at a
 1 recreational activity. A fee shall include payment by the claimant to any
 2 person or organization other than the political subdivision only to the
 3 extent the political subdivision retains control over the premises or the
 4 activity. A fee shall not include payment of a fee or charge for parking
 5 or vehicle entry.

6 (c) This subdivision, and not subdivision (3) of this section, shall
 7 apply to any claim arising from the inspection or failure to make an
 8 inspection or negligent inspection of premises owned or leased by the
 9 political subdivision and used for recreational activities.

10 Sec. 2. Section 81-8,219, Revised Statutes Cumulative Supplement,
 11 2022, is amended to read:

12 81-8,219 The State Tort Claims Act shall not apply to:

13 (1) Any claim based upon an act or omission of an employee of the
 14 state, exercising due care, in the execution of a statute, rule, or
 15 regulation, whether or not such statute, rule, or regulation is valid, or
 16 based upon the exercise or performance or the failure to exercise or
 17 perform a discretionary function or duty on the part of a state agency or
 18 an employee of the state, whether or not the discretion is abused;

19 (2) Any claim arising with respect to the assessment or collection
 20 of any tax or fee, or the detention of any goods or merchandise by any
 21 law enforcement officer;

22 (3) Any claim for damages caused by the imposition or establishment
 23 of a quarantine by the state whether such quarantine relates to persons
 24 or property;

25 (4) Any claim arising out of ~~the following acts: Assault, assault,~~

26 battery, false imprisonment, false arrest, malicious prosecution, abuse
 27 of process, libel, slander, or interference with contract rights. ~~This~~ ;

28 ~~except that this subdivision does not apply to a claim: under~~
 29 (a) ~~Under the Healthy Pregnancies for Incarcerated Women Act; or~~

30 (b) ~~When the harm caused by an intentional tort is a proximate~~
 31 ~~result of the failure of a state agency or an employee of a state agency~~
 1 ~~to exercise reasonable care to either:~~

2 (i) ~~Control a person over whom it has taken charge; or~~
 3 (ii) ~~Protect a person who is in the state agency's care, custody, or~~
 4 ~~control from harm caused by a non-employee actor;~~
 5 (5) Any claim arising out of misrepresentation or deceit, except
 6 that, in cases of adoption or placement, the State Tort Claims Act shall
 7 apply to a claim arising out of misrepresentation or deceit by the
 8 Department of Health and Human Services in failing to warn, notify, or

9 inform of a ward's mental and behavioral health history, educational
10 history, and medical history, including any history as a victim or
11 perpetrator of sexual abuse;
12 (6) Any claim by an employee of the state which is covered by the
13 Nebraska Workers' Compensation Act;
14 (7) Any claim based on activities of the Nebraska National Guard
15 when such claim is cognizable under the Federal Tort Claims Act, 28
16 U.S.C. 2674, or the federal National Guard Claims Act, 32 U.S.C. 715, or
17 when such claim accrues as a result of active federal service or state
18 service at the call of the Governor for quelling riots and civil
19 disturbances;
20 (8) Any claim based upon the failure to make an inspection or making
21 an inadequate or negligent inspection of any property other than property
22 owned by or leased to the state to determine whether the property
23 complies with or violates any statute, ordinance, rule, or regulation or
24 contains a hazard to public health or safety unless the state had
25 reasonable notice of such hazard or the failure to inspect or inadequate
26 or negligent inspection constitutes a reckless disregard for public
27 health or safety;
28 (9) Any claim based upon the issuance, denial, suspension, or
29 revocation of or failure or refusal to issue, deny, suspend, or revoke
30 any permit, license, certificate, or order. Such claim shall also not be
31 filed against a state employee acting within the scope of his or her
1 office. Nothing in this subdivision shall be construed to limit the
2 state's liability for any claim based upon the negligent execution by a
3 state employee in the issuance of a certificate of title under the Motor
4 Vehicle Certificate of Title Act and the State Boat Act except when such
5 title is issued upon an application filed electronically by an approved
6 licensed dealer participating in the electronic dealer services system
7 pursuant to section 60-1507;
8 (10) Any claim arising out of the malfunction, destruction, or
9 unauthorized removal of any traffic or road sign, signal, or warning
10 device unless it is not corrected by the governmental entity responsible
11 within a reasonable time after actual or constructive notice of such
12 malfunction, destruction, or removal. Nothing in this subdivision shall
13 give rise to liability arising from an act or omission of any
14 governmental entity in placing or removing any traffic or road signs,
15 signals, or warning devices when such placement or removal is the result
16 of a discretionary act of the governmental entity;
17 (11) Any claim arising out of snow or ice conditions or other
18 temporary conditions caused by nature on any highway as defined in
19 section 60-624, bridge, public thoroughfare, or other state-owned public
20 place due to weather conditions. Nothing in this subdivision shall be
21 construed to limit the state's liability for any claim arising out of the
22 operation of a motor vehicle by an employee of the state while acting
23 within the course and scope of his or her employment by the state;
24 (12) Any claim arising out of the plan or design for the
25 construction of or an improvement to any highway as defined in such
26 section or bridge, either in original construction or any improvement
27 thereto, if the plan or design is approved in advance of the construction
28 or improvement by the governing body of the governmental entity or some
29 other body or employee exercising discretionary authority to give such
30 approval;
31 (13) Any claim arising out of the alleged insufficiency or want of
1 repair of any highway as defined in such section, bridge, or other public
2 thoroughfare. Insufficiency or want of repair shall be construed to refer
3 to the general or overall condition and shall not refer to a spot or
4 localized defect. The state shall be deemed to waive its immunity for a
5 claim due to a spot or localized defect only if the state has had actual
6 or constructive notice of the defect within a reasonable time to allow

7 repair prior to the incident giving rise to the claim;
 8 (14)(a) Any claim relating to recreational activities on property
 9 leased, owned, or controlled by the state for which no fee is charged (i)
 10 resulting from the inherent risk of the recreational activity, (ii)
 11 arising out of a spot or localized defect of the premises unless the spot
 12 or localized defect is not corrected within a reasonable time after
 13 actual or constructive notice of the spot or localized defect, or (iii)
 14 arising out of the design of a skatepark or bicycle motocross park
 15 constructed for purposes of skateboarding, inline skating, bicycling, or
 16 scootering that was constructed or reconstructed, reasonably and in good
 17 faith, in accordance with generally recognized engineering or safety
 18 standards or design theories in existence at the time of the construction
 19 or reconstruction. For purposes of this subdivision, the state shall be
 20 charged with constructive notice only when the failure to discover the
 21 spot or localized defect of the premises is the result of gross
 22 negligence.
 23 (b) For purposes of this subdivision:
 24 (i) Recreational activities include, but are not limited to, whether
 25 as a participant or spectator: Hunting, fishing, swimming, boating,
 26 camping, picnicking, hiking, walking, running, horseback riding, use of
 27 trails, nature study, waterskiing, winter sports, use of playground
 28 equipment, biking, roller blading, skateboarding, golfing, athletic
 29 contests; visiting, viewing, or enjoying entertainment events, festivals,
 30 or historical, archaeological, scenic, or scientific sites; and similar
 31 leisure activities;
 1 (ii) Inherent risk of recreational activities means those risks that
 2 are characteristic of, intrinsic to, or an integral part of the activity;
 3 (iii) Gross negligence means the absence of even slight care in the
 4 performance of a duty involving an unreasonable risk of harm; and
 5 (iv) Fee means a fee to participate in or be a spectator at a
 6 recreational activity. A fee shall include payment by the claimant to any
 7 person or organization other than the state only to the extent the state
 8 retains control over the premises or the activity. A fee shall not
 9 include payment of a fee or charge for parking or vehicle entry.
 10 (c) This subdivision, and not subdivision (8) of this section, shall
 11 apply to any claim arising from the inspection or failure to make an
 12 inspection or negligent inspection of premises owned or leased by the
 13 state and used for recreational activities; or
 14 (15) Any claim arising as a result of a special event during a
 15 period of time specified in a notice provided by a political subdivision
 16 pursuant to subsection (3) of section 39-1359.
 17 Sec. 3. Original section 13-910, Reissue Revised Statutes of
 18 Nebraska, and section 81-8,219, Revised Statutes Cumulative Supplement,
 19 2022, are repealed.

Senator Wayne filed the following amendment to [LB25](#):
[AM3329](#)

(Amendments to Standing Committee amendments, AM440)

1 1. Strike amendment 1 and insert the following new amendment:
 2 1. Strike the original sections and insert the following new
 3 sections:
 4 Section 1. The Legislature finds and declares that:
 5 (1) Article VII, section 5, of the Constitution of Nebraska provides
 6 in part that all fines, penalties, and license money arising under the
 7 general laws of the state shall belong and be paid over to the counties
 8 respectively where the same may be levied or imposed;
 9 (2) Article VII, section 5, of the Constitution further provides
 10 that all such fines, penalties, and license money shall be appropriated
 11 exclusively to the use and support of the common schools in the
 12 respective subdivisions where the same may accrue;

13 (3) Punitive damages are in the nature of fines or penalties;
14 (4) Punitive damages are awarded both to punish the defendant and to
15 deter the defendant and others from similar conduct. Punitive damages are
16 appropriate in many situations where compensatory damages would be
17 inadequate because the defendant acted in a truly egregious fashion; and
18 (5) Additional funds available for the public schools could be used
19 to provide property tax relief.
20 Sec. 2. For the purposes of sections 1 to 7 of this act:
21 (1) Compensatory damages mean damages intended to make whole the
22 loss of an injured party and no more. The term includes general and
23 special damages and does not include nominal, exemplary, or punitive
24 damages;
25 (2) Gross negligence means the absence of even slight care in the
26 performance of a duty involving an unreasonable risk of harm;
1 (3) Malice means hatred, spite, or ill-will or the doing of a
2 wrongful act intentionally without just cause or excuse;
3 (4) Nominal damages are damages that are not designed to compensate
4 an injured party and are less than one thousand dollars;
5 (5) Punitive damages mean damages that a party in a civil action is
6 ordered to pay (a) based on aggravating circumstances, (b) to penalize
7 such party, or (c) to provide additional deterrence and discourage
8 similar conduct in the future. The term does not include compensatory
9 damages or nominal damages; and
10 (6)(a) Reckless disregard means the person acted with reckless
11 disregard of the rights, health, or safety of others and the person was
12 either aware, or did not care, that there was a substantial and
13 unnecessary risk that such person's conduct would cause serious harm to
14 others.
15 (b) In order for the conduct to be with reckless disregard of
16 another's rights, health, or safety, it must have been unreasonable under
17 the circumstances and there must have been a high probability that the
18 conduct would cause serious harm to others.
19 Sec. 3. (1) Subject to this section, in an action for the breach of
20 an obligation not arising from contract, other than an insurance
21 contract, the trier of fact may, in addition to compensatory damages,
22 award punitive damages for the sake of example and by way of punishing
23 the defendant.
24 (2) In determining the amount, if any, of punitive damages to award,
25 the trier of fact shall consider the following factors:
26 (a) The seriousness of the hazard to the public arising from the
27 defendant's misconduct;
28 (b) The profitability of the misconduct to the defendant;
29 (c) The duration of the misconduct and any concealment of it;
30 (d) The degree of the defendant's awareness of the hazard and of its
31 excessiveness;
1 (e) The target of the conduct was financially vulnerable;
2 (f) The attitude and conduct of the defendant upon discovery of the
3 misconduct or hazard;
4 (g) The conduct involved repeated actions or was an isolated
5 incident;
6 (h) In the case of a defendant that is a corporation or other
7 entity, the number and level of employees involved in causing or
8 concealing the misconduct; and
9 (i) The financial condition of the defendant.
10 (3)(a) Category I. The trier of fact may award punitive damages
11 subject to the limit in subdivision (3)(b) of this section if the trier
12 of fact finds by clear and convincing evidence:
13 (i) That the defendant acted with gross negligence, fraud, or
14 reckless disregard; or
15 (ii) If the defendant is an insurer, that the defendant recklessly

16 disregarded its duty to deal fairly and act in good faith with its
17 insured.
18 (b) An award of punitive damages under this subsection shall not
19 exceed the greater of:
20 (i) One million dollars; or
21 (ii) The amount of any compensatory damages awarded.
22 (4)(a) Category II. The trier of fact may award punitive damages
23 subject to the limit in subdivision (4)(b) of this section if the trier
24 of fact finds by clear and convincing evidence:
25 (i) That the defendant acted intentionally and with malice toward
26 others; or
27 (ii) If the defendant is an insurer, that the defendant
28 intentionally and with malice breached its duty to deal fairly and act in
29 good faith with its insured.
30 (b) An award of punitive damages under this subsection shall not
31 exceed the greater of:
1 (i) Five million dollars;
2 (ii) Three times the amount of any compensatory damages awarded; or
3 (iii) The increased financial benefit derived by the defendant as a
4 direct result of the conduct causing the injury to the plaintiff and
5 other persons or entities.
6 (c) The trial court shall reduce any award for punitive damages
7 awarded pursuant to subdivision (4)(b)(iii) of this section by the amount
8 the court finds the defendant has previously paid as a result of all
9 punitive damage verdicts entered in any court of this state for the same
10 conduct by the defendant.
11 (5) Category III. The trier of fact may award punitive damages
12 without regard to any limit set forth in this section if:
13 (a) The trier of fact finds by clear and convincing evidence:
14 (i) That the defendant acted with gross negligence, fraud, or
15 reckless disregard; or
16 (ii) If the defendant is an insurer, that the defendant recklessly
17 disregarded its duty to deal fairly and act in good faith with its
18 insured; and
19 (b) The trial court finds, on the record and out of the presence of
20 the jury, that there is evidence beyond a reasonable doubt that the
21 defendant acted intentionally and with malice and engaged in conduct
22 threatening to human life.
23 (6) Except as provided in section 5 of this act, the determination
24 of what amount, if any, of punitive damages to award shall be made by the
25 trier of fact in a separate proceeding that is conducted after the trier
26 of fact has made findings regarding any compensatory damages.
27 Sec. 4. (1) An award of punitive damages must be specifically
28 prayed for in the pleading.
29 (2) The party requesting punitive damages shall cause a copy of such
30 pleading to be served upon the Attorney General and the county attorney.
31 The county attorney shall notify the school board for any school district
1 that may receive punitive damages if any are awarded.
2 (3) Upon an award of punitive damages, the court shall notify the
3 county attorney. The county attorney or local school board may become a
4 party to the action solely to protect and enforce the interests of the
5 common schools in any award of punitive damages.
6 Sec. 5. Whether to award punitive damages, and the amount of such
7 damages, shall be determined by the trier of fact unless waived by all
8 parties.
9 Sec. 6. Any award of punitive damages shall be remitted to the
10 State Treasurer for distribution in accordance with Article VII, section
11 5, of the Constitution of Nebraska.
12 Sec. 7. (1) Sections 1 to 7 of this act are cumulative with and
13 supplemental to any other laws of this state that authorize punitive

14 damages.

15 (2) Nothing in sections 1 to 7 of this act shall prevent a court

16 from ordering restitution or ordering payment of attorney's fees.

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

18 sections added by this amendment become operative on July 1, 2025.

VISITOR(S)

Visitors to the Chamber were students from Masters Elementary, Omaha; students from Randolph Elementary, Lincoln; Jolene Pohlman, Milford; Ethan Zeisler, Naper; John Reiman and Peyton Wickersham, Butte.

ADJOURNMENT

At 9:43 p.m., on a motion by Senator Hardin, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2024.

Brandon Metzler
Clerk of the Legislature

